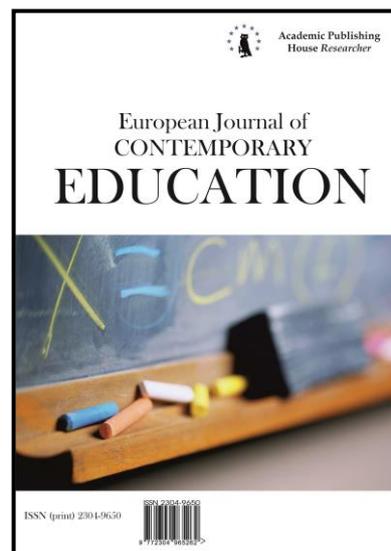




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Academic Rights of Students in Russia and Abroad (USA, European Union)

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Abstract

The article presents the results of a comparative analysis of the composition of academic rights of students in Russia, the United States and the European Union countries, their legislative regulation and practice of implementation in universities. The following conclusions were made:

(1) the wording of the rights, their thematic groups in Russia and abroad have significant differences, despite the fact that upon the entry into the Bologna process, the relevant changes were made to the Federal law and by-laws of RF;

(2) there have not been created conditions in the higher education system of Russia for the implementation of students' academic rights in accordance with the principles and objectives of the Bologna process, in particular, the right to design and implement an individual learning trajectory, students' participation in creating of the content of education, usage of ECTS to transfer from one university to another, implementation of "short bachelor programs", recognition of the previous non-formal and informal level of education, involvement of students in the process of assessment of the quality of education at all stages, priority of the results of international accreditation of educational programs when making government decisions towards a university, etc.;

(3) in the Russian educational system, many universities, despite the possibility established by the Federal Law, do not provide students with additional academic rights, while outside Russia it widespread to give students so-called "contract" rights, which are granted to a student in accordance with an educational contract and university code (eg Student Rights, Responsibilities and Code ...);

(4) compared to foreign students, Russian students are less active in exercising and defending their academic rights.

To improve the current situation, it is proposed to make changes to the current legislation of the Russian Federation regarding clarification, additions and expansion of the legal status of participants in the educational process, to deliver responsibilities through creation and compliance

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with regulatory, economic and organizational conditions and mechanisms for the implementation of academic rights of students in universities, to enter into academic regulations and regulatory documents of universities additional academic rights similar to those in the United States and the countries of the European Union; to bring into this process associations of higher educational institutions of the Russian Federation, including student associations to monitor, implement and lobby the students' academic rights; to encourage students to be active in exercising their academic rights during their study at the university.

Keywords: students' academic rights, domestic and foreign universities, the Bologna process, the practice of implementation of students' academic rights; perfecting the mechanisms for implementing and safeguarding the academic rights of students.

1. Introduction

The composition of academic rights granted to students and ensuring their implementation are one of the indicators of the level of socio-cultural development of a country and its higher education, its compliance with the principles of civil society, the Bologna process and, ultimately, they affect the perception and the image of Russia in the world, her rating among other countries. Analysis of the composition and practice of the implementation of academic rights of students, especially compared with advanced foreign practices, the educational systems of the countries participating in the Bologna process can highlight not only the problems of a particular educational system (social, regulatory, psychological and pedagogical), but also ways of harmonization domestic and foreign educational systems, removing barriers to globalization of education, expanding cultural and educational ties, academic mobility, improving the legal and regulatory framework, organizational conditions, content and methods of higher education.

At the same time, comparative studies on the implementation of academic rights of university students in Russia and abroad are practically not being carried out today. The analysis of the practice of exercising such rights is carried out separately within a particular country, educational system, and most often, it is a research into an isolated set of right. Among Russian studies, one should take note of the following works:

- the work of I.Yu. Belova, who considers the social and legal guarantees of the provision of academic rights and freedoms of teachers and students in Russian universities (Belova, 2015). The researcher conducted surveys of students and teachers of one of the technical universities of St. Petersburg, which showed low interest of students in exercising their rights, the presence in this area of a number of problems of organizational, regulatory and personal nature; there have been identified conditions under which academic rights and freedoms of teachers and students can be guaranteed. It is significant that the author considers academic rights and freedoms of students in close connection with academic rights and freedoms of the faculty;

- studies on the implementation of the constitutional right of citizens of the Russian Federation to have education (Tretyak, 2011), (Timofeeva, 2015), (Shmurygina, 2006). N.V. Tretyak discovered conceptual contradictions of the current legislation to the provisions of the Constitution of the Russian Federation with regards to determining the subject of the constitutional right to education and ensuring the accessibility of vocational education, there is a downward trend in appeals to the courts of the Russian Federation regarding the protection of the right to education; little demand in Russian for international legal protection mechanisms in the sphere of education (Tretyak, 2011). According to A.A. Timofeyeva, currently in Russia, the rights of citizens, declared by the Constitution, do not correspond to the political reality (Timofeeva, 2015). The reason for this is not only the imperfection of the current legislation, but also its incomplete compliance with the international legal obligations of Russia, as well as the decline in the quality of education, the social status of the teacher, understaffing and aging of the teaching staff, the narrowly pragmatic (market) approach to education, constriction of access for young people to higher education, channeling access towards vocational education (Shmurygina, 2006);

- studies, revealing the key problems in the implementation of individual student rights in the Russian Federation are (Kirillovich, 2017a), (Kirillovich, 2017b), (Bratanovsky, 2016), (Alekseyeva, 2016). The analysis of legal acts and law-enforcement practice made by A.A. Kirillovich led to the conclusion that "in the present period, the practice of regulating relations for the re-enrollment of students in educational institutions (especially those who are dismissed for insufficient reasons) does not fully comply with the requirements of the current Federal legislation

for education”, the charters of universities in this aspect have low potential of regulatory opportunities (Kirillov, 2017a);

- studies that examine solutions of actual problems and tasks of higher education in the context of the implementation of students' academic rights (for example, problems of evaluating students' academic achievements (Kishore, 2015).

It is noteworthy that Russian scientists are more interested in procedural academic rights (on re-enrollment, transfer, transfer from paid tuition to budget, protection from unreliable information, etc.), while in foreign studies there is a pronounced humanitarian vector: in the context of this vector certain mechanisms are being developed to stimulate “student participation” (“students' engagement in school”) (Veiga et al., 2012), eliminating racial and ethnic inequalities in education (Skiba et al., 2009), respecting privacy (Gearan, 2006); (White, 2006), development and implementation of ethical and behavioral codes of students and teachers (Bach, 2003); (Mawdsley, 2004), aligning the rights and duties of students (Gibbs, 1992).

At the same time, the trends of globalization in education suggests comparative studies of the academic rights of students and on this basis the harmonization of Russian and international practice of implementation of rights. This article presents the results of a comparative study of the content and practice of implementation of the academic rights of students in Russia, the European Union and the United States.

2. Materials and Methods

The material for the study:

- legislative and regulatory documents in the field of higher education and the implementation of students' academic rights: international (Sorbonne Declaration, 1998), Russia (Konstitutsiya Rossiyskoy Federatsii, 2014); (Federal'nyi zakon ..., 2012); USA (Civil Rights Act, 1991); (Higher Education, 2008); (Family Educational, 1974); (Office for Civil Rights, 1972), EU countries (Constitución Española, 1978); (Ley Orgánica, 2001); (Real Decreto, 2007); (Real Decreto, 2010);

- reviews of international and Russian legislation in the field of implementation of academic rights of students (Nasonkin, Tkach, 2007);

- materials of Russian and foreign educational practice: statistics (Poskanzer, 2002), reports (Hendrickson, Gibbs, 1986), scientific and journalistic articles (Kaye et al., 2006); (Rafferty, 1993), open Internet resources (Student rights in higher education...); (Student Rights, Responsibilities and Code ...), judicial acts (Sudebnyye i normativnyye akty...); (Ahmed v. University of Toledo...); (Woods v. The Wright Institute) and other materials.

To achieve the goal of the study, the following methods were used:

- content analysis of wordings of academic rights of students in Russia and abroad;

- a comparative analysis of Russian and foreign judicial acts for the protection of specific academic rights of students;

- a comparative analysis of Russian and foreign legislation from the standpoint of the principles of the Bologna process.

3. The discussion of the results

We have conducted a content analysis of the composition of academic rights of students in Russia and abroad (USA, EU countries). The analysis was conducted on three groups of rights (Constitutional, Regulatory, Institutional), within which the thematic groups were selected, taking into account the key principles of the Bologna process (Accountability and quality assurance, Lifelong Learning, Social accessibility of higher education, Student-Centered Education.) The content analysis results are presented in Table 1.

Table 1. The wording of the academic rights of students in the legislative documents of Russia, the United States, the European Union countries

Group of rights	Wording of academic rights in US law	Wording of academic rights in European law	Wording of academic rights in Russian law
Student constitutional rights			
Student civil rights	Right to free speech and association rights	The right to freedom of information and freedom of expression (France) The right to freedom of expression, freedom of assembly and association at a university (Spain)	The right to freedom of conscience, information, free expression of one's own views and beliefs
	Right to free religious and unaccepted speech		
	Right to expression through clothing		
	Right to free speech on public forums		
	Right to approve release of student information		
	Right to personal autonomy		
Student privacy rights	Right to privacy in higher education	Right to privacy in higher education	The right to respect human dignity, protection from all forms of physical and mental violence, personal abuse
	Right to use pseudonyms on public internet forums		
	Right to protection from written or verbal abuse		
	Right to privacy of student records Right to notice of information disclosures	Right to the protection of student information	The right to protect personal data
Student equality rights	Right to protection from sex discrimination in higher education Right to the protection from sexual harassment in education Right to sex equality in the provision of student activities Right to the disclosure of athletics plans and expenditures Right to protection from ability discrimination in facilities Right to protection from race discrimination Right to protection from racial segregation Right to affirmative action Right to freedom from discrimination in affirmative action Right to protection from discrimination based on national origin in education Right to protection from age discrimination Right to equal treatment of student groups	Right to equitable recruitment, admissions, readmissions, testing, education, instruction and assessment Right to equal treatment among equal students Right to equity where some students are at an educational disadvantage	

	Right to protection from testing policies which racially segregate	Right to equity where some students are at an educational disadvantage	
Regulatory Rights			
Student rights in admissions	Right to basic institutional facts and figures before admission on the Department of Education (DOE) website. Information required on the DOE website includes: tuition, fees, net price of attendance, tuition plans, and statistics including sex, ability, ethnic and transfer student ratios as well as ACT/SAT scores, degrees offered, enrolled, awarded, transfer credit policies and articulation agreements.	Right to basic institutional facts and figures before admission	The right to familiarize oneself with the certificate of state registration, with the charter, with a license for educational activities, with a certificate of state accreditation, with educational documentation, other documents regulating the organization and implementation of educational activities in an educational organization
	Right to protection from ability discrimination in admissions Right to protection from sex discrimination in admissions Right to protection from ability discrimination in admissions Right to protection from racial discrimination in admissions Right to testing in admissions accommodations Right to protection from subjective interviews Right to protection from differential testing requirements Right to protection from admissions quotas based on demographics Right to race conscious affirmative action in admissions to correct for discrimination	Right to equitable recruitment, admissions, readmissions, testing, education, instruction and assessment Right to exam accommodations for certified temporary and permanent medical conditions	The right to organize admission tests taking into account the peculiarities of psychophysical development and state of health The right to choose an organization offering educational activities, forms of obtaining education and forms of education after receiving basic general education or after reaching the age of eighteen

	<p>Right to protection from reverse discrimination</p> <p>Right to adherence to registration materials</p>		
<p>Student rights in readmissions</p>	<p>Right to equality in readmissions (Discrimination may be alleged regarding both the initial removal and also in the case that other students are not readmitted under like circumstances).</p>	<p>Right to transfer from one university to another</p> <p>Right to receive a copy of their diploma, thesis, score and details about the score</p>	<p>The right to transfer to another educational organization that implements an educational program of the appropriate level</p> <p>The right to transfer for study another profession, specialty and (or) direction of training, another form of education</p>
<p>Student rights in academic advising</p>	<p>Right to fulfillment of promises made by advisors</p> <p>Right to fulfillment of promises and verbal promises by advisors</p>	<p>Right to the availability of academic, professional psychological and social counseling with educational objectives</p> <p>Right to institutional consultation with student organizations on issues in higher education</p>	
<p>Educational package rights</p> <p>Student-Centered Education</p>	<p>Right to learn</p>	<p>Right to a student centered educational environment</p> <p>Right to opportunities to develop personally</p> <p>Right to opportunities to develop socially</p> <p>Right to flexible learning paths and a minimum number of optional courses</p>	<p>The right to develop their creative abilities and interests, including participation in public events</p>
	<p>Right to adherence to class syllabi</p>	<p>Right to participate in programs and services in accordance with advertised program objectives</p> <p>Right to have registration periods of at least on working week after the posting of scholarships or programs</p>	<p>The right to choose an educational program when entering a university</p>

	<p>Right to the advertised course content</p> <p>Right to the advertised level of course instruction</p> <p>Right to uniformity across class sections</p>	<p>Right to the availability of information related to stated educational objectives</p> <p>Right to access teacher, course, seminar, program, practicum, internship, residency evaluations as public info</p> <p>Right to receive a five-page syllabus within the first two weeks of the semester containing: course objectives, general competences or outcomes students will achieve, curriculum, course timeline of readings and assignments evaluation and examination methods</p> <p>Right to receive the syllabus in either an electronic format or a physical copy</p> <p>Right to information on the scale used for evaluation of skills</p>	<p>The right to familiarize with educational documentation, other documents regulating the organization and implementation of educational activities at the university</p> <p>The right to study other academic disciplines and practices of educational programs of the university ***</p> <p>The right to participate in the creation of the content of their professional education **</p> <p>The right to choose elective disciplines *</p>
	<p>Right to the advertised content covered in sufficient depth</p>	<p>Right to be provided educational materials while attending institutions of higher education</p> <p>Right to freely access all educational materials available in university libraries or institutional websites</p>	<p>The right to free use of library and information resources, educational, industrial, scientific base of the university</p>
		<p>Right to study in one's native language or a language of international communication if offered</p>	<p>The right to study in Russian</p>
Student classroom rights	<p>Right to a course syllabus</p>	<p>Right to adherence to the syllabus unless the teacher has the students' agreement</p>	<p>The right to study to an individual curriculum ****</p>
	<p>Right to attention to course objectives</p>		
	<p>Right to protection from the misuse of time</p>	<p>Right to an eight-hour school day</p>	
	<p>Right to fair grading in accordance with the course syllabus</p>	<p>Right to be evaluated in accordance with advertised curriculum evaluation criteria</p> <p>Right to be evaluated with criteria in line with advertised course objectives</p>	
	<p>Right to protection from ability discrimination in learning</p>	<p>Right to equal treatment among equal students</p>	
	<p>Right to ability accommodation in classroom facilities</p>	<p>Right to exam accommodations for certified temporary and permanent medical conditions</p>	

The rights of student research activities		The right to voluntary scientific and practical research (France)	The right to participate in research activities
		The right to study at the university any topic chosen by the student within the time limits established by law (Spain)	
		Right to postpone and resume studies	The right to publish work in the bulletins of the educational organization for free
		Right to at least one free copy of the student record including diplomas, certificates and transcripts	
		Right to retain property and copyright for results of research, artistic creation and innovation unless contracts exist	
Academic mobility rights	The right to study for at least 1 semester in a foreign university	<p>Right to access social mobility programs and resources</p> <p>The right to study for at least 1 semester in a foreign university</p> <p>The right to recognition of educational results and qualifications based on the European system of transfer and accumulation of credit units</p>	<p>The right to trips for training, internships, research, including within the framework of academic exchange, to other educational and scientific organizations, including foreign universities and scientific organizations</p> <p>The right to study academic disciplines and practices in other organizations ***</p> <p>The right to recognition of results (in the order established by the university) of disciplines and practices studied in other organizations</p>
Student rights in discipline and dismissal	<p>Right to protection from ability discrimination in discipline and dismissal</p> <p>Right to due process in disciplinary action</p> <p>Right to due process in disciplinary with the potential to lead to a monetary loss</p> <p>Right to due process in disciplinary with the potential for a loss of liberty</p> <p>Right to a clear notice of charges in the disciplinary process</p> <p>Right to a prompt notice of charges in</p>	Right to student involvement in institutional decision-making	<p>The right of the student council to act as a student's representative in the implementation and protection of his academic and other rights.</p> <p>The right to readmission to an educational organization that implements basic professional educational programs in the manner prescribed by legislation on education</p>

	<p>the disciplinary process</p> <p>Right to a hearing before an expert judge</p> <p>Right to inspect all documents in disciplinary hearings</p> <p>Right to record disciplinary hearings</p> <p>Right to a written statement of findings in disciplinary hearings</p> <p>Right to unbiased ruling in disciplinary hearings</p> <p>Right to fairness in disciplinary hearings</p> <p>Right to hearing before discipline</p> <p>Right to investigation and consideration of circumstance</p>		
Student group rights	Right to equality in the provision of student activities	Right to equal treatment among equal students	The right to use in the manner prescribed by local regulations, medical and recreational infrastructure, cultural facilities and sports facilities of an educational organization
	Right to the disclosure of athletics plans and expenditures	The right to be informed about the planned and incurred expenses for university sports (UK)	
Student residence or residence hall rights and campus police	<p>Right to have visitors in residence hall rooms</p> <p>Right to sex equality in housing standards</p> <p>Right to protection from racially segregating testing policies</p> <p>Right to disability accommodation in residence facilities</p> <p>Right to protection from gender segregation in residence</p> <p>Right to protection from age discrimination in residence</p> <p>Right to protection from dorm search and seizure</p> <p>Right to clearly defined terms of dorm search and seizure</p>	In a number of EU countries - rights are similar to those in the USA	<p>Internal local acts of the university govern the rights and obligations of students living in a dormitory.</p> <p>The internal regulations of the university determine the rules of conduct on the territory of the university</p>

<p>Student rights in recruitment</p>	<p>Right to protection from sex discrimination in the workplace Right to equal pay for sexes in the workplace Right to protection from forced pregnancy leave Right to the protection from sexual harassment in the workplace Right to active protection from sexual harassment in the workplace Right to protection from ability discrimination in the workplace Right to protection from ability discrimination in employment recruitment Right to protection from ability discrimination in workplace discipline and dismissal Right to protection from age discrimination Right to protection from race discrimination in employment Right to protection from discrimination based on national origin in employment</p>	<p>Right to opportunities to acquire skills required to find and retain employment The right to state support to find employment ("social year") (Germany) The right to support and facilitate career development (Denmark)</p>	<p>The right to combine education with work without detriment to the development of the educational program, the implementation of the individual curriculum The right to receive information from an educational organization on the labor market of the Russian Federation in the professions, specialties and training areas that students master</p>
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Institutional rights of students			
Accountability and quality assurance rights	Right to effective teaching	<p>Right to a quality education</p> <p>Right to educational quality standards which are assessed and accountable</p> <p>Right to a quality education (with quality standards in place)</p> <p>Right to quality standards for teachers and course resources for use in quality assurance and evaluation</p> <p>Right to quality standards for support resources for use in quality assurance and evaluation</p> <p>Right to participate in evaluation of teachers, courses, seminars, programs, practicums, internships, residencies</p> <p>Right to have evaluations used for assessment of quality and objective achievement</p> <p>Right to information on criteria and methods used to identify and evaluate professional practice</p> <p>Right to information on criteria used to evaluate the quality of academic classes and program</p> <p>The right to participate in the development of criteria for monitoring the quality of education, university policies (Spain)</p>	Providing conditions for learning, taking into account the peculiarities of psychophysical development and health
Rights Lifelong Learning	The right to the recognition of qualifications and degrees	<p>The right of a person who carried out professional activities for five years to request proof of the professional skills that can be taken into account as part of the knowledge and skills required to obtain a higher education diploma (France)</p> <p>The right to choose the date of completion of education (Argentina)</p> <p>Equal access and opportunities for a variety of forms of education; access to an open network form of continuing education (Sweden)</p>	<p>The right to readmission to an educational organization</p> <p>The right to an academic leave *****</p>

Contract Rights	Right to contract rights	Right to an educational contract	
	Right to a continuous contract Right to a continuous contract during a period of continuous enrollment	Right to a continuous contract during a period of enrollment, without a change in degree requirements	
	Right to adherence to institutional documents		
	Right to protection from arbitrary or capricious decision making		
	Right to have institutions follow their own rules		
	Right to adherence to bulletins and circulars Right to adherence to regulations Right to adherence to course catalogues Right to adherence to student codes Right to adherence to handbooks		
	Right to notice of degree requirement changes		
	Right to fulfillment of verbal promises		
Student informati on rights			Right to information on all student rights and responsibilities Right to institutional policies which inform students of their rights
		Right to information transparency and accessibility	
	Right to basic institutional facts and figures before admission Right to information about the full cost of attendance Right to information on use of student fees Right to information on the justification of policies Right to information regarding course objectives and content	Right to receive, upon admissions, a Student Guide containing information on: student rights and responsibilities materials and services provided by the university evaluation methods justification and methods used to establish fees university and faculty facilities details about student organizations ways of accessing scholarships and other financial facilities Right to know how tuition, fees and other charges are determined or justified Right to be informed about the number, type and amount of each fee charged Right to access regulations,	According to the orders of the Ministry of Education and Science of Russia, the university is obliged to post information on the amount of tuition fees on the website

		decisions, meeting minutes and any other legal documents at the institution	
Student safety rights	<p>Right to care regarding the safety of students</p> <p>Right to protection from injury on campus</p> <p>Right to protection from injury in facilities under campus jurisdiction</p> <p>Right to protection from foreseeable crime on campus</p> <p>Right to protection from injury caused by other students</p>	<p>Right to medical coverage while attending institutions of higher education</p> <p>Right to be provided free medical assistance</p> <p>The right to social protection, including medical care due to illness (Spain)</p>	<p>The right to the protection of life and health</p> <p>Right to semester breaks</p>
Rights of social accessibility of higher education	<p>Right to financial aid information disclosures</p> <p>Right to standards terminology in financial aid forms</p> <p>Right to detailed federal student loan information</p> <p>Right to detailed third party federal student loan information</p> <p>Right to information about the full cost of loan repayment</p> <p>Right to financial aid awareness campaigns for underrepresented students in high education</p>	<p>Right to equity where some students are at an educational disadvantage</p> <p>Right to free educational and professional guidance, counseling, tutoring and monitoring for subsidized students</p> <p>Right to subsidized tuition for students from historically marginalized and low socio-economic backgrounds</p> <p>Right to housing accommodations, unless a student studies in their place of residence</p> <p>Right to a 75% discount for access to events organized by public institutions</p> <p>Right to subsidies for housing accommodations for low income or historically marginalized backgrounds</p> <p>Right to transportation while attending institutions of higher education</p> <p>Right to a 50% + discount on public transportation</p> <p>Right to meals while attending institutions of higher education</p>	<p>The right to full financial support of education by the state in the event of a budget admission</p> <p>The right to reward for success in educational, physical education, sports, social, scientific, technical, creative, experimental and innovative activities</p> <p>The right to switch from paid tuition to free (budget support) *****</p> <p>Right to defer military conscription</p>

<p>The rights of students to participate in the management of the university and in the management of the quality of education</p>	<p>Right to student involvement in institutional decision-making</p>	<p>Right to student involvement in institutional decision-making Right to representative participation in university executive and deliberative bodies Right to 25%+ representative participation in the university senate and faculty council Right to representative participation in faculty counsels and university senates or governance structures Right to representative participation in management of social services, accommodations and scholarships Right to representatives participation in government departments involving students Right to representative participation in choosing and appointing an institutional president or head Right to student representative elections free of interference from instructors and administrators Right to serve as a student representative for up to four years regardless of academic performance or attendance Right to be informed and consulted by student representatives on matters in institutional governance</p>	<p>The right to participate in the management of an educational organization in the manner prescribed by its charter The right to participate in the election of the university rector (president) The right to participate in student government</p>
<p>The rights to respect, protection and equality of rights</p>		<p>Right to equitable recruitment, admissions, readmissions, testing, education, instruction and assessment Right to equal treatment among equal students No difference in the rights of European citizens and foreign students (admission, benefits, subsidies (France))</p>	
		<p>Right for student organizations to develop an annual report on institutional compliance with code Right to an annual response to the compliance report including proposed</p>	

		improvements and a timeline	
	Right to a grievance filing process	Right to grievance reporting, hearing and appeals processes Right to submit grievances and expect recourse for identity theft Right to submit grievances and expect recourse for abuse of power Right to submit grievances and expect recourse for arbitrary and capricious decision making Right to appeal grades before a committee. The instructor who issued the grade may not sit on this committee. Right to request a review of complaints by specialized bodies Right to be present during appeal hearings Right to protection from retribution when making a complaint (whistle blower protections) Right to have all written or online requests registered Right to have all written and online requests answered	The right to appeal against the acts of an educational organization in accordance with the procedure established by the legislation of the Russian Federation
	Right to limited fiduciary care (institutional care in the student's best interest)	The right to the assistance of a lawyer - ombudsman, ensuring and protecting the rights of students through appropriate procedures (Spain)	

* from the list offered by the university

** subject to the observance of Federal state educational standards of secondary vocational and higher education, educational standards in the manner prescribed by local regulatory acts (this right may be limited by the terms of a targeted education contract)

*** in the order established by the university

**** within the mastered educational program in the manner prescribed by local regulations

***** in the manner and on the grounds established by the Federal executive body that develops state policy and legal regulations in the field of education

***** in the manner prescribed by the Federal executive body responsible for the development of public policy and the legal regulation in the field of education

We also conducted a comparative analysis of Russian and foreign judicial acts regarding the protection of the academic rights by students (Table 2).

Table 2. Comparative analysis of judicial acts on the protection of the academic rights by students

Academic law	Foreign judicial acts	Russian judicial acts
Right to protection from arbitrary or capricious decision making	<i>Healy v. Larsson</i> (1974) found that what applied to private intuitions applied also to public	The appeal to the Moscow City Court of December 22, 2014, case No. 33-37960, the court overturned the order on expelling a student, since, contrary to the requirements of the legislation and local acts of the university, the university expelled the student during the period of his hospitalization
Right to privacy of student records	In the AlBaho Case, a French criminal court found three senior academics at the École Supérieure de Physique et de Chimie Industrielles de la Ville de Paris (ICPSE) guilty of email espionage.	
Right to have institutions follow their own rules	<i>Goodman v. President and Trustees of Bowdoin College</i> (2001) ruled that institutional documents are still contractual regardless if they have a disclaimer.	In the Decision to the appeal No. 33-5923-2015 of July 1, 2015, the court concluded that a compelling reason for not attending classes only shows that the student does not properly implements the curriculum, but his absence cannot serve as a basis for the termination of educational relations. In the Appeals Definition of the Altai Regional Court of June 2, 2015, case No. 33-5044 / 2015, the order to expel a student was declared illegal by the court, because the student was not given enough time to pass exams and tests.
Right to fulfillment of promises made by advisors	<i>Healy v. Larsson</i> (1974) found that what applied to private intuitions applied also to public	
Right to a continuous contract	<i>Mississippi Medical Center v. Hughes</i> (2000) determined that students have an implied right to a continuous contract during a period of continuous enrollment suggesting that students have the right to graduate so long as they fulfill the requirements as they were originally communicated. Degree requirement changes are unacceptable	Resolution of the Moscow City Court of August 24, 2015 No. 4a-2129/15: the contract on the provision of educational services was recognized as an administrative agreement, and not a civil contract. Therefore, all references of the educational organization to the Civil Code of the Russian Federation were rejected by the court, since only facts supporting the violation of the administrative procedure for concluding and terminating a public contract were relevant to the case.
Right to fulfillment of verbal promises Right to fulfillment of	<i>Dezick v. Umpqua Community College</i> (1979) found a student was compensated because	

promises and verbal promises by advisors	classes offered orally by the dean were not provided.	
Right to notice of degree requirement changes	<i>Brody v. Finch University of Health Sciences Chicago Med. School</i> (1998) determined that students have the right to notice of degree requirement changes. If a student, for instance, is absent for a semester and is not continuously enrolled they need to know if degree requirements have changed.	
Right to protection from racial discrimination in admissions	<i>United States v. Fordice</i> (1992) prohibited the use of ACT scores in Mississippi admissions, for instance, because the gap between ACT scores of white and black student was greater than the GPA gap which was not considered at all.	The appeal determination of the Moscow City Court of November 26, 2015 case No. 33-44446 / 2015: the plaintiff argued that the local regulations on the basis of which he was enrolled were discriminatory and the tuition fee established for students from CIS countries violates norms of law proclaiming that higher education should be equally accessible to all. The court refused to satisfy the claims, since the plaintiff could not provide evidence that he was given access to education on other conditions than for the citizens of the Russian Federation.
Right to uniformity across class sections	<i>Scallet v. Rosenblum</i> (1996) found that "tight control over the curriculum was necessary to ensure uniformity across class sections"	
Right to protection from the misuse of time	<i>Riggin v. Bd. of Trustees of Ball St. Univ.</i> found that instructors may not "wast[e] the time of the students who have come there and paid money for a different purpose".	
Right to protection from sex discrimination in admissions	Supreme Court in <i>United States v. Commonwealth of Virginia</i> (1992) found that a woman mistakenly admitted to a men's military college was entitled to remain enrolled.	
Right to protection from age discrimination	<i>Prostrollo v. University of South Dakota</i> (1974), for instance, found that the institution may require all single freshmen and sophomores to live on campus. They did not discriminate between age groups	
Right to information on use of student fees	<i>Van Stry v. State</i> (1984) found institutions may not use student fees to support organizations	

	outside the university. This implies that students have a right to know what activities they are being allocated towards.	
Right to information on the justification of policies	<i>Rosenberger v. Rector and Visitors of the University of Virginia</i> (1995) found student fees must be allocated in a viewpoint neutral way. They cannot be based on religious, political or personal views and they cannot be levied as a punishment.	
Right to protection from ability discrimination in discipline and dismissal	<i>Foster v. Board of Trustees of Butler County Community College</i> (1991) found that students are not entitled to due process rights when appealing rejected admissions applications. They are not yet students.	Appeal definition of the Voronezh Regional Court of October 9, 2014 № 33-5431. The court overturned the order on the expulsion of a student from the Academy for health reasons, since incorrect documents were provided to confirm the state of health. Case 2-4571 / 2018 of June 22, 2018, the Syktyvkar City Court of the Republic of Komi found illegal and subject to cancellation the order of the Volga State Educational Institution of Higher Education on the application of a disciplinary sanction to V.Surin, student of law faculty, in the form of a reprimand, since all the conditions for the imposition of a disciplinary sanction were not met
Right to free speech and association rights	<i>Papish v. Board of Curators of the Univ. of Missouri</i> (1973) and <i>Joyner v. Whiting</i> (1973) found students may engage in speech that do not interfere with the rights of others or of the operation of the school. Because schools are places of education they may regulate speech by time, manner and place as long as they provide free speech zones for students as long as they are not used to limit expression.	
Right to free religious and unaccepted speech	<i>Texas v. Johnson</i> (1989) found that “if there is a bedrock principle underlying the first amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.	

Right to free speech on public forums	<i>Online Policy Group v. Diebold, Inc.</i> , 2004 Regulation may take place to prevent illegal activities	
Student rights in readmissions		Administrative case on the legal claim by the prosecutor of the Central district of Krasnodar to Kuban Medical Institute: the failure of the university to notify the student of the expiration of the validity of state accreditation and the need to transfer to another university
Право на академический отпуск		The appeal determination of the Moscow City Court of November 20, 2014 case No. 33-43376: to deem legal the order to expel a student from the university due to his unmotivated academic leave (the student had financial difficulties) because the plaintiff did not provide any explanation for his non-participation in the educational process, which was the basis for the disciplinary sanction in the form of expulsion
Right to protection from ability discrimination in discipline and dismissal		Appeal definition of the Saratov Regional Court of October 1, 2014 case No. 33-5507: the student was expelled from the university for smoking in the dormitory. The order on the expulsion was deemed illegal, since the disciplinary penalty imposed on the claimant does not correspond to the severity of the violation, the disciplinary measure was applied without taking into account the plaintiff's previous behavior and lack of disciplinary punishment in the past, without taking into account other students' opinion.

4. Conclusion

The content analysis of students' academic rights allowed us to divide all rights into 3 groups: constitutional, procedural, and institutional. Comparative analysis showed that in the United States, compared with Russia, students have more academic rights related to the prohibition of various types of discrimination, as well as protection from arbitrary (subjective) decisions, from oral and written orders issued by university staff.

In Russian legislation, more attention is paid to the procedural rights of students. These procedures are not about interaction with teachers, but about re-enrollment, transfer, having academic leave, etc. At the same time, there is no necessary and substantial detailing of the procedures for institutional interaction of the student with the university (due attention is not paid to the contractual rights of student).

In contrast to the EU countries, Russian legislation does not specify the rights of students to receive high-quality education, high-quality teaching, and students' participation in developing quality criteria and quality monitoring processes.

In the judicial practice of the United States and the European Union students are more actively exercising their rights and more often use judicial protection. Significantly more students went to court for the protection of their academic rights. In Russia, there are 3 main reasons for going to court to protect academic rights: illegal expulsion from a university (use of disciplinary sanctions), illegal charging of tuition fees, refusal of a university to provide the necessary documents (for example, academic transcript). Cases of appeals on issues of discrimination are very rare, and they are not ruled in favor of the student-plaintiff; there are no rulings imposing penalties on the university for violating the non-discrimination right.

The findings suggest that it is necessary to improve the mechanisms and practice of the implementation of academic rights of students in the Russian Federation both in terms of the regulatory framework and the organization of the work of universities to better inform students and respect their academic rights and increase the activity of students in their implementation.

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References

- Ahmed v. University of Toledo...** – Ahmed v. University of Toledo, 822 F.2d 26 (6th Cir. 1987).
- Alekseyeva, 2016** – Alekseyeva, M.S. (2016). The problem of protecting the rights of students from inaccurate information. *Innovatsionnaya nauka*, 11 (3): 89-91. [in Russian]
- Bach, 2003** – Bach, J.J. (2003). Students have rights too: The drafting of student conduct codes. *Brigham Young University Education & Law Journal*, 1: 1. Retrieved from EBSCOhost.
- Belova, 2015** – Belova, I.Yu. (2015). Sotsial'no-pravovyye garantii obespecheniya akademicheskikh prav i svobod prepodavateley i studentov v rossiyskikh vuzakh [Social and legal guarantees of ensuring the academic rights and freedoms of teachers and students in Russian universities]. Master's Thesis. Retrieved from <https://www.hse.ru/edu/vkr/170883310> [in Russian]
- Bratanovsky, 2016** – Bratanovsky, S.N. (2016). Problems of the realization of the rights of students to transfer from paid tuition to budget and restoration at the university. *Gosudarstvo i pravo [State and law]*, 4: 114-117. [in Russian]
- Civil Rights Act, 1991** – Civil Rights Act Amendments of 1991 (CRAA), Pub. L. No. 88-352 §, 78 Stat. 241 (US Code, 2006).
- Constitución Española, 1978** – Constitución Española de 29 de diciembre de 1978 [Electronic resource]. URL: <https://www.boe.es/buscar/doc.php?id=BOE-A-1978-31229>
- Family Educational, 1974** – Family Educational Rights and Privacy Act of 1974, Pub. L. No. 93-380 §, 88 Stat. 484 (US code 2009).
- Federal'nyi zakon..., 2012** – Federal'nyy zakon ot 29.12.2012 № 73-FZ [Federal Law of 29.12.2012 № 273-FZ «On Education in the Russian Federation»]. [in Russian].
- Gearan, 2006** – Gearan, J. S. (2006). When is it ok to tattle? - The need to amend the family educational rights and privacy act. *Suffolk University Law Review*, 39: 1023-1046. Retrieved from LEXIS-NEXIShost
- Gibbs, 1992** – Gibbs, A. (1992). Reconciling rights and responsibilities of colleges and students: Offensive speech, assembly, drug testing and safety. ERIC Digest. Retrieved from EBSCOhost.
- Hendrickson, Gibbs, 1986** – Hendrickson, R.M., Gibbs, A. (1986). The college, the constitution, and the consumer student: Implications for policy and practice. *ASHE-ERIC Higher Education Report*. No. 7, 1986. Retrieved from EBSCOhost. <http://www.ericdigests.org/pre-926/consumer.htm>
- Higher Education, 2008** – Higher Education Opportunity Act of 2008, Pub. L. No. 110-315 §, 110 Stat. 3078 (US Code, 2006)
- Kaye et al., 2006** – Kaye, T., Bickel, R., Birtwistle, T. (2006). Criticizing the image of the student as consumer: examining legal trends and administrative responses in the US and UK. *Education & the Law*, 18(2/3): 85-129. doi:10.1080/09539960600919779

Kirillovih, 2017b – Kirillovih, A.A. (2017b). Problemy administrativno-pravovogo rezhima realizatsii prava na perevod obuchayushchikhsya obrazovatel'nykh uchrezhdeniy [Issues of Administrative and Legal Order for Realization of the Right to Students' Transfer to Education Establishments]. *Zakonodatelstvo I Ekonomika [Legislation and Economics]*, 3: 37-43. [in Russian]

Kirillovih, 2017a – Kirillovih, A. A. (2017a). Problemy pravovogo regulirovaniya por-yadka vosstanovleniya obuchayushchikhsya v obrazovatel'nykh organizatsiyakh vysshego obrazovaniya [Issues of Legal Regulation of Students' Readmission at Higher Education Establishments]. *Zhurnal Rossiyskogo Prava [Journal of Russian Law]*, 8: 127-132. doi 10.12737. [in Russian]

Kishore, 2015 – Kishore, S. (2015). Evaluation of the educational achievements of students in the context of a comprehensive approach to the realization of human rights. *Ezhegodnik rossiyskogo obrazovatel'nogo zakonodatel'stva [Yearbook of Russian educational legislation]*, 10: 25-39. [in Russian].

Konstitutsiya Rossiyskoy Federatsii, 2014 – Konstitutsiya Rossiyskoy Federatsii [Constitution of the Russian Federation] (2014). Meeting of the legislation of the Russian Federation. No. 31. Art. 4398. [in Russian].

Ley Orgánica, 2001 – Ley Orgánica 6/2001, de 21 de diciembre, de Universidades. [Electronic resource]. URL: www.boe.es/buscar/act.php?id=BOE-A-2001-24515.

Mawdsley, 2004 – Mawdsley, R. D. (2004). Student rights, safety, and codes of conduct. *New Directions for Community Colleges*, 125: 5-15. Retrieved from EBSCOhost.

Nasonkin, Tkach, 2007 – Nasonkin V.V., Tkach G.F. (2007). General characteristics of educational legislation systems of foreign countries at the present stage. *Scientific Bulletin of MSTU. Series: International University Activities*, 116: 14-18. [in Russian].

Office for Civil Rights, 1972 – Office for Civil Rights (DHEW), W. C. (DHEW), Washington, DC. (1972). Higher Education Guidelines for Executive Order 11246. Retrieved from EBSCOhost

Poskanzer, 2002 – Poskanzer, S.G. (2002). Higher education law the faculty. Baltimore, Md.: Johns Hopkins University Press.

Rafferty, 1993 – Rafferty, D.P. (1993). Technical foul! Ross v. creighton university allows courts to penalize universities which do not perform specific promises made to student-athletes. *South Dakota Law Review*, 38: 173. Retrieved from LEXIS-NEXIShost. URL: <http://www.lexisnexis.com/hottopics/lnacademic/>

Real Decreto, 2007 – Real Decreto 1393/2007, de 29 de octubre, por el que se establece la ordenación de las enseñanzas universitarias oficiales. [Electronic resource]. URL: <https://www.boe.es/buscar/doc.php?id=BOE-A-2007-18770>.

Real Decreto, 2010 – Real Decreto 1791/2010, de 30 de diciembre, por el que se aprueba el Estatuto del Estudiante Universitario. [Electronic resource]. URL: <https://www.boe.es/buscar/doc.php?id=BOE-A-2010-20147>

Shmurygina, 2006 – Shmurygina, O.V. (2006). Mekhanizm realizatsii prava na obrazovaniye [The mechanism for the implementation of the right to education]. *Legal and organizational problems of the development of the education system of the Russian Federation: the present and the future: Articles and materials of presentations by participants of the All-Russian Scientific and Practical Conference (November 22–23, 2005) / Ed. ed. A.A. Voronin. Ekaterinburg: RGPPU*, pp. 38–41. [in Russian].

Skiba et al., 2009 – Skiba, R.J., Eckes, S.E., Brown, K. (2009) African American Disproportionality in School Discipline: The Divide Between Best Evidence and Legal Remedy. *New York Law School Law review*, 10 (59): 1071-1112.

Sorbonne Declaration, 1998 – Sorbonne Declaration of May 25, 1998 [Electronic resource]. URL: www.france-jus.ru (Date of circulation: 09/04/2018).

Student rights in higher education... – Student rights in higher education. Wikipedia, the free encyclopedia. [Electronic resource]. URL: https://en.wikipedia.org/wiki/Student_rights_in_higher_education

Student Rights, Responsibilities and Code... – Student Rights, Responsibilities and Code of Conduct El Paso Community College. [Electronic resource]. URL: <http://www.epcc.edu/VPStudentServices/Pages/StudentRights.aspx#A>

Sudebnyye i normativnyye akty... – Sudebnyye i normativnyye akty RF [Judicial and regulatory acts of the Russian Federation]. [Electronic resource]. URL: <http://sudact.ru>

[Timofeeva, 2015](#) – *Timofeeva, A.A.* (2015). Problemy realizatsii prava grazhdan Rossiyskoy Federatsii na obrazovaniye v usloviyakh yego modernizatsii. Territoriya novykh vozmozhnostey. Theory of New Opportunities. [Issues of Realization of the Russian Federation Citizens' Civil Rights for Education under Its Modernization]. *Vestnik VGUES [Bulletin of VSUES]*, 2 (29): 47-53. [in Russian]

[Tretyak, 2011](#) – *Tretyak, N.V.* (2011). Konstitutsionnoye pravo na obrazovaniye v Rossiyskoy Federatsii [The constitutional right to education in the Russian Federation]. Moscow, 29 p. [in Russian]

[Veiga et al., 2012](#) – *Veiga, F.H., Carvalho, C., Almeida, A., Taveira, C., Janeiro, I., Baía, S., ... Caldeira, S.* (2012). Students' engagement in schools: differentiation and promotion. In M. F. Patrício, L. Sebastião, J. M. Justo, & J. Bonito (Eds.) *Da Exclusão à Excelência: Caminhos Organizacionais para a Qualidade da Educação [From Exclusion to Excellence: Organizational Pathways to Quality Education]*. Montargil: Association of Pluridimensional Education and the Cultural School, pp. 117-123.

[White, 2006](#) – *White, B.* (2007). Student rights: From in loco parentis to sine parentibus and back again? Understanding the family educational rights and privacy act in higher education. *Brigham Young University Education & Law Journal*, 2: 321-350. Retrieved from EBSCOhost.

[Woods v. The Wright Institute...](#) – *Woods v. The Wright Institute*, 141 F. 3d 1183 (9th Cir. 1998).