

University Social Responsibility and The Control Mechanisms of The Ministry of Education from A Systemic View

Mirlene Rabelo Magalhães Dias

mirlene.mgalhaes@gmail.com

Postgraduate Department of the University of Fortaleza - PPGA, CE - Brazil

Maurício Wilker de Azevedo Barreto

wilker.a.barreto@gmail.com

Postgraduate Department of the University of Fortaleza - PPGA, CE - Brazil

Cinara da Silva Cardoso

cinaracardoso@hotmail.com

Postgraduate Department of the University of Fortaleza - PPGA, CE - Brazil

João Fernandes Neto

casaraodeideiasam@gmail.com

Postgraduate Department of the University of Fortaleza - PPGA, CE - Brazil

Randal Martins Pompeu

randal@unifor.br

Postgraduate Department of the University of Fortaleza - PPGA, CE - Brazil

Abstract

This article aims to analyze whether University Social Responsibilities - USR is regulated in the control mechanisms that inspect and allow the opening and continuity of a Higher Education Institution, making an analysis as to whether the MEC assessment instruments are efficient in the implementation of a socially responsible organizational culture, having as a reference the systemic view, which allows a macro analysis from the legal side. It is a qualitative research, where the documentation of the Higher Education legislation was analyzed, using techniques to understand the object of study in its entirety, but whose raw material is the legislation that deals with the evaluation systems and the Instruments for Assessment of Accreditation of an HEI and course. The importance of this research is due to the fact that it performs an analysis to find out how USR is inserted in the legislation, and that the absence of a clear and objective legislation, make the HEIs comply only with what is required by law, that is, the minimum, and in accordance with legislation.

Keywords: *University Social Responsibility; Evaluation instruments of the Ministry of Education; University education.*

1. Introduction

There is a paradox between economic development and social responsibility, becoming more complex when you think about private higher education institutions, which is a company, a business, which aims to profit, but which has the responsibility to train responsible professionals in the face of the problems caused by Capitalism, among them the social class difference, the exclusion of the rights to quality education and health, among other factors.

Universities build knowledge, science, and not only reproduce knowledge, this construction takes place through interaction and proximity to the community, which present social problems, and end up serving as a framework of experience, transformed into knowledge and learning for the academic community, and which has a duty to transform lives.

The article analyzes the laws that create a Higher Education Institution and the laws that control its continuity, from a systemic view, and it is important to have more effective regulation, so that University Social Responsibility (USR), is of fact in effect. It will focus on the laws that serve as parameters for on-site visits, which are responsible for authorizing the opening of an HEI and its respective courses, and subsequently undergo a new visit by MEC / Inep, to evaluate the implementation of the project presented in moment of its opening, and the next visits take place to renew the accreditation of the HEI or to renew the recognition of the course.

2. Methodology

The methodology adopted was first based on an exploratory study, which is configured in the preliminary study, carried out with the objective of appropriating more about the knowledge of the object and the reality to be researched.

Thus, exploratory research led to a process of reflection and an initial questioning that the HEIs have a fundamental role on University Social Responsibility, and if it is regulated, in a transversal, objective and clear way, if there is an advance there more on the topic, but research will show that such regulation needs to move forward and improve government control mechanisms.

The research is qualitative because there was an interpretation and analysis of the laws of higher education, and the documentary research is part of a qualitative approach, where it focused mainly on the main laws of the MEC evaluation system, in order to analyze how University Social Responsibility is covered by legislation. I emphasize that there is extensive documentation on the subject, but I highlight the legislation below, which served as a basis, for the universe of the study:

- Federal Constitution of 1988;
- Law No. 9,394, of December 20, 1996, which establishes the guidelines and bases of national education;
- Law No. 10,861, of April 14, 2004, which institutes the National Higher Education Assessment System - NHEAS;
- Resolution No. 7, of December 18, 2018, which establishes the Guidelines for Extension in Brazilian Higher Education and regulates the provisions of Goal 12.7 of Law No. 13,005 / 2014, which approves the National Education Plan - NEP 2014-2024 and makes other provisions;

- Normative Ordinance No. 20, of December 21, 2017, which provides for the procedures and decision-making standards for the accreditation, re-accreditation, authorization, recognition and renewal of higher education processes, as well as their amendments, in the face-to-face and distance education, from higher education institutions in the federal education system;

- Ordinance No. 23, of December 21, 2017, deals with the flow of the processes of accreditation and re-accreditation of institutions of higher education and of authorization, recognition and renewal of recognition of higher education courses, as well as their amendments;

- Instrument for evaluating on-site and distance undergraduate courses (authorization, recognition and renewal of recognition), 2017, Inep / MEC;

- Instrument for evaluating on-site and distance undergraduate courses (authorization, recognition and renewal of recognition, 2017, Inep / MEC.

A qualitative analysis of the legal documentary research was carried out, and a bibliographic search of primary and secondary sources on the theme, University Social Responsibility, which supported the work, as well as administrative theories, from which the systemic theory was chosen.

3. Discussion

The term Social Responsibility - SR appears first for companies, where it was argued that they should behave socially responsible for future generations and a better world, precisely with the States and society in general. It is not intended to make a history of terminology, but in the 21st century, the topic has come to be discussed more and more, in companies, universities and other segments, as it requires an ethical and responsible posture, and should be part of the culture of organizations.

About Social Responsibility - SR, informs Oliveira (203, p.121), "...it is not a separate activity from education, but a new form of education, more comprehensive and conscious; it is not restricted to isolated activities on certain dates; on the contrary, it becomes part of people's daily lives, intrinsic in every gesture, in every thought".

It is based on the principle that Higher Education Institutions-HEI, have a fundamental role when dealing with this theme, since they are responsible for the integral formation of citizens with competences and skills, in addition to the production of new knowledge, not only bringing a systematic and conceptual knowledge on the subject, but that can be an example, be part of the culture of organization of all involved, students, teachers, managers and administrators, and thus form socially responsible citizens.

For Vallaeys (2017) SR is a new responsibility that must complete the moral and legal responsibility, and it must be collective and not personal. The author informs that:

Moral and legal responsibilities regulate our actions, while social responsibilities regulate our impacts, that is, not what we do with their immediate and local consequences, but what produces what we do with remote and global systemic emergencies. Once we understand that social responsibility is a responsibility for impacts and that impacts are not acts, we can address, in all theoretical and practical wealth, what social meaning in organizations and in particular universities (Vallaeys, 2017, p. 2).

The author makes it clear that SR as an act, is only in the moral and legal dimensions, being necessary to conceive it as a global impact, and to understand it as an impact it is necessary to understand

the three dimensions of complex ethics, outlined in table 1 a follow:

Table 1 - The three dimensions of complementary ethics

Ethics in “3D”	1st dimension: Self-ethics	2nd dimension: Socio-ethics	3rd dimension: Autropo-ethics
Types of duties	Virtue	Justice	Sustainability
Subject of duty	The person (personal duties)	The community (interpersonal duties)	Humanity (transgenerational duties)
Duty object	The acts	The laws	The world
Scope of the obligation	The personal conscience	The rule of law	International governance
Type of responsibility	Moral responsibility	Legal responsibility	Social responsibility
Liability generator	Evil itself and the pain of others	The illegal act and injustice	The negative impact and systemic unsustainability
Regulation mode	The moral	The right	The politics

Source: adapted from Morin, 2004 and Vallaey, 2011 (apud Vallaey, 2017, p. 3).

The author makes it clear that none of the three dimensions are separated or overlapping, or even to a greater degree of relevance than the other, as it is necessary to understand SR in the dimensions of morality, law and politics. And one can question why the emphasis on the legal, legal part of this article, when the three dimensions must go together. The answer to that is that HEIs are regulated by a rule of law, and by that act they are created, accredited and inspected, allowing their continuity, and when there is no well-defined regulation, there is a weakness in the rule of law, allowing the continuation of unsustainable practices, which work in the logic of the market and profit. In addition, the absence of regulation reflects the plurality of responses from HEIs, or peculiar social actions, and generally isolated and supportive efforts by teachers, as has been seen, with no uniform and homogeneous movement, which causes a social impact, that may be a legal condition for being part of an institution's organizational culture.

The global capitalist world, where social inequalities have increased, with deep marks of poverty and social exclusion, like Brazil, it becomes difficult to “govern each other”, regulation is necessary to create conditions capable of to require from HEIs a USR, with social, political, civil, economic and cultural impacts on society.

It is not intended here to show the overvaluation treated in the 2nd dimension “Socio ethics” presented by the author Vallaey (2017), in the case of law, shown in the table above, or that an evolution of the 2nd dimensions is necessary to reach the third dimension, but rather, realize that if one of the dimensions is not structured, well defined in your country, you will not reach the full co-responsibility regulated in ethics, law and the market. Vallaey (2017) also adds to these three, the programmed self-regulation, a light law, where everyone is obliged, according to table 2 below:

Table 2 - Possibilities for regulating collective action

Ethic	Unscheduled self-regulation: Personal commitment	I force myself	My law
Market	Unscheduled hetero-regulation: Systematic feedback	He forces us	No law
Right	Programmed hetero-regulation: Legal Coercion	The law obliges us	Hard law
Partnership	Programmed self-regulation: Mutual obligation	We commit ourselves	Soft law

Source: Adapted from Vallaeys (2017).

It can be seen in table 2, that the author treats law, regulation, as programmed hetero-regulation, where there is a legal constraint, the law that enforces it, a tough law. However, regulation, State intervention, which is dealt with in this article, is a sine qua non condition, without which it should not exist, not thinking of the coercive way, but of controlling living conditions, not often allowing the opening of an HEI, when it does not have the necessary operating conditions, from its own physical environment to an education without social responsibility. In addition, a regulation will not allow economic exploitation, on the contrary, regulation can enable market balance, when there is a Government that is committed to society, and that needs to regulate in terms of a common good, and not depending on the market and companies.

The absence of regulation favors private power, leading to the exploitation and usurpation of rights. We can cite as an example the absence of regulation in the MEC (2017) course evaluation instrument in dimension 2, as shown in table 3 below, which deals with the teaching staff and tutorial, in the teaching staff indicator: degree, as shown in table 3 below, makes no mention of a stricto sensu title, with the exploitation and devaluation of qualified labor. Only in indicators 2.1 that deals with the Structuring Teaching Nucleus and in indicator 2.13 Titration and training of the tutors' body, that there is a minimum requirement for teachers with stricto sensu training, without distinguishing between doctors and masters.

Table 3 - Indicator 2.5 Faculty: degree

CONCEPT	ANALYSIS CRITERIA
1	The faculty presents the contents of the curricular components without addressing their relevance to the student's professional and academic performance.
2	The teaching staff describes the contents of the curricular components, addressing their relevance for the student's professional and academic performance, but does not encourage critical reasoning based on updated literature.
3	The faculty analyzes the contents of the curricular components, addressing their relevance to the student's professional and academic performance, and promotes critical thinking based on updated literature, in addition to the proposed bibliography.
4	The faculty analyzes the contents of the curricular components, addressing their relevance to the student's professional and academic performance, fosters critical thinking based on updated literature, in addition to the proposed bibliography, and provides access to cutting-edge research content, relating them to the objectives of the disciplines and the profile of the graduate.
5	The faculty analyzes the contents of the curricular components, addressing their relevance to the student's professional and academic performance, fosters critical thinking based on updated literature, in addition to the proposed bibliography, provides access to cutting-edge research content, relating them to the objectives of the disciplines and the profile of the graduate, and encourages the production of knowledge, through study or research groups and publication.

Source: Adapted from Brasil / MEC / Inep, 2017.

I could cite several examples, where the regulations favor companies in acting to maximize profit, but the problem is not only in the act of regulating, but also the failure of the public power to want to benefit the private power, and to make a flawed, generalist regulation. , omitted and that makes it possible for USR, as will be seen later, to not be efficient in the law, because it is also regulated as an action, an act, and in a generalized way to benefit private educational companies.

It is for this reason that it was adopted to analyze the USR and its regulation on systemic optics or general systems theory, developed by the biologist by Bertalanffy, who assumed that it is not possible to study the isolated parts, and should analyze the whole and its interdependence (Reis and Bando, 2012).

According to the authors Reis and Bando (2012) to understand a reality it is necessary to know the components that are part of an open system, which are: the inputs, the inputs, their interactions, relationships and outputs and the feedback process, as shown in the figure 1 below.

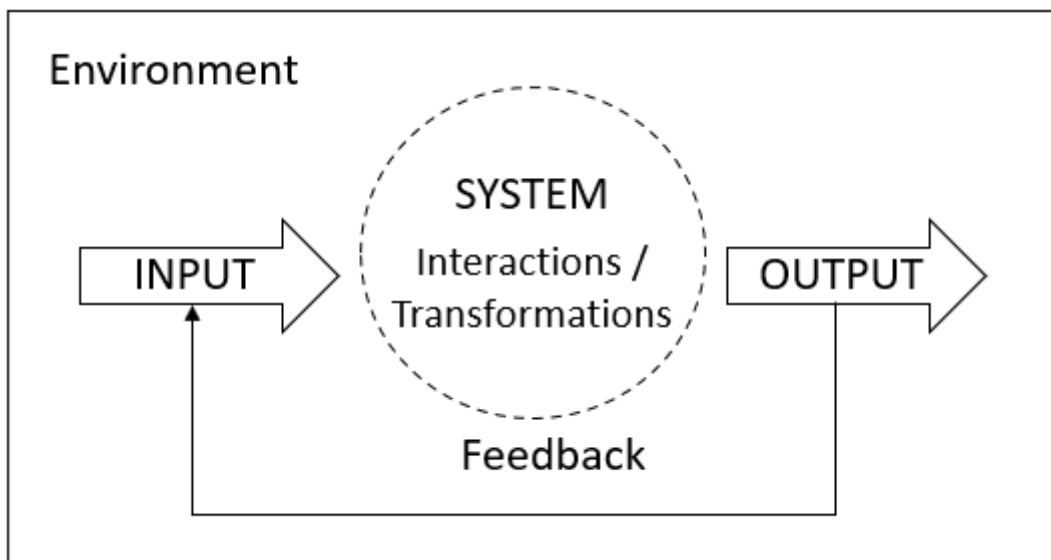


Figure1: Scheme of an open system.

Source: Reis e Bando, 2012

It should be thought that in addition to the elements that make up this systemic view, presented above, it is also necessary to present the academic axes used by the author Vallaeys (2017), which impact on HEIs, and which are expressed in figure 2 below:



Figure 2: Relevant impacts at the University.

Source: Vallaey's (2017).

In the figure above, author Vallaey's (2017) treats impacts as risks of not fulfilling the true mission of a University, of speaking and not doing. The author lists, in his text, what impacts may occur in each sphere: in the organizational: maltreatment at work, lack of democracy and transparency, bad environmental habits, institutional ethical inconsistencies, etc; in the cognitive: academic disconnection - society; scientific irresponsibility, fragmentation of knowledge, lack of transdisciplinarity, etc. in the educational: hyperspecialization (blind intelligence), lack of ethical training and citizenship, reduction of training to employability, etc; in the social: commercialization of extension, assistance, paternalism, indifference to social problems

Based on the two figures, by Reis and Bando (2012) and Vallaey's (2017), an adaptation proposal was constructed on how the problem of the HEIs and its USR can be conceived through the systemic view, as shown in the figure below:

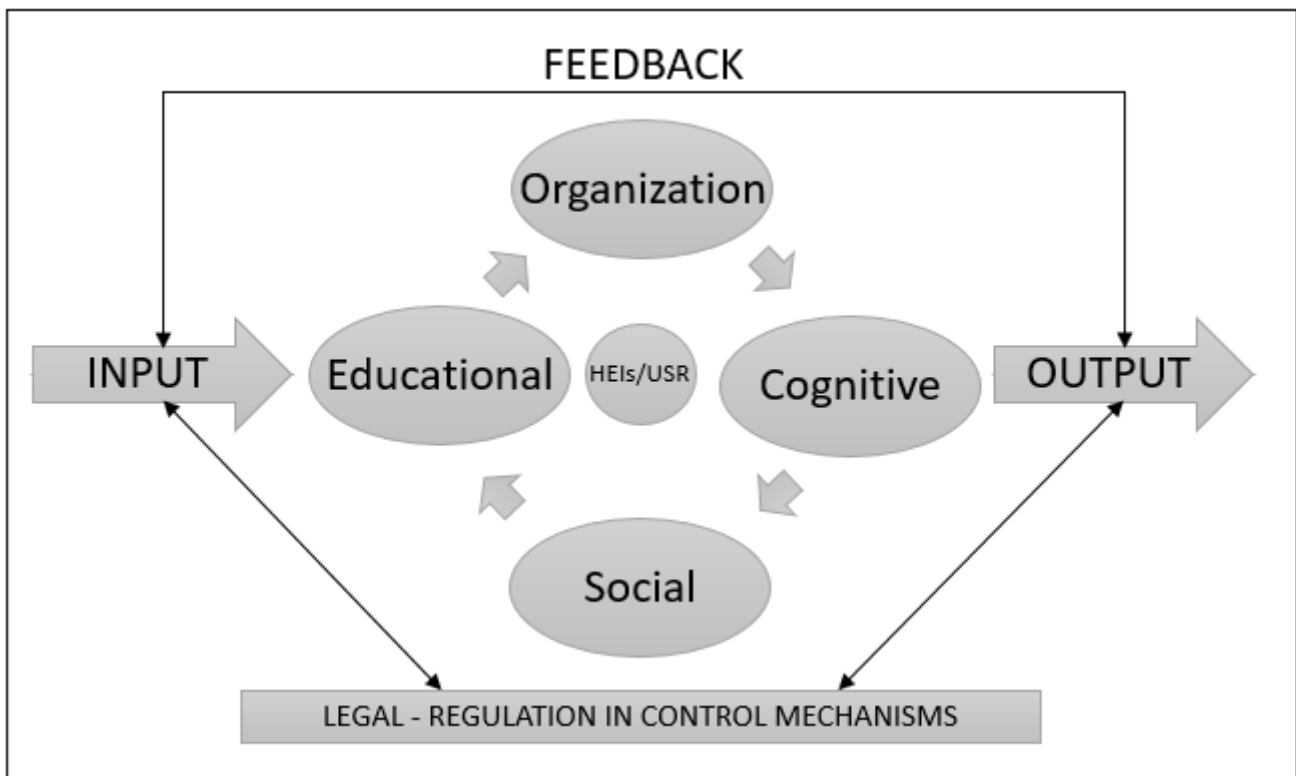


Figure 3: HEIs / USR in a Systemic view.

Source: Adaptation of the figures of the authors Reis and Bando (2012) and Vallaey's (2017),

In figure 3 above, an HEIs is presented, from a systemic view, which should be: regulated, but legislation that benefits society, detached from only business interests, does not intend to form an alliance in the “Triple Helix” model , a term used by Etzkowitz, Leydesdorff, (1997 apud Vallaey's, 2017), where there is an alliance between State, Company and Universities, and there would be a “business science”, but to think that private education is possible, where USR can be seen in a transversal way, an education committed to science and society. According to the last Higher Census of 2018, Brazil has 2,537 higher education institutions, of which 299 are public institutions and 2,238 are private institutions, representing 88.2% of the total. There is no doubt about the growth of private HEIs and the commercialization of education in the vast majority, but to request the extinction of private HEIs, is to demand that other companies from other segments are extinguished. What is proposed is a regulation since the beginning of the opening of an HEI, where it is possible to demand sustainable buildings, a higher percentage of doctors, research and the USR can be regulated in the control mechanisms, because today there is a silence and a gap. In addition, not to see as an action, but projects with social impacts, with this there will be a minimization of profit, and a commitment to quality education;

- Input, this is the entry of an entire academic community, students, teachers and employees who will be involved in all aspects, organizational, cognitive, social and educational, in an HEI, where from the beginning there was a regulation aimed at to serve the community, and where all social problems will be addressed in all organizational, educational, social and cognitive dimensions, with feedback, through other assessments to public authorities, that regulate HEIs;

- Output, this academic, administrative community, managers, teachers and trained students can return to

their spaces, continuing a practice experienced within the university space, in a responsible way, with feedback, through other assessments to the public power, which regulate HEIs.

It is necessary to think of all figure 3 within a macro context, taking into account every economic, social, political and cultural context, being a proposal to think about an HEI and its USR.

4. Results

HEIs are regulated by the Ministry of Education (MEC), which, through its laws, decree, ordinances, and other instruments, establish the standards that HEIs must follow, and there is also the control process by MEC, to assess whether they are complying with all regulations, often leading to penalties, which can even lead to the disqualification of an institution. For this reason, the need to understand the control mechanisms from a systemic view, since legislation, when instituted, starts to make culture and, consequently, the planning of an Institution.

As the author informs François Vallaëys (2018, p, 11) when dealing with the theme, he informs that one of the important items is to have “a firm commitment to public policy, **mandatory** and universality sustained in the State, and not the total agents' discretion (we do what we want, how we want and when we want)”(emphasis added)

For a long time it was rooted in particular HEIs conceptions as SR should be:

- SR is up to the Government because they are already contributing through taxes, the public sector being responsible for the application;

- SR through its teaching, where the HEIs already fulfilled this premise for delivering to society professionals prepared for the job market, forgetting that it is a basic premise to offer quality education, and to deliver society to a prepared citizen in all areas. its dimensions;

- SR through extension, which would be philanthropic and assistance actions, through donations and services provided to the community, in a timely manner, without continuity, and often without being part of the planning, and according to the reality of the moment, with few impacts on people's lives. A practice widely used by HEIs and “approved” in Brazil by the Brazilian Association of Higher Education Maintainers (*Associação Brasileira de Mantenedoras de Ensino Superior - ABMES*), and launches the Social Responsibility Campaign for Private Higher Education, for a week, usually in September, and issue an HEIs Seal Responsible, but that in the great majority constitute philanthropic and welfare actions.

It is still very recurrent in Brazil, on the part of HEIs to have USR, according to the latest reality, that is, philanthropic services, being an action already awaited by the population, who also end up having a distorted view on RS. According to Carrol and Schwartz (2003, p. 3) informs that: "currently, the evidence indicates that the majority of companies donate to charitable organizations ... and that the majority of the population expects companies to do charity". This practice is also reproduced in Higher Education Institutions.

To understand this USR, from private HEIs, we need to analyze the educational legislation, because the Law of Directives and Bases of Education (*Lei de Diretrizes e Bases da Educação – LDB*) 9.391 / 1996, brought up this issue, when dealing in its Art. 1, paragraph 2, that the “ formal education should be linked to the world of work and social practice ”. But what would this Social practice be? The author Gasparim

(2003, p. 21) refers to social practice in the dialectic perspective as being: “[...] a totality that encompasses the way men organize themselves to produce their lives expressed in the social institutions of work, family, school, church, media unions, political parties, etc. ”

Thus, LDB 9394/96, even though it did not express the word USR, brings in its core, how HEIs should interact with society, in a very broad way, giving different interpretations, which often made HEIs act indifferent with regard to their USR.

It will be in Law nº 10.861, of April 14, 2004, which institutes the National Higher Education Assessment System (*Sistema Nacional de Avaliação da Educação Superior – SINAES*) and provides other measures, and for the first time the word Social Responsibility is mentioned in the educational legislation of MEC:

Art. 3 The evaluation of higher education institutions will aim to identify their profile and the meaning of their performance, through their activities, courses, programs, projects and sectors, considering the different institutional dimensions, including the following:

I - the institutional development mission and plan;

II– the policy for teaching, research, postgraduate studies, extension and the respective forms of operationalization, including procedures to stimulate academic production, research grants, monitoring and other modalities;

III - the **social responsibility** of the institution, considered especially with regard to its contribution in relation to social inclusion, economic and social development, the defense of the environment, cultural memory, artistic production and cultural heritage. Brazil, Law 10.861, of April 14, 2004, which institutes the National Higher Education Assessment System (*SINAES*)

For the author Fagundes (2014, p. 1) the *SINAES* legislation enabled a primordial premise, since “[...] it is to register that the figure of social responsibility now has the condition of an institutional dimension that is part of the evaluation procedure of the institutions of higher education. ”

Therefore, RS, in 2004, started to be regulated by *SINAES*, and it is still a small advance, in the context where there is a whole discussion about the sustainability of the planet, the social differences, which demand that the HEIs are capable to understand social problems, make an intervention, and don't just think about profits, but bring social problems into the university community in a dialectical way, being part of the curricula across.

Every law aims to regulate the market, dictate rules of conduct in a society, and there are also control mechanisms, in the case of HEIs, there are a series of evaluations by the Ministry of Education / Inep to find out whether they are complying with the rules or not. . Within the scope of *SINAES*, an on-site assessment is expected, where a team is designated by Mec / Inep, for the processes below:

- Accreditation and re-accreditation of an HEI: carried out by three evaluators, drawn from among those registered with the National Bank of Evaluators (*Banco Nacional de Avaliadores - BASis*), specialists in the area, and the vast majority with a strict sensu title

- Course authorization and recognition: carried out by two evaluators, drawn from among those registered with the National Bank of Evaluators (*BASis*), specialists in the area, and the vast majority with

a strict sensu degree

Both cases above are on-site visits, which are carried out by randomly selected evaluators among those registered with the National Bank of Evaluators (*BASIS*), specialists in the area and with a strict sensu title, and the number of evaluators is: three when it comes to accreditation and re-accreditation of HEIs and 2 evaluators when referring to course evaluations.

The on-site visits are based on the instruments below, which are fully based on Law No. 10,861 / 2004 of the National Higher Education Assessment System (*SINAES*), which provides for periodic assessment at the HEI, with 2 instruments:

1. **Institutional Evaluation** Instrument: External, On-site and Distance: Accreditation Transformation of Academic Organization;

2. Instrument for **Evaluation of Courses** of Graduation, On-site and Distance Learning.

The first instrument evaluates the Institution and the second its courses, and are used by the evaluators as a tool to “evaluate” the Institutions and their courses, and should assign a concept from 0 to 5.

The External Institutional Assessment Instrument, which assesses the Institution, is composed of 5 axes, with a total of 50 indicators, and each indicator is worth a score from 0 to 5, are:

1. Axis 1 - Institutional Planning and Evaluation, with 5 indicators
2. Axis 2 - Institutional development, with 7 indicators
3. Axis 3 - Academic policies, with 12 indicators;
4. Axis 4 - Management policies, with 8 indicators;
5. Axis 5 - Infrastructure, 18 indicators

As the Assessment Instrument for On-Campus and Distance Graduation **Courses**, they **evaluate** the 3 dimensions of a course:

- 1 Dimension 1: Didactic-Pedagogical Organization
- 2 Dimension 2: Faculty and Tutorial 3
- 3 Dimension 3: Infrastructure.

The table below shows where USR is mentioned in the two assessment instruments, which serve as a mechanism for controlling and authorizing the functioning of an HEI and its courses:

Law No. 10,861, of April 14, 2004, which institutes the National Higher Education Assessment System - SINAES	External Institutional Evaluation (Brasil / Mec / Inep, 2017)	Evaluation of On-campus and Distance Undergraduate Courses (Brazil / Mec / Inep, 2017).
Art. 1, Paragraph 1 The purpose of SINAES is to improve the quality of higher education, to guide the expansion of its offer, to permanently increase its institutional and academic and social effectiveness, and especially to	Axis 2 - Institutional Development Indicator 2.1 - Mission, objectives, goals and institutional values Concept 5: The institution's mission, objectives, goals and values are expressed in the PDI, communicate with teaching, extension and research policies (the latter,	Dimension 1 - Didactic Organization - Pedagogical Indicator 1.1 Institutional policies within the scope of the course Concept 5: The institutional

<p>promote the deepening of commitments and social responsibilities of higher education institutions, by enhancing their public mission, promoting democratic values, respecting difference and diversity, affirming autonomy and institutional identity. (boldface).</p>	<p>considering the academic organization), are translated into actions internal institutional, transversal to all courses, and external, through social responsibility projects.</p>	<p>policies for teaching, extension and research (when applicable), contained in the PDI, are implemented within the scope of the course and clearly aimed at promoting learning opportunities aligned with the profile of the graduate, adopting proven practices successful or innovative for its review.</p>
<p>Article 2, item I - institutional assessment, internal and external, contemplating the global and integrated analysis of dimensions, structures, relationships, social commitment, activities, purposes and social responsibilities of higher education institutions and their courses; (boldface)</p>	<p>Axis 2 - Institutional Development Indicator 2.3: IDP, research and scientific initiation policy and practices, technological innovation and artistic and cultural development. Concept 5: There is an alignment between the PDI and the policy and practices of research or scientific initiation, technological innovation and artistic and cultural development, with academic practices focused on the production and interpretation of knowledge, with lines of research and work across courses offered and mechanisms for transmitting results to the Community.</p>	<p>Dimension 1 - Didactic-Pedagogical Organization Indicator 1.3: Professional profile of the graduate Concept 5: The professional profile of the graduate is provided for in the PPC, is in accordance with the DCN (when applicable), expresses the skills to be developed by the student and articulates them with local and regional needs, with planning for its expansion due to new demands presented by the world of work.</p>
<p>Art. 3 Item III - the social responsibility of the institution, considered especially with regard to its contribution in relation to social inclusion, economic and social development, defense of the environment, cultural memory, artistic production and cultural heritage ; (boldface)</p>	<p>Axis 2 - Institutional Development Indicator pain 2.4 PDI, institutional policies aimed at valuing diversity, the environment, cultural memory, artistic production and cultural heritage, and affirmative actions for the defense and promotion of human rights and ethnic-racial equality. Concept 5: The PDI has institutional policies that translate into actions aimed at valuing diversity, the environment, cultural memory, artistic production and cultural heritage, and in affirmative actions for the defense and promotion of human rights and ethnic equality -racial, in a transversal way to the courses offered, expanding the competences</p>	<p>Dimension 1 - Didactic-Pedagogical Organization Indicator 1.5: Curricular content Concept 5: The curricular contents, contained in the PPC, promote the effective development of the professional profile of the graduate, considering the update of the area, the adequacy of the workloads (in clock hours), the adequacy of the bibliography, the methodological accessibility, the content approach pertinent to the policies of environmental</p>

	<p>of the graduates and offering mechanisms of transmission of the results to the community.</p>	<p>education, education in human rights and education of ethnic-racial relations and the teaching of Afro-Brazilian, African and indigenous history and culture, differentiate the course within the professional area and induce contact with recent knowledge and innovative.</p>
	<p>Axis 2 - Institutional Development Indicator 2.5 IDPs and institutional policies aimed at economic development and social responsibility. Concept 5: there is alignment between the PDI and institutional policies for economic and social development, considering the improvement of the population's living conditions and the actions of inclusion and entrepreneurship, articulating the objectives and values of the HEI, and the promotion of actions recognized successful or innovative. (Brazil / MEC / Inep, p.</p>	
	<p>Glossary HEI's social responsibility: Refers to the institution's actions (with or without partnership) that contribute to a more just and sustainable society, considering works, actions, activities, projects and programs developed aimed at the community, aiming at social inclusion, development economic and improving the quality of life and local infrastructure (Brasil / MEC / Inep, 2017, p. 41).</p>	

When analyzing the “External Institutional Assessment” instrument, which had 5 axes, with 50 indicators, the following conclusion was reached:

- SR is required only in axis 2, called “Institutional Development”, not being part of the other 4 axes that deal with planning, management, academic and infrastructure, and does not permeate the entire instrument, in a transversal way, which it will not allow an impact on reality, since the 5 axes are the basic pillars of an HEI;

- Of the 50 indicators, there is only reference to SR in 4 indicators, which represents 8%, verifying the lack of requirements of USR, which requires investment by HEIs;
- In Indicator 2.1, the term RS is only mentioned in concept 5, which allows an HEI to obtain concept 3 and have approval for their projects, since in concept 3 there are no requirements and there is no talk about SR;
- Indicators 2.3 and 3.4: the items valuing diversity, the environment, cultural memory, artistic production, cultural heritage, artistic and cultural development, which is part of the USR, are charged across the board only in concepts 4 and 5, when transversality should permeate every instrument, and is present in all concepts, forcing HEIs not to fulfill the minimum requirement, because with concept 3, it allows the approval of an HEI accreditation project and its courses, but transversality it is not required in this concept;
- There is a definition at the end of the instrument, in the Glossary, about Social Responsibility in HEIs, when it informs that: “It refers to the institution's actions (with or without partnership) that contribute to a more just and sustainable society, considering jobs, actions, activities, projects and programs developed aimed at the community, aiming at social inclusion, economic development and improving the quality of life and local infrastructure (Brasil / MEC / Inep, 2017, p. 41). Perceives the USR, still in the form of isolated actions and projects, which can be in partnerships, which leads to understand, that exempts the HEIs responsibility in assuming their commitment to the community. In addition to not being treated in a transversal way, which should go from the pedagogical project to the physical structure of HEIs. The government ends up contributing to the opening of Institutions that do not have adequate physical conditions for their buildings, which could be more sustainable, such as solar lighting or other types, or even the reuse of water and so many other measures that could not impact the environment;

When analyzing the “assessment instrument for On-Campus and Distance Undergraduate **Courses**”, it was found that the dimension and indicators in which USR is cited reaching the following conclusions:

- The USR is mentioned only in dimension 1, called “Pedagogical Didactic Organization”, and only in indicator 1.5, which deals with Curricular Contents, where environmental education, human rights education and education of ethnic-racial relations and the teaching of Afro-Brazilian, African and indigenous history and culture that are in line with Art. 3rd Section III of Law No. 10,861, of April 14, 2004, which institutes the National Higher Education Assessment System - *SINAES*, but loose and scattered.
- The other indicators of dimension 1, “Didactic-Pedagogical Organization”, deal with innovation to have a concept 5, but do not refer to the transversal process, with an omission in the evaluation instrument;
- The instrument does not mention the term University Social Responsibility at any time, with a lack of commitment on the part of the bodies that regulate the process of opening and evaluating the courses of an HEI;
- In dimensions 2 and 3, which deal successively with that of the Faculty and Tutorial and the infrastructure, there is no requirement for projects and research related to the theme, much less to make sustainable demands regarding the infrastructure of an HEI

In addition to the above assessment instruments, it is necessary to analyze Opinion no. 6082018-10-03 / CNE / CES which is approved by Ordinance No. 1,350 / MEC of 17/12, published in the *D.O.U.* of 12/17/2018, which establishes the Guidelines for Extension in Brazilian Higher Education, where 10%

of the workload must be included in the curriculum matrix, and must comprise the MEd assessment instruments. In this opinion, social responsibilities are mentioned as follows:

The principle of **social transformation** reaffirms extension action as the mechanism through which the higher education institution is interrelated with other **sectors of society**, with a view to a transforming performance, focused on the interests and needs of the majority of the population. population and promotes **social and regional development, as well as for the improvement of public policies.**

In order to promote transformative interaction between higher education institutions and other sectors of society, through the production and application of knowledge, the extension will have as principles:

- a) Contribution to the integral education of the student, stimulating his education as a critical and responsible citizen;
- b) The establishment of constructive and transformative dialogue with the other sectors of Brazilian and international society, respecting and promoting interculturality;
- c) The **promotion of initiatives** that express **the social commitment of higher education institutions** with all areas, especially those of communication, culture, human rights and justice, education, environment, health, technology, production and work, in line with with policies linked to guidelines for environmental education, ethnic-racial education, human rights and indigenous education;
- d) Promotion of ethical reflection regarding the social dimension of teaching and research;
- e) Encouraging the **performance of the academic and technical community** and their **contribution to facing the issues of Brazilian society**, including through economic, social and cultural development;
- f) Support for ethical principles that express the social commitment of each higher education institution;
- g) Performance in the production and construction of knowledge, updated and consistent with the Brazilian reality, focused on social, equitable and sustainable development. (Opinion n. 608-2018-10-03 / CNE / CES emphasis added).

The legislation dealing with University Extension establishes that there must be interaction between the university and the community, towards a cross-cutting institutionalization to permeate all dimensions of an institution, demanding from an infrastructure, from its buildings, in sustainable ways without aggression in the environment, as well as in a management vision, being an organizational culture, and not just isolated actions and projects.

In addition, when crossing the extension legislation, with the evaluation instrument, used to authorize undergraduate courses, it was found that the extension became part of the course matrix. However, it appears that the extension is mentioned only in Indicator 1.1, which deals with institutional policies within the scope of the course, where it informs:

The institutional policies for teaching, extension and research (when applicable), contained in the PDI, are foreseen within the scope of the course and clearly aimed at promoting learning opportunities aligned with the profile of the graduate, assuming successful or innovative practices for its review (Brasil / MEC / Inep, 2017, p.11).

In addition to the control instruments above, there are other evaluations where Inep (National Institute of Educational Studies and Research Anísio Teixeira Legislation and Documents), disclose the quality indicators of the HEIs, which are ENADE (National Student Performance Exam), the CPC, (preliminary concept of course) and the IGC (General Course Index), but which are the result of a composition of the Superior Census, which will not be part of the analysis of this article, and should be part of future research.

5. Conclusion

The research focused on the assessment instruments in loco for the opening of HEIs and their courses. It was intended here to show, from a systemic view, that society must have knowledge, to be able to make new demands for education, and not only become a business, but that can transform people and these people can transform the world.

Thus, there is an inefficiency of the Government's control mechanisms, in relation to private Higher Education Institutions, and as much as it is understood that RSU cannot be carried out only by a legal requirement, but rather, be an ethical commitment by corporations. , laws are necessary to regulate the educational practices of an institution, and what has happened is an omission of the legislation towards society.

In the evaluation process, the acts that regulate higher education, are inseparable from the act of educating, and it must be in a responsible manner, with all the actors involved, including the government, the responsibility for a more just, sustainable and egalitarian society, because when there are no requirements in the instruments that legalize the business, companies end up carrying out the minimum compliance required by law.

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To Postgraduate Department of the University of Fortaleza - PPGA, CE - Brazil.

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