

## CASE STUDIES & TEACHING CASES

# Sports projects in higher education: challenges and adaptations during the COVID-19 pandemic

JUNIOR VAGNER PEREIRA DA SILVA<sup>1 2 3 4</sup>  
MICHEL CANUTO DE SENA<sup>4 5</sup>

<sup>1</sup> UNIVERSIDADE FEDERAL DE MATO GROSSO DO SUL (UFMS) / REDE CEDES, CAMPO GRANDE – MS, BRAZIL

<sup>2</sup> UNIVERSIDADE FEDERAL DE MATO GROSSO DO SUL (UFMS) / GRUPO DE ESTUDOS E PESQUISAS DE POLÍTICAS PÚBLICAS DE ESPORTE, LAZER E SAÚDE (GEPPPELS), CAMPO GRANDE – MS, BRAZIL

<sup>3</sup> UNIVERSIDADE FEDERAL DE MATO GROSSO DO SUL (UFMS) / FACULDADE DE EDUCAÇÃO (FAED), CAMPO GRANDE – MS, BRAZIL

<sup>4</sup> UNIVERSIDADE FEDERAL DE MATO GROSSO DO SUL (UFMS) / PROGRAMA DE PÓS-GRADUAÇÃO EM SAÚDE E DESENVOLVIMENTO NA REGIÃO CENTRO-OESTE, CAMPO GRANDE – MS, BRAZIL

<sup>5</sup> UNIVERSIDADE FEDERAL DO PARANÁ (UFPR) / PROGRAMA DE PÓS-GRADUAÇÃO EM DIREITO, CURITIBA- PR, BRAZIL

### THE CASE

#### Second university time program in a time of pandemic

It was the summer of 2020 and, until then, everything was going according to the work plan agreed between the Ministry of Citizenship (grantor) and the Capital Morena University (UCM - convenient) for the development of the Second University Time Program (PSTU, 2017). Through an extension project, a teacher and three Physical Education students, selected through a public notice and receiving a scholarship, provided free sports services to the university community, with on-site classes (weight training, functional training, field tennis, volleyball, basketball, futsal and field soccer), twice a week, lasting 1h30min.

However, a historical situation, equivalent to other world crises (Spanish flu, World War II, among others), the emergence of the coronavirus (SARS-Cov2), resulted in a highly infectious and lethal disease (COVID-19), establishing a world health crisis (pandemic) of high social, economic, and health impact. After the first case was identified in December 2019 in Wuhan, China, with a transmission rate of 3.28 and high lethality, the disease quickly proliferated throughout Europe and subsequently reached the other continents. On February 26, 2020, in São Paulo, as a result of the return of a Brazilian who was in Lombardy, Italy, the first case of an infected person was diagnosed on national territory.

The alarming scenario led to the adoption of social distancing, worldwide, as the main prevention mechanism. Along with social distancing, quick and different decisions were necessary in several branches, such as the educational one, affecting the services provided by universities, such as the federal public ones. Adaptations to the conventionally developed and initially planned were necessary, in order to mitigate the problems, including in extension projects.

In Brazil, 91.30% of the federal institutions of higher education (IFES) suspended their activities and 8.70%, since the beginning of the pandemic, worked remotely. The UCM, the institution where the PSTU was implemented, maintained its activities, which posed a central problem to the development of the project's services. What adaptations should be made, in order to maintain the services to users during the pandemic and follow the principles of Public Administration?

Created in 1962, headquartered in Campo Grande/MS, place where the project was developed, the UCM had, in 2020, *campi*; distributed in nine municipalities, offering undergraduate, graduate *lato* and *stricto sensu* courses.

The institutionalization of the program occurred through a Decentralized Execution Agreement (TED), valid from December 2017 to October 2020. The structuring phase took place between December 2017 and February 2019, and the execution phase, with services to users, started in March 2019, and is expected to end in October 2020.

Case Study submitted on September 21, 2021 and accepted for publication on January 10, 2022.

[Translated version] Note: All quotes in English translated by this article's translator.

DOI: <http://dx.doi.org/10.1590/1679-395120210183x>

For this, financial resources from the federal government in the amount of R\$112,502.12 were decentralized. Among these resources, R\$ 19,193.12 were used to purchase sports materials, R\$ 53,409.00 to pay scholarships to three Physical Education students, and R\$ 39,900.00 to pay scholarships to a Physical Education teacher.

The general coordinator of the project, Carlos Benfica, has an undergraduate, master's, and doctoral degree in Physical Education. He joined the institution as a professor via public competition in 2014 for the Physical Education course. In 2017, at the beginning of the new upper administration, he assumed the position of head of the coordinator, with responsibility for managing the sports sector. As he was the author of the project submitted and approved by the Ministry of Sports and appointed to the position of head, he was appointed as coordinator of the implemented project, with the assignment to manage and administer its development, mediate the negotiations between grantor and convenient, decide on changes in the project, monitor the work of the teacher and monitors, and authorize the payment of scholarships to human resources.

The teacher selected via public notice to work in the project, Luiz Bayer, has a degree, a master's and a doctorate in Physical Education, and teaches a course in this area, having joined the institution in 2016. To join the program, he was approved in a public selection through a public notice, with the requirement of having 20 hours a week to teach classes, monitor, coordinate, and guide the academic monitors in the care of users and, in return, receive the benefit in the form of a monthly scholarship of R\$ 2,100.00 for 19 months.

The monitors were students from the physical education course, enrolled in the 8th (Paula Real and Cristian Chelsea) and 6<sup>th</sup> semesters (Bruno Moscovo), selected through a public notice. The required workload was 20 hours per week, with the responsibility of planning the classes and assisting users with body practices and, in return, receiving a monthly scholarship of R\$ 937.00 for 19 months.

The project was the object of federal financial decentralization, through resources of an educational sport program, intended for the purchase of sports materials and monthly payment of human resources (one teacher and three Physical Education academics) for the service developed and fulfillment of the object agreed upon, therefore, a partnership between direct and indirect public administration entity subordinated to the principles of Public Administration. However, until then they did not have any federal guidance on how to proceed. On the other hand, as an entity linked to the indirect public administration, the university has a certain autonomy, which led the chancellor to prohibit, by means of a resolution, the carrying out of face-to-face activities within the institution, including extension activities, in which the project in question fits. The resolution also established that the payment of scholarships would be maintained, through the development of teaching, research and extension activities remotely. However, aware of the autonomy conditioned to higher norms, it oriented that the other norms in effect regarding the payment of scholarships at the federal level should be followed.

After the suspension of the services, several doubts remained: what steps should be taken by the project coordinator? Should he consult the granting agency about the possibility of elaborating and developing a project adapted by means of video classes of body practices via remote tools? Between the consultation with the granting agency and its manifestation, should the payment of the scholarships to the human resources without developing the activities be maintained or suspended? Should the activities adapted by means of remote resources be implemented so that the scholarship payments would be maintained until the manifestation of the granting agency? What other ways could be possible to solve the problem situation?

Immediately, it was evident that the social distance resulted in the impediment of the continuity of the services offered in the institution's original format (face-to-face), which implied the paralysis of the services and, consequently, the impossibility of fulfilling the object agreed upon, which still had seven months to be executed (March to October) and could be extended until December 2020 due to the pandemic.

As in March 2020 little was known about the virus, the production of vaccines and the duration of social isolation, on the 16<sup>th</sup> the project coordinator informed the teacher and the students about the suspension of the activities, instructed them to inform the users and waited for the unfolding of the pandemic until the end of the month. However, in addition to the users being unaware of the guidance on body practices, with increased levels of physical inactivity and risks of aggravation of anxiety and stress due to isolation and fear of the pandemic, as some studies at the time revealed, the human resources hired for the project were not developing activities, so as not to justify the payment of scholarships.

Faced with these dilemmas, the project coordinator felt it was pertinent to request guidance from the granting agency on how to proceed, as well as consulted it about the technical and political feasibility of conducting remote consultations through video classes, in order to adapt the service format to the conditions imposed by the pandemic.

As a palliative and emergency measure, until there was a manifestation from the granting agency to maintain the scholarship payments, the teacher and the students were asked to record two weekly video classes related to two body practices (a total of four weekly videos per member), each one lasting 2 to 3 minutes and composed of six series of exercises. Subsequently, the video lessons would be edited, hosted on the institutional YouTube channel and published on the university's social networks by servers of the communication agency integrated to the project.

However, the proposal was not adhered to by the teacher, who argued that he had no technical knowledge about producing video lessons, understanding that this option would result in dysfunction. On the other hand, he suggested to get videos of physical exercises produced by others and available on YouTube and send them to the program users via WhatsApp.

The general coordinator of the project signaled that, initially, he had thought of this alternative, but discarded it after evaluating that it could result in problems with the institution, because it would appear as use and circulation of videos produced by third parties without proper authorization. Moreover, he understood that this activity would not justify the payment of the scholarship, which required the completion of 20 hours per week.

Thus, the coordinator proposed another action due to the inexistence of a consensus and the concern in maintaining the payment of the scholarships without an effective action occurring, suggesting the risks of restitution of the amounts paid in the future because the service provision had not been fulfilled, the possible judicialization of the use of videos without the authorization of the authors, the insufficiency of this activity for the fulfillment of the 20 weekly hours required, as well as the urgency of an emergency decision until the manifestation of the grantor occurred.

Until there was a statement from the granting agency about the technical and political feasibility of virtual classes through video classes, the teacher and monitors should participate in training lives related to sports, with the reading of a scientific article and a book related to the program, which would serve as a theoretical contribution in future interventions, regardless of how the program activities would be carried out. In order to help, Carlos Benfica forwarded some lives that renowned national scholars were promoting on sports pedagogy, training and competitions, leisure, and sports rivalry, as well as instructed that others should be selected by the teacher and monitors. However, under the allegation that lives did not have formative elements and that the themes sent were not related to the program, professor Luiz Bayer also disagreed with the proposal and refused to carry them out.

Given the unstable and critical context provoked by COVID-19, the TED's term available to achieve the object agreed upon, the urgency of decision making, the lack of consensus between coordinator and professor: what steps should be taken by the project coordinator in light of the principles that guide public administration, in order to administratively and legally safeguard the institution and those involved? Should he consult the granting agency about the possibility of elaborating and developing a project adapted by means of video classes of body practices via remote tools? Between the consultation with the granting agency and its manifestation, should the payment of the scholarships to the human resources without developing the activities be maintained or suspended? Should the activities adapted by means of remote resources be implemented so that the payment of the scholarships would be maintained until the manifestation of the granting agency? What other routes would be possible in order to solve the problem situation?

## TEACHING NOTES AND CASE APPLICATION

---

### *Sports projects in higher education: challenges and adaptations during the COVID-19 pandemic*

#### **Abstract**

The case addresses the situation experienced by the author in a sports program of the federal sports policy, with a focus on serving the university community, primarily students. The program is a public partnership between a public higher education institution and the Ministry of Citizenship and started in March 2019. Twelve months after its implementation, the project coordinator had to make emergency decisions due to the COVID-19 pandemic and measures to increase social distancing and reduce contamination. After analyzing the context, the program rules established by the federal government, and the pedagogical issues related to teaching-learning of physical activities, the coordinator decided to suspend the activities until the end of the pandemic. The coordinator was aware of the deadline to meet the program's targets – October 2020, which could be extended to December 2022. However, the coordinator could not know when the pandemic would be under control and when the program's face-to-face services would return. Therefore, several dilemmas were faced: should the coordinator ask the granting agency to suspend the program? Should the coordinator consult the agency about the possibility of adapting the program so physical activities could be conducted via remote tools? In the time between consulting the granting agency and obtaining a response, should the coordinator suspend or maintain the payment of scholarships to the personnel even though services were not being provided? Should the program maintain the payments and assign alternative activities until obtaining a response from the granting agency?

**Keywords:** Public administration. Executive. University. Pandemic. Sports projects.

### *Projetos esportivos no ensino superior: desafios e adaptações em período de pandemia COVID-19*

#### **Resumo**

O texto aborda uma situação vivenciada pelo primeiro autor em um programa esportivo de política de esporte federal, cujo objetivo é atender a comunidade universitária, prioritariamente discentes. O programa em tela consiste em parceria pública entre uma instituição de ensino superior pública e o Ministério da Cidadania, por intermédio de Termo de Execução Descentralizada. Iniciado em março de 2019, decorridos 12 meses de sua execução, frente à pandemia mundial da COVID-19 e ao isolamento social, o coordenador do projeto se viu diante da necessidade de tomar decisões emergenciais. Analisados o contexto, as normas federais que regulamentam o programa e as questões pedagógicas relacionadas ao ensino-aprendizagem das práticas corporais *a priori*, o gestor tinha a convicção de que era apropriado suspender as atividades até o final da pandemia. No entanto, sabia, também, que tinha até outubro de 2020, prorrogável até dezembro de 2022, para cumprir as metas pactuadas. Estava ciente, ainda, da incerteza quanto ao tempo necessário de controle da pandemia e de retorno dos atendimentos presenciais. De tal modo, viu-se frente a alguns dilemas. Deveria solicitar ao órgão concedente a suspensão do programa? Deveria consultá-lo sobre a possibilidade de elaboração e desenvolvimento de um projeto adaptado por meio de videoaulas de práticas corporais via ferramentas remotas? Entre a consulta ao órgão concedente e sua manifestação, deveria suspender ou manter o pagamento das bolsas aos recursos humanos sem que estivessem desenvolvendo alguma atividade? Deveria manter o pagamento das bolsas e atribuir atividades alternativas a serem desenvolvidas até manifestação do órgão concedente?

**Palavras-chave:** Administração pública. Executivo. Universidade. Pandemia. Projetos esportivos.

### *Proyectos deportivos en la educación superior: retos y adaptaciones durante la pandemia de COVID-19*

#### **Resumen**

El caso aborda la situación vivida por el autor en un programa deportivo de la Política Federal de Deportes cuyo objetivo es la atención a la comunidad universitaria, principalmente a estudiantes. El programa en cuestión consiste en una alianza pública entre una institución de educación superior pública y el Ministerio de Ciudadanía a través de un Acuerdo de Ejecución Descentralizada. Iniciado en marzo de 2019, doce meses después de su implementación, ante la pandemia mundial de COVID-19 y el aislamiento social, el coordinador del proyecto se enfrentó a la necesidad de tomar decisiones de emergencia. Tras analizar el contexto, las normas federales que regulan el programa y las cuestiones pedagógicas relacionadas con la enseñanza-aprendizaje de las prácticas corporales, *a priori*, el gestor tenía la convicción de que era adecuado suspender las actividades hasta el final de la pandemia. Por otro lado, sabía que el plazo para cumplir con los objetivos acordados vencía en octubre de 2020 y era prorrogable hasta diciembre de 2022. Asimismo, era consciente de la incertidumbre de cuándo se controlaría la pandemia y volvería a producirse la asistencia presencial. De esa manera, se enfrentó a algunos dilemas. ¿Debería pedir al organismo otorgante que suspenda el programa? ¿Debería consultarlo sobre la posibilidad de elaborar y desarrollar un proyecto adaptado a través de videoclases sobre prácticas corporales mediante herramientas remotas? Entre la consulta al organismo otorgante y su manifestación, ¿debería suspender o mantener el pago de becas a Recursos Humanos sin que realizaran ninguna actividad? ¿Debería mantener el pago de becas y asignar actividades alternativas a desarrollar hasta que el organismo otorgante se manifestara?

**Palabras clave:** Administración pública. Ejecutivo. Universidad. Pandemia. Proyectos deportivos.

## Teaching Objectives

From the teaching case presented, it is expected that it will be possible to:

- Apply the principles governing public administration;
- Evaluate the best solution for the problem situation.

In turn, it is evaluated that the case can contribute to undergraduate and graduate students by promoting:

- Appropriation of the principles that govern public administration;
- Evaluation by means of critical thinking about the case and suggesting problem solving by means of exclusionary alternatives;

Proper application of the principles governing public administration.

## Sources of collection

The data and stories that make up this case study derive from the author’s experience, as well as being guided by the norms that underlie the field of Public Administration. The names of all involved, as well as the institution, have been changed in order to preserve anonymity.

## Suggested disciplines for the case

It is suggested that the problem in question be applied to the following courses and disciplines that make up the undergraduate education, according to Box 1:

**Box 1**  
**Application courses and disciplines**

Course	Disciplines
Business Administration	<ul style="list-style-type: none"> <li>• Administrative Law</li> <li>• Project Management</li> <li>• Strategic Management of People</li> </ul>
Law	<ul style="list-style-type: none"> <li>• Administrative Law</li> <li>• People Management and Development in the Public Sector</li> </ul>
Physical Education	<ul style="list-style-type: none"> <li>• Administration and Organization of Physical Education</li> <li>• Sport and Leisure Management</li> </ul>

Source: Elaborated by the authors.

## Suggested roadmap for applying the case

For the case in question, it is suggested that the case be organized in five steps

1. Introduction of the students to the theories of Public Administration, through reading the theoretical framework presented at the end of this case study or other texts related to the subject of preference of the person responsible for the discipline. Individual reading is suggested as an out-of-class activity, with an approach based on textual analysis (following and complete reading of the text, identifying the vocabulary, historical facts and/or doctrine) and thematic analysis (identifying the theme, central idea, understanding the message and problematization).
2. Access to the case, aimed at: locating the characters, the context in which the narrative occurs, and the problem situation. Besides textual and thematic analysis, it is necessary to use interpretive analysis (to go beyond a strict understanding of the text’s message, by means of dialog with the text and critical judgment, adopting one’s own position). The individual out-of-class reading should be guided by some questions: What type of administrative organization is the case linked to (sphere of administration and type of legal personality of the institution)? What are

the characters in the story? What position does each one occupy? What are their attributions and/or competencies? What is the administrative context and regime in which the situation-problem occurs? What are the problems to be solved? Furthermore, it is necessary to verify the internal rules about scholarship payments and the organization of extension activities at the UCM during the pandemic period through the Official Service Bulletin (Retrieved from <https://boletimoficial.ufms.br/>).

3. Resumption of contact with the case study and the theoretical reference, rereading both, but with a reading based on problematization (survey of problems, explicit or implicit questions in the texts) and establishment of relations between the problems presented by the case and the possible developments in the light of the theoretical reference. Notes should be recorded in some device (notebook, cell phone, notebook, printed paper) and taken to class later for presentation of the case study.
4. Class discussion, with the class divided into subgroups of six students, lasting between 20 and 40 minutes. Based on the previous phases and the records kept, the group will discuss the interpretations arrived at by each one, in order to identify divergences and convergences in the understanding of the theoretical framework, the problem presented by the case, and the solutions, consolidating a group position. In order to help in this quest, the following questions must be answered.
  - How do you evaluate the project development proposal made by the general coordinator of the project, Carlos Benfica? As managers, would you adopt these same solutions to the problem? Please substantiate.
  - What decisions would you make if the teacher did not accept any of the proposals presented by the general coordinator of the project? Please explain.
  - How do you evaluate Professor Luiz Bayer's proposal to develop the project? As managers, would you adopt this same solution to the problem? Please explain.
  - Between the consultation with the granting agency and its manifestation, would you suspend or maintain the payment of the scholarships to the human resources without them developing any activity?
  - Besides the alternatives thought by the actors in the case, are there any others? If yes, which ones?

To answer these questions, the reader's experience is important, but insufficient, and he/she should support his/her analysis with specific theoretical references and apply them when elaborating the conclusions for each question. The conclusions materialized through the answers to the above questions will be registered in writing by one of the members of the subgroup (rapporteur).

5. The end of the activity will occur with the organization of a circle, at which time each group will have 20 minutes to present the answers and/or conclusions they have reached. After the presentation of all the groups, one hour will be set aside for discussion among all the participants, in order to broaden the debate and have the participation of the teacher, with interventions in light of the theories and doctrines worked on.

## CONCLUSION OF THE CASE

---

In the real case, due to the lack of consensus and the teacher's refutations to the proposals made by the general coordinator of the project, and also due to the urgency of a decision for the case in a context of crisis, the payment of human resources with public funding and the paralyzation of services, it was established by the project coordinator that In order to assure the payment of the scholarship - until there was a manifestation from the Ministry of Citizenship about the viability or not of developing the program's activities through video classes - the teacher should record two weekly video classes about a sport of his choice, which could be sent via WhatsApp to the users, so they could do the corporal practices at home, as well as develop the reading of an article and a book during the month, thus validating the maintenance of the scholarship payment. However, the video classes were not carried out by the teacher and the scholarship for the month of April was not paid due to lack of compliance with the 20 hours a week established in the selection notice and term of commitment.

The response of the Ministry of Citizenship to the consultation on the technical and political feasibility of an adapted proposal through video classes was evaluated as positive and authorized. A project was developed, adapted, and subsequently approved within the UCM and the Ministry of Citizenship, with execution between August and December 2020, through remote classes.

However, other different answers would be possible to the problem situations of the case presented, whose intention is to provoke students of Administration, Law and Physical Education to apply the knowledge inherent to management and Public Administration in the creation of other possibilities for answers, corroborating the reflections focused on administrative efficiency and principles of Public Administration, such as impersonality and legality, in which the interests should be focused on the collectivity and actions linked to what the law authorizes expressly and previously, as well as sports management.

## THEORETICAL REFERENCE

---

A pandemic is configured as a threat to the fundamental functions of a social system. Decision-making within the public administration in times of crisis, such as a pandemic, makes the scenario of public policies even more complex, because, in addition to distributive and moral conflicts (Peci, 2020), such a scenario requires agile, firm and efficient measures in a short period of time and unpredictable context, sometimes with the same bureaucratic and regulatory requirements prior to the crisis period. According to Abrucio, Grin, Franzese, Segatto, and Couto (2020), as a result of the conflicts between the spheres of the national, state, and municipal executives, the pandemic crisis was even more complex in Brazil, because, although moments like this require strong governmental coordination, due to the dualistic, autocratic model and intergovernmental confrontation created by the Bolsonarist federative logic, intergovernmental disorganization materialized in the country, with reflections on the work and actions of the public administration, regardless of its organizational structure and type of entity.

To understand the dynamics of decision-making in the public administration, it is essential to know its legal and organizational structure and its relations with public policies, an essential condition to properly guide the analysis of the proposed case and identify possible responses in the light of the precepts that regulate the services provided by the public administration, such as those promoted by federal universities. Although during the pandemic these institutions have shown the ability to respond, actively and quickly, to the demands that arose, especially in the implementation of actions aimed at developing technologies (Panizzon, Costa, & Medeiros, 2020) and creating alternatives (Dellbrügger et al., 2021; Felisberto, Giovannini, Diógenes, Carlos, & Lins, 2020), experienced difficulties in adapting and adapting the teaching (Castioni, Melo, Nascimento, & Ramos, 2021) and community care through extension projects (Mélo, Farias, Nunes, Andrade, & Piagge, 2021) to the remote model, with cases of students (Mendes et al., 2021) and teachers (Nascimento, Cornaccio, & Carvalho, 2021) becoming ill.

Thus, the theoretical framework was organized into two subtopics, with conceptual and technical elements that helped in the analysis of the case under study and survey of possible solutions, as well as the application of knowledge obtained in management, among which the sports, whether the students involved, from the courses of Administration, Law or Physical Education.

### Legal aspects of public administration

The State is understood as a politically, socially, and legally organized institution. It is responsible for the organization and social control (Carvalho, 2020). Therefore, in its modern configuration, it has two particular elements: the bureaucratic-administrative apparatus with the function of promoting public services and the monopoly of force (Bobbio, 1987).

As a legal personality, like the citizens who are under the norms it created, it is subordinated to the law it instituted, that is, under the rule of law, structured by the tripartition of powers, universality of jurisdiction and generalization of the principle of legality (Carvalho, 2020).

In the context of public administration (formal, organic, subjective criterion), related to a set of organs and state, independent of the Power (Legislative, Judiciary, Executive), is the figure of public law, regulating the interests of society as a whole, thus, the public interest prevails over the others, with specific branch for this purpose, the administrative law, which governs the organization and performance of the state.

In order to ensure the public interest over private interests in the acts of public administration, the manager cannot act as the owner and do as he wishes. In this case, he does only what the law expressly and previously authorizes. Therefore, it differs from the private administration, which has the principle of the autonomy of the will, which corresponds to the freedom to contract, decide and establish contractual legal relations, since the freedom to choose who, where or even what to contract is at the discretion of the parties involved in the legal business (Hironaka, 2020).

In order to guide the action within the public administration, administrative law is based on principles, i.e., general coercive tools that subsidize the way of reasoning the law and understanding its logic based on the Federal Constitution (Carvalho, 2020). According to Article 37 of the Brazilian Federal Constitution, “The direct and indirect public administration of any of the Powers of the Union, the States, the Federal District, and the Municipalities shall obey the principles of legality, impersonality, morality, publicity, and efficiency [...]” (Constituição da República Federativa do Brasil de 1988).

Legality consists of exercising power based on the law. The principle of legality encompasses all state bodies, requiring that all those who exercise public power do so based on what the law establishes. It therefore prohibits arbitrary conduct, based on strictly personal judgments (Bobbio, 1999). In matters, it means that the public administrator, in all functional activities, is subject to the commandments of the law and the requirements of the common good, and cannot depart or deviate from such conducts, under penalty of committing an invalid act and even respond in the disciplinary, civil or criminal sphere, depending on the occurrence of the facts (Oliveira, 1996).

Contrary to the precepts of these principles are the private relationships, in which the idea is that everything that is not prohibited by law is allowed. It is clear that this does not apply to public relations, since the State must act with efficiency, celerity and transparency to act in favor of society. Nor does the act of the public administration have the character of private law. This represents, in fact, its subordination to the will of the people. In other lines, the exercise of the administrative function cannot be designated according to the will of the administration or even of its public agents. Therefore, it can only practice the conducts authorized by law.

In the view of the classical current, the administrative act requires the presence of the requirements of competence, object, form, motive and purpose (Mazza, 2019). That is, it must be grounded on the five elements that make up and justify its existence and validity: the reason (assumption of fact and law that determines or authorizes the issue of the administrative act); the object (content of the administrative act); competence (legal power conferred on the public agent for the specific performance of the duties of his office); purpose (public interest to be achieved, realization of the collective interest); form (binding requirement for the issue, modification and undoing of the administrative act). The first two, figure as discretionary acts, the last three, binding acts (Di Pietro, 2014; Frada, 2017).

In relation to legality, in addition to the requirements mentioned above, the observance of the hierarchy between principles is also imperative, since some have power over others. In Brazil, as in other countries, legal principles have a ranking, widely known as Kelsen’s pyramid, that is, they are not on the same level, since there are those that are superior and others that are inferior, the latter being dependent on the previous ones (Bobbio, Matteucci, & Pasquino, 1998). The inferior ones must be in conformity with the Federal Constitution and, the laws, subordinate to each other. Therefore, “[...] nothing harms the Constitution and, below it, nothing harms the law” (Delgado, 2002, p. 171).

The legal principles are hierarchically structured by fundamental rule; Federal Constitution; enacted constitutional amendments; laws - complementary (regulating constitutional points not sufficiently explained); ordinary (of exclusive competence of the Legislative, conditioned to the Executive’s sanction); delegated (of competence of the Chief Executive, by means of delegation from the Legislative) -; Provisional Measures (under the authority of the President of the Republic, for emergency purposes and relevance, with the force of law and effective within 60 days); Legislative Decrees (under the authority of the Legislative); Resolutions (under the authority of the Executive, Legislative and Judiciary, with the purpose of regulating laws on specific matters, inherent and internal to the organization of each Branch).

In a particular way, within the scope of public administration, there are also administrative regulatory acts of the Executive Branch (normative instructions, regulations, deliberations, and ordinances). These are resources that are sometimes used to regulate laws. The government, in the figure of the Executive, enters the scene acting in the public administration (material and objective sense), directive cupola responsible for the conduction of state activities (Carvalho, 2020), which, for the promotion of services, has a department and/or bureaucracy responsible for the administrative structure of the machine or logistic means that has as attributions to provide services to the population in order to reduce social problems.



It is through the action of the government, in the figure of the Executive, that services are intended for the population in order to meet the demands necessary for a life with dignity, many of them under the umbrella of social justice, such as those based on the precepts that regulate social rights, education, for example, through public policies. However, in recent decades, according to Peci, Irigaray, and Stocker (2021), the Brazilian State has followed the trend of moving away from the role of rights provider in various sectors, such as social sectors, to rely on the participation of private companies or the third sector in the implementation, which calls for an analysis of the organizational aspects that structure the public administration.

## Organizational Aspects of Public Administration

Public administration can be defined according to its functionality and by organizational aspects. The first consists of a series of activities that subsidize the government, providing support for the realization and provision of services to the population (Paludo, 2010). The organizational aspects, on the other hand, refer to how the state is structured (entities, agencies and people) in order to meet the interests of the community, through administrative activity, and promote services (Carvalho, 2020).

In this scenario, the organization of the public administration occurs by federative political entities that make up the direct administration and have the political and administrative capacity (Union, states, municipalities and Federal District) or via decentralization of the provision of services to other specialized legal entities, which may be own of the public administration, created for specific purposes (indirect public administration), or private (legal companies), through concession or permission (Carvalho, 2020) - the latter is conceptualized as public-private partnership.

Direct administration is characterized essentially by the management carried out by the federal, state, or municipal government itself. The indirect administration is decentralized by delegation to municipalities, public foundations, public companies, and mixed economy companies. Furthermore, there are private entities such as permissionaries, concessionaires, and companies authorized to provide public services by the delegated administration (Carvalho, 2020; Paula, 2005).

Therefore, the organizational niche can be understood as a framework of institutions, agencies, and companies that operate in the cooperation, performance, and provision of services to society, in addition to assisting in government activities. Thus, the activities of public administration are part of the political system of a state, in which the administration itself (direct or indirect) can be affected by the characteristics of the political system (Paula, 2005).

In the context of indirect administration, the federal universities are inserted, legal entities of public law, constituted in the form of autarchies or public foundations, to which the Union grants the responsibility for providing services related to education in its three pillars - teaching, research and extension - having, for these purposes, public funding through transference. Therefore, they consist of specific entities that make up the State, but that, as legal entities of public law, according to article 207 of the Brazilian Federal Constitution, have didactic-scientific and administrative autonomy, as well as financial and patrimonial management.

As Durhan (1989) points out, universities have the prerogative of governing themselves (politically, administratively, financially, and pedagogically) by means of their own rules in fulfilling the social purposes for which they were constituted. The regiment and the statute are the forms by which they establish their own principles. In the case of federal universities, which are fully funded by the Union, the relationship with government agencies is closer, but, even so, they do not figure as State agencies like the others, being characterized as a *sui-generis* institution.

However, such autonomy is relative, since the Brazilian Federal Constitution itself, in its article 206, establishes the limits of autonomy. Moreover, education, an area in which public universities are inserted, is regulated by Law No. 9,394 (Lei nº 9.394, de 20 de dezembro de 1996), which establishes several regulations. Therefore, according to Durhan (2005), autonomy is not to be confused with sovereignty, as well as it is not free from the control of public power, because, in the legal sphere, administrative autonomy is strongly restricted by the principles of Public Administration, among which those worked on in topic 4.1. Regarding university autonomy, it is understood that:

A necessary starting point for this discussion is the formal analysis of the concept of autonomy and its application to the university. By autonomy it means, in general, the capacity to be governed by its own laws. [When it comes to a specific institution of the State or civil society, however, autonomy does not confer absolute freedom. Institutions exist, are created and socially recognized to fulfill specific social functions, and it is these that legitimize them. The autonomy they enjoy is restricted to the exercise

of their attributions and does not refer to their own benefit, but to another purpose, which concerns society. Thus, the autonomy of the institution is always relative and should be defined as the recognition of its capacity to govern itself by its own norms in the fulfillment of the social purposes for which it is intended. [...]. We can thus affirm that the University enjoys autonomy to carry out those activities that are its own, and that are not carried out for its exclusive interest, but constitute a service that it provides to society. As a consequence, the recognition of autonomy does not exempt the broader public instances from verifying the effective provision of these services (Durhan, 2003, pp. 276-277).

In this sense, public policies developed by universities are materialized in political programs and/or management plans that define the contents (policy). They are conditioned to the normative dimension of the institutional structure of the political and administrative system (polity), both inserted in a broad and complex process of disputes between the different actors involved in the selection of objectives, content and distribution of powers (politics) (Frey, 2000), making that, despite the existence of discretionary act, universities follow the principles of public law that guide the Public Administration (State).

Regarding extension actions in federal institutions, the payment of scholarships is regulated by Law No. 12,155 (Lei nº 12.155, de 23 de dezembro de 2009), which establishes such payment with resources from the National Fund for Education Development (FUNDEB) only to students. These articles were regulated by Decree No. 7,416 (Decreto nº 7.416, de 30 de dezembro de 2010). Note that at the federal level there is no regulation that regulates the payment of scholarships to civil servants or prevents this from happening.

Given this absence, making use of university autonomy, federal universities have conditional freedom to create their own regulations, through resolution, respecting the Law No. 8,112 (Lei nº 8.112, de 11 de dezembro de 1990), which regulates the legal regime of civil servants of the Union. This device was instituted in the MCU by means of a specific resolution, establishing the subordination of the payment to the legislation in force, the specific regulation by means of edicts, granting term or commitment term, the possibility of suspending the scholarships and the application of penalties in the case of irregular receipts.

In addition to what the norms applied to the Public Administration and the internal norms of the institution under consideration establish, the PSTU consists of a partnership between public entities (Ministry of Citizenship and UCM), signed through the Decentralized Execution Term, with the program development norms established by the program guidelines (PSTU, 2017), which should also be observed and considered in the decisions, as well as in the analysis and interpretation of the case presented in this manuscript.

## REFERENCES

- Abrucio, R. L., Grin, E. J., Franzese, C., Segatto, C. I., & Couto, C. G. (2020). Combate à COVID-19 sob o federalismo bolsonarista: um caso de descoordenação intergovernamental. *Revista de Administração Pública*, 54(4), 663-677.
- Bobbio, N. (1987). *Estado, governo e sociedade: por uma teoria geral da política*. Rio de Janeiro, RJ: Paz e Terra.
- Bobbio, N. (1999). *Teoria do Ordenamento Jurídico* (10a ed.). Brasília, DF: Editora Universidade de Brasília.
- Bobbio, N., Matteucci, N., & Pasquino, G. (1998). *Dicionário de política*. Brasília, DF: Editora Universidade de Brasília.
- Carvalho, M. (2020). *Manual do direito administrativo* (7a ed.). Salvador, BA: JusPodivm.
- Castioni, R., Melo, A. A. S., Nascimento, P. M., & Ramos, D. L. (2021). Universidades federais na pandemia da Covid-19: acesso discente à internet e ensino remoto emergencial. *Ensaio: Avaliação de Política Pública Educacional*, 29(111), 399-419.
- Constituição da República Federativa do Brasil de 1988. (1998). Brasília, DF. Retrieved from [http://www.planalto.gov.br/ccivil\\_03/constituicao/constituicaoconsolidado.htm](http://www.planalto.gov.br/ccivil_03/constituicao/constituicaoconsolidado.htm)
- Decreto nº 7.416, de 30 de dezembro de 2010. (2010). Regulamenta os arts. 10 e 12 da Lei nº 12.155, de 23 de dezembro de 2009, que tratam da concessão de bolsas para desenvolvimento de atividades de ensino e extensão universitária. Brasília, DF. Retrieved from [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2010/decreto/d7416.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2010/decreto/d7416.htm)
- Delgado, M. G. (2002). *Curso de Direito do Trabalho*. São Paulo, SP: LTr.
- Dellbrügger, A. P., Oliveira, M. O., Guerra, C. R., Scaramussa, C. S., Zorzi, J. G., Ricci, L. C. ... Dimov, T. (2021). Encontros narrativos: mulheres pesquisadoras em meio à pandemia. *Saúde debate*, 45(Especial 1), 181-199.
- Di Pietro, M. S. Z. (2014). *Direito Administrativo* (27a ed.). São Paulo, SP: Atlas.
- Durhan, E. R. (1989). *A Autonomia Universitária: o Princípio Constitucional e suas implicações*. São Paulo, SP: Núcleo de Pesquisas sobre Ensino Superior da USP.
- Durhan, E. R. (2003). Autonomia, controle e avaliação. In L. Morrhy (Org.), *Universidade em questão*. Brasília, DF: Universidade de Brasília.
- Durhan, E. R. (2005). *A autonomia universitária - extensão e limites*. São Paulo, SP: Núcleo de Pesquisas sobre Ensino Superior da USP.
- Felisberto, L. C. C., Giovannini, T. E., Diógenes, I. C. F., Carlos, L. P. M., & Lins, L. F. T. S. (2020). O Caminho se faz ao caminhar: novas perspectivas da educação médica no contexto da pandemia. *Revista Brasileira de Educação Médica*, 44(Suppl 1), e0156.
- Frada, M. A. C. (2017). *Direito administrativo*. Sobral, CE: LMR Distribuidora.
- Frey, K. (2000). Políticas públicas: um debate conceitual e reflexões referentes à prática da análise de políticas públicas no Brasil. *Planejamento e Políticas públicas*, 21, 211-259.
- Hironaka, G. M. F. N. (2020). Danos materiais na Responsabilidade civil. In M. C. Sena (Org.), *Responsabilidade Civil: aspectos gerais e temas contemporâneos*. Campo Grande, MS: Editora Contemplar.
- Lei nº 8.112, de 11 de dezembro de 1990. (1990). Dispõe sobre o regime jurídico dos servidores públicos civis da União, das autarquias e das fundações públicas federais. Brasília, DF. Retrieved from [http://www.planalto.gov.br/ccivil\\_03/leis/l8112cons.htm](http://www.planalto.gov.br/ccivil_03/leis/l8112cons.htm)
- Lei nº 9.394, de 20 de dezembro de 1996. (1996). Estabelece as diretrizes e bases da educação nacional. Presidência da República. Brasília, DF. Retrieved from [http://www.planalto.gov.br/ccivil\\_03/leis/l9394.htm](http://www.planalto.gov.br/ccivil_03/leis/l9394.htm)
- Lei nº 12.155, de 23 de dezembro de 2009. (2009). Dispõe sobre a concessão de Bônus Especial de Desempenho Institucional – BESP/ DNIT aos servidores do Departamento Nacional de Infra-Estrutura de Transportes - DNIT; altera as Leis nºs 11.171, de 2 de setembro de 2005, 10.997, de 15 de dezembro de 2004, 11.907, de 2 de fevereiro de 2009, e 11.507, de 20 de julho de 2007; e dá outras providências. Brasília, DF. Retrieved from [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2009/lei/l12155.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/lei/l12155.htm)
- Mazza, A. (2019). *Manual de direito administrativo* (9a ed.). São Paulo, SP: Saraiva Educação.
- Mélo, C. B., Farias, G. D., Nunes, V. R. R., Andrade, T. S. A. B., & Piagge, C. S. L. D. (2021). A extensão universitária no Brasil e seus desafios durante a pandemia da COVID-19. *Research, Society and Development*, 10(3), e1210312991.
- Mendes, T. B., Souza, K. C., França, C. N., Rossi, F. E., Santos, R. P. G., Duailibi, K. ... Neves, L. M. (2021). Atividade física e sintomas de ansiedade e depressão entre estudantes de medicina durante a pandemia. *Revista Brasileira de Medicina do Esporte*, 27(6), 582-587.
- Nascimento, E. M., Cornaccio, E. B., Jr., & Carvalho, M. G. (2021). A dor nos tempos da Covid-19: transtorno de adaptação nos professores do ensino superior brasileiro. *SciELO Preprints*. Retrieved from <https://doi.org/10.1590/SciELOPreprints.2734>
- Oliveira, F. A. (1996). A administração pública na Constituição de 1988. *Revista de Direito Administrativo*, 206, 43-87.
- Paludo, A. V. (2010). *Administração pública*. Rio de Janeiro, RJ: Elsevier.
- Panizzon, M., Costa, C. F., & Medeiros, I. B. O. (2020). Práticas das universidades federais no combate à COVID-19: a relação entre investimento público e capacidade de implementação. *Revista de Administração Pública*, 54(4), 635-649.
- Paula, A. P. P. (2005). Administração pública brasileira entre o gerencialismo e a gestão social. *Revista de Administração de Empresas*, 45(1), 36-49.
- Peci, A. (2020). A resposta da administração pública brasileira aos desafios da pandemia. *Revista de Administração Pública*, 54(4), Editorial. Retrieved from <http://dx.doi.org/10.1590/0034-761242020>
- Peci, A., Irigaray, H. A. R., & Stocker, F. (2021). Administração, gestão e políticas públicas: interfaces e diálogos com o campo organizacional. *Cadernos EBAPE.BR*, 19(Especial), Editorial. Retrieved from <http://dx.doi.org/10.1590/1679-395183908>
- Programa Segundo Tempo Universitário. (2017). *Diretriz 2016*. Brasília, DF: Ministério do Esporte. Retrieved from <http://arquivo.esporte.gov.br/index.php/institucional/esporte-educacao-lazer-e-inclusao-social/segundo-tempo/orientacoes/manuais-de-diretrizes>

Junior Vagner Pereira da Silva  
ORCID: <https://orcid.org/0000-0002-4098-9664>

Doctor in Physical Education from the Catholic University of Brasília (UCB); Adjunct Professor at the Federal University of Mato Grosso do Sul (UFMS).  
E-mail: jr\_lazer@yahoo.com.br

Michel Canuto de Sena  
ORCID: <https://orcid.org/0000-0001-5317-2306>

Doctor and post-doctoral in Health and Development in the Midwest Region from the Federal University of Mato Grosso do Sul (UFMS); Doctoral candidate in Law at the Federal University of Paraná (UFPR). E-mail: canuto.fadir.ufms@gmail.com