

## THE NOMENCLATURE OF SCIENTIFIC SPECIALTIES AND THE NEW MODEL OF AWARD OF ACADEMIC DEGREES: RUSSIAN EXPERIENCE

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The subject of the article is legal regulation of award of academic degrees in Russia after the reform that let universities and scientific organization award academic degrees independently, without centralized state control over this process.

The main aim of the article is to confirm or disprove the hypothesis that universities that have received the right to self-award academic degrees, should have the ability to determine the list of scientific specialties.

The methodology of the study includes analysis, synthesis, description as well as formal-legal method and interpretation of legal acts.

The main results and scope of their application. Impossibility of application their own nomenclatures of scientific specialties by educational and scientific organizations that have received the right to independently award academic degrees is justified. Not only federal regulatory legal acts interrelated with the nomenclature of specialties, for which scientific degrees are awarded, but also local legal acts of organizations that regulate the designated issues in different ways were analyzed. The criteria of systematization in the nomenclature of scientific specialties by levels are not set in a single key, which can cause problems in determining the subject and methods of research and expert evaluation of the thesis. Organizations fix procedural issues of examination of dissertations, as well as other issues related to the formation of dissertation councils and their work, the award of academic degrees, the issuance of diplomas, in local regulations that create conditions for the decentralization of legal support for the implementation of state policy in this area. The applicant for an academic degree has the right to prepare a dissertation and pass candidate examinations in a scientific specialty in any organization that meets the established requirements. Then the applicant for an academic degree has the right to apply to the organization, which has the right to self-award of academic degrees. However, if the specialties which are absent in the official state nomenclature were established in this organization, the rights of applicants will be broken, and they will be put in unequal conditions with those applicants who passed candidate examinations in this organization.

Conclusions. The universities that have received the right to self-award academic degrees, should have the ability to determine the list of scientific specialties, as this would entail violation of the rights of applicants for academic degrees.

### **1. Introduction.**

The Federal law of May 23, 2016 № 148-FZ "On amendments to Article 4 of the Federal law "On science and state scientific and technical policy" introduced a new model of state scientific certification, and within the framework of which the Moscow state University named after M. V. Lomonosov (hereinafter-MSU) and St. Petersburg state University (hereinafter – SPBU) received the right to independently award scientific degrees. In accordance with the law, the universities have acquired the ability: 1) to create councils for defense of dissertations on competition of a scientific degree of candidate of Sciences, on competition of a scientific degree of the doctor of Sciences, to determine and change the composition of these councils, to establish the authority of these councils, to determine the list of scientific specialties, which these councils the right of reception of dissertations for protection, to monitor the activities of the councils, suspend, resume and terminate the activities of the councils; 2) to establish a procedure for the award of degrees, including the criteria that must be met by the dissertation on competition of scientific degrees, the order of presentation, protection of dissertations on competition of scientific degrees, the order of deprivation, restoration of academic degrees, and appeals; 3) approve regulations on Council on defense of dissertations on competition of a scientific degree of candidate of Sciences, on defense of a scientific degree of doctor of science, forms of diplomas of scientific degrees, technical requirements to such documents, procedure of their registration and issuance.

In addition to these two universities, the possibility of transition to a new model of scientific certification and the acquisition of the authority to independently award scientific degrees is also provided for scientific organizations and educational institutions of higher education, which have achieved high results in scientific and (or) scientific and technical activities, have authority in the preparation of scientific and scientific-pedagogical personnel of higher qualification, including those who implement the developed and approved independently educational standards at all levels of higher education, either they are national research centres or they have the status of a state research

centre, or they are classified as a "Federal University" or "national research University".

In order to develop criteria for the selection of such organizations in accordance with the provisions of the Federal law "On science and state scientific and technical policy", the Decree of the Government of the Russian Federation of may 11, 2017 No. 553 approved the Regulation on the formation of a list of scientific organizations and educational institutions of higher education, which are granted the rights provided for in paragraphs two to four of paragraph 3.1 of Article 4 of the Federal law "On science and state scientific and technical policy".

According to the Order of the Government of the Russian Federation of August 23, 2017 № 1792-R "On approval of the list of scientific organizations and educational institutions of higher education, which are granted the rights provided for in paragraphs 2 - 4 of paragraph 3.1 of Article 4 of the Federal law of 23.08.1996 № 127-FZ", in addition to MSU and St. Petersburg State University, of the 30 declared educational organizations and 21 scientific organizations originally to the list of such organizations were assigned 4 scientific organizations and 19 educational organizations of higher education. In 2018, applications were submitted by 9 educational and 3 scientific organizations. Order of the Government of the Russian Federation of August 27, 2018 № 1766-R "On amendments to the List of scientific organizations and educational institutions of higher education, approved by the order of the Government of the Russian Federation of August 23, 2017 № 1792-R", the list was supplemented by two educational organizations. Currently, 27 organizations, including Moscow state University and St. Petersburg State University, have the right to create their own dissertation councils, award academic degrees, issue diplomas of academic degrees, the form of which is set by the organizations themselves.

### **2. Normative regulation of the list of scientific specialties for which scientific degrees are awarded.**

The content of the list of scientific specialties for which scientific degrees are awarded, during the whole time of its existence is the object of close attention of scientists and the public [1-7].

Para. 2 item 3.1 of Art. 4 of the Federal law "On science and the state scientific and technical policy" grants the relevant organizations the right independently "to define lists of scientific specialties on which these

councils are granted the right of reception of theses for protection". Does this mean the right of organizations to introduce new scientific specialties, not provided for at the official level or otherwise deviate from the provisions of the above law that "scientific degrees of candidate of Sciences, doctors of Sciences are awarded in scientific specialties in accordance with the nomenclature approved by the Federal Executive body responsible for the development of state policy and legal regulation in the field of scientific and scientific and technical activities" (para. 3 p. 2.1 art. 4)? The answer is, of course, negative, because the legislator authorized the Ministry of education and science of Russia to compile and approve a list of specific scientific specialties, in strict accordance with which dissertation research is conducted.

Currently, the list of scientific specialties for which scientific degrees are awarded is approved by the Order of the Ministry of education and science of Russia dated October 23, 2017 № 1027 (as amended on March 23, 2018) "On approval of the nomenclature of scientific specialties for which scientific degrees are awarded" [8]. At the same time, the scientific specialty is understood as "a steadily formed sphere of research, including a certain number of research problems in one scientific discipline, including the field of its application" [9]. The nomenclature is a classifier of scientific specialties. It is composed of several levels of systematization: a specific specialty (with a cipher) → group of specialties → branch of science. The branch of science for which the degree is awarded is also determined. However, not all specialties are combined into a group of specialties. In addition, the same specialty belonging to a certain group of specialties and belonging according to the nomenclature to a certain branch of science, along with this, may apply to other branches of science, since in this specialty it is allowed to award degrees in these industries. For example, the specialty "Ecology" is included in the group of specialties "General biology", and dissertations can be defended in 4 branches of science - biological, chemical, medical and technical. The specialty "Labor Protection" is included in the group of specialties "safety of Human activity", scientific degrees can be awarded in the following branches of science: technical, psychological, sociological, medical. Along with this, heterogeneous specialties can be combined into one specialty, for example, the specialty "Economy and management of the national economy" covers various industries and fields of activity. Thus, the criteria of systematization in the nomenclature of scientific specialties by levels are not set in a single key, which cannot but cause problems in determining the subject

and methods of research and expert evaluation of the thesis [10].

Expert councils of the Higher attestation Commission under the Ministry of education and science of the Russian Federation with the active participation of the scientific community are engaged in the development of the nomenclature of scientific specialties [11-15]. In accordance with para. "k" item 3 of the Order of the Ministry of education of Russia of December 25, 2013 № 1393 (ed. on December 10, 2015) "On approval of the Regulations on the expert Council of the Higher attestation Commission under the Ministry of education and science of the Russian Federation" the expert Council on the results of the examination gives the Ministry of education of Russia and the Commission conclusions on the nomenclature of specialties of scientists and compliance with the nomenclature of areas of training of scientific and pedagogical personnel in graduate school (adjuncture). Further, the Higher attestation Commission (HAC) develops recommendations on the nomenclature, which are submitted to the Ministry of science and higher education of the Russian Federation. The HAC also submits to the Ministry proposals for the improvement of the nomenclature (it. "a" p. 4, it. "b" clause 6 of the Regulation). Expert councils and HAC determine the scientific specialty in which the thesis is defended by correlating its content with the passport of the specialty. The development of passports is also carried out by HAC experts. The content of the passport of scientific speciality include the following sections: 1) the branch of science in which scientific degrees are awarded; 2) the formula of the profession; 3) research; 4) the codes and names of the adjacent fields.

Carrying out the examination of dissertations in the traditional model of the state scientific certification, HAC specialists can come to the conclusion about the discrepancy of the scientific specialty stated in the dissertation, the passport of this specialty. In this case, for the applicant there are adverse legal consequences – the Ministry of education and science of Russia cancels the decision of the dissertation Council on the award of a degree.

In the new model of scientific certification the question of compliance of the dissertation with the passport of scientific specialty is solved by experts of the organizations which have received the right of independent award of scientific degrees.

### **3. The provisions of the local regulations of educational institutions of scientific specialties, which are awarded degrees.**

Procedural issues of examination of dissertations, as well as other issues related to the formation of dissertation councils and their work, the award of academic degrees, the issuance of diplomas, the organization is enshrined in local regulations that create conditions for the decentralization of legal support for the implementation of state policy in this area.

The analysis of local acts of the organizations independently conferring scientific degrees, convinces that in the majority of the organizations unity in legal regulation of an order of award of scientific degrees according to the nomenclature approved by the Ministry of education and science of Russia remains. Dissertation councils are established in scientific specialties and branches of science in accordance with the nomenclature as provided for in paragraph 9 of the Regulations on the Council for the protection of dissertations for the degree of candidate of science, for the degree of doctor of science, approved by the Order of the Ministry of education of Russia of November 10, 2017 No. 1093. When accepting a dissertation for preliminary consideration, the dissertation Council creates a Commission (or other similar body – the expert Council, the Council for scientific specialty), which prepares a conclusion on the compliance of the theme and content of the dissertation with the scientific specialty (scientific specialties) and branches of science, in which the dissertation Council takes the thesis for defense. As you know, science is an area of human activity, which is divided into branches. Branch division of science – an established scheme.

However, the Regulation on awarding academic degrees at the National research University "Higher school of Economics" uses the category "field of science": "The Commission of the dissertation Council prepares a conclusion on the compliance of the topic and content of the dissertation in the field of science, on which the dissertation Council is granted the right to accept a thesis" (p. 5.9);

"The dissertation Council has the right to refuse to the applicant in consideration of the dissertation work. The grounds for refusal are: ...the discrepancy between the topic and the content of the dissertation of the field of science, on which the dissertation Council has the right to accept a thesis for defense" (p. 4.8). Does this act use the category of "field of science" as an equivalent category of "branch of science"? If so, it is unclear why it was to replace the established official concept? If this concept had a different meaning, it should have been clarified in the local act. In addition, the Regulation provides for the right of the HSE

academic Council to develop and approve a "science passport" (p. 4.1), although passports are developed for a specific scientific specialty and academic degrees are also awarded for them. The state did not delegate the right to independently approve passports of specialties and interpret the nomenclature to the organizations which received the right to award scientific degrees independently. There is another exception to the Regulations on awarding academic degrees at the National research University higher school of Economics. Although in p. 2.3 and it is written that "the condition for admission to the examination of the thesis is the presence of the candidate (qualification) exam in the specialty passed at the HSE", however, subsequent proposals raise doubts about their legitimacy: "the Exam is conducted not in the entire relevant field of science, but in a narrow specialty corresponding to the topic of the future dissertation work and determined by the dissertation Council. When passing an examination in a specialty in another organization, the decision on the possibility of transferring its result to the HSE is taken by the HSE dissertation Council. Letting the other candidate (qualifying) exams are not provided." First, regarding the establishment of the PhD exams University of authority is not received. Second, the examination shall be held for the profession that provided the item. Third, the HSE has no reason to take into account exams delivered in a different organization. And finally, fourthly, in addition to the examination in the specialty, the system of state certification provides for the delivery of two exams.

Paragraph 3 of the Regulations on the award of scientific degrees, approved by the Government of the Russian Federation, provides a General rule for all organizations: "The degree of candidate of Sciences is awarded by the dissertation Council on the results of public defense of the dissertation by a candidate of scientific degree who successfully passed the candidate examinations in the development of the program of training of scientific and pedagogical personnel in graduate school (adjuncture) or without mastering the program of training of scientific and pedagogical personnel in graduate school (adjuncture). Candidate examinations are passed according to the scientific specialty (scientific specialties) and the branch of science provided by the nomenclature of scientific specialties on which the scientific degrees approved by the Ministry of science and higher education of the Russian Federation on which preparation (is prepared) the thesis are awarded. The order of candidate examinations and their list are approved by the Ministry of science and higher education of the Russian Federation". As you can see,

there are no exceptions to the General rule for organizations that independently award academic degrees; the word "examinations", used in plural in relation to the word "applicant", testifies, at least, about need of passing of not one examination; power of the Ministry of education and science of the Russian Federation to approve the list of examinations is imperatively fixed. According to item 2 of the Order of the Ministry of education of Russia of March 28, 2014 № 247 "About the statement of the Order of attachment of persons for passing candidate examinations, passing candidate examinations and their list", the list of candidate examinations includes: history and philosophy of science; foreign language; special discipline in accordance with the theme of the thesis for the degree of candidate of Sciences. In addition, it should be taken into account the Letter of the Ministry of education and science of 28 October 2014 № 13-4139 "On confirmation of the results of candidate examinations", which explains that "the results of candidate examinations, passed before this date, must be confirmed by a certificate of their delivery, issued in the prescribed manner by the organization in which the candidate examinations. The issuance of such certificates to applicants for academic degrees was the responsibility of the organization that conducted the candidate examinations." Obviously, such certificates are necessary for applicants to present in any organization where there are relevant dissertation councils. Consequently, the regulations on awarding academic degrees at the National research University "Higher school of Economics" should be regarded as limiting the rights of applicants.

#### **4. Is it possible to independently determine the list of scientific specialties for which scientific degrees are awarded?**

The question of the independent approach of organizations to the development and approval of "lists of scientific industries and specialties", which is periodically voiced by a number of organizations that award degrees within the new model of scientific certification, is not as simple as it might seem at first glance.

The basis for the classification of branches of science are UNESCO recommendations, according to which six major areas of science - natural, technical, medical, agricultural, social, humanitarian - are distinguished, which are then detailed by specific branches of science (scientific direction, within which

research and development are carried out) and scientific specialties (a narrow section within the branch of science or a group of scientific specialties, in which specific subjects, objects and directions of scientific research are defined). This classification in the Russian Federation is established by the nomenclature of scientific specialties.

Compliance of the Russian scientific specialties to groups of the educational programs carried to the level of education "Doctorate or its equivalent" (69 groups) according to the International standard classification of education approved by the General conference of the United Nations educational, scientific and cultural organization on September 5, 2011 No. 36 C/19 (ISCED) is established by the all-Russian classification of specialties of the highest scientific qualification [14] which is the part of the National standardization system of the Russian Federation. In pursuance of point 2.10 of the action Plan on formation of methodology of systematization and coding of information, and also improvement and updating of the all-Russian classifiers, registers and information resources approved by the Deputy Chairman of the Government of the Russian Federation on December 22, 2012. No. 7125п-П10 by the Ministry of education and science of the Russian Federation developed and coordinated with the Ministry of Finance, the Ministry of economic development, Management development, information security and accreditation of the Federal Agency on technical regulating and Metrology, approved and subsequently put into force by the Order of Rosstandart on December 17, 2013 No. 2255-St "OK 017-2013. All-Russian classifier of specialties of the highest scientific qualification".

The independent approval of the "lists of scientific branches and specialties" will contradict the above-mentioned legal acts.

In accordance with paragraph. 2 item 2 of Art. 4 of the Federal law "On science and the state scientific and technical policy" scientific degrees of the candidate of Sciences, the doctor of Sciences are awarded on scientific specialties according to the nomenclature approved by the Federal Executive authority performing functions on development of the state policy and normative legal regulation in the field of scientific and scientific and technical activity. Thus, the nomenclature is mandatory for all academic degrees awarded within the framework of the state system of scientific certification.

This rule is common both for the traditional model of awarding academic degrees and for the model of independent awarding of academic degrees by organizations that have the right to independently award academic degrees. Therefore, in order to provide such organizations with the opportunity to develop and

approve lists of scientific branches and specialties, it is necessary to amend the above Federal law, and not only the Order of the Ministry of education and science of the Russian Federation of October 23, 2017 № 1027 "On approval of the nomenclature of scientific specialties for which scientific degrees are awarded". In addition, it will require a change and sub-paragraph "b" paragraph 4 of the Decree of the Government of the Russian Federation of March 26, 2016 № 237 "On approval of the Regulations on the Higher attestation Commission under the Ministry of science and higher education of the Russian Federation" concerning the authority of the HAC to carry out expertise and submit to the Ministry (in terms of issues related to its competence) recommendations on the nomenclature of scientific specialties for which scientific degrees are awarded. Also, changes will be required in the Order of the Ministry of education and science of December 25, 2013 № 1393 "On approval of the Regulations on the expert Council of the Higher attestation Commission at the Ministry of education and science of the Russian Federation", which is within the competence of expert councils of the Higher attestation Commission under the Ministry of science and higher education of the Russian Federation the examination and giving the Ministry of education and VAK opinions on the nomenclature of scientific specialties (subparagraph "to" paragraph 3). Thus, the proposal to provide organizations that have received the right to self-award academic degrees, the ability to develop and approve "lists of scientific fields and specialties" will inevitably entail a change in a number of regulatory legal acts.

To the nomenclature of scientific specialties "tied" nomenclature of areas of training of scientific and pedagogical staff in graduate school (adjuncture). In accordance with paragraph 4 of the Regulations on awarding academic degrees approved by the government of the Russian Federation, the Order of the Ministry of education and science of 17 October 2016 was adopted. No. 1288 "About establishment of compliance of the directions of preparation of the higher education - training of highly qualified personnel on programs of preparation of the scientific and pedagogical personnel in postgraduate study applied at implementation of the educational programs of the higher education containing the data which are the state secret or office information of limited distribution, the directions of preparation of the higher education - training of highly qualified personnel in programs of training of scientific and pedagogical personnel in the adjuncture, used in the implementation of educational programs of higher education, containing information

constituting a state secret or official information of limited distribution, the lists of which are approved by the order of the Ministry of education and science of the Russian Federation of September 12, 2013 No. 1060, and directions of training of higher education - training of highly qualified personnel on programs of training of scientific and pedagogical personnel in graduate school, directions of training of higher education - training of highly qualified personnel on programs of training of scientific and pedagogical personnel in the adjuncture, lists of which are approved by the order of the Ministry of education and science of the Russian Federation of September 12, 2013. No. 1061, the scientific specialties provided by the nomenclature of scientific specialties on which scientific degrees approved by the order of the Ministry of education and science of the Russian Federation of February 25, 2009 No. 59 are awarded. When changing the nomenclature of scientific specialties, it is necessary to establish the correspondence of the directions of training in graduate school to scientific specialties. The list of scientific branches and specialties established by the organization independently can not correspond to the nomenclature of directions of preparation of scientific and pedagogical shots in postgraduate study (adjuncture), and accordingly, to entail violation of the rights of applicants.

According to the Order of the Ministry of education and science of 28 March 2014 № 247 "On approval of the Order of attachment of persons for candidate examinations, candidate examinations and their list", the attachment of a person for candidate examinations is carried out in the direction of higher education - training of highly qualified personnel for training programs of scientific and pedagogical personnel in graduate school (more - the corresponding scientific specialty provided by the nomenclature of scientific specialties approved by the Ministry of education and science of the Russian Federation on which the thesis is prepared is allowed in the organization having the state accreditation according to the corresponding program of preparation of scientific and pedagogical shots in postgraduate study (adjuncture) (item 5). The applicant has the right to be attached for candidate examination and preparation of the dissertation in any organization having the state accreditation on the corresponding program of preparation of scientific and pedagogical shots in postgraduate study (adjuncture).

According to the Order of the Ministry of education and science of the Russian Federation of March 28, 2014 No. 248 (as amended on December 18, 2017) "About the Order and term of attachment of persons for preparation of the dissertation on competition of the

scientific degree of the candidate of Sciences without development of programs of preparation of scientific and pedagogical shots in postgraduate study (adjuncture)" the person is attached for preparation of the dissertation on the scientific specialty provided by the nomenclature of scientific specialties approved by the Ministry of education and science of the Russian Federation (point 2). In the personal statement attached for preparation of the dissertation the name of scientific specialty on which the attached person assumes to carry out preparation of the dissertation, and its code according to the nomenclature is specified.

Thus, a person has the right to prepare a thesis and pass candidate examinations in any organization that meets the requirements. At the same time the applicant also has the right to exercise the right to submit the dissertation for protection in any dissertation Council (item 16 of the Order of the Government of the Russian Federation "About the order of award of scientific degrees"). Consequently, he has the right to apply to the organization, which is granted the right to self-award of academic degrees. However, if in this organization the specialties which are absent in the nomenclature are established, the rights of applicants will be broken, and they will be put in unequal conditions with those applicants for whom these organizations will establish special lists.

### 5. Conclusions.

New scientific specialties were repeatedly introduced into the nomenclature, which was

accompanied by the development of expert councils and HAC passports of these scientific specialties and was due to the needs of the country in the personnel of higher scientific qualification in the introduced scientific specialty (taking into account the relevant requests of interested public authorities). New specialties correlated with the areas of training in graduate school (adjuncture) on the results of independent public discussion and anti-corruption expertise, accompanied by the development of training programs in graduate school, the focus of which corresponds to the research areas of this scientific specialty. In addition, it was taken into account that the introduction of a new scientific specialty into the nomenclature required the allocation of additional control figures for admission in the direction of training in graduate school, the appropriate scientific specialty, which, in turn, required an appropriate financial and economic justification (in particular, the estimated number of graduate students enrolled in the relevant training programs in graduate school, including at the expense of the Federal budget) and coordination with the Ministry of Finance of Russia and the Ministry of economic development of Russia.

In view of the above, it can be concluded that it is inappropriate to provide organizations that have received the right to self-award academic degrees, the ability to develop and approve "lists of scientific fields and specialties", as this would entail a violation of the current legislation and violation of the rights of applicants for academic degrees.

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