INDEPENDENCE INDICATORS OF QUALITY ASSURANCE AGENCIES

National Agency for Higher Education Quality Assurance (NAQA) Ukraine

October 2020

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Website: https://en.naqa.gov.ua/

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1. Context and scope of the independence survey

Academic freedom and institutional autonomy are among the fundamental values of higher education. To be successful in research and teaching missions, universities need to be able to take their own decisions. From a system point of view, it seems difficult to consider academic freedom and especially institutional autonomy without considering the role of quality assurance agencies.

The quality in higher education emerged as an increasingly regulated area, where states shifted away from direct control of centralized institutions. In general, the quality assurance agencies in higher education have also taken the form of independent public agencies. Aspect of independence are being addressed in different perspectives, especially in ensuring that procedures and decisions are based on expertise.

On a general level, independence has been normally understood as the capability to decide on matters of someone's responsibility without (political/other stakeholders) interferences.

From this perspective of the quality assurance agency, independence can be »determined by the scope and the extent of the agency's decision-making competencies. «

Obligations to establish independent national regulatory of supervisory body are inspired by considerations of credibility, comprising more general values such as integrity, professionalism and trustworthiness. This is of course important in ensuring that expertise plays a decisive role in decision making process and to avoid conflict of interest.

Especially challenging and concerning element is the interference of government on the work and functioning of the quality assurance agencies.

As NAQA is an affiliate member of ENQA and a full member of INQAAHE, CEENQA, and ICAI with its permission we analysed the level of autonomy on different levels at the quality assurance agency.

2. Methodology for analysing independence of Quality assurance agencies

At the Slovenian Quality Assurance Agency (SQAA) we believe independence is important to ensure that any procedure and decision is based on expertise. Institutional integrity requires commitment to values that prioritize the protection

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of basic democratic principles over temptations of pragmatic decision making. As I said before this was also the initial push, why we started to explore the area of independence.

Following this we developed a methodology for analysing independence of quality assurance agencies

More precisely we wanted:

- to understand the role of the agencies in different national and European environments, get to know differences between different parts of Europe,
- explore key aspects of the independence of agencies,
- and analyse the responsibilities in different procedures at the agencies.

As a method of collecting the information about the independence of the quality assurance agencies we use the Questionnaires of the open type, based on five main quality indicators:

1) The appointment of chief executive of the quality assurance agency,
2) The process of preparing and adopting criteria / standards for accreditation and evaluation procedures,
3) The appointment of experts for accreditation and evaluation procedures,
4) The decision-making procedures on the accreditation and evaluation procedures and
5) The appeal procedures for the accreditation and evaluation procedures.

In addition, we also took a look at the general status of the quality assurance agency, connected to status, organisation and background. We connected the outcomes of the survey with the examination of the other relevant documents, such as Regulation on accreditation and Self-evaluation report.

We determined the scale for each criterion - 1 being the most independent, which means that none of the relevant stakeholders has a predominant influence and 4 being the least independent, meaning that relevant stakeholders have predominant influence on the functioning of the quality assurance.

Rating scale		Third party influence.		%
Compliant	Independent	None of the stakeholders has a strong influence	1	100
Substantially Compliant	Mostly Independent	None of the stakeholders has a strong influence	2	66
Partially Compliant	Mostly Independent	Government has a strong, indirectly predominant influence	3	33
Non-compliant	Dependant	Government has a strong and predominant influence	4	0

3. Status, background and organisation of the NAQA

The National Agency for Higher Education Quality Assurance (NAQA) is a permanent collegial body authorized by the Law of Ukraine "On Higher Education" to implement the state policy in the field of higher education quality assurance. NAQA was founded by the Resolution of the Cabinet of Ministers of Ukraine no. 244 of April 15, 2015, according to the Law of Ukraine »on higher education« of July 1, 2014. The first complement of the agency was elected in 2015, however for variety of reasons it never started its official work. In December 2018, according to the amended Law of Ukraine »On Education« the new staff for NAQA was selected by an International competition commission and approved by the Cabinet of Ministers of Ukraine. At the end of February 2019, NAQA formally commenced its activities, elected the Head of the Secretariat and began the selection and appointment of its staff.

The mission of the NAQA is to catalyze positive changes in higher education and to shape its quality culture.

NAQA`s Strategy is a guide to these reform efforts, defines the Agency's mission and values, declares strategic goals and directions for their implementation. The Strategy to 2022 was approved by the decision of the National agency for higher education quality assurance on April 16, 2019.

The strategic goals of the National Agency are realized in three main directions:

1. Quality of educational services.
2. Recognition of the quality of scientific results.
3. Ensuring the systemic impact of the National Agency`s activities.

The National Agency for Higher Education Quality Assurance (NAQA) includes 23 NAQA members (decision making body) and NAQA Secretariat (62 staff units).

NAQA activities are managed by its Head and Vice-Heads within the powers defined by the Statute. Organizational, financial and economic, material and technical, information and other support of the NAQA is provided by the Secretariat.

4. Analysis of independence on different levels of the NAQA

BODY / PERSON that	NAME OF THE BODY, RESPONSIBILITIES, ACCOUNTABILITIES	ASSESSMENT, COMMENT
APPOINTS THE CHIEF EXECUTIVE OF THE QUALITY ASSURANCE AGENCY *(Area 1)*	= The Cabinet of Ministers of Ukraine The Cabinet of Ministers of Ukraine formally appoints the Head and Vice-Heads of NAQA on the basis of the results of NAQA members voting. The election of NAQA Head and Vice-Heads takes place by secret, personal vote of NAQA members. Decisions on the election of NAQA Head and Vice-Heads shall be made by a majority of NAQA members. NAQA Head and Vice-Heads are elected at the NAQA first meeting for a term of three years and work on the permanent basis. *(The constitution of NAQA members)* The NAQA includes 23 persons appointed by the Cabinet of Ministers of Ukraine on the basis of a decision of the Competition Commission based on the results of a competitive selection conducted in compliance with the principles of gender balance and sectoral representation. Regulations on the competition for the election of NAQA members are approved by a resolution of the Cabinet of Ministers of Ukraine. The Regulations on the Competition Commission for the Selection of NAQA Members approved by the Resolution of the Cabinet of Ministers of	*The government has a strong influence, indirectly predominant (3)* *Comment, risks:* The Cabinet of Ministers of Ukraine formally appoints the Head and Vice-Heads of NAQA on the basis of the results of NAQA members voting, which means the government has a indirect influence on the appointment of the chief executive of the NAQ. Alongside, the NAQA members are appointed by the Cabinet of Ministers of Ukraine on the basis of a decision of the Competition Commission. The Head of the NAQA Secretariat is also appointed by NAQA Head, who is formally appointed by the Cabinet of Ministers of Ukraine.

	Ukraine sets out the constitution of the Commission.

The membership of NAQA is formed with no more than one person from each subject field; it includes three representatives of all-Ukrainian associations of employers' organisations; two persons from among students of the first and second cycle of higher education; no less than one representative from each of the following: the National Academy of Sciences, each of the national sectoral academies of sciences (1 representative from each academy), state, communal and private higher education institutions.

The term of office of NAQA members is three years. The same person may not be a member of NAQA for more than two terms.

Criteria for NAQA Head position - being elected as a NAQA member nominated or self-nominated for NAQA Head/Vice-Head position.

(Qualification requirements for candidates for members of the NAQA)
  - knowledge of the state language,
  - higher education, except for representatives of applicants for higher education of the first or second level,
  - scientific degree and / or academic title, except for representatives of employers and applicants for higher education of the first or second level;
  - experience of scientific or scientific-pedagogical work not less than three years, except for representatives of | |

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	employers and applicants for higher education of the first or second level, – for representatives of employers - professional experience of at least five years, – for representatives of applicants for higher education of the first or second level - the status of the applicant for higher education (student / cadet) at the time of submission of documents for participation in the competition. *(Competences /responsibilities of the chief executive/NAQA Head)* – organises the preparation of the NAQA operation plan; – chairs the NAQA meetings; – signs acts adopted by the NAQA and minutes of the NAQA meetings; – organises the implementation of the NAQA decisions and informs the NAQA members about their implementation; – organises the preparation of the NAQA report on the NAQA activities; – at the motivated request of at least one third of the NAQA, convenes a NAQA meeting; – acts without a power of attorney on behalf of the NAQA within the powers provided by law and the Statute; – convenes and holds NAQA meetings, submits issues for consideration at the meetings, forms a draft agenda of the NAQA meeting and no later than one day before the meeting	

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	informs all NAQA members on the meeting; – represents the NAQA in relations with other bodies, enterprises, institutions and organisations in Ukraine and abroad, in particular with state bodies of foreign states on issues of quality assurance of higher education and international organisations; – submits proposals to the NAQA on the division of responsibilities between the Vice-Heads; – performs other functions to ensure the activity of the NAQA. NAQA Head is accountable to NAQA members *(Dismissal of NAQA Head and Vice-Heads)* NAQA Head and Vice-Heads are dismissed by the Cabinet of Ministers of Ukraine on the proposal of NAQA members. *(The NAQA Secretariat)* Organizational, financial and economic, material and technical, information and other support of the NAQA is provided by the Secretariat. The Head of the NAQA Secretariat is appointed by the NAQA Head basing on the NAQA for a term of five years with the right of reappointment. The same person may not be the head of the NAQA Secretariat for more than two terms. The head of NAQA Secretariat is accountable to and supervised by the NAQA.	
PREPARS AND ADOPTS CRITERIA	= NAQA members	*The government has a strong influence,*

/ STANDARDS FOR ACCREDITATION AND EVALUATION PROCEDURES *(Area 2)*	The criteria for accreditation and evaluation procedures are regulated by the Regulations on Accreditation of Study Programmes in Higher Education, which were developed by NAQA basing on ESG 2015 and approved by an order of the Ministry of Education and Science of Ukraine. The existence and the functions of NAQA is defined in the general legal acts: Law "On education" and the Law "On Higher Education". The procedure of accreditation is determined in the Regulations on Accreditation of Study Programmes in Higher Education approved by an order of the Ministry of Education and Science of Ukraine. The methodology of evaluation, internal procedures are determined autonomously in NAQA documents.	*indirectly dominant (3)* *Comment, risks:* The criteria for accreditation and evaluation procedures are regulated by the Regulations on Accreditation of Study Programmes in Higher Education, which were developed by NAQA basing on ESG 2015 but are however approved by an order of the Ministry of Education and Science of Ukraine, which showcases a certain indirect influence on the procedures. Although there is a formal procedure, the NAQA members are appointed by the Cabinet of Ministers of Ukraine.
APPOINTS EXPERTS IN FOR ACCREDITATION AND EVALUATION PROCEDURES *(Area 3)*	= Expert Department Expert Department is the permanent unit of the Secretariat and it includes specialists and the Head of the Department. In NAQA there is a register of NAQA experts for accreditation of study programmes. The rules of including to the register are set out in the Procedure for selection and	*None of the stakeholders has a strong influence (2)* Comments, risks: Expert group is nominated by the Expert Department of NAQA Secretariat, which selects the

	maintenance of the register of NAQA experts for accreditation of study programmes. As of today, this register includes 2528 experts (1976 scientific staff, 552 students). Before including in the register, NAQA has selected candidates which had to pass the online learning course, developed by NAQA. Those candidates who had successfully finished the course were allowed to participate in the offline training led by NAQA qualified trainers. After that the candidates who succeed were included in the NAQA experts` register. Expert group (normally 3 experts, including 1 student) is nominated by the Expert Department of NAQA Secretariat, which selects the experts from the on the basis of compliance with the specialty and in the absence of conflict of interest, availability of experts etc. and approved by NAQA Head order.	experts from the on the basis of compliance with the specialty and in the absence of conflict of interest, availability of experts etc. and approved by NAQA Head order. No stakeholder has dominant influence, which ensures independent determination of the selection of experts in accreditation and evaluation procedures, despite the fact the expert group is approved by NAQA Head order.
= DECIDES ON THE ACCREDITATION AND EVALUATION PROCEDURES AND (Area 4)	= NAQA members The final decision on accreditation procedure is made by NAQA members on monthly NAQA meeting. However, it is important to mention that decision making procedure has 3 stages: 1) expert group evaluation (including site visit) – as a result an expert group report with grades on the 9 criteria is made up. 2) Sectoral expert council evaluation (without site visit, only evaluating the documents including the expert group report) – as a result a sectoral expert council`s with grades on 9 criteria	*The government has a strong influence, indirectly predominant (3)* *Comment, risks:* The Cabinet of Ministers of Ukraine formally appoints NAQA members, which shows a certain indirect influence on the procedures, although there is a formal procedure.

	report is made up; 3) NAQA Members evaluation the case (case materials, expert group report, sectoral expert council`s report) – as a result a final decision is made.
	
	NAQA Members – 23 persons, each has 1 vote. The decision is made by majority of votes.
	
	(Types of decisions)
	    – Decision on accreditation of the study programme
	    – Decision on excellent/innovative accreditation
	    – Decision on conditional (deferred) accreditation
	    – Decision to refuse accreditation
	
	In case of disagreement with the proposal contained in the expert opinion of SEC, or if the accreditation examination was conducted in violation of the procedure established by the Regulations or if there are grounds to believe that the expert group in the report came to clearly unfounded conclusions; NAQA has the right to decide on the appointment of a re-accreditation examination.	

DECIDES ON THE APPEALS ON THE ACCREDITATION AND EVALUATION PROCEDURES *(Area 5)*	<u>= Appeals Committee</u> The Appeals Committee includes NAQA members (currently 5 people) and is approved at NAQA meeting. (self-nomination). According to the Law of Ukraine "On Higher Education" dated 01.07.2014 No. 1556-VII (hereinafter — the Law) the decision of NAQA may be appealed by a higher education institution in the manner	*The government has a strong influence, indirectly predominant (3)* *Comment, risks:* The Cabinet of Ministers of Ukraine formally appoints NAQA members, which shows a certain indirect influence on the procedures.

prescribed by NAQA, which must be made public. Based on the results of the complaint, NAQA must make an informed decision (Part 10 of Article 19).

At the request of the above Law, NAQA developed and approved on May 21, 2019 the Procedure for appealing the decision of NAQA, which is posted on the official website and brought to the attention of all interested participants.

NAQA decision may be appealed by submitting a corresponding complaint (appeal) to the NAQA Appeals Committee.

Appeal procedures are determined by internal regulations - the Procedure for appealing the decision of NAQA, adopted by NAQA decision.

(Types of decision)
Based on the results of the complaint review, the Appeals Committee shall make a reasoned decision on: leaving the complaint without consideration, or satisfying the appeal, or on the existence of grounds for refusing to satisfy the complaint.
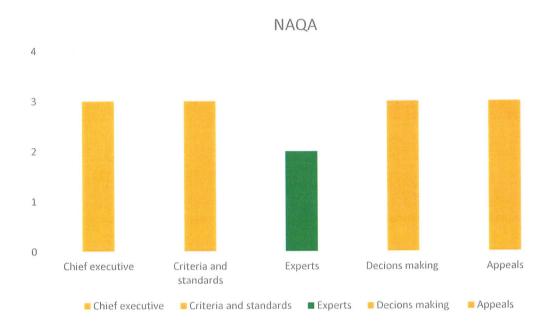
Based on the decision of the Appeals Committee, NAQA has the right to make one of the following decisions: to leave the complaint without consideration, or to leave the complaint without satisfaction, and the contested decision of NAQA — without changes, or full (partial) satisfaction of the complaint and cancellation the NAQA decision.

		Sum: 39, 6

SUM:

33+33+66+33+33 /5 = 39, 6 (overall: the assessment score 3), which means the government has a strong, indirectly predominant influence on the work of the NAQA.

NAQA

Comment on the graph:

1. None of the indicators for area 1, 2, 3, 4 and 5 have a value of 4, which means NAQA has established relevant elements of autonomy. However, the area 1, 2, 4 and 5 are assessed partially compliant or mostly dependant, since the appointment so chief executive, NAQA members and Appeal committee show indirect influence of the government in formal procedure of appointment.

2. Regarding Area 3 (experts) the indicators show a relatively high value of independence, which is positive for the overall transparent and independent functioning of the experts in the accreditation and evaluation procedures.

3. The ENQA members have the values for 3.3. standard of the ESG (Independence) between 2 and 1.

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5. Comment on other circumstances

NAQA stressed out that »On June 30, 2020, a draft law »On Amendments to Certain Laws of Ukraine«, developed by the Ministry of Education and Science (MoES) was submitted for review and approval to the Cabinet of Ministers of Ukraine.

In specific the draft law provides the change of the legal status of NAQA from independent permanent collegial body to the central executive body (CEB). As to the Ukrainian legislation the staff of CEB are government officials. The Head and Vice Heads are appointed by the Cabinet of Ministers of Ukraine. Therefore, such body is accountable to the government, (for NAQA – to the Ministry of Education and Science). «

6. Conclusion

The quest for independence has been widespread and promoted as one of the agencies' recognized standards. According to the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) document, adopted in 2005, states: »Agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party. «

ESG states, that Autonomous institutions need independent agencies as count parts. Quality assurance agencies should have full responsibility for their operations and the outcomes of those operations without third party influence.

Final conclusions:

1. The NAQA has taken important steps towards independent and transparent functioning of the quality assurance agency. The agency has established relevant elements of autonomy, including appointment of experts, in achieving transparent functioning and development of the agency.
2. The NAQA, on the other hand, has to further increase the understanding of the importance of independence in formal procedures at different levels at the NAQA, without interference of the government.
   For example: formal appointments (area 1, 2, 4, 5) of the head and vice heads, members of the NAQA and appeal committee should be in the domain of the agency solely.
3. The announced steps of the government (regarding the Amendments to Certain Laws of Ukraine), which can threaten the overall autonomous status of the NAQA, are in the opposite direction in which the NAQA should go and these steps are distancing the agency from the ENQA, the association of the highly recognised agencies, and the common European Higher Education Area.

7. About SQAA

The Agency is an autonomous and independent body that operates according to the principles of professionalism, impartiality, legality and political neutrality, and according to the Standards and Guidelines for Quality Assurance in the European Higher Education Area. It was established in 2010. As a member of organizations such as ENQA, EQAR and ECA, it strengthens the validity and international reputation of Slovenian higher education. The Agency is managed and represented by the Director; the Agency Council is a decision-making body at first instance, the Appeal Committee is a decision-making body at second instance. The Agency publishes its regulations, decisions and reports on its work.

The Council for Higher Education of the Republic of Slovenia established by the Higher Education Act in 1994 began to carry out the tasks associated with the accreditation of study programmes and higher education institutions. It was established as an independent professional body composed of experts in the field of higher education. Besides assuring quality in the study process, the granting of accreditations promoted the development of the culture of quality and the creation of regulatory frameworks subject to European development guidelines.

In 1996, the National Commission for the Quality of Higher Education was established at the university level on the initiative of the Rectors' Conference to enable the development of the internal and external quality system in the Slovenian higher education area subject to European development policies.

SQAA was established in 2010 as a non-governmental direct budget user and public authorisation holder by a Resolution on the Founding of the Slovenian Quality Assurance Agency for Higher Education.

Since 2013 SQAA has been included in the European Register of Agencies EQAR and is a full member of the ECA Accreditation Consortium, CEENQA Central and Eastern European Quality Assurance Agencies, and the International Association of Quality Assurance Agencies, INQAAHE.

Since 2015 SQAA has been a full member of the European Quality Assurance Association for Higher Education ENQA.

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8. About CEENQA

CEENQA is a non-governmental and non-profit organization with the purpose of promoting the cooperation between the member organisations in the development and harmonisation of their activities, in the field of quality assurance and quality improvement in higher education in Central and Eastern Europe, thereby making a contribution towards the development and implementation of the European Higher Education Area.

To achieve its purpose the Association has the following objectives:

1. *To assist each other in elaborating measures for harmonizing activities in quality assurance in the Central and Eastern European region, in order to participate in the European dimension of higher education, and to play a proactive role in shaping the European higher education area,*
2. *To serve as a clearing house for issues on quality assurance in higher education in the Central and Eastern European countries and to exchange information about background, aims, procedures and outcomes of activities of member agencies,*
3. *To share experiences and to foster cooperation in all fields of activity among member agencies.*

The Network of Central and Eastern European Quality Assurance Agencies in Higher Education (CEENQA) was founded on October 13, 2001 in Krakow, Poland, after a first meeting in Budapest, Hungary the year before. CEENQA was legally registered in Düsseldorf, Germany on July 4, 2011.

The Network is a non-governmental and non-profit organization.

According to its Statutes, is the purpose of the Association the cooperation between the member organizations in the development and harmonization of their activities in the field of quality assurance and quality improvement in higher education in Central and Eastern Europe, thereby making a contribution towards the development and implementation of the European Higher Education Area

CEENQA has currently 41 members from 26 countries. Most member agencies are full members.

Director of the SQAA, dr. Franci Demšar, is a president of the CEENQA.

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