

### Juridification of grant support for higher education under martial law

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DOI: 10.18226/25253824.v8.n13.03

**Submitted on:** 11/23/2023 **Revised on:** 02/29/2024 **Accepted on:** 03/05/2024

Abstract: The study aims to determine the possible ways to implement grant support for higher education under the legal regime of martial law. The achievement of the aim set implies solving such research problems as identifying the legal framework for grant activities at the national level and the characteristics of the application of national and international experience. The methodological framework of the study encompassed general and special methods of scientific knowledge, including the method of scientific observation, analysis-synthesis, methods of processing, comprehension, and interpretation, dialectical method, formal-logical method, and structural-functional method. The authors concluded that there was no standard procedure for implementing grant activities in the field of higher education. It is possible to increase the positive effect of the attraction of private entities to the sphere of higher education and its improvement if human-centric approaches to grant activities duly enshrined in the legislation are systematically adhered to. The results of the study are of vail to domestic legislators and public administration in the field of higher education against the backdrop of updating trends in management democratization and humanization. All results are obtained independently and are original (there are no analogs or incorrect borrowings). The subject of research is considered for the first time in Ukraine and has prospects for further development.

Keywords: Grantmakers, Grant award procedure, Educational activities.

Resumo: O estudo visa determinar as possíveis formas de implementação de bolsas de apoio ao ensino superior sob o regime jurídico da lei marcial. A concretização do objetivo traçado implica a resolução de problemas de investigação como a identificação do enquadramento legal das atividades de subvenção a nível nacional e as características de aplicação da experiência nacional e internacional. O quadro metodológico do estudo abrangeu métodos gerais e especiais de conhecimento científico, incluindo o método de observação científica, análise-síntese, métodos de processamento, compreensão e interpretação, método dialético, método lógico-formal e método estrutural-funcional. Os autores concluíram que não existia um procedimento padrão para a implementação de atividades de subvenção no domínio do ensino superior. É possível aumentar o efeito positivo da atração de entidades privadas para a esfera do ensino superior e a sua melhoria se forem sistematicamente seguidas abordagens centradas no ser humano para conceder atividades devidamente consagradas na legislação. Os resultados do estudo são úteis aos legisladores nacionais e à administração pública no domínio do ensino superior, num contexto de actualização das tendências de democratização e humanização da gestão. Todos os resultados são obtidos de forma independente e são originais (não existem análogos ou empréstimos incorretos). O tema da pesquisa é considerado pela primeira vez na Ucrânia e tem perspectivas de maior desenvolvimento.

Palavras-Chave: Financiadores, Procedimento de concessão de subvenção, Atividades educacionais.

#### Introduction

The following factors determine the urgent need to implement best practices in grant activity in Ukraine: 1) warfare as a result of the armed aggression of the Russian Federation; 2) the necessity to adapt higher education and research activity to functioning during a special period. However, no unified statutory instrument has been adopted to regulate the conditions of grant support. The outbreak of warfare in the East of Ukraine caused by the armed aggression of the Russian Federation necessitated the need for the efficient provision of education and science and their proper regulatory support for the first time since the independence of Ukraine. The achievement of this goal required transforming the national economy and concentrating available resources and the efforts of everyone [1].

Education and science have their special significance for the state and society. The tasks and goals to achieve in this field determine the composition and number of subjects involved in their implementation and require using all available tools and recognized world practices. One of these little-studied areas in Ukraine was grant support. The problematics of studying grant support is relevant, but there is no comprehensive study of implementing this idea. One of the important problems related to the participation of higher education institutions (HEIs) and their representatives in grant activities is the insufficient level of relevant knowledge among interested parties. This involves the lack of experience in writing grant applications, inadequate preparation of accompanying documents, and knowledge of foreign languages at a lower (than necessary) level. The result of



such imperfections is the refusal of grant application processing or the need for its revision, which, in turn, delays the implementation of the grant project.

Nowadays, public-private partnerships as a form of cooperation between the state and the private partner significantly facilitate ensuring national high-quality and dynamic development, achieving the strategic goals of state power, and solving urgent problems. This form of cooperation is an effective way to increase the efficiency of the state property functioning, which includes constructive interaction between the state, the private sector, and civil institutions in economic, political, social, humanitarian, and other spheres of public activity [2]. This article is the first to examine aspects of the introduction of grant support in the field of higher education and science.

The authors of this article resorted to general and special methods of scientific knowledge to achieve the above objectives. The method of scientific observation made it possible to clearly define the aim and methodology of this study and develop a research plan. The analysis-synthesis method allowed the authors to compare the types of grant support for higher education under warfare conditions. Methods of processing, comprehension, and interpretation of the obtained data provided the opportunity for a theoretical definition of concepts related to the topic under study. The dialectical method was used to analyze controversial issues and thus achieve the aim of the study. The formal-logical method contributed to a qualitative study of grant support by distributing it by type and studying each type separately.

### 1. Regulatory Support Of Grant Activities

Grant support is one of the possible and crucial forms of financing higher education; it aims to stimulate scientific research and scientifically derived developments, which is especially relevant under martial law. In Ukraine, the concept of "grant" became widely known due to the activities of the American Open Society Institute (OSI), better known as the Soros International Science Foundation. This foundation allocated about \$120 million for conducting research in the field of natural sciences by Ukrainian scientists from 1993 to 1996 [3]. However, this foundation was not the only one. When Ukraine experienced a severe economic and social crisis in the 90s of the twentieth century, various international and foreign organizations provided grant financing for particular areas in the social sphere, science, and culture and allocated funds for charitable purposes. Such activities became so common that they entailed the need for legislative regulation.

National legislation encompasses numerous statutory instruments, including legal rules that provide a legal definition of "grant" and define its specific features. The Law of Ukraine "On the Ukrainian Cultural Foundation" defines a grant as free and non-refundable financial resources provided by the Ukrainian Cultural Foundation to an entity operating in the field

of culture for implementing a project, the decision to finance which was made pursuant to the procedure established by this law [4]. The Law of Ukraine "On Culture" interprets a grant as financial resources provided to an entity operating in the field of culture on a non-repayable basis for cultural and artistic project implementation [5].

According to the Law of Ukraine "On Charitable Activities and Charitable Organizations", a charitable grant is a targeted assistance in the form of currency values, which should be used by the beneficiary within a period determined by the benefactor [6]. The Law of Ukraine "On the Implementation of the Global Fund Programs to Fight AIDS, Tuberculosis and Malaria in Ukraine" interprets a grant as funds provided by the Global Fund to the principal recipient(s) on a free and non-repayable basis for implementing targeted activities in the field of prevention and control of HIV/AIDS and tuberculosis in Ukraine. The said Law also defines a grant as charitable assistance.

The Tax Code of Ukraine defines a budget grant as free and non-refundable targeted assistance in the form of funds or property at the expense of state and (or) local budgets or international technical assistance for implementing a project or program in the field of culture, tourism, creative industries, sports, and other humanitarian areas in the manner prescribed by law [7]. In the Law of Ukraine "On State Support of Book Publishing in Ukraine", a grant is interpreted as free, flat, and non-refundable funds (financial resources) provided to business entities and individuals on a competitive basis for implementing programs, projects, or events and for institutional support for subjects of the publishing industry, regardless of the form of ownership [8].

The Law of Ukraine "On Higher Education" and the Law of Ukraine "On Academic and Scientific and Technological Activities" are special statutory instruments that define the basic principles of grant activity, the concept of a grant, and the procedure for providing grants specifically in the field of higher education and science [9-10]. The Law of Ukraine "On Academic and Scientific and Technological Activities" establishes that a grant is financial or other resources provided on a free and nonrepayable basis by the state, natural and legal entities, including foreign and (or) international organizations for the following purposes: developing material and technical resources for academic and scientific and technical activities; pursuing specific fundamental and (or) applied scientific research; scientific and technical (experimental) developments; remunerating academic staff within the framework of the implementation in areas and on conditions determined by grant providers [10].

In turn, the Law of Ukraine "On Higher Education" defines the legal regime of property of HEIs received as grant support and specifies the directions of state policy on international cooperation in the field of higher education [9]. Grants provided to improve the higher education quality assessment systems are a source of



funding for the National Agency for Higher Education Quality Assurance.

When analyzing the aspects of grant award procedure in various fields, including higher education, it is worth noting the Procedure for Providing Grant Support for Academic and Scientific and Technical Activities at the Expense of the State Budget, approved by the Resolution of the Cabinet of Ministers of Ukraine [11]. This document determines the following purposes of grant support: increasing the level of academic and scientific and technical research; developing the scientific and technical potential of and increasing the competitiveness of institutions of specialized scientific education (scientific and scientific boarding lyceums), research institutions, and HEIs; preserving and multiplying material and technical resources for academic and scientific and technical activities; organizing national and international scientific internships for scientists; holding conferences, symposiums, scientific tournaments, scientific creativity competitions, other scientific and communication events, and events of science popularization.

The Procedure for Providing Grant Support for Academic and Scientific and Technical Activities at the Expense of the State Budget determines the conditions for the provision of grant support by the state, establishes the procedure for the competitive selection of grant recipients, and defines the directions for providing grant support for legal entities. An essential statuary instrument for regulating international grant support for higher education is the Procedure for Registration of International Scientific and Technical Programs and Projects Within the Framework of International Scientific and Technical Cooperation by Ukrainian Scientists, as well as Grants Provided Within the Framework of Such Cooperation [12]. According to this statutory instrument, a grant is financial or other resources provided on a gratuitous and non-repayable basis by foreign states and (or) international organizations for the following purposes: developing material and technical resources for academic and scientific and technical activities; pursuing specific fundamental and (or) applied scientific research; scientific and technical (experimental) developments; remunerating academic staff within the framework of the implementation in areas and on conditions determined by grant providers. The specified statutory instrument regulates the procedural aspects of grant registration by scientists provided within the framework of international cooperation; it establishes the rules and list of necessary documents for the state registration of grants.

### 2. National experience of grant support

Since the beginning of the armed invasion of Ukraine by the aggressor country and the introduction of martial law, targeted, gratuitous, non-repayable grant funding has played a crucial role in supporting the state in general and higher education and science in particular. In most cases, grants are provided from abroad by foreign governments or international organizations,

and less common are grants provided by the private sector, such as charities. Apart from that, government grants are also provided.

According to the International Accounting Standard 20 (IAS 20), a government grant is government assistance in the form of transfer of resources to a business entity in exchange for past or future compliance with defined conditions related to the operating activities of this business entity. They do not include forms of government assistance, the value of which cannot be reasonably appraised, or transactions with the government that do not differ from the normal trading operations of a business entity [13].

Ukraine provides grant support for research activities through a specially created institution – the National Research Foundation of Ukraine. Its purpose is to promote fundamental and applied scientific research, implement a unified state policy in the field of academic and scientific and technical activities within its powers, develop the national research area, and integrate the latter into the global research area [14]. Analyzing the main types of government grant support, the following should be highlighted:

- 1) individual grant;
- 2) collective grant;
- 3) institutional grant.

An individual grant should be understood as funds or organizational, scientific, and technical support provided to individuals for implementing a social project, scientific research, training, academic mobility, or advanced training pursuant to a grant agreement and mandatory reporting on the targeted use of funds. An individual grant assumes that only one person participates in the project and acts as its manager and executor [15]. A collective grant provides for the implementation of a project by a group of individuals (two or more) belonging to the same organization. An institutional grant, in turn, is typologically close to a collective one since it involves the implementation of a project by a project team. However, a distinctive feature of an institutional grant is that its participants can belong to different organizations and even be representatives of different countries [16]. It is advisable to highlight the following projects of government grant support:

- President of Ukraine's grants are provided to support young scientists in their new scientific research and those based on previous studies (even if the grants for the latter have already been provided);
- 2. Annual President of Ukraine's grants for gifted youth are provided to implement socially significant creative projects in in the field of social sciences and arts and humanities;
- 3. President of Ukraine's grants for gifted youth;



- Grants provided by the National Academy of Sciences of Ukraine (NAS of Ukraine) to implement research projects of young scientists of the NAS of Ukraine;
- Grant support from the National Research Foundation of Ukraine in the field of academic and scientific and technical activities;
- 6. Competition of joint Ukrainian-Lithuanian research projects;
- 7. Dissertation Research Grants.

Even though there is a lack of public funding, the range of available national sources is expanded by the following: student and postgraduate scholarships of the President and the Cabinet of Ministers of Ukraine; scholarships of regional administrations; targeted scholarships for enterprises and private businesses; income from innovative companies established based on HEIs and small and medium-sized enterprises that are engaged in the rapid development and implementation of new products and technologies. These innovative companies revive the tradition of private donations [17].

Apart from the government grant programs, international ones have also become widespread under martial law. Thus, HEIs in Ukraine provide grant funding from the budgets of international and regional organizations, government, intermediary, municipal (local), and other budgets of foreign states on a competitive basis with strict targeted use and mandatory financial reporting. Grant funding can be provided through the following means:

- 1. Trans-European (TEMPUS and other EU programs) and transatlantic (the US Bureau of Educational and Cultural Affairs) support programs for Ukrainian education institutions;
- 2. Ministries of Education of foreign countries;
- 3. Departments of Education of districts and states;
- 4. Municipal or other local authorities [18].

The leading HEIs in Ukraine seem to have mastered this form of financing perfectly in terms of drawing up applications for projects and project management. However, most regional HEIs rarely use these opportunities. The reasons for this are shortcomings in the information support organization, the lack of experts in fundraising and project management, the inertia of educators, and the fragmentation of their efforts [19].

The success in grant fundraising depends on a thorough study of priorities, restrictions, and conditions for receiving grant funds, strict financial accountability, and systematic and targeted work with numerous sources. Therefore, it would be advisable to entitle a specialized higher education body (grant group or department) to develop a fundraising strategy and mechanism in

a form acceptable to each sponsor. Targeted grants of international organizations and foreign governments remain the source of financing for international activities [20].

Ukraine was granted EU candidate status in June 2022, which has become a powerful political signal from EU states regarding its recognition as a member of the European family. For the education and science sectors, as for others, the status of a candidate is a policy driver for implementing qualitative changes in these sectors, the relevance of which is long overdue. The results of the competition "International (credit) mobility" (KA 107) in 2015-2020 showed that 32 national Erasmus+agencies supported 1,889 out of 2,522 projects presented for organizing international academic mobility in cooperation with 202 Ukrainian HEIs and in partnership with the EU universities and other program member countries. Grant funds allocated for mobility projects with Ukraine account for EUR 54,327,000 in total.

With the beginning of the Russian full-scale invasion of Ukraine, international assistance to domestic science has increased significantly. The launch of the European Research Area for Ukraine (ERA4Ukraine) portal by the European Commission gave rise to information support for domestic scientists regarding their opportunities at the European and national levels [21]. Thus, a special project of the Marie Sklodowska-Curie Action program worth EUR 25 million was aimed at supporting scientists and researchers who were forced to leave Ukraine [22]. The Polish Academy of Sciences in cooperation with the United States has launched a financial support program for Ukrainian scientists with PhD degree for up to three months.

Ukraine is making its way into the EU despite the Russian aggression. The sphere of science and innovation is one of the most successful in European integration processes. The above finds endorsement in the European experts who analyze information on the EU questionnaire for membership application and in the results of the participation of Ukrainian scientists, innovators, and entrepreneurs in the preliminary EU framework program for research and innovation "Horizon 2020." Ukrainian representatives submitted more than 2.8 thousand proposals to competitions and received EUR 45.75 million to implement 228 grants. Cormack Consultancy Group, as part of the Unity Initiative Program, with the support of the Foundation of the President of Ukraine for Education, Science, and Sports and the Ministry of Education and Science of Ukraine, launched a course on grant writing for Ukrainian universities [23].

The most common source of additional resources for non-profit organizations and socially significant projects are charitable foundations, which, in turn, provide assistance in the form of grants. The principal aid suppliers of Ukraine are the governments of the USA, Canada, Germany, the Netherlands, Great Britain, Sweden, Switzerland, Japan, the European Union, and the UN. It should be noted that the goals, the achievement of which are



assisted by the governments of these countries, often coincide with the goals of projects implemented in Ukraine with loan funds from microfinance organizations. Therefore, it is advisable to constantly monitor and participate in various grant programs. There are three main groups of international aid suppliers available to applicants from Ukraine, and they are as follows:

### 1. Governmental organizations;

These can be grant programs of particular foreign authorities (the US Agency for International Development, the German Federal Ministry for Economic Affairs and Energy, the Canadian International Development Agency, and others) or embassies of certain countries in Ukraine (USA, Germany, Norway, etc.). This group also includes institutions of the United Nations and the European Union (United Nations Development Program, Council of Europe, etc.). The activities of these aid suppliers are regulated by the laws of their countries and, as a rule, are distinguished by high bureaucracy, so communication with them may seem to take too much time and effort [24].

#### 2. Public organizations;

Public funds can be both national (e.g., the Polish-Ukrainian Cooperation Foundation) and international (e.g., PHARE program). They are built on financial receipts from one or more countries. These funds are obliged to constantly report to taxpayers since money from the latter is a means of their existence. These funds can provide grants only to "stable" organizations, i.e., those with solid experience in the successful implementation of international projects [25].

#### 3. Private funds.

Private funds are created by individuals, organizations, and corporations. This category includes aid suppliers of different sizes and types of activities. This range varies from such large international organizations as the Rockefeller Foundation or the International Renaissance Foundation founded by George Soros to small family foundations, such as the Knut and Alice Wallenberg Foundation, from such so-called corporate foundations as the Volkswagen Foundation to special-purpose funds, such as the Raskob Foundation for Catholic Activities. Writing an application to such a fund requires less time and effort, and they usually make decisions about subsidies in a shorter period. However, a lack of information about some private funds makes it difficult to receive aid from them [26].

Fundraising for international activities in modern conditions of the market-oriented government of science and higher education is characterized by democracy, dynamism, competitive participation in international programs and grants, and focus on solving the tasks assigned to departments and achieving real goals. In other words, funds can be generated at each of the intra-university budget levels. Thus, grant funding can be individual, faculty – or department-based, while sponsorship and

contributions from partner universities can have an individual, group, departmental, or university wide focus [27].

Furthermore, the opportunity to receive international grant support orients teaching staff and fellows toward the leadership and creation of personal, group, and departmental competitive advantages to finance their projects. In conclusion, it is safe to say that grants proved their effectiveness in solving social problems even during the period of martial law. Thanks to the attraction of extra-budgetary sources of funding, grants occupy a special place among government support measures, have a powerful stimulating potential, and contribute to the development of social activity of participants in public relations.

### 3. International experience of grant support

The history of grants in European countries, unlike Ukraine, has existed for more than a century. However, the very history of grants remains insufficiently studied for two reasons. The first one is the ambiguity of the concept of a grant, even in its modern understanding. The second one is the close connection of grants with patronage, from which they were derived as an independent form of financial (material) support [28]. Great Britain is believed to be the founder of the grant funding system since the Royal Society of London, which supported science by providing funds for various research, was established here in 1660 [29].

The British Council is a current active grantmaker in the UK, and its primary goals are as follows: to improve the teaching quality at universities, develop students' entrepreneurial skills, support international university partnerships, promote interregional academic mobility of students, and increase the potential and competitiveness of relocated universities. There are different mechanisms for financing academic mobility in France, including state scholarships and grants provided under the Social Plan for Students adopted in 1998 [30].

Specialized socially oriented "grants for mobility" were created in 2001. In 2016, 36,000 such grants were allocated by local authorities, relevant ministries, and public funds worth EUR 384 per month, and it was planned to increase their number by 25% in 2020. Furthermore, socially oriented grants implied participation in special student exchange programs, like the Erasmus or Leonardo da Vinci program [31]. At the same time, the internationalization strategy HEIs head for becomes an integral component of a grant development plan, which is the basis of the state-HEI contract. Additional funding is allocated for the corresponding budget item of the educational institution. A National Council for the Development of International Student Mobility was established to coordinate activities for mobility development [32].

Australia has developed and adopted organization and program strategies for higher education internalization and educational services export. Organization strategies include



supporting educational institutions' initiatives through the country's policy decisions and administrative systems. Program strategies include the following: international student programs; education internationalization through internationalization of the content of educational programs; international exchange programs; distance education and educational services in foreign branches; international cooperation in science and technology; vocational training courses, including short-term and custom courses; support programs for international students. The implementation of these strategies and the financial support from both the Australian Commonwealth Government, which provides more than half of the revenue of HEIs in Australia (61% in 2017), and individual regions allows Australian HEIs to increase the number of international students constantly [33].

The developed criteria for the effectiveness of university educational activities help the government to elaborate new export-oriented educational programs and improve the quality of educational services provided through allocating grants. Each educational institution in Australia is rated based on the results of the annual audit of the quality of specialist training and receives an additional AUD 60-80 million according to this rating. Furthermore, individual grants are provided to teachers [34].

In Slovakia, the International Visegrad Fund, an international organization in Bratislava, is actively engaged in grant activities. The purpose of this Fund is to promote and intensify close cooperation between residents and organizations in the region, the Visegrad Group (Czech Republic, Hungary, Poland, Slovakia), and other countries, especially the Northern Balkans and Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) [35].

The Visegrad Fund provides support through grants for social, cultural, scientific, and educational projects, student exchange, cross-border projects, tourism promotion, and individual mobility programs (scholarships, accommodation). The Standard Grants Fund requires Visegrad Fund organizations from at least three countries of the Group to participate, but it is recommended that partners from all four countries be involved. A project funded by the Standard Grants Fund must belong to one of the following categories: cultural cooperation, scientific exchanges and research, youth exchange, cross-border cooperation, and tourism promotion [36].

Woodrow Wilson International Center for Scholars is an excellent example of grant support in the United States. It was established to bridge the world of ideas and the world of politics by supporting the projects of scholars and practitioners in the field. The open dialogue between policymakers and fellows makes the Center unique. The United States Congress established the Center in 1968 as an official national memorial to President Wilson. Unlike physical monuments, it is a living monument whose work commemorates "the ideals and interests of Woodrow Wilson." The Woodrow Wilson International Center for Scholars invites

scientists, practitioners, journalists, and public intellectuals to take part in a fellowship competition and spend 9 months in Washington. During this time, program participants are supposed to work on research in the social sciences and humanities that contribute to understanding current political processes both nationally and internationally [37].

Universities and other research institutions involved in the US government grant support direct the vector of their work to creating and developing unique research, often inviting ordinary citizens interested in the chosen topic and purpose of scientific research to collaborate [38].

### **Conclusions**

The authors of this article concluded that the subject of the grant should be considered only funds in the form of national and (or) foreign currency as the most liquid assets and a universal source of project implementation. Government organizations, public organizations, and private funds were defined as three main groups of international aid suppliers available to Ukrainian applicants. International experience in providing and receiving grants was analyzed using the examples of Great Britain, France, Australia, Slovakia, and the USA.

This article showed that grants sustained their effectiveness in solving social problems even during the period of martial law. It is suggested to establish appropriate departments at HEIs participating in grant activities in order to solve problematic issues related to the insufficient qualification level of people applying for grant project participation. These departments would be aimed at training specialists in grant writing and developing teacher resource books and step-by-step instructions for searching for grant proposals and participating in them.

The authors believe it is justified to create special legislation regulating grant activities. Such legislation should consider the following: the establishment of mandatory compliance criteria for organizations, institutions, and agencies that provide funds for grant projects; the review of applications and monitoring of their implementation; the development of the procedure for creating grant projects and selecting participants; the creation of departments that provide training for future grant candidates; the establishment of responsibility for improper execution of grant projects.

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