

CHANGING THE MENTALITY IS NOT A MISSION OF THE UNIVERSITY

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Natalia CRECIUN¹,
Moldova State University

ABSTRACT. This study is carried out within the framework of the State Project (Republic of Moldova) „Modernization of governance mechanisms focused on the protection of human rights” (cypher 20.80009.1606.15). The proposed theme for research is to identify the extent of the university mission and of the law faculty in the direct realization and promotion of education, research, innovation and societal integration. Does higher education have implications for mentality change? How do we react to defensive or skeptical attitudes from students regarding the university's involvement in changing mindset? What feedback can we give to skeptics, not to imagine that we might be persuasive, but at least to make them think? The research is a result of a reflection exercise in the context of conducting practical classes at the law faculty, with first-year students, Cycle I, licence (bachelor). Influenced by the social environment, affected by crises, in which even justice does not have the best image, they accept change in itself only as a theoretical formula, not as a practical one, only as a story told, not assumed. A formidable solution, excellently functional for reorienting the way of thinking of the current generation of students is hard to find, given the objective limits of communication and the formative substrate of the mentality of young people before their access to higher education. However, the university must also value ethical, attitudinal, affective, creative dimensions. And the law faculty must also emphasize the revitalization of the essence of civic courage, implicitly – to shape courageous lawyers.

Keywords: *university mission, law faculty, change, mentality*

Introduction. This study is carried out within the state project (Republic of Moldova) "Modernization of governance mechanisms focused on the protection of human rights" (cypher 20.80009.1606.15). Good governance, human rights, justice, education, university mission, law faculty, modernization, change, mentality: we try to validate the existence of a connection of essence and value between these conceptual landmarks, connection with direct implications on the orientation of governance mechanisms towards the protection of human rights.

Contextual reflection exercise

At one of the practical classes at the university, at the Faculty of Law, one of the students, first year, first cycle, bachelor, said that *the university has a clear and limited role - to provide knowledge for future law professionals. That's all. The change of mentality does not fall within the spectrum of the missions of law schools.*

This is true! Other students agreed, without even questioning the veracity of the statement and without admitting, even hypothetically, that it shatters the essence of education itself and shakes the value foundations of humanity.

The discussion took place against the background of a period of crisis. We refer to the global crisis generated by Covid-19, which also affected the national education system, to the humanitarian crisis generated by the invasion of the Russian Federation in Ukraine, to the human crisis, a phenomenon that turned man into a statistical element, accidental tourist in the journey for good governance (Creciun, 2022, p.121). All these have led to an increase in disorientation, social isolation, disappointment, awareness of the limits of the organizational and functional system of

¹ Natalia CRECIUN, PhD, university lecturer, Faculty of Law, Moldova State University, Republic of Moldova
natalia.creciun@gmail.com, +37379420007, <https://orcid.org/0000-0002-1936-9137>



society in times of crisis. The sound that announced the end of the class left the dilemma suspended and lacking adequate response - something that was noticed by the teacher rather than by the students. The dilemma, however, continued to concern me in the pedagogical path, the present study being a process of searching for answers, revealing limits, designing solutions. And invitation to discussions.

The problem. The problem is of a strategic nature, in the context of achieving the objectives of good governance (through policy development and implementation, especially in the field of education and justice, these being areas of interest for research), but also of a general value. The way we perceive the mission of the university and of the law faculty, not in terms of mission statements, but in terms of impact on the reasons of those who form the university world - teachers and students - directly influences the vector of higher education and its degree of engagement in the process of modernization of governance mechanisms in education and justice. The problem itself, which is subjectively addressed by the author, is that a good part of the students at law consider that the change of mentality is not a mission of the university, the mission of the university being reduced to providing knowledge, including applicative knowledge, not to get involved in changing "the particular attitude or way of thinking of a person or group " (Dictionary. Oxford learner`s dictionaries).

Why do we study the problem? Why is the issue worth studying? Does it have practical significance? Research questions. Skepticism and nihilism, persisting continuously and becoming a natural learning environment, are brakes rather than tools for accelerating progress. What perspective would such an attitude have on medical research, which tends to invent an effective treatment for cancer, for immunodeficiency syndrome? Or for studies in the field of waste processing for the development of environmentally sustainable programs? The same questions apply to legal education. Even if the sphere of social sciences is more difficult to analyze through measurable variables, how can a judge for whom the letter of the law does not resonate with the spirit of the law, a prosecutor or a civil servant for whom loyalty to the system and to the hierarchical superior is more important than loyalty to the law and the institution whose image should not be undermined, a professor at law who does not admit that he/she can be overtaken by his own student, a law graduate who could not afford to overcome skepticism and nihilism, but becomes part of the mechanism for achieving governance, good governance? The issue is worth studying, not because it would help the authorities to govern, but because it would help the community to benefit from the benefit from the advantages of good governance.

This paper comprises 3 basic compartments: in the first section are generalized doctrinal approaches regarding the mission of the contemporary university and the role of the law faculty in the accomplishment of the university mission; the second section is dedicated to the explanation of the data and the methodology used, these being collected from the didactic activity at the Faculty of Law of the State University of Moldova, from the practical classes of administrative law with 1st year students (license/bachelor); the third section reveals the model and the findings, formulated, in a largely subjective way, given that the research started spontaneously and was carried out of curiosity and professional interest and not for the purpose of data accumulation and compilation of statistics. The study also contains some conclusions, perhaps more in the form of questions than deductions and judgments.

1.Literature review

1.1 What is the mission of the contemporary university?

The university, as a training institution in the field of higher education, has a not at all easy mission in the contemporary society, which is in a very accentuated development dynamism. The university has a central role to play in shaping a European knowledge area and "developing the European cultural dimension" (The Bologna Declaration). Specialists in various fields of real and social sciences are trained in the university so that, quantitatively and qualitatively, the economic,

political and cultural needs are covered, by ensuring the implementation of good governance policies on the labour market, and by promoting innovation and progress (Tajpour and Hosseini, 2021), locally, regionally and globally, "the COVID-19 pandemic [...] demonstrating that global issues know no borders and require global cooperation and engagement for the common good" (Jones, Leask, Brandenburg, and de Wit, 2021, p.342). It is not enough, for a university graduate, just to have knowledge, even elevated, current, interdisciplinary. Along with teaching and research, a third mission of higher education has become prominent for some time - that of societal impact or outreach (Knudsen, Frederiksen, and Goduscheit, 2019). Although the third mission is perceived and assumed differently, from one higher education institution to another, its dimensions, for the most part, remain the same: "Knowledge and technology transfer" ("Co-operative knowledge creation", "personal transfer" etc.), "Further education" ("Certificate studies", "Informal education" etc.) and "Societal engagement" ("Widening participation", "Civic engagement" etc.) (Berghaeuser and Hoelscher, 2020, Table 1). In this sense, skills training is imperative. Knowing and understanding the phenomena is a first step in training the professional: this allows him to formulate definitions, to explain concepts, to reproduce data. Application, analysis and synthesis are the second level and include the ability to use the knowledge gained. The third level is evaluation, which refers to the ability to integrate knowledge, to argue, to appreciate, to design, to make predictions, to create. It is the essence of "Bloom's Taxonomy [...]" made by Benjamin Bloom amid the 1950s [...]. There are six levels in the taxonomy, each requiring a more elevated amount of abstraction from the students" (Prasad 2021, p.1-2). In the midst of the Covid-19 pandemic, it has been revised, expanded and adapted to online education through synchronous and asynchronous teaching methods ("the model of Bloom's Digital Taxonomy", proposed by Andrew Churches, in 2008). "It not only functions as a savior for teachers amidst the 'work from home' culture but also helps students rediscover their strengths and rework on their weaknesses" (Bagchi and Parasar, 2021).

From a simpler formula (in terms of construction, not in essence) - *"To build a better world through higher education"* (the mission of The Association of Commonwealth Universities), to larger ones - *"IAU promotes collaboration [...], advocates for higher education policies and practices that respect diverse perspectives and promote social responsibility, [...] encourages innovation, mutual learning and cooperation among institutions"* (the mission of International Association of Universities) or *training highly qualified staff for the national economy [...]; organizing and conducting fundamental and applied scientific research, aimed at solving current socio-economic problems and achieving the technological transfer of the results of university scientific research* (the mission of Moldova State University), the mission of university education is a complex one.

"The university is not a company whose main purpose is to efficiently produce products for the market or to support governmental political programs" (Scholz, 2020). The university must invest in human capital. In this approach, the mission of higher education includes the training - creation, shape - of people well prepared in certain professional fields, with skills of application and integration of knowledge, able to enter the labour market, solve problems, but also design the architecture of a change in the social and cultural-value environment and to ensure the viability and sustainability of this edifice of progress. "Generation by generation universities serve to make students think" (Boulton and Lucas, 2011, p.2511).

The graduate of a higher education institution must be able to plant the germ of change and able to influence (systems, structures, procedures, principles, values, perceptions). Able to change and influence people. Able to change and influence the mentality.

1.2 The role of the law faculty in carrying out the university mission

"The humanities are concerned with what it means to be human: the stories, the ideas, the words [...]. They give voice to feeling and artistic shape to experience, exploring issues of morality and value." (Boulton and Lucas, 2011, p.2514). "Law is a dynamic field of knowledge. Therefore, a



stronger emphasis on the skills is vital for a successful legal career" (Luengvilai, Wongta and Yodmongkol, 2021, p.726). The law faculty should be part of that training for future lawyers, able to implement and integrate the knowledge gained in the educational process, to respond to social needs through topicality, adaptability, openness to progress and sustainable development. "[...] [E]xperts in the field of law are faced not only with the solution of classical problems of protecting human rights [...] but also with a willingness to [...] transform their own skills [...] to the [...] requirements of the [...] activity of a modern lawyer" (Myronets, Danyliuk, Dembytska, Frantsuz-Yakovets and O. Dei, 2020, p.449). The Faculty of Law also has the mission of encouraging the creative spirit, oriented equally towards the protection of permanent values (rule of law, democracy, human rights, freedom, non-discrimination, independent justice, fair trial etc.) and the promotion of innovation trends, as a value of topicality and perspective.

2. Data and methodology

2.1 Indicators used for the model, data source, methods used

The idea for this study came spontaneously, the primary source being the equally spontaneous statement of a student - that changing the mindset is not a mission of the university. As a research hypothesis, it was verified in the teaching activity at the Faculty of Law of the State University of Moldova, during 30 practical hours of administrative law, on a sample of 62 1st year students (license/bachelor).

The law student is initiated in understanding the legal phenomenon, the state mechanism, the role of person and society in its realization. The law student learns constitutional law, general theory of law, administrative law, organization of legal professions, civil law and procedure, criminal law and procedure, customs law, legal protection of human rights, legal philosophy, legal methodology etc. Elaboration of the curriculum for each discipline is an important component of the course administration. The development of (current and summative) assessment tests is another component, through which the student is evaluated: the extent to which he/she has developed skills. The teaching methods themselves are the dynamic part of the teaching-learning-evaluation process; they vary from one teacher to another, from one group of students to another, depending on the institution, institutional management, academic year, discipline, format (online or offline), purpose, objectives etc.

2.2 From the experience of teaching at the Faculty of Law

Regardless of the field, the university teaching experience consumes: by requiring basic professional training, continuous improvement and self-improvement ("lifelong learning [...] is a key to growth and jobs and can allow citizens to participate fully in society" (Association Agreement)), openness and communication, mastery of teaching methods, emotional dedication.

At law school (we do not rely on exclusivity) not only questions for and from students consume, but also their answers.

The oath of office of the civil servant is just a formality, a signature for the personal file. The principle of loyalty, specific to the public service, means fidelity to the hierarchical superior and to the system. Public authorities are affected by bureaucracy, conservatism and reluctance to innovate. Justice and the police are ordinary business. Justice is selective and corrupt. The legislation is imperfect, and the subjects involved in the legislative process have poor professional training. Law has nothing to do with morality, much less with religion. Discipline and public order can only be ensured through dictatorship. The efficiency of public services can be ensured by intensifying control and coercion. Ethical rules are optional for judges and civil servants. Graduation is not a proof of a solid training in the chosen field.

These are just some of the answers heard at the practical courses at the Faculty of Law. And additionally: *There is a need for a change in the judiciary. There is a need to change the (deviant) thinking and behaviour of the system. But I'm not the one to change things. Things are generally unlikely to change.*

3. The model and findings. The methods of verifying the hypothesis were oriented towards obtaining concrete data, which would allow, even subjectively, to appreciate the fact if the students who have just arrived to the university admit that, at the end of each year of study and, accordingly, at the graduation, they could perceive reality (including legal reality) differently, perhaps even to a different extent than that instilled in them by their living environment (parents, friends, colleagues, acquaintances holding positions in the state or practicing in the field of law), as well as whether such a possible change of mentality is only hypothetically accepted or absolutely necessary.

Such types of answers, mentioned above - under the heading "from the experience of teaching at the Faculty of Law" - consume. Consume emotionally. Consume mentally.

Because the civil servant's oath is a solemn assumption of respect for the Constitution, human rights, sovereignty, independence, territorial integrity of the state and the refusal to take the oath has the effect of dismissing the civil servant (Law on the civil service and the status of the civil servant, art.32). Loyalty is manifested to the Constitution, to the law, to the public authority, the image and prestige of which must be protected (Law on the Code of Conduct for Civil Servants, art.7). Loyalty is not an equivalent for fidelity to the superior, nor for the execution of his/her (illegal) indications, nor for organizational silence, or the acceptance, even in a tacit manner, of illegal practices. Public authorities in all states have a more or less bureaucratic organization and operation, which does not diminish their essence, degree of involvement and exclusivity in certain respects. Public authorities can and must be efficient, innovative, accessible, user-oriented. Justice and police are public services exercised as a state monopoly, they cannot be assigned, delegated to individuals, the activity in justice and police is not compatible with the activity of entrepreneurship. Justice is not selective and corrupt; there are incoherent and corrupt judges; the delimitation is significant. Perfect legislation does not exist anywhere in the world; the letter of the law matters, but the spirit of the law, the interpretation of the law, good faith in capitalizing on the discretionary right of the subjects involved in the legislative process matter too.

There are legal norms inspired by moral and religious norms. Law must also be moral; the symbiosis between law and religion in Islamic communities is an additional example of this. I am not sure we are talking about discipline in authoritarian regimes, but rather about fear. Obviously, it depends a lot on how you perceive things: whether discipline and public order involve terror and censorship or participation and culture, whether they are imposed or accepted voluntarily and assumed. In democratic regimes, discipline and public order can also be ensured through examinations of conscience. Social and legal culture and consciousness are also the pillars of efficient public services; coercion, as a method of conducting public administration, should be preceded by other methods, based on persuasion, participation in decision-making, collaboration and social control. Coercion and sanction are necessary, but only for serious violations, only as a result of a fair (including judicial) trial, with individualization of liability and punishment, in strict accordance with the law. Ethical (deontological) norms are not recommended, they are enshrined in Codes of Ethics and are binding (examples: for civil servants (Law on the Code of Conduct for Civil Servants, art.7), for civil servants with special status within the Ministry of Internal Affairs (Code of ethics and deontology of the civil servant with special status within the Ministry of Internal Affairs), for judges (Code of ethics and professional conduct of the judge), for prosecutors (Code of ethics of prosecutors) etc.).

It is just a synthetic feedback on the students' statements, mentioned above. Obviously, in the didactic activity of training future lawyers, the theoretical reasoning is not enough. Arguments of another nature are also needed, arguments that students can perceive, analyze, be aware of, appreciate. Important causes can be supported by examples and teaching methods. The examples from the professional practical activity on the one hand satisfy the curiosity, on the other hand offer memorable answers and explanations. Teaching methods are chosen according to multiple criteria; sometimes they are planned in advance (when planning the course), sometimes it is a momentary



decision, given the unpredictability of the reactions at the courses. For example, in sensitive situations - allegations that *judges are corrupt* or *corruption is a systemic problem that persists over time and cannot be overcome* – it is not enough to deny them. Could be useful methods involving empathic communication, which places the student on the position of the judge, litigant, civil servant, active citizen, as appropriate, and gives him/her the opportunity to decide on his/her own conduct in a concrete situation, arguing his/her decision and assessing the impact on human rights (direct impact, on the subjects involved in the case, but also indirect impact, with reference to the violation of the rights of third parties). This involves both the application of knowledge acquired at the law school (and not only) and the use of the properties of human nature. There is no right and wrong empathic communication; its role is to hear the student applying knowledge, appreciating situations, arguing decisions, building patterns of behaviour, advancing solutions. It is important to be prepared for less desired student options, for example - close to what in practical activity we call *organizational silence* (for example: if the system is corrupt, I will comply too; if I see that the system is corrupt, I leave and build my career in another institution or field). "Many young people complete their socialization by learning, explicitly or implicitly, that corruption is *normal*" (Denisova-Schmidt, 2017, p.18). And, in such cases, it is advisable to guide the student to make a decision in the spirit of law and morality: again, either by explanations, examples, or by additional inductive questions. All this is done not (only) to transmit knowledge, but to develop skills, to change perceptions, people, generations. Education should be student-centred: "Institutions should ensure that the programmes are delivered in a way that encourages students to take an active role in creating the learning process, and that the assessment of students reflects this approach" (Standards and Guidelines for Quality Assurance in the European Higher Education Area, 2015, standard 1.3).

Conclusions. The analyzes carried out have had and continue to have strong implications for my individual way of organizing practical classes, setting up tasks for group work or for assessment tests. Being revealed at a round table entitled "The role of legal education in promoting the values of good governance in justice", organized by the Laboratory of Scientific Research "Comparative Public Law and e-Government", within the project "Modernization of governance mechanisms focused on the protection of human rights", the findings and conclusions regarding the existence of some deficiencies (objective and subjective) in the process of fulfilling the assumed mission by the university was confirmed by other participants, among which representatives of academia, judges, civil servants, representatives of civil society .

At the same time, perhaps to a greater extent than the existence of some deficiencies, we find vulnerabilities: it is unrealistic not to be affected by skepticism and nihilism for a society part of a young democracy, such as the Republic of Moldova, which declared its independence only 30 years ago, with generations formed in the Soviet Union, society for which mere freedom to think critically was an illusion, a society in which the government allocates 0.2% of gross domestic product (compared to 2.3% in the EU) to research and development (Republic of Moldova versus European Union, 2022), in which the corruption perception index, in 2021, is 36 (100 meaning "very clean" and 0 (zero) – "highly corrupt"), the state ranking "105th out of 180 countries" (Corruption Perceptions Index, 2021), trust in justice is also a concern (44% - do not trust at all, 32% - do not trust much, 2% - some trust, 16% - very much trust) (Barometer of the public opinion, 2021). The methods of overcoming them, by creating the premises for another perception of reality, marked by achievable optimism, through initiative, creativity and courage, could be thought and elaborated applying in practice some recommendations proposed by the Centre for Civil and Political Rights (in the context of the fight against corruption, but also valid for the subject addressed in this study), on "[a]mplifying synergy" and on a "[t]heory of change [...] for the mid-term period in Moldova", through promoting "evidence-based research [...]" (Centre of Civil and Political Rights, p.74, 76).

Research shortcomings obviously exist. However, this was more out of curiosity and professional interest, than for the purpose of carrying out concrete measurements or compiling

statistics. However, I am convinced once again that the educational segment is in a very close symbiosis with the spiritual, emotional and value one. And higher education, in particular in law, this being the field about which I have already created a certain vision for myself, has the mission to train generations of lawyers capable of demonstrating application skills and community involvement, therefore, able to evaluate, create, design, be visionary. What would be the most appropriate methods to direct students to new spiritual horizons, by accepting the idea of change itself, remains a question on which, I suppose, come back teachers who are consciously and voluntarily dedicated to fulfilling the mission of the university. There are many avenues for research.

Beyond the conclusions, what feedback can we provide?

What feedback can we give in cases of such statements as: *Graduation is not a proof of a solid training in the chosen field. A change in the judiciary is needed. There is a need to change the (deviant) thinking and behaviour of the system. But I'm not the one to change things. Things are generally unlikely to change.*

Probably - that education (including legal education) and justice are interconnected, intended for those who can voluntarily assume their development and get involved in this process, becoming themselves agents of change. The mission of legal education is to train courageous lawyers.

The solution for the contextual reflection exercise

What would be the role of university training, if the distinction between the first year student and the graduate of the institution were limited to the volume of knowledge acquired and lacked the connection with reality, in terms of applicability and integration?

What role would university education have if the world of knowledge were detached from emotional experience and ethical valorisation - dimensions that guide human behaviour, shape behavioural and mental patterns?

What value would the mission statement of the university have?

What future awaits us?

Changing the mentality is not a mission of the university - is a false statement.

That's all.

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