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## THE RIGHTS AND OBLIGATIONS of a HIGHER EDUCATION PROFESSORS IN THE REPUBLIC of BELARUS

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*The article defines the pedagogical staff and lists posts related to the higher education teaching personnel. Their rights and obligations are also defined in accordance with the existing and planned regulatory legal acts of the Republic of Belarus. It was recommended to develop a comprehensive regulatory legal act "On the legal status of professors".*

As well as all the citizens of the Republic of Belarus, higher-education teaching personnel enjoy the rights enshrined in the Constitution of the Republic of Belarus and other regulatory legal acts [1; 2]. The rights of the higher education professors are fully protected by the Civil Code [3], the Labor Code [4], Republic of Belarus Education Code [2].

In the 2020/2021 academic year, the official number of the higher-education teaching personnel was 19 671 people, 1232 of whom had a scientist degree of doctor science (6,2 %), 7995 (40,6 %) were candidates of science, 1016 (5,2 %) had PhD degrees, and 6978 (35,5 %) were associate professors [5].

During the fifth session of the House of Representatives of the National Assembly of the Republic of Belarus of the seventh convocation, that has taken place on April, 7th 2021 the deputies adopted the bill "Republic of Belarus Education Code amendment". Preparation of the new version of the Education Code is due to the elimination of gaps identified in the practice of applying the current Education Code, including the expansion of the rights and obligations of higher education professors [6].

Higher education teaching personnel include professors pedagogical activities of which include educational, teaching and methodological work and aim to implement the content of educational programs of higher education, educational programs for additional education of adults, management of the educational activities of institutions of higher education, the Academy of Postgraduate Education, the Institute of Advanced Training and Retraining, and the Institute of Educational Development [2, art. 50].

In the new version of the Education Code, the teaching activities of professors and teaching staff are supplemented by scientific methodological and other, it is stated that the implementation of the content of educational programs are to be carried out by establishments providing additional education for adults, in addition to the institute for the control of knowledge and the center for the training, refresher training and retraining of personnel, and it is further stated, that pedagogical activities are also directed to the management of the Academy of Education, the Institute of Vocational Education, the Faculty of Law, the Military Faculty, the Institute of Law-Free Legal Personality, the Higher School of Higher Education [6, art. 50].

The updated Education Code of the Republic of Belarus specifies the positions of higher education teaching personnel that are part of the teaching staff (assistant, teacher, senior teacher, associate professor, professor and head (chief) a chair) with a competitive examination, in accordance with the procedure established by the Government of the Republic of Belarus, and with members of the armed forces, employees with special titles and personal titles in educational establishments, organizations implementing educational programs for science-oriented education in accordance with the procedure laid down in the law on the performance of the relevant service [6, art. 50; 7]

The special working conditions and the specific nature of the work performed by higher education professors have made it necessary to define by law and establish special requirements for the professional qualities and qualifications of teachers in higher education establishments, and additional guarantees for the performance of teaching activities. The basic requirements for higher education teaching personnel as well as support staff are determined by the qualifications [8].

The legislation of the Republic of Belarus sets out the requirements for higher education teachers and professors who cannot carry out pedagogical activities: those deprived of the right to engage in pedagogical activities; have a criminal record; are declared incompetent or have limited legal capacity; are not entitled to engage in pedagogical activities in the cases provided for in the legislation [2, art. 51]. The updated Education Code adds the above requirements, namely that persons with a criminal record that has not been expunged or duly expunged, as well as persons with medical contraindications, may not engage in educational activities [6, art. 51].

The right to the protection of the professional honour and dignity of a higher education professor is a fundamental right, but other rights to ensure the conditions for the professional activity performance, such as: the creative initiative, freedom of choice of pedagogical and justified forms and methods of education and upbringing, selection of educational publications and teaching aids; access to educational and programme documents, teaching and methodological materials and information and analytical materials; direct participation in the renewal and development of scientific and methodological support for education; active participation in scientific, scientific and technological, experimental, innovative and international activities of educational institutions; participation in the management of educational institutions; professional development; moral and material rewards for educational success [2, art. 52].

It is planned to grant higher education professors the right to freedom of choice of educational publications, means of instruction and education, as well as moral and material rewards for achievements not only in teaching, but also in science, scientific and technological activities, experimental and innovative activities in the educational system [6, art. 52].

The main task currently assigned by the Ministry of Education to institutions of higher education is to increase the standard of teaching personnel and the right to moral and material encouragement for scientific and technological activities, experimental and innovative activities will provide a small incentive to obtain patents, copyright certificates, doctoral theses and other relevant advances in science and technology.

Analyzing the data of the National Statistical Committee from 2013/2014 to 2019/2020 and the beginning of the 2020/2021 academic year, it is clear that the number of core staff has been significantly reduced at the beginning of the current year, having a PhD and PhD degree, the stiffness index in the Republic of Belarus has decreased [5, 9].

Higher education professors are to carry out pedagogical activities at the professional level, ensuring the implementation of educational programs in compliance with the law, moral and ethical standards and respect for the honor of participants in the educational process. Throughout their employment in institutions of higher education, the teaching personnel who are professors are required to improve their professional skills, to be certified, keep a healthy lifestyle, and to promote it among their students [2, art. 53].

The duties of higher education teaching personnel have also not remained unchanged in the updated Education Code. Confirmation that the education of the participants in the educational process is an integral part of the educational process in higher education institutions, higher education professors are required, at a high professional level, to carry out both educational programs and programs for the upbringing of students [6, art. 53].

The Labour Code of the Republic of Belarus applies to education personnel and employers who have concluded an employment contract within the territory of the Republic of Belarus [4, art. 3]. Every higher education professor has the right to work as the most dignified means of self-esteem, the protection of economic and social rights and interests, a guaranteed fair share of remuneration, daily, weekly rest and leave, state social insurance, participation in meetings and organization management, privacy and personal dignity, judicial and other protection of labor rights [4, art. 11].

The specific nature of the work of professors also makes it necessary to have special features in terminating the employment contract. Termination of a contract of employment with a higher education professor may be carried out both on general grounds and for the commission by an employee performing educational functions of an immoral offence incompatible with the continuation of the work in question [4, art. 42, art. 47 clause 3].

An analysis of the legal situation of higher education teaching personnel thus shows the need for legislative regulation. This can be done by the adoption of a comprehensive legal act «On the legal status of professors», the provisions of which will be applied to all teachers, including professors of institutions of higher education. It is advisable to fix the concept of the «legal status of a teacher» in the normative legal act «On the legal status of professors», as follows: the legal status of a professor, is a set of rights, the duties, guarantees and responsibilities set out in Belarusian legislation for persons engaged in teaching activities.

Moreover, it is advisable to define the «higher education professor» in accordance with the concept given in the UNESCO Recommendation on the Status of Teaching Personnel in Higher Education [9], and states that a professor of an institution of higher education means all persons in an educational institution or programmer of higher education who, either full-time or part-time, engage in teaching, scientific or research activities, and those that provide educational services to students or to society as a whole.

It is necessary to individualize the rights and duties of a higher education professors in the normative legal act «On the legal status of professors»; it is also necessary to define the procedure for the certification, training, retraining and further qualification of higher education teaching personnel; features of the conclusion and termination of a contract of employment with professors and teaching personnel; procedures for the remuneration and rewards of professors in higher education; establishment of disciplinary liability for professors and higher education teaching personnel.

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