

**EDU WORLD 2022**  
**Edu World International Conference Education Facing Contemporary World Issues**

**NEPOTISM IN ACADEMIA**

Diana Maria Ciucurel (a)\*

\*Corresponding author

(a) Faculty of Law, University of Bucharest, Mihail Kogalniceanu Bd., 36-46, 050107, Sector 5, Bucharest, Romania,  
diana.ciucurel@gmail.com

**Abstract**

Nepotism, as the tendency to grant advantages to relatives or affine regardless of their value, has constantly been present in society. The term is equivalent to discrimination, favoritism, and partiality, and represents an antisocial act. Thus, nepotism is particularly harmful to society because it favors the interests of individuals, affecting the collective benefits by committing acts such as holding positions through preferential relations in order to obtain material or moral advantages or higher social status. The promotion of relatives or affine in key positions of administration is one of the classic manifestations of the phenomenon of corruption. In the university environment, nepotism is considered an unethical and unacceptable practice as a result of direct and indirect effects on the academic context. This paper aims to define and identify the notion of nepotism, along with the formulation of possible solutions to fight this harmful phenomenon for the integrity of academia, taking into account the representative national and international laws and regulations. Building an authentic academic community and strengthening the culture of academic integrity requires that each member of the community (teachers, students, and support staff) accept a shared responsibility for achieving these goals.

2672-815X © 2023 Published by European Publisher.

*Keywords:* Corruption, favoritism, legislation, universities

## **1. Introduction**

Favoritism, along with nepotism (a kind of favoritism), has constantly been present in society, sometimes in subtle, hard-to-perceive forms, and other times in obvious forms. Another constant that has been identified refers to the perception of the general public regarding this phenomenon: an abuse of power used to grant certain advantages or favors to relatives or friends, thus doing injustice to others. If the authority behaves abusively or randomly, when the principles and rules no longer matter or are applied preferentially and discriminatory, then the affected individuals feel, justifiably, that they are not being respected (Socaciu et al., 2018).

This paper aims to define and identify the notion of nepotism, along with the formulation of possible solutions to fight this harmful phenomenon for the integrity of academia. The normative acts analyzed in relation to the chosen topic are the Charter of the University of Bucharest, the Code of University Ethics, the National Education Law no. 1/2011 with subsequent amendments and completions, Resolution no. 441 of 2.04.2019 of the Congress of Local and Regional Authorities of the Council of Europe on Fighting Nepotism in Local and Regional Authorities and the UNESCO (1997) Recommendation of 11.11.1997 on the Status of Teachers in Higher Education Institutions.

## **2. Problem Statement**

### **2.1. Nepotism, a form of corruption**

According to the Explanatory Dictionary of the Romanian Language, nepotism is the act of using authority or personal influence in favor of relatives or friends (Explanatory Dictionary of the Romanian Language, 2022). Corruption has been defined by Transparency International as the abuse of public power for private gain. Thus formulated, the definition has been taken over globally by the UN Convention on Corruption (United Nations, 2003). As an antisocial act, nepotism is common in society and particularly harmful because it favors the interests of individuals, affecting the collective benefits by committing acts such as holding positions through preferential relations in order to obtain material or moral advantages or higher social status.

According to a system for assessing the integrity of the academic environment, developed by the Coalition for Clean Universities, an image of the degree of integrity of the university environment was made, by analyzing, according to specific criteria, 42 Romanian universities between October 2007 and May 2008 (Coalition for Clean Universities, 2009). The evaluation report revealed that, in 95% of the investigated universities, a high number of university families could be identified. Currently, due to legislative changes in the field of education, the situation has improved, but nonetheless, nepotism still occupies a worrying place in the ranking of irregularities recorded in the university environment.

### **2.2. Analysis of academic nepotism in a legislative context**

To better understand the phenomenon of nepotism, it is necessary to analyze it in the context of normative acts that try to prevent and combat it. Although necessary, a high degree of autonomy of universities leaves the possibility of abuses in the recruitment and dismissal of staff. Therefore,

recruitment and selection systems for higher education staff must ensure merit-based promotion, seen as a precondition for impartiality and quality.

Law no. 1/2011 of the National Education contains provisions regarding the conflict of interests, incompatibilities, and specific sanctions in case of violation of these rules. References to university ethics are numerous and can be found in section 5: University Ethics (Law no. 1/2011 on National Education of 10.01.2011). Thus, universities have the public responsibility to respect the policies of equity and university ethics that are presented in the Code of Ethics and Professional Ethics (art. 124, paragraph c). The University Charter must contain a Code of Ethics and Professional Deontology (art. 128). This Code of Ethics and Professional Deontology describes conflicts of interest and incompatibilities (art. 130). Each university must have a Commission of University Ethics with clearly described responsibilities (art. 306).

Above the universities, the Council of University Ethics and Management (established according to art. 125) decides on university ethics disputes (art. 218) and monitors the application of university ethics policies (Law no. 1/2011 on National Education of 10.01.2011).

A large part of the deviations from the norms of moral conduct or professional ethics are not sanctioned by the National Education Law or by the Teaching Staff Statute, thus highlighting the need to draft a University Charter. Establishing a group of principles and values sets standards of integrity that must be respected at various levels of academic life. Among the principles of academic integrity set out in art. 3 of the Charter, the Principle of fairness and transparency stands out, with firm measures for non-discrimination and equal opportunities for access to education, employment, and research programs, for the elimination of conflicts of interest, for the prevention and combating of nepotism.

In the analysis of art. 19 and art. 22 of the Charter of the University of Bucharest, it is noted that free access to academia is outlined on two levels: democratic (no restrictions on gender, race, ethnicity, sexual orientation, political or religious beliefs are allowed) and meritocratic (occupying a teaching or research position is done through a form of selection, based on specific skills).

To ensure compliance with the mission of learning, research and public service of the University of Bucharest, the Code of Ethics and Deontology was drafted. This Code is a mandatory document that completes the University Charter and sets out the standards of professional ethics that a university community intends to follow, along with the penalties that may apply in the case of a breach (Socaciu et al., 2018).

Analyzing the Code of Ethics and Professional Deontology of the University of Bucharest, we find the provisions expressed by law, in the sense that there is an Ethics Commission, which targets teaching and research staff, students and auxiliary teaching staff, having as responsibilities the development and development of the Code of Ethics and University Ethics, analyzing and resolving the immoral behaviors typical for a university (reported by members of the academic community or by others outside), developing activities aimed at ethics and university integrity (Charter of the University of Bucharest, 2016).

Under art. 28 and art. 29 of the Code of Ethics and Deontology, the notion of conflict of interest is defined as that situation when persons who are in a relationship of spouses, affine and relatives up to the third degree inclusive (i), simultaneously hold positions that involves relations of management, control, authority or institutional evaluation (ii) or are appointed to the same doctoral, evaluation or competition

committee. The reason for this regulation is to prevent the formation of professional ties based on nepotism, thus affecting academic integrity and even the educational act.

Returning to the Law on National Education, we identify provisions related to competitions for filling vacant teaching positions in higher education, specifying the obligation to exist and apply a Framework Methodology on organizing and conducting the promotion exam in the teaching career (art. 294), established by a government decision. In this way, elements of risk for nepotism have a significantly lower probability of occurrence. Also, universities are required to publish the open positions on their website, on the specialized website of the Ministry of National Education (art. 295, paragraph 3) and in the Official Monitor, part three (Law no. 1/2011 on National Education of 10.01.2011).

### **2.3. The causes of academic nepotism and the possibilities of prevention**

Nepotism cannot be prevented only by rules and regulations. A change is also essential in social attitudes and administrative culture, which must evolve towards a low tolerance of this type of practice and the adoption of an ethical approach (Resolution no. 441 of 2.04.2019 of the Congress of Local and Regional Authorities of the Council of Europe on Fighting nepotism within local and regional authorities). The general public has a role to play as well and needs to become more aware of the dangers and harmful consequences of nepotism in universities.

Among the principal causes that favor the appearance of nepotism is the lack of social values rooted in the public consciousness, non-compliance with moral principles, and insufficient reforms, at the institutional and legislative level, in line with socio-economic developments.

Another cause of the occurrence and maintenance of the phenomenon of nepotism is the lack of transparency in the university system. Consequently, the legislative framework on the functioning of universities must be completed, but, in particular, continuous monitoring of the implementation of existing legal provisions must be exercised, taking into account clear and explicit standards of transparency (Sarpe et al., 2011).

The brief analysis of the normative framework on academic ethics and the ways to ensure academic integrity reveals that, at present, the issue in question is widely regulated. However, nepotism continues to be a problem in Romanian universities.

In this context, we believe that a series of preventive measures could be taken to become good practices against nepotism:

- i. increasing transparency regarding vacant teaching and research positions, advertising the organization of competitions;
- ii. elaboration of conditions for recruitment and selection of staff in compliance with the conditions of free democratic and meritocratic access;
- iii. increasing the transparency of the vacancy competition (publishing the necessary conditions for filling the vacancies, publishing the competition commissions, the details regarding the conduct of the tests, etc.);
- iv. monitoring the application of the Framework Methodology regarding the organization and development of the promotion exam in the teaching career;
- v. investigating problematic job competitions;

- vi. analysis and evaluation, by survey, of the development of vacancies for teaching positions.

As methods of promoting academic integrity at the university level, we consider the structural and functional mechanisms of universities. Thus, universities should allocate resources to:

- i. consistent implementation of these academic integrity policies and procedures;
- ii. monitoring the implementation of these academic integrity policies and procedures, with actions included in quality assessment and internal audit plans;
- iii. informing and educating the entire academic community regarding the policies and procedures of academic integrity (communication both vertically and horizontally);
- iv. informing and educating the whole academic community regarding the violations of university integrity policies and procedures, in compliance with the legal provisions.

Also, three key elements are identified to strengthen academic integrity: compound dialogue, national dialogue, and institutionalized actions.

Analyzing nepotism in the context of local and regional public authorities, with reference to publicly identified and accepted solutions, we find that the solutions are similar, but a greater focus is on sanctioning acts of nepotism and monitoring and sanctioning mechanisms. Thus, the following measures were adopted: increasing transparency in the recruitment and promotion processes (clear and comprehensive procedures, which can be easily understood and accessed by candidates and staff); ensuring equal opportunities and fairness in recruitment and selection processes; merit-based promotion (taking into account candidates' knowledge, experience, skills and ethical behavior); conducting ethics or anti-corruption audits, paying special attention to human resource management practices, in order to identify risks of nepotism and propose appropriate countermeasures; the existence of referral channels to identify possible cases of favoritism or conflict of interest in the recruitment or selection process; the existence and operation of integrity management structures (Integrity Office); sanction with appropriate and deterrent disciplinary action in the event of any breach of integrity, deviation or failure to provide information on a possible conflict of interest among staff; prompt response to complaints and recommendations from citizens to increase public confidence in local and regional governance (Resolution no. 441 of 2.04.2019 of the Congress of Local and Regional Authorities of the Council of Europe on Fighting nepotism within local and regional authorities).

Summarizing the above, the promotion of relatives or affine in key positions of administration is one of the classic manifestations of the phenomenon of corruption. Since the goal is not efficiency, but the profit of the group, it is obvious that the activity can only be carried out for private purposes, giving rise to undue personal benefits (Stoica, 2020).

### **3. Conclusions**

Building an authentic academic community and strengthening the culture of academic integrity requires that each member of the community (teachers, students, and support staff) accept a shared responsibility for achieving these goals.

Promoting a culture of academic integrity is an objective that involves the pursuit of coherent, conscious actions based on professional honor, not just interventions that need to be done because someone has included them in a quality or audit plan.

## References

- Coaliția pentru Universități Curate. [Coalition for Clean Universities]. (2009, April 13). *Topul integrității universităților din România* [Top Romanian universities graded for academic integrity]. <http://www.romaniacurata.ro/topul-integritatii-universitatilor-din-romania-alcatuit-de-coalitia-pentru-universitati-curate/>
- Council of Europe. (2019, May 2). *Rezoluția nr. 441 din 2.04.2019 a Congresului Autorităților Locale și Regionale al Consiliului Europei privind Combaterea nepotismului în cadrul autorităților locale și regionale* [Resolution no. 441 of 2.04.2019 of the Congress of Local and Regional Authorities of the Council of Europe on fighting nepotism within local and regional authorities]. <https://rm.coe.int/168097a4e3>
- Dicționar explicativ al limbii române. [Explanatory Dictionary of the Romanian Language]. (2022). In *Dicționarul explicativ al limbii române*. Retrieved on March 25, 2022, from <https://dexonline.ro/definitie/nepotism>
- Parlamentul României. [The Romanian parliament]. (2011). *Legea nr.1/2011 a Educației Naționale din 10.01.2011* [Law no. 1/2011 on National Education, 10 January 2011]. Retrieved on 12 March, 2022, from [https://www.edu.ro/sites/default/files/legea-educatiei\\_actualizata%20august%202018.pdf](https://www.edu.ro/sites/default/files/legea-educatiei_actualizata%20august%202018.pdf)
- Sarpe, D., Popescu, D., Neagu, A., & Ciucur, V. (2011). *Standarde de integritate în învățământul universitar*. Ediție online [Integrity standards in higher education. Online edition]. <http://old.uefiscdi.ro/Upload/27963931-6eb6-4a07-9e75-078a20de12b9.pdf>
- Socaciu, E., Vică, C., Mihailov, E., Gibe, T., Mureșan, V., & Constantinescu, M. (2018). *Etică și integritate academică* [Ethics and academic integrity]. Editura Universității din București.
- Stoica, A. (2020, January 10). *Nepotismul în instituțiile publice din România – cauze, efecte și cum îl combatem* [Nepotism in public institutions from Romania - causes, effects and how we fight it]. Retrieved from <https://www.romaniacurata.ro/nepotismul-in-instituțiile-publice-din-romania-cauze-efecte-si-cum-il-combatem>
- UNESCO. (1997, November 11). *Recomandarea UNESCO cu privire la Statutul Cadrelor Didactice din Instituțiile de Învățământ Superior, Conferința Generală a Organizației Națiunilor Unite pentru Educație, Știință și Cultură* (UNESCO), convocată în cea de-a 29-a sesiune la Paris în perioada 21 octombrie - 12 noiembrie 1997, adoptată în 11.11.1997 [UNESCO Recommendation concerning the Status of Higher-education Teaching Personnel, General Conference of the United Nations Educational, Scientific and Cultural Organization, The Records of the 29th session in Paris, 21 October to 12 November 1997, adopted on 11.11.1997]. [http://www.upt.ro/pdf/calitate/Alte\\_documente\\_relevante\\_pentru\\_Invatamantul\\_Superior.pdf](http://www.upt.ro/pdf/calitate/Alte_documente_relevante_pentru_Invatamantul_Superior.pdf)
- United Nations. (2003, October 31). *Convenția Organizației Națiunilor Unite împotriva corupției*, New York, 31 octombrie 2003, ratificată de România prin Legea nr. 365 din 15 septembrie 2004, publicată în M. Of., Partea I, nr. 903 din 5 octombrie 2004 [United Nations Convention against Corruption, New York, October 31, 2003 ratified by Romania by Law no. 365 of 15 September 2004, published in the Official Monitor, Part I, no. 903 of 5 October 2004]. <https://legislatie.just.ro/Public/DetaliiDocumentAfis/55623>
- Universitatea din București. (2016). *Carta Universității din București* [Charter of the University of Bucharest]. Retrieved on 30 March, 2022, from <https://unibuc.ro/wp-content/uploads/2018/12/CARTA-UB.pdf>