

## INTERNATIONALIZATION GAP AND ETHICS AT SLOVENIAN UNIVERSITIES

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**Abstract:** *The universities in Slovenia as well as in transition countries in the region had been rather excluded from historical processes in Central and Western Europe in last centuries and this is offset in their functioning. The article discusses the issue of several fields of ethics at the universities such as academic freedom, private activities of professors and accountability. The authors believe that the gaps originate from weak processes of internationalization especially in the period between 1945 and 1990 although in many countries they still do not seem to really catch up. As Slovenian case shows after this period unlike businesses, the universities in the region were not subject to much restructuring and reforms thus persisting with modus operandi in the field of ethics that is ethically not sustainable.*

**Key words:** *Internationalization Gap, Ethics, Slovenian Universities*

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### 1. University landscape in Slovenia

Actual start of the higher education in Slovenia are seminars in Fala near Maribor acknowledged by the Vienna University (philosophy, theology and economics 1620). Later in 1628 the same university acknowledged the university status of Fala (Burger 2009). Following were lectures on moral theology with which the Jesuits topped the gymnasium level in Ljubljana in 1633. From the beginning of the 18<sup>th</sup> century Ljubljana had three years of philosophy studies. In 1704 the chair of logic and church law was established with physics and mathematics following a year later. In 1766 the chair of mechanics was established. After dissolution of Jesuit order Ljubljana had a lyceum (not a proper university), which was terminated in 1848. In-between in the period of French rule (1809-1813) the so called 'écoles centrales' were formed, but were abandoned in 1814 after return of the Austrian rule (Univerza v Ljubljani 2018/a).

Officially, however, as the first Slovenian university acknowledged is the University of Ljubljana established 1919, between 1929 and 1941 named University of the King Alexander of Yugoslavia and between 1979 and 1990 University of Edvard Kardelj. Already from the beginning the university was organized as a community of departments (faculties). Its graduation document in 1922 was named a 'faculty diploma' and not university diploma. The fragmentation of the university was quite a strong process and in 1954 the Law on universities introduced university and 'faculty' councils. The latter disposed over two thirds of votes and easily overruled any attempt by the university to fulfil its function. The university was set as a community of 'faculties' with 'faculties' as independent institutions, which more and more developed their administrative independence.

In the study year 2016/17 the University of Ljubljana had 40.109 students (all data for 2016/17 Ministry of education and sport 2018). The period between 1995 and 1974 saw emerging and

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establishment of the second university: University of Maribor (13.606 students). In 2003 the University of Primorska was established (5.103 students), which was in 2006 followed by Univerza v Novi Gorici (488 students). Up to now Slovenia has three private universities: Nova Univerza Nova Gorica (2017; 1.638), Univerza v Novem Mestu (2017; 600) and Euro - Mediteranean University EMUNI in Portorož (2008; 0). Slovenia has no foreign universities. There are also 41 independent (mostly private and exceptionally partly financed by the government) colleges, (19 of which operate in the field of business and management) and with enrolment of 9.033 students in the study year 2016/17 were serving 13 % of Slovenia's student population.

Referring to internationalization the situation does not differ much between the universities in the region of former Yugoslavia as they have actually developed following the pattern of the in the pre- WW II. developed universities of Belgrade, Zagreb and Ljubljana. It is offset in typical acceptance of a fragmented university and opposition towards integrated university developed in the West (Zgaga et al. 2013, 41, 42). The idea of integrated universities is being supported by better informed government officials and top university management, but has the strongest opponents among the academic staff.<sup>329</sup> As the reason for such position, the wish to keep the established privileges specified below can be quoted as personal interest of individual faculty is better negotiable in a smaller environment where actors are better known to each other or have friendly relations.

## 2. Ethics in education

The discussion on ethics usually starts with principles such as the one from the Golden rule (Flew 1979) according to which one should treat others how he or she wishes to be treated. The scope of our article is quite focused on public universities, where the ethical standards of public sector are also relevant. More or less here the starting point is accountability (to the taxpayers). It is however, not the scope of this article to discuss all the fields of ethics nor ethics in education and research. We will expose just the fields of ethics at the university, which according to our analysis in previous research (Ovin and Cajnko 2016, Ovin and Ritonija 2018) refer to the areas in internationalization at Slovenian universities.

Easy accessible are codes of ethics and professional practice from national and international organizations. For the purpose of this article we will not enter detailed codes of conduct with professional practice (see for example well systemized Association for institutional research 2018) but will rather use more generalized principles of conduct of educators in higher education as developed by the Association of American educators (2018). Their Code of ethics for educators rests on four principles:

- I. Principle I – ethical conduct toward students – referring to supporting students choice, responsibility and development of integrated personality;
- II. Principle ii: ethical conduct toward practices and performance – stressing mostly academic qualities and responsibilities.

Here we want to emphasise the responsibility not to adjust (understanding) of official policy standings to own opinions (and interest), honestly accounting for all funds committed to the teacher as well as nonconformity use of institutional or professional privileges for personal advantage. Ethical conduct toward professional colleagues – requiring a conduct typical in a full-fledged academic community;

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<sup>329</sup> The exception here is Croatia, a leader in the field of university reforms (Zgaga et al. *ibidem*).

III. Ethical conduct toward parents and community means acting in conformity with common society goals of education and interest of outside stakeholders of education. Although not directly stressed by the source (however implied in Principle II.), we are positive that especially from the point of a transition country the principle IV. should more clearly include two elements. The first one is the quality of teaching and learning in the sense of accessibility of knowledge: formally embedded disciplines are often protected by the influence of their professors, and represent a hurdle with innovation and development of study programmes thus demonstrating inappropriate ethic acting. To make university the pathfinder rather than the follower of change, the academic leadership should dispose over competences to act in the interest of all universities' stakeholders. The second element represents the responsibility of educational institutions to serve as a role model in all fields of its functioning. Carrying out or even publicly defending the malpractice in the fields such as finance especially in a transition country, causes a long lasting damage to the society due to the university role and its external effect for learning processes. The negative impact of disregarding of this principle is double fold: directly it is influencing students' moral and indirectly even the most influential layers of society (intellectuals, politicians, top businesspersons)<sup>330</sup>.

### **3. The gaps in professional ethical standards at Slovenian public universities exposed**

The core issue of professional ethical standards at Slovenian universities refer to academic freedom. We believe that there is no special need to explain the term of academic freedom to our readership. Nevertheless here we will mention the explanation meaning a 'freedom of a teacher to discuss or investigate any controversial social, economic, or political problems without interference or penalty from officials, organized groups, etc.' (Dictionary.com 2018).

Due to the processes in the course of its development the higher education scene in Slovenia however, developed also some side-interpretations of the term academic freedom. It is not only seen in practice but as stressed above also represents the achievement which top representatives are ready to defend publicly also by use of the legislative system and processes.

Our thesis is that the misunderstanding of academic freedom derives from a wider absence of the experience with the practice at modern universities abroad. We opt for the position that the core of this gap further refers to the so-called "intellectual in-breeding". It is demonstrated through the fact that especially elder and middle generation of academics at certain department of the university finished their bachelor study, defended their master and Ph.D. thesis and absolved their career from the title of the assistant, assistant professor associate professor and full professor at the same department of the same university. No special explanation is needed, why this is strongly impeding adaption of the university to modern international standards. After nineties, the younger generation faces much more chances to study abroad, but still often follow the path traced by their predecessors<sup>331</sup>. This of course causes persistence of views burdened with long passed practice or even not acceptable or defensible at a modern university.

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<sup>330</sup> After disclosure of inappropriate and illegal honorary fees and other payments to individual deans and professors by the application »Supervisor« in 2015 and in 2016 the scandals were relativized by academia and eventually vanished from the media. The University of Ljubljana even brought the editor of the application to the court for violation of the 'secrecy' of data principle.

<sup>331</sup> The first author often acts as an outside evaluator of universities. Two years ago he met also with a group of young researchers – assistants at probably the best university department in Slovenia. Asked why they are not doing their Ph.D. studies abroad despite the possibilities to do so, they responded, that they do not expect to get better education abroad than at home.

According to the cases we experienced at universities in Slovenia and in the region ethical standards regarding someone's responsibility as a member of an academic community are not much present. Often the belief that the university as a government owned entity should firstly comfort private interest is spread among faculty members thus forming a critical mass, which influences biased attitude towards election of the academic leaders promising to keep the malpractice. Here essential is also quite strong faculty trade union though with normal interest in the political market. Our practical case derives from the fact that decades ago the university career in a pre-transition country had been marked also by certain privileges such as substantial independence in teaching (including also undisciplined treatment of teaching obligations), vast spare time (semester holidays from June to October) and at the time relatively good salaries in relation to people employed in businesses. So fast growing universities attracted also a part of population, who considered it a top career choice in these times. With transition and opening of markets, it is no more so, but there are still strong endeavors by the university teaching staff to retain their rights now practically incorporated in their 'academic freedom'. This should mean that after successful study and publication results obtaining their title of assistant professor they feel entitled to the title of associate and later full professor. The result is abnormal pyramid of titles (mostly full professors less associated professors and even less assistant professors), impoverishment of the university and empty assistant posts due to lack of funds. The faculty trade unions were playing out the card of inappropriate set collective contract, causing abnormal structure at the University of Ljubljana with almost emptied assistant posts. The University of Maribor had tried to stick to the planned titles' systemization and did not recognize the entitlement to higher titles - wages, but was sued and lost the case in the court leaving it with huge debt towards faculty "entitled" to the promotion in salaries (VEČER 2017).

As presented above the faculty salaries in the pre-transition period were relatively good, but started to lag behind those in businesses in the course of transition. Therefore, the faculty in disciplines such as business, law and engineering saw the opportunity to correct their income by acting in the market. Apart from positive impact of their knowledge being accessible to the businesses and valued through the market there are also several negative impacts that have to be considered here and rely to the ethics at the university. First, the colleagues formally retained their teaching load as in this way they received the full salary at the university but enlarged their efforts with lucrative activities for the market. Quite often, this caused their absence and neglect of their work with students. Second, they established their name and market position as

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Prof. Ovin has been teaching courses in the field of macroeconomic theory and policy. His research field developed from productivity analysis, econometric functions, transition to cross-border mergers and acquisitions and university development. He is author to more than 600 bibliographical units at home and abroad. He has been influential commentator of economic developments for media in Slovenia and abroad. At the university he held positions of vice-dean, dean and prorector of the University of Maribor. Now he is a dean of DOBA Business School. He acted as a vice-president of national Fiscal council of Slovenia and a vice-president of Supervisory board of Nova Ljubljanska Banka. Since 2007 he is a president of Porsche klub Slovenija and acted as director of the Porsche Parade Europe 2016.



members of the university while using the equipment owned by university. Since as described below only soft rules have been set on activities that normally are a part of university – faculty partnership the consequence is the situation with (some) rich professors and impoverished university. The same style can be often seen also with the faculty acting publicly. Instead of naming their affiliation (university, department) when exposed in a positive way the colleagues just quote their name as if they became interesting for public just because of their up to now results. Using the name of the first author an example would be: Rasto Ovin, economist – instead of: Rasto Ovin, DOBA Business School Maribor.

#### **4. The comparative practice of rules in Slovenian and foreign universities**

The discussion often leads to suggestions that the colleagues being so interested in the market should stay with such activity with only minor obligation at the university. Such proposals are very soon rejected, which is no wonder, as there have been several examples where the colleagues did so, but after a year or two returned from the private sector (institute) to the university – due to stable income and no risk.

Typically, the cooperation between university and businesses is running in two ways. One is the cooperation where contracts have been closed between the university and the final user of research results. Here a functional scheme has been established at the University of Ljubljana (Finance 2010). According to the rules on management of inventions and intellectual rights up to the sum of 500.000 EUR the inventors are granted 30%, another 30 % are located at the department and 40% remain at the disposal of the university. With the sum exceeding 500.000 EUR the inventors are assigned 20%, the department 35 % and the university 45 %. These activities thus enable the income of about 12 % (University of Ljubljana) to 4 % (University of Primorska – this university does not dispose over engineering departments). The engineering departments otherwise contribute the biggest share to the university income also due to the fact that here an extensive use of research technology is used and can be better controlled. A very different story is with the departments of law or business.

The problem from the point of this article starts with spin-offs where university academic staff carry out side-activity without any regulated obligation to the university. Apart from ethical problems with this activity as presented above and in comparison to regulated activity, here the students do not get included in research except for commercial reasons.

As an example, let us take six Ljubljana private institutes in the field of public services, media and constitutions setting consulting owned by university professors. They have in 2016 reported just two employees, but let us consider that their owners are six and that they all perform. In comparison with the University of Ljubljana their income is very small. However, in average their private institute income represents four yearly incomes of full professors and together with their regular payment actually mean that with the help of their income outside university they achieved five-year salaries. Of course, here the problem is that the institution they are affiliated with does not participate with this activity. To reduce this at some of departments they founded so called faculty institutes, which enable regulated professors activity which would 'normally' be run outside of the university (Dnevnik 2018).

Non-competition prohibition and clause are very diversely regulated in various universities and private colleges.

University of Ljubljana with its Policy on avoidance of conflict of interests and conditions for 'out of university' activities dated 1st of September 2016 classifies, that academic faculty are only allowed to cooperate on activities which would be competitive for University of Ljubljana in the framework of the University or with subjects, who have a signed contract with the University. If there is no contract with the subject, faculty can cooperate with other subjects or work for their own company based on a written consent, obtained from the University of Ljubljana.

If the activity performed out of the University is only short term, the consent from the University is deemed to be granted, if overall contract value in a calendar year does not exceed 5000 euro with tax. Faculty have an option to ask for suspension of the employment contract for two years, in the period of which he can act on his own behalf and cooperate in activities out of the University without being responsible for breach of competition clause, since the rights and obligations of the employment contract are suspended (Univerza v Ljubljani 2018).

University of Maribor in its Policy on non-competition clause clears, that in the duration of the employment relationship without consent of the employer, the faculty is not allowed to cooperate in activities that are included in the activities of the employer and would mean breach of non-competitive clause. An exhaustive list of cases is listed, in which faculty can cooperate in activities, which are in the domain of the employer, thus University of Maribor. In most cases, the foundation for the possibility of out of University activities is a contract between the University and the outside subject or the ownership of the University of such subject (Univerza v Mariboru 2008). University of Maribor is also the only Slovenian university, which does not give its faculty permits or consents to cooperate in activities which would be competitive to the University outside of the University.

University of Primorska's Ethical codex permits, that members of the faculty are allowed to, as long as it does not interfere with their work at the University, as private parties freely included in the activities of political, professional and interest associations, religious communities and other forms of civil society and in their own name form opinions and publicly express them if they take into account the possibility of conflict of interest. (Univerza na Primorskem 2018).

Additionally, the University of Primorska adopted a Policy of implementation of non-competition prohibition, which declares that without written consent of the employer, faculty is not allowed to cooperate in activities, which are included in the basic activity of the employer. This clause also applies to lecturing and other academic activities on other universities (Univerza na Primorskem 2011).

For private colleges the situation is much different, there is hardly possible to find any non-competition policies, for example in the Ethical codex of the European faculty of law there is none (Evropska pravna fakulteta 2014). In other similar colleges such as Faculty of Government and European studies and others, one cannot find acts or policies on non-competition clause that would set guidelines for activities of the faculty out of the colleges. This is most likely the consequence of the fact, that most of the private colleges' faculty is mostly build of visiting professors and assistants.

Using an example of American universities we see that conflict of interest requires disclosures by faculty members of certain private interests, prohibitions of specific faculty behaviours and specified instances in which faculty members must temporary withdraw from their professional roles in the light of their private interests (Sugarman 2005). Two types of strategies are being

used by the universities to deal with the faculty conflict of interest, a passive and an active strategy. Passive strategy is dependable on self restraint and faculty integrity, as opposed to active strategy, which is composed of sanctions, restrictions, etc. (Sugarman *ibidem*).

It seems, that a more current and troublesome problem for US and as well for example German universities, are university-business partnerships and their transparency and agenda. For example, how does a pharmaceutical company influence the research and what agenda does it have on medical universities. Therefore, Germany had come up with a system that is in function, which that collects information on the universities, businesses and faculty involved in this private-public cooperation in order to create a transparency.

Academic freedom was founded on a document from 1940, called the Statement of Principles on Academic Freedom and Tenure by the American Association of University Professors, which stated: »Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research.«

In US, it is not so common to witness academic faculty from universities to engage in »private practices« in the sense of writing opinions, consultations or holding classes outside of the university.

In the US they are more familiar with cooperation between universities and businesses. Academic engagement represents an important way in which academic knowledge is transferred into the industrial domain. It is proven, that the income that universities make from academic engagement is usually a high multiple of the income derived from the intellectual property (Perkmann et al. 2010).

## **5. Discussion**

The historical experience of Slovenia and the countries in the region has been marked by exclusion from Central and Western European development (except from Slovenia and Czech Republic being a part of Austria) and by state (single party) controlled system. In regard to the ethics at the university we believe relevant here is the alienation between state owned (companies, institutions, assets) and private sphere in the second period. Being clear that the state owned sphere is inefficient and is often basing on fraud when applicable the focus was on private optimums. With over 50 years the learning process was long enough that some moral perspectives seem to stay embedded in people beliefs and acting. Typically in Slovenia as a country sticking to graduate and half-hearted reforms in the course of transition whole sectors hardly made adjustments to the needs in a democratic market economy. The particularities presented in this article prove that one of these sector was also the university. In the course of institution specific investment the particularities are still here and are by the mainstream researchers mostly regarded as specific to the Slovenian higher education system rather than being treated as simply inappropriate regarding to international experience. Using a narrow field of ethics in higher education the authors hope to contribute to the opening of the discussion in the field. Some recent experience has shown that the actors are still not ready to fulfil the mission in a society – to teach and act complementary to the role of highest national teaching and research institutions contributing to the learning process of wider society not to mention young generation they are educating.

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