

## Banking Training for Teaching Competition and the Principles of Public Administration

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## Banking Training for Teaching Competition and the Principles of Public Administration

Formação de Banca para Concurso Docente e os Princípios da Administração Pública

Formación de Bancada para Concurso de Enseñanza y los Principios de la Administración Pública

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### ABSTRACT:

**Research objective:** The research aims to analyze the formation of the examination board for teachers of a Federal Public Institution of Education and to identify possible weaknesses in the composition system in order to propose improvements in the light of the constitutional principles of legality, impersonality, morality, publicity and efficiency, considering university autonomy.

**Theoretical framework:** Over the years, public administration has gone through 3 management models: patrimonial, bureaucratic and managerial. Within this context, administrative practices were covered with concepts and criteria that supported the models. Starting from this premise, building a brief evolution, we arrive at public tenders and the constitutional principles that must be observed in every context of Public Administration.

**Methodology:** Data collection was carried out through a questionnaire applied via googleforms and the analysis was performed using the Atlas TI software, which allowed the formation of networks, which identified the perception of candidates and professors regarding the form currently adopted in the formation of boards.

**Results:** Data analysis signaled a possible deficiency in the practices adopted for bank formation, which may trigger offense to constitutional principles and patrimonial practices.

**Originality:** The research expands the literature on public contests for professors at IFES in Brazil and the consecration of the principles of public administration in this type of contest, allowing the identification of offenses to the principles in the elements of formation of the boards.

**Theoretical and practical contributions:** The results make it possible to compare the criteria of formation of the bench for teaching contests with the principles of public administration, identifying which practices adopted can be considered offensive to such principles. In this context, once the points of offense have been identified, managers can reformulate the practices adopted, in order to standardize and improve the selection processes.

**KEYWORDS:** Public tender, Principles of public administration, Banking formation, University autonomy.

### RESUMO:

**Objetivo da pesquisa:** A pesquisa tem como objetivo analisar a formação de banca de concurso para docente de Instituição Pública Federal de Ensino e identificar possíveis fragilidades no sistema de composição a fim de propor melhorias à luz dos princípios constitucionais da legalidade, impessoalidade, moralidade, publicidade e eficiência, considerando a autonomia universitária.

**Enquadramento teórico:** A administração pública passou ao longo dos anos por 3 modelos de gestão: patrimonialista, burocrático e gerencial. Dentro desse contexto, as práticas administrativas eram revestidas de conceitos e critérios que sustentavam os modelos. Partindo dessa premissa, construindo uma breve evolução, chega-se aos concursos públicos e aos princípios constitucionais que devem ser observados em todo contexto da administração pública.

**Metodologia:** A coleta de dados foi realizada através de questionário aplicado via *googleforms* e a análise foi feita por meio do software Atlas TI, que permitiu a formação de redes, que identificaram a percepção de candidatos e docentes quanto à forma atualmente adotada na formação de bancas.

**Resultados:** A análise dos dados sinalizou uma possível deficiência nas práticas adotadas para formação de banca, que podem porventura desencadear ofensa aos princípios constitucionais e práticas de patrimonialismo.

**Originalidade:** A pesquisa expande a literatura sobre concursos públicos para docente das IFES no Brasil e a consagração dos princípios da administração pública nesse tipo de certame, permitindo a identificação de ofensa aos princípios nos elementos de formação das bancas.

**Contribuições teóricas e práticas:** Os resultados permitem confrontar os critérios de formação de banca para concurso docente com os princípios da administração pública, identificando quais práticas adotadas podem ser consideradas ofensivas a tais princípios. Nesse contexto, identificados os pontos de ofensa, os gestores podem reformular as práticas adotadas, de forma a uniformizar e melhorar os processos seletivos.

**PALAVRAS-CHAVE:** Concurso público, Princípios da administração pública, Formação de banca, Autonomia universitária.

## RESUMEN:

**Objetivo de la investigación:** La investigación tiene como objetivo analizar la conformación del tribunal examinador de docentes de una Institución Pública Federal de Educación e identificar posibles debilidades en el sistema de composición con el fin de proponer mejoras a la luz de los principios constitucionales de legalidad, impersonalidad, moralidad, publicidad y eficiencia, considerando la autonomía universitaria.

**Marco teórico:** A lo largo de los años, la administración pública ha pasado por 3 modelos de gestión: patrimonial, burocrático y gerencial. En este contexto, las prácticas administrativas se cubrieron con conceptos y criterios que sustentaron los modelos. Partiendo de esta premisa, construyendo una breve evolución, llegamos a las licitaciones públicas y los principios constitucionales que deben observarse en todo contexto de la Administración Pública.

**Metodología:** La recolección de datos se realizó a través de un cuestionario aplicado vía *googleforms* y el análisis se realizó mediante el software Atlas TI, lo que permitió la formación de redes, las cuales identificaron la percepción de los candidatos y profesores respecto a la forma adoptada actualmente en la formación de los directorios.

**Resultados:** El análisis de los datos señaló una posible deficiencia en las prácticas adoptadas para la formación de bancos, lo que puede generar ofensas a los principios constitucionales y prácticas patrimoniales.

**Originalidad:** La investigación amplía la literatura sobre los concursos públicos para profesores de IFES en Brasil y la consagración de los principios de la administración pública en este tipo de concurso, permitiendo la identificación de infracciones a los principios en los elementos de formación de los directorios.

**Aportes teóricos y prácticos:** Los resultados permiten comparar los criterios de formación de la bancada para concursos docentes con los principios de la administración pública, identificando qué prácticas adoptadas pueden ser consideradas ofensivas a tales principios. En ese contexto, una vez identificados los puntos de infracción, los gestores pueden reformular las prácticas adoptadas, con el fin de estandarizar y mejorar los procesos de selección.

**PALABRAS CLAVE:** Licitación pública, Principios de la administración pública, Formación bancaria, Autonomía universitaria.

## 1 INTRODUCTION

Brazilian public administration has gone through several cycles over the years, from a context of patrimonial practices, when the manager was the owner of the *res pública*<sup>[1]</sup>, to the current format, where clientelistic practices are rejected. For it to function, it was necessary to fill positions, where those responsible, invested with the power to administer public affairs, delivered the services rendered to the citizens. According to Lago (2018), the public functions were delegated by the Emperor based on relationships of trust and, according to his convenience, the servants were admitted or dismissed. As the years went by, administrative and political reforms took place and the forms of entry into public service were being changed. Hence the public competitions, which today are an obligatory tool for entering the public service at any level of government, whether federal, state, or municipal. The Federal Constitution of 1988 requires, with exceptions, in its Article 37, item II, prior approval in a public competition for appointment to public office (BRASIL, 1988). The same article 37 of the FC, in its *caput*, deals with the obligation of the direct or indirect public administration, of any of the powers, to obey the principles of legality, impersonality, morality, publicity, and efficiency.

The Federal Public Universities, being entities of an autarchic nature, must observe the requirements set forth in the Federal Constitution and provide their positions through public competition. In this portico, the entry of the faculty of such institutions must obey, considering their particularities, the principle of public competition, the principles of public administration, without neglecting their autonomy, called university autonomy, which is the administrative autonomy, observed the legal limits, to establish rules and conditions to be followed in their public competitions (Lago, 2018). In this sense, the Federal Institutions of Higher Education (FIHE) have autonomy as to the organization of their public competitions for filling their staff. The competitions for entry into the teaching career have specific characteristics, given the need to evaluate the competencies inherent to teaching, research, and extension of teachers (Lago, 2018; & Sousa, 2011).

The formation of the examining board of public competitions for professors emerges as an essential part of the success of the competition. In this type of selection, the board is formed by experts in the subject, with credibility in the institution and that will select the new professionals to integrate the staff (Siqueira *et al.*, 2012). Lago (2018) mentions the difficulties in establishing objective criteria of correction in this type of selection, reinforcing the need for impartiality of the examining boards in relation to the candidates enrolled.

The exams must observe, from the definition of the evaluation board, the principles that govern the public administration, so that the evaluating teachers are invested with technical competence, obedient to these principles without neglecting the university autonomy. For Ferreira (2018), the public contest is a concrete requirement of the principle of impersonality. The contest obliges the administrator to act in an impersonal way in order to serve the public interest.

Considering the need to observe the principles of public administration, this article seeks to investigate the current model for the composition of the boards of examiners for public teaching competitions, so that patrimonial practices and ideological biases are repelled, and that the formation of these boards is in accordance with the constitutional principles of public administration, without violating university autonomy. The theoretical approach used in the referential brings a necessary understanding of how the transition from one administration model to the others took place and a better identification of the practices in each model, with the crossing of information about current practices restricted to public competitions for FIHE professors. Also in this context, the work aims to identify possible weaknesses in the system of composition of boards and propose improvements to those used, in the light of constitutional principles of legality, impersonality, morality, publicity and efficiency.

The central discussion of this article, therefore, permeates the legitimacy in the composition of the examining boards, based on the constitutional principles that govern the Brazilian public administration. The discussion is given by the yearning to combat patrimonialist practices that are still present in the public sphere, since, according to Carvalho (2019), it has not yet completely broken with the practices of the previous models of Brazilian public management.

## 2 THEORETICAL FRAME

For a better foundation of the research, the theoretical framework was designed considering concepts of public administration and its models over the years, as well as the basic principles that govern this administration, listed in the Federal Constitution. After the aforementioned definitions, the theory goes through notions on public competitions, the formation of an organizing committee and university autonomy, as a means of supporting reflection on other methods for the formation of a judging committee in public competitions.

## 2.1 Brazilian public administration and the management models adopted in a historical context

Public administration is the set of organs, employees and procedures, from the perspective of the three powers, for the achievement of roles assigned by society. It is, therefore, the state apparatus for the achievement of the public interest (Costin, 2010; Meirelles, 2016).

In the history of the Brazilian State, it is possible to visualize the context of administrative reforms that enabled the adoption of different management models, in an attempt to find or approach a model that corresponded to the desires of public management, in the fulfillment of its purpose. For Oliveira (2014, p. 7), Brazilian public administration goes through cycles in an attempt to "improve interaction with the communities they must serve with their services.

At first, Brazilian public administration was based on the models of the Absolutist States, in which the monarch's patrimony was easily confused with public patrimony, making it impossible to distinguish between public and private affairs. Based on this characteristic, this first model of administration was called patrimonialist public administration.

The patrimonial administration was, therefore, the model of administration that was consecrated in absolute monarchies. In this model, the king's patrimony was confused with the public patrimony. The state was not only the figure of the king, but was also considered the property of the king. The royal treasury was the public treasury, clearly a confusion of what was public and private. In this model, the ideas of clientelism, exchange of favors, and the prevalence of private interests to the detriment of public interests are clear. State conducts were not guided by the interests of the community, but by the interests of a minority group, which ended up fostering corruptible acts, hurting constitutional principles and causing damage to the democratic rule of law. The norm was, then, nepotism, employment and open corruption. With the arrival of capitalism and democracy, the patrimonialist model began to lose strength, with the need to differentiate public and private assets (Bresser, 1996, 2006; Campelo, 2010; Costin, 2010).

In this context, a new model of state emerged, namely, bureaucratic public administration, whose purpose was to regulate the behavior of civil servants by establishing more rigid norms, ranging from access to public service to career advancement. This new model was marked by the principles of formalism, with rules in order to avoid unpredictability and bring greater legal certainty to decisions; impersonality, where what mattered was the position and not the person; hierarchy, with clear delimitation of administrative hierarchy, activities shaped in regulations and reduced autonomy of the administrator; and finally, strict control of means, which established monitoring of daily activities in order to avoid unforeseen events (Costin, 2010).

Classic bureaucratic public administration emerged as a way to put an end to the patrimonial administration of the state, but it did not bring the desired efficiency. It did not bring speed or quality to services. Otherwise, costs were high, services were slow, and lacked orientation toward citizen demands. The problems generated by bureaucratic administration were now linked to a new form of appropriation of public affairs. The bureaucratic model brought problems such as: businessmen with inexplicable benefits from tax exemptions, the middle class with benefits beyond expectations, inefficient civil servants with guarantees that allowed them to maintain stability. The new form of administration was not enough to end nepotism and corruption, but it was also essential that it be efficient (Bresser, 1996, 2006).

Bureaucratic public administration gave way to managerialism. Managerial public administration began to appear as a model of public administration after the second half of the century. By the late 1960s and early 1970s, society's dissatisfaction with the bureaucratic public administration model was already growing. While the bureaucracy focused its efforts on processes, neglecting inefficiency, in an attempt to bring a safe way to combat corruption, the new model, managerial, was oriented to the citizen, obtaining results, decentralization, encouraging creativity and innovation, limiting the confidence of public officials (Bresser, 2006; Costa & Souza, 2015).

In Brazil, the administrative reform called managerial reform, took place during the government of then-President Fernando Henrique Cardoso. The reform brought a new institutional design for management, including flexible models of public governance. Values such as decentralization, social control, flexibility, and social inclusion were pursued. Such values were not considered by the bureaucratic models, which did not consider the performance of public management and managerial productivity as essential to public management (Rezende, 2009).

It is important to emphasize that despite the reform of public management and the precepts that the managerial reform brought to public administration, traces of bureaucratic administration were preserved, such as: requirements for public competitions, structured careers, bidding for government purchases and contracting of works and services, administrative procedures regulated by laws, decrees, instructions, preservation of public servants against political persecution and structures for internal and external control (Costin, 2010).

The set of reforms in an attempt to establish an "optimal" model to be implanted in public administration has not been successful. One perceives, despite the effort, a mixture of models in public management practices. According to Campelo (2010), public administration bodies are inserted in a context where bureaucracy, patrimonial interests and the need to adjust to managerial perspectives are present.

Still on managerialism, it is important to mention that it is inserted in the context of what the authors call New Public Administration (NPA). There is certainly no break from one model to another, nor is it considered a single, standard reform that occurred at the same time in all countries. What is known is that many doctrines cannot even be called new. However, despite this confusion about the beginning, unique characteristics and inaccuracies raised, managerial practices are mentioned with a focus on increasing efficiency, economy and effectiveness, with the intention of loosening the bonds brought by the bureaucratic model (Seabra, 2001).

It is also worth mentioning that the NPA precepts are well related to a greater managerial flexibility and a reduction of bureaucratic barriers. However, following the studies related to the theme of this article, when the subject is public tendering, that flexibility cannot occur in an excessive manner. It is true that bureaucratic restrictions can also contribute to greater legal security for candidates. In this sense, the principles that govern public administration, being in harmony, can bring biases of bureaucratic administration without neglecting the innovations and improvements brought by the new public administration.

## 2.2 Principles of Public Administration

Principles are considered pillars of the legal system, providing the basis for all the legal rules set forth in the legal provisions. They are endowed with abstraction, as they give direction to the rules, which, in turn, regulate the conduct of the concrete case. Pre-Socratic scholars already understood the principle as being a constitutive element of something (Andrade, 2014; Peixinho, 2015).

The public administration is based on basic principles which must be observed by all who make the public management, in a mandatory and permanent way. The basic principles are set forth in the Federal Constitution of 1988, in its article 37, *caput*: legality, impersonality, morality, publicity, and efficiency (Meirelles, 2016).

The present work addresses the obedience to these principles in the public competitions for professors in Federal Institutions of Higher Education. For this reason, it is important to conceptually outline each basic principle set forth in the Federal Constitution.

For Motta (2005), public contests have endogenous principles. The public manager must follow the principles that occupy the central idea of a public contest. The same author asserts:

the principle of democracy, based on the premise that everyone has the right to compete for state positions; the principle of isonomy, consistent with the guarantee of equal treatment and the prohibition of unjustified privileges and discrimination; and the principle of efficiency, which imposes on the Administration the transparent and objective selection of those who have the most attributes - merits, qualifications, skills - to suit the necessary provision of an efficient service (Motta, p. 140, 2005). (our translation)

The principle of legality is based on the idea that the public administration derives from the law. For Di Pietro (2019, p. 92) "the Public Administration can only do what the law allows. In the sphere of relations between private individuals, the applicable principle is that of the autonomy of the will, which allows them to do everything that the law does not prohibit".

Impersonality, in turn, brings divergence from the doctrinators. For Di Pietro (2019), the principle has two aspects. First, it means that the administration must act in a way that does not benefit specific people, always taking into account the public interest and its supremacy. In this sense, the importance of this principle will also be addressed in the body of this article, in order to avoid patrimonial practices. To this end, there are rules that deal with impediment and suspicion. Another meaning related to the principle of impersonality is that all acts performed by the public agent must not be imputed to him, but to the public administration entity in which the agent is bound. About the principle of impersonality, in the sense of isonomic treatment, in the words of the administrativist José dos Santos Carvalho Filho (2019, p. 20): "The principle aims the equal treatment that the Administration must provide to the administrators who are in identical legal situation. At this point, it represents a facet of the principle of isonomy".

The principle of morality is directly related to the principle of legality. Morality and law are in concentric circles, interconnected, and morality embraces law, which is inside it. "Lawfulness and honesty would be the distinguishing features between law and morality, in a broad acceptance of the brocardo according to which non omne quod licethonestum est (not everything that is legal is honest) " (Di Pietro, 2019, p. 104).

Still on morality, Nohara (2020, p. 81), asserts that "Administrative Law not only enunciates the right to administrative morality, which was erected as a principle, but also provides legal operators and citizens with the most modern source of possibilities to control ethical deviations in the Public Administration.

Here it is important to mention that legality and morality must go together. The idea that in a public contest legality should be observed, considering the legal aspects in force, and morality should be forgotten, using exceptions that are potentially harmful to morality, cannot be conceived. It is not enough for the manager to comply with the text of the law, but he must be attentive to its letter and its spirit. In this sense, law and morality should guide the administration to achieve its main purpose, the public interest (Meirelles, 2016).

Morality and publicity, together with reasonableness, will be around the idea of democracy-isonomy-efficiency, and the contests must be guided by the principles it considers the greatest (efficiency, democratic principle, isonomy), also being influenced by the other constitutional principles (Motta, 2005).

The principle of publicity allows the administrators to be aware of the acts performed with public funds. It is through this principle that citizens have greater credibility due to transparency. It is the citizen's right to know, and the administrators' duty to make public the administrative acts and contracts. It is by attendance to this principle that administrative acts are published in newspapers of wide circulation, press organs (DOU), or posted in public offices in a way accessible to the citizen or through the internet (Carvalho Filho, 2019; Nohara, 2020).

Publicity is considered a "condition of effectiveness for administrative acts, marking the beginning of the production of their external effects, since no one is obliged to comply with an administrative act if they are unaware of its existence" (Marinela, 2018, p.87). Thus, it is essential for the good health of public competitions that the criteria used for the formation of the selection board be clear and public, leaving no room for questioning about the obscurity of the criteria.

The principle of publicity should not be confused with transparency. Transparency derives from publicity, but it is not explicitly provided for in the Federal Constitution, which does not make it less important for this reason. Transparency is closely linked to the democratic state since it is through it that citizens exercise social control over the acts performed by public authorities (Oliveira, 2018).

The last principle expressed in Article 37, *caput* of the Federal Constitution, is the principle of efficiency. This principle was applied in the Federal Constitution using a constitutional amendment, in 1998. But it is important to note that, although it is not an express principle, it has already been stated as a duty of the administrator in his functional activities (Nohara, 2020).

The inclusion of the principle of efficiency reveals society's discontent with its previous powerlessness to fight against the deficient provision of so many public services, which countless losses have already caused to users" in the words of Carvalho Filho (2019, p. 31). For the same author, the administrator must seek methods for the total quality of his activities, mentioning, in particular, the need to create a new organizational chart with the functions and competencies of the agents. The principle of efficiency is certainly in accordance with the dictates of the new public administration of management.

Public competitions in general, whether for teachers or any other position, at any level or public sphere, unfold using an administrative process with rules, procedures, and acts of the most varied kinds. To this end it is important to recognize the principle of efficiency as the conductor of such acts.

The principles are, therefore, the mainspring for the other rules of the Brazilian system. The neglect of a principle causes "the most serious form of illegality or unconstitutionality because it represents an aggression against the whole system, a violation of fundamental values, generating a corrosion of its master structure" (Marinela, 2018, p.115).

### 3 METHODOLOGY

The research presented here aimed to evaluate the composition of the examining boards of public competitions for professors at Federal Universities, relating the criteria used for the formation of the board to the principles of legality, impersonality, morality, publicity, and efficiency in public competitions. To this end, a theoretical basis was built that regresses the models of public administration, from patrimonialism to post-managerialism or new public administration. The regression was important, considering that the entrance examinations for FIHE professors have their characteristics and the judging panels usually have direct contact with the candidates, which can generate doubts and uncertainties about the legitimacy of the selection processes and rescue practices designed in the patrimonial and bureaucratic model.

The research data were collected through open-ended questions with professors of public universities of higher education and candidates who participate/participated in competitions for FIHE professors. The selection of the respondents was made through a survey of the public universities in Brazil, ensuring the availability of these teachers to answer the questions. For the selection of the faculty respondents, the emails available on the websites of the FIHE were collected, and for the selection of the group of candidates, the emails of candidates who had taken this type of exam were requested from the FIHE's permanent selection process commissions. The survey was disseminated by email using the google forms tool and 1,081 responses were received. To measure the results of the questionnaire, the Atlas TI software was used, with the creation of two networks, separated by categories: teachers and candidates.

The research is qualitative, focused on understanding the research problem, specifically investigating the problems faced, and identifying practices that minimize or eliminate the problems identified. The research is not based on numerical analysis and proof, but rather, on the detailed analysis of ideas. In this method, data is collected in the real environment and relies on the researcher's ability to interpret that data in the most unbiased and logical way possible, data analysis is performed, tracing at the end a profile and a pattern of the analyzed behavior (Michel, 2005).



As for the research, it is considered descriptive research, to the extent that it proposes to describe possible problems encountered in the training of teaching stalls. According to Michel (2005, p. 52), "descriptive research describes and explains problems, facts or phenomena of real life, as accurately as possible, observing and making relations, connections, considering the influence that the environment exerts on them".

It can be considered as to the purposes of applied research, because it aims to propose after the conclusion of the study, mechanisms for the formation of teaching staff that provides the competitions a greater smoothness, transparency, impartiality, and impersonality. According to Michel (2005, p. 52), "applied research seeks to transform pure knowledge into elements, situations aimed at improving the quality of life of mankind".

Data processing was performed using the content analysis technique, which is "a set of methods for analyzing communications, which uses systematic and objective procedures to describe the content of messages" (Bardin, 2011, p. 44).

The content analysis was carried out in 3 stages following Bardin's method, as follows: 1. pre-analysis, in which the researchers, after the collection, carried out a floating reading, chose the documents that would be used, and constituted the corpus, based on the rules of exhaustiveness, taking into account all the elements, not leaving out any answer, despite the importance of all the perceptions collected and homogeneity, considering that the questions asked to all the respondents were based on a single theme; 2. Exploration of the material, with proper coding and creation of the networks through the Atlas TI software (2021), which is a tool that contributes to qualitative analysis of textual data, bringing meaning to the unstructured data and allows systematizing the data collected in interviews; and finally, 3. Carrying out the inferences and interpretation, considering the results obtained in the research, translating them into significant (Bardin, 2011).

For organization and better arrangement of the results, two networks were developed, one for the respondents from the teachers category and the other for the candidates category. The networks allow the visualization of the interconnected codes bringing a greater logical understanding in the representation. 28 codes were created for the teachers' answers and 28 codes for the candidates' answers, thus forming two distinct networks. The codes will be referred to here as cells. As the mother cell of the networks, in green, the code "Formation of jury for teaching competition" was generated. From the mother cell, the other branches were related. For the formation of a jury for a teaching competition, it is unequivocally essential that there are criteria for training. In this sense, the basic cells that make up the network structure were arranged in purple. In both groups, objective and subjective criteria were mentioned. Regarding the objective criteria, a positive connotation is perceived, with cells in blue. The subjective criteria were explored by the respondents as criteria that could bring harm to the contests, and for this reason are shown in the red color grid.

As base cells, the principles of public administration that should be observed in the formation of teaching stalls were arranged, as well as the principle of university autonomy (mentioned only by the respondents from the teaching group). The yellow cells also take special attention, considering that, depending on the situation, they can become positive or negative points, which will be explained further in the body of this work.

It is also important to mention about the lines connecting the cells that feed the logic of the networks, since they allow one to identify if a cell is contradicting, resulting, associating, making impossible, being part or property of the cell to which it is being connected. The results of the research will be presented in the following section called "analysis and discussion".



Table 1: Objective criteria

Criteria	Excerpts from the answers
1. Presence of a pedagogue <sup>1</sup> .	T.1: "In the FI** where I work, the presence of a pedagogue is mandatory. It is very important for evaluating the didactics of the candidate"
2. Formation of a panel of experts on the subject	T.2: "Choice of qualified professionals in the area of the competition; with theoretical and practical mastery in the subject in the exercise of teaching" [...] T.3: "Often, the professors who are chosen to compose the panel do not have real expertise in the area of the competition."
3. Formation of a panel of external professors	T.4: "The competitions need to be held by external institutions that do not have professors on their staff. The process needs to be distanced from the teachers at the HEI where the competition is being held, as well as any possible colleagues at the institution holding the competition."
4. Formation of different boards for the didactic and written tests	T.5: "The board that evaluates the written part has to be different from the one that evaluates the didactics." [...] In the board of didactics, there should be a doctor in didactic to evaluate the performance of the candidate"
5. Formation of a database of teachers	T.6: "There could be something, captained by the MEC <sup>2</sup> , like a bank of evaluating teachers in various areas and the choice, for each bench that emerges, would be random" [...] T.7: "There is a lack of a national network of possible panel members. From this network teachers could be invited to the examining boards" [...] T.7: "We lack a national network of possible examining board members."

The objective criteria were mentioned to curb practices that violate the principles of public administration. The formation of a panel with external professors (item 3 of chart 1), for example, prevents the panel from being formed only by professors from the house, considering that, according to some respondents, a panel formed with all or most members of the house would facilitate the occurrence of manipulation of results, favoring candidates who were students of the house, thus affronting the principles of impersonality and morality, as well as damaging the smoothness of the exam.

The public administration cannot act to benefit a specific person, and must take into account the public interest, repudiating in such a way practices of clientelism. In addition, meeting the principle of impersonality also implies treating the participants of the competition with isonomy (Carvalho Filho, 2019; Di Pietro, 2019).

Despite the perceived need to form a panel with members from outside the institution, the interviewees themselves mentioned what would hinder the adoption of this criterion, namely: high costs and little availability of resources of the FIHE. Professor 8 warned that "The biggest problem we face is when the institution does not have the funds to bring a professional from another state, so we often have to rely on participants from the same institution".

The respondents also mentioned the need to form a database of teachers (item 5 of chart 1), similar to the one practised by the MEC in its evaluations, for a greater rotation in the formation of the boards, considering the importance of teachers acting in exams all over the country. As for the presence of a pedagogue, it was also pondered by the teachers that the difficulty related to the convocation of this professional is that he or she does not have technical knowledge of the specific subject related to the position.

The subjective criteria, on the other hand, were mentioned negatively, because the adoption of these criteria would give rise to an affront to the principles of public administration, would bring a lack of uniformity to the formation of the board, and the choices could be made often using an ideological bias.

Correlating the subjective criteria with the principles of public administration, it can be seen on the web that many of the principles are contradicted. The code "training criteria are not transparent", for example, contradicts the principle of morality. The code "favoring of candidates - lack of impartiality and impersonality - fairness" affronts the principle of impersonality.

The favoritism of candidates, impartiality, and the adoption of ideological biases, are attitudes that also go against the principle of morality. In this sense, it is not enough that the panel be formed according to legal criteria, complying with the principle of legality, if the evaluators are not covered by morality. Morality is, therefore, one of the tools to control the ethical deviations of public administration operators (Meirelles, 2016; Nohara, 2020).

As for favoring candidates, two other codes, identified in yellow (Figure 1), may have two propositions. Formal contact is often the cause that makes it impossible for a certain professor to act on the panel. It is often explained that the teacher had some contact that did not exceed or become a friendship, being only a professional contact. In this case, it was sometimes mentioned by the teachers that this contact should not always be understood as a breach of the principle of impersonality, since in some areas the network of professionals is reduced. The following answer shows the concern of the teacher about the difficulty encountered in the formal contact:

The requirement that candidates and evaluators have never worked together is somewhat complicated because in some areas, with few teachers and students, sometimes the boards end up being made up of people with no specific training in the area of the competition (Teacher 9).

The absence of training was also mentioned as a problem identified in the formation of the jury. In the words of two of the respondents: "They could offer training for the evaluators to avoid problems of execution in the exams" (Professor 10) and "What is missing is the training for process standardization" (Professor 11). The absence of training can seriously harm the best outcome of the exam. That is to say, a contest held with problems arising from poorly trained professionals can lead to judicialization and sometimes to the annulment of the contest, which is an affront to the principle of efficiency.

The principle of efficiency is one of the pillars of public administration, especially in the managerialist model currently proposed. In public competitions, a transparent and objective selection process is what enables the guarantee of an efficient service (Motta, 2005). For the respondents, one way to comply with this principle is to have the selection board consist of professors who are specialists in the subject matter of the disputed vacancy. A competition with a panel composed of one or more members without the proper expertise and mastery of the subject can be detrimental to the success of the competition and, subsequently, to efficient hiring.



Table 2: Offenses to the principles according to the interview with candidates

Legality	It was not mentioned by the candidates.
Impersonality and Morality	<p>C.1 – “Many times there is sponsorship of candidates”</p> <p>C.2 – “Bank formed with interest in one or another candidate, attribution of grades without clear criteria”</p> <p>C.3 – “Personal interests that dictate the realization of the contest. It is known that sometimes the members of the board already have a certain indication”</p> <p>C.4 – “The problem is not the stalls, but the contests that are opened with marked cards. The contest is open with a person in mind to enter that specific vacancy, that is, the requirements for the vacancy are taken from the curriculum lattes of the person the department wants”</p>
Advertising	<p>C.5 – “The criteria present a lot of subjectivity, in addition to often not adopting transparency in what was judged in the written or didactic test, being even obscure about the evaluators themselves”</p>
Efficiency	<p>C.6- <u>Some</u> criteria of some members do not the present the domain of the area to be part of a Selection board. There is a lack of criteria, generating discrepancies towards the grades. Especially in the didactic test.</p> <p>C.7 - Dissatisfaction is due to the choice of commission members, who often do not have adequate knowledge of the tender area and, therefore, who often do not have the support to access the candidates' technical knowledge.</p>

In a Point-by- point Analysis, it was observed that respondents demonstrate dissatisfaction with the expertise of the selection board. Many understand that those professors who are evaluating candidates do not even have adequate expertise for the evaluation. Below is an excerpt extracted from the form, in the same sense: "some Members do not have a domain of the area to be part of a council. It Lacks Standardization of criteria, generating grades' discrepancies, especially in the didactic test." (Candidate 8)

The discrepancy in grades was another negative point mentioned by the candidates. Such a discrepancy can lead to mistrust about possible favoritism of candidates. The difference can be given for several reasons: an attempt to favor a certain candidate, lack of expertise on the part of the judge, and lack of attention during the evaluation. This type of problem, mentioned by the candidates, as being recurrent, depending on the motivation, seriously affronts the principles of impersonality and morality (if due to favoritism), and efficiency, if due to lack of expertise in the area.

As already mentioned in the body of this work, public tenders must be guided by the principles of public administration and based on the idea of Democracy- Isonomy-Efficiency (Motta, 2005). Moreover, morality, legality and impersonality must go hand in hand. The absence of morality does not mean that legal dictates are not being followed. Sometimes, the contests are covered with the necessary legality, but they lack morality, which does not allow the executor of the public administration to be attentive to the spirit of the law, only to its faithful fulfilment. In other words, walking together (legality, impersonality and morality), the acts of the administration will fulfill their main purpose, the public interest (Meirelles, 2016)

The lack of standardization was also mentioned by the candidates. Standardization is directly related to the principle of isonomy since, with it, all candidates will be on equal terms before the selection board and the stages of the contest. About impersonality and isonomy in public tender processes, the words of Carvalho Filho (2019), in reference to the body of this work, are enlightening and punctual, when he mentions the equality that the public administration must grant to those administered in an identical situation. In addition, the Interviewees also mentioned the need for transparency in the phases of the contest, considering that the more transparent, the fewer doubts, suspicions and distrust related to favoring candidates.

Regarding the need for the presence of an educator, the respondents justify that the members of the examining board, having expertise in the subject, often do not have the necessary knowledge to identify the pedagogical domain of the candidates, which can, in the future, be a barrier between the approved teacher and his/her students. On the other hand, the presence of a pedagogue as a regular member of the examining board may result in a lack of expertise in the subject to evaluate the candidate.

Considering that both groups (faculty members and candidates) answered the same questions, it was noticed that the answers from both groups are similar in many aspects, especially regarding the suggestions for improvements such as: formation of a panel with external faculty members, presence of a pedagogue, transparency, smoothness. However, the candidates showed a greater dissatisfaction, considering that the lack of clarity in the actions gives rise to distrust, which causes dissatisfaction with the public administration.

The intention of this work is not to point out the commission of crimes, fraud, or irregular activities, but to try to understand the universe of the formation of the selection board and what can cause an affront to the principles of public administration, whether through illicit activities or through flaws in the procedures adopted.

## 5 CONCLUSIONS

Public tenders for FIHE professors take place throughout Brazil and are individualized competitions, which means, each one with its phases and peculiarities, without neglecting university autonomy. However, all owe obedience to the national legislation and constitutional principles, namely, legality, impersonality, morality, publicity and efficiency.

Considering this need, the present article sought to identify the occurrence of affront to these principles in the formation of the panel of professors for contests of this nature. A questionnaire with open questions was applied, and 1,081 answers were collected from 414 candidates and 667 professors. Based on the collected answers, two networks were created using the Atlas TI software, which allowed the identification of the most commented issues by the two categories of respondents.

As there are two distinct groups, the intersection and identity in some answers was noticed, with similar perceptions, but different visions of the motivations that cause the problems detected. In general, the professors recognize the inconsistencies and problems, but do not justify the problems as acts of bad faith. They recognize weaknesses in the formation of the selection boards and suggest measures such as the definition of objective criteria, namely, the formation of boards with at least one external member, with specialists in the subject, the creation of a database of teachers, the presence of an educator on the boards for

the pedagogical evaluation of the candidate, in order to make the process leaner, more objective and efficient. However, the discomfort and distrust felt by the candidates is not present in the teachers' group.

The candidates showed dissatisfaction, mistrust and discomfort in the formation of the board and the contest as a whole. Among the dissatisfactions, allegations such as favoritism of candidates, impartiality, influence of ideological biases in the evaluation, lead to a possible breach of constitutional principles, especially morality, impersonality and efficiency. Considering that the three principles are closely linked, it is possible that the acts repudiated by the candidates are capable of violating the three principles at the same time, when, for example, the examining board is formed in a way that favors a specific candidate.

Considering the two groups, the research led to the conclusion that there are many problems encountered, but that they can all be solved. To minimize the problems identified, the interviewees suggested the creation of objective criteria, such as including among the members of the examining board external teachers, teachers with specific training, the creation of a database of teachers, and the presence of an educator to form the examining board. The suggestions presented by the respondents reflect improvements to curb any practice that may cause affront to the principles and problems in the public competitions for teachers at FIHE. Given the results, the need to study the theme is clear, especially the deepening of suggestions for improving the competitions, aligned with the directions initially found in this work, seeking the practice of acts in accordance with the legal system and the principles of public administration.

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## NOTES

[1] Res publica or respublica is a Latin expression that literally means "thing of the people", "public thing". It is the origin of the word republic. The term usually refers to a thing that is not considered private property, but instead held jointly by many people.

[2] Brazilian Ministry of Education.