

The Journey of Kosovo Accreditation Agency: Challenges and the way forward

—
September 2018



GROUP FOR LEGAL
AND POLITICAL
STUDIES



GROUP FOR LEGAL
AND POLITICAL
STUDIES

Group for Legal and Political Studies

is an independent, non-partisan and non-profit public policy organization based in Prishtina, Kosovo.

Our mission is to conduct credible policy research in the fields of politics, law and economics and to push forward policy solutions that address the failures and/or tackle the problems in the said policy fields.

legalpoliticalstudies.org

Policy Analysis 10/2018

The Journey of Kosovo Accreditation Agency: Challenges and the way forward

Author: *Rreze Hoxha

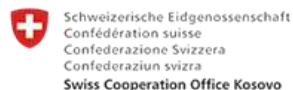
September 2018

© Group for Legal and Political Studies, September, 2018.

The opinions expressed in this document do not necessarily reflect those of Group for Legal and Political Studies donors, their staff, associates or Board(s). All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any mean without the permission. Contact the administrative office of the Group for Legal and Political Studies for such requests.

Group for Legal and Political Studies (GLPS)
"Rexhep Luci" str. 16/1
Prishtina 10 000, Kosovo
Website: www.legalpoliticalstudies.org
E-mail: office@legalpoliticalstudies.org
Tel/fax.: +381 38 234 456

* Research Fellow at Group for Legal and Political Studies



This Policy Analysis is drafted under a project supported by UNDP – Support to Anti-Corruption Efforts in Kosovo (SAEK) | Kjo Analizë Politikash është hartuar në kuadër të projektit të mbështetur nga UNDP – Mbështetja në Përpjekjet Kundër Korrupsionit në Kosovë (SAEK)

THE JOURNEY OF KOSOVO ACCREDITATION AGENCY: CHALLENGES AND THE WAY FORWARD

1. Introduction

The regulation of the higher education sector in the Republic of Kosovo is under the competence of the Board of the State Quality Council (SQC) within the Kosovo Accreditation Agency (KAA). The KAA is an independent agency established by the Ministry of Education, Science and Technology (MEST).¹ The KAA is responsible to ensure quality education and scientific research in Higher Education Institutions (HEI) while carrying out the accreditation, supervision and reaccreditation process of HEIs.

In 2015, the KAA became a member of the European Higher Education Quality Assurance Register (EQAR) and the European Network of Insurance Agencies of Quality of Higher Education (ENQA).² EQAR is the European Higher Education Area register of Quality Assurance Agencies (QAAs) with 49 states as members.³ In order to become an EQAR member, countries have to comply with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) which guarantee standards and guidelines for internal and external quality assurance and quality assurance agencies.⁴ Different from EQAR, ENQA is an umbrella organization that fosters and promotes co-operation in regards to quality assurance in higher education and contributes by sharing information and expertise among its members and stakeholders. EQAR was established by the E4 group which stands for ENQA, European Students Union (ESU), European University Association (EUA) and European Association of Institutions in Higher Education (EURASHE) as the first legal entity created in the context of Bologna Process to provide information on credible and legitimate quality assurance agencies in Europe.⁵ Prior to becoming a member of EQAR and ENQA, the KAA had to comply with the three parts of the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) which amongst others include having a policy for quality assurance, processes for designing and approving programs and assurances on the competence of their teaching staff.⁶ Moreover, the ESG standard 3.3 requires that agencies be independent and able to act autonomously and take full responsibility on their operations without third party influence.⁷ All in all, the KAA's membership in 2015 certified that it has fulfilled all the ESG standards requirements and is able to "act autonomously" and in a position to assume "full responsibility for [its] operations".

¹ Law No.04/L-037 on Higher Education, Ministry of Education, Science and Technology, article 7, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2761>

² Kosovo Accreditation Agency, "Raporti i punës per periudhën Prill 2015 – Prill 2016", [Work Report for the period April 2015 - April 2016], May 2016, <http://akreditimi-ks.org/docs/NewsPublications/Raporti%20per%20Kuvend%2006%202016.pdf>

³ The European Quality Assurance Register for Higher Education (EQAR), websource, <https://www.eqar.eu/>

⁴ Ibid.

⁵ The European Association for Quality Assurance in Higher Education (ENQA), websource, <https://enqa.eu/index.php/work-policy-area/enqa-the-bologna-process/eqar/>

⁶ The European Association for Quality Assurance in Higher Education (ENQA) in co-operation with the European Students' Union (ESU), the European Association of Institutions in Higher Education (EURASHE) and the European University Association (EUA), "Standards And Guidelines For Quality Assurance In The European Higher Education Area", 2015, https://enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf

⁷ Ibid.

According to the data provided by the KAA, there are thirty accredited HEIs operating in the country; nine are public institutions and twenty-one offer private education.⁸ Public institutions are financially supported by the country's budget and have a very low tuition fee compared to the private ones.⁹ In all public institutions the first year of studies is free and the subsequent years have a tuition fee of €25 per semester. As for the private institutions, they are not financially supported by the state and can be established by any person, company, foundation, trust or association with a legal personality and a registered office in Kosovo.¹⁰ On average, semester fees in private institutions, vary from €300 to €600 making a huge difference from the fees in public ones.¹¹ During the academic year 2016-2017 all public institutions had 64,143 students enrolled in their programs and the number of students in private institutions was 41,988.¹² The total number of students enrolled in higher education represents 6% of the entire population upon where 40% of them are enrolled in private institutions. The high demand for private education and the high tuition fees in this sector makes private institutions be considered as a good business investment. This perception is based on the percentage of young population of Kosovo and the high demand of higher education overall.

Moreover, the difference is high between the number of people engaged as academic and administrative staff in public compared to private institutions. For the course of 2017, 2,616 people were engaged as academic and administrative staff in all public institutions and 3,018 in private ones.¹³ On average, the ratio of students to staff in private institutions is 13:1, whereas at public institutions is 24:1. It must be noted that there is no incompatibility or exclusivity clause. Subsequently, any professor may be employed in more than one institution at the same time. In fact, it is not infrequent for a university professor to complement his or her salary by taking additional classes in private institutions. Considering this situation, it may be concluded that all these institutions face a shortage of the academic staff.¹⁴

With 30 HEIs, Kosovo has 1.57 such institutions for each 100.000 inhabitants, whereas Germany has 0.52 HEIs for 100.000 inhabitants and even Albania has a lower rate of 1.42 HEIs for each 100.000 inhabitants.¹⁵ Moreover, the social and economic situation does not match nor correspond with such a supposedly well-developed higher education sector. The rate of unemployment in Kosovo was above 30% in 2017. Even though there is a linear correlation

⁸Kosovo Accreditation Agency, *List of Accredited Higher Education Institutions*, webservice, <http://www.akreditimi-ks.org/new/index.php/sq/2015-09-16-11-39-57/2015-09-16-11-54-07>

⁹ Education, Audiovisual and Culture Executive Agency (EACEA), 'Overview of the Higher Education System in Kosovo', February 2017, p.10, https://eacea.ec.europa.eu/sites/eacea-site/files/countryfiche_kosovo_2017.pdf

¹⁰Law No.04/L-037 on Higher Education, *Ministry of Education, Science and Technology*, article 11, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2761>

¹¹ Education, Audiovisual and Culture Executive Agency (EACEA), 'Overview of the Higher Education System in Kosovo', February 2017, p.10, https://eacea.ec.europa.eu/sites/eacea-site/files/countryfiche_kosovo_2017.pdf

¹² Ministry of Education, Science and Technology, 'Education Statistics in Kosovo 2016-2017', Pristina, 2017, <https://masht.rks-gov.net/uploads/2017/12/statistikat-e-arsimit-ne-kosove-2016-17-shqip.pdf>

¹² Education, Audiovisual and Culture Executive Agency (EACEA), 'Overview of the Higher Education System in Kosovo', February 2017, p.10, https://eacea.ec.europa.eu/sites/eacea-site/files/countryfiche_kosovo_2017.pdf

¹³Ibid.

¹⁴Ibid.

¹⁵This ratio was calculated by dividing the number of HEIs operating in this countries according to the respective authorities by the population of each country according to the World Bank and multiplied it by 100.000.

between education and employment, according to the latest Labor Force Survey 2018, 1 in each 3 persons with tertiary studies is unemployed.¹⁶

In 2017, the Minister of MEST dismissed the Board of the SQC and the Acting Director of the KAA on an unclear basis.¹⁷ The Minister stated that “*the situation in education is not at the right level, and efforts are being made to change this situation*”.¹⁸ These actions of the Minister were not supported by the civil society organizations in Kosovo. The Organization on Raising the Quality of Education (ORCA) noted that the recent decisions of the SQC board had been against these irregularities and in favor of increasing the quality of higher education in Kosovo, contrary to the Minister’s statement.¹⁹ Furthermore, the European Quality Assurance Register (ENQA) assessed this decision as unprofessional. As a consequence of the dismissal of the Board, EQAR considered that the agency was no longer able to “act autonomously” nor in a position to assume “full responsibility for [its] operations”, as required by ESG standard 3.3; therefore it excluded the KAA from the Register.²⁰

This policy analysis will assess the consequences of these events and the current developments related to the functioning of KAA, while providing an independent look at the current institutional and human capacities and the oversight role of the agency. The first section will draw on the work of the previous board of the SQC. The second section will analyze the promises of the newly elected SQC board. The third section will address the current institutional and human challenges and obstacles of the KAA. The final section will provide a set of policy recommendations which are based on our own evidence based findings.

2. A rough year 2017

The previous board of the SQC

There is a widespread perception that the HEIs are being summarily accredited by the KAA, although some of them do not comply with all the requirements stemming from the Administrative Instruction No. 20/2016 on the accreditation HEIs.²¹ In 2016, during the 53rd meeting, the SQC acknowledged that the situation had come out of control and that there was a need to ensure quality control during the accreditation process, as well as to improve the oversight role of the

¹⁶Kosovo Agency of Statistics, ‘Anketa e Fuqise Punetore TM2 2018’ [Labor Force Survey TM2 2018], June 2018, <http://ask.rks.gov.net/media/3574/anketa-e-fuqise%20TM2-2017.pdf>

¹⁷ Gazeta Express, ‘Me kerkese te kryeministrit Haradinaj, shkarkohen drejtorja dhe Bordi i Agjencise per Akreditim’, [At the request of the Prime Minister Haradinaj, the director and the board of the Accreditation Agency get dismissed], Pristina, September 2017, <https://www.gazetaexpress.com/lajme/me-kerkese-te-kryeministrit-haradinaj-shkarkohet-kreu-dhe-bordi-agjencise-per-akreditim-438858/?archive=1>

¹⁸BotaSot, ‘Ministri i Arsimit tregon pse u shkarkua Bordi i AKA-se’, [The Minister of Education shows why the KAA Board got dismissed], Pristina, November 2017, <https://www.botasot.info/politika-lajme/796677/ministri-i-arsimit-tregon-pse-u-shkarkua-bordi-i-aka-se/>

¹⁹Kallxo.com, ‘Ministri i Arsimit Shkarkon Bordin e Agjencise per Akreditim-Dokument’, [The Minister of Education dismisses the Accreditation Agency Board-Dokument], Pristina, September 2017, <https://kallxo.com/ministri-arsimit-shkarkon-bordin-e-agjencise-se-akreditim-dokument>

²⁰ European Quality Assurance Register (ENQA), ‘Exclusion of the Kosovo Accreditation Agency (KAA) from the Register’ decision Ref. C22, (27 February 2018), http://eqar.eu/fileadmin/agencyreports/2018-02_Exclusion_Decision_C22_KAA.pdf

²¹ Administrative Instruction No.:20/2016 on the accreditation of higher education institutions in the Republic of Kosovo, Ministry of Education, Science and Technology, article 11, http://www.akreditimi-ks.org/docs/LawRegulation/UA_20_16.pdf

KAA.22 This acknowledgement of failure caused dissatisfaction among institutions, students and the public at large. Below we discuss the latest decisions undertaken by the previous board.

In accordance with the administrative instruction No.20/2016, any institution needs to have on board three members of the academic staff holding a PhD academic degree (one must be a full-time active regular professor), in order to gain accreditation.²³ This requirement was challenging to comply with due to the shortage of qualified professionals in the country. Thus, HEIs started recruiting academic staff from other countries in the region. It is important to note that the academic staff recruited from abroad had to demonstrate that at the time they were not engaged in other activities in their home countries.²⁴

This recruitment strategy led to another major problem, mainly affecting private HEIs.²⁵ It was discovered that in a substantial number of cases, the above mentioned employment situation had only been made to fulfill legal requirements, with no actual working relation taking place in Kosovo. In other words, these professors were not acting according to their contracts and their declarations to the agency. When this came to the board's knowledge, they made additional verifications of the foreign academic staff and identified 82 people that had regular working relationships in their home countries.²⁶ Proceeding further, the agency could only manage to contact the relevant institutions for verification in the case of 48 individuals before the dismissal of the board occurred. In this verification phase it was discovered that all 48 of them had regular employment in their countries. The widespread use of false declarations made by HEIs to accredit study programs shows how these institutions systematically violated the legal provisions in force.²⁷

The board of the SQC then gave all affected HEIs additional time to remove these persons from their academic staff list. Upon the expiration of this new deadline, the accreditation of 5 study programs in 3 different private HEIs was withdrawn after they failed to make the necessary substitutions and fulfill the requirements.²⁸

²² Kosovo Accreditation Agency, 'Këshilli Shtetëror I Cilësisë (Kshc) I Agjencisë Së Kosovës Për Akreditim (Aka) Mbajti Mbledhjen E 53-Të (22.09.2017)' [The Board of the State Quality Council of the Kosovo Accreditation Agency (KAA) held its 53rd meeting (22.09.2017)], (Pristina: 22 September 2017), <http://www.akreditimi-ks.org/new/index.php/sq/homepage-2/98-kaa-articles-2/lajmet/376-kshc53>

²³ Administrative Instruction No.:20/2016 on the accreditation of higher education institutions in the Republic of Kosovo, Ministry of Education, Science and Technology, article 11, http://www.akreditimi-ks.org/docs/LawRegulation/UA_20_16.pdf

²⁴ Kosovo Accreditation Agency, 'Këshilli Shtetëror I Cilësisë (Kshc) I Agjencisë Së Kosovës Për Akreditim (Aka) Mbajti Mbledhjen E 53-Të (22.09.2017)' [The Board of the State Quality Council of the Kosovo Accreditation Agency (KAA) held its 53rd meeting (22.09.2017)], (Pristina: 22 September 2017), <http://www.akreditimi-ks.org/new/index.php/sq/homepage-2/98-kaa-articles-2/lajmet/376-kshc53>

²⁵ Kosovo Accreditation Agency, 'Këshilli Shtetëror I Cilësisë (Kshc) I Agjencisë Së Kosovës Për Akreditim (Aka) Mbajti Mbledhjen E 52-Të (28.07.2017)' [The Board of the State Quality Council of the Kosovo Accreditation Agency (KAA) held its 53rd meeting (28.07.2017)], (Pristina: 28 June 2017), <http://www.akreditimi-ks.org/new/index.php/sq/2016-12-22-10-41-26/kshc-52>

²⁶ Kosovo Accreditation Agency, 'Këshilli Shtetëror I Cilësisë (Kshc) I Agjencisë Së Kosovës Për Akreditim (Aka) Mbajti Mbledhjen E 53-Të (22.09.2017)' [The Board of the State Quality Council of the Kosovo Accreditation Agency (KAA) held its 53rd meeting (22.09.2017)], (Pristina: 22 September 2017), <http://www.akreditimi-ks.org/new/index.php/sq/homepage-2/98-kaa-articles-2/lajmet/376-kshc53>

²⁷ Ibid.

²⁸ Ibid.

This was the last decision taken by the SQC board. A few days later all of its members were dismissed by MEST.²⁹ This act was initiated by an unprecedented request by the Prime Minister demanding the replacement of the board.³⁰ This decision was considered unlawful, non-transparent and out of any procedural standard required by the applicable.³¹ Thus, the entire process was labelled as political and led to long-week public discussions about the entire system of higher education. The SQC remained without any board member for seven months resulting in an impasse and no decision could be taken in regards to any of their aims and responsibilities.

Seven months of blockade

EQAR excluded the KAA from their network upon the dismissal of the SQC board by MEST.³² EQAR considered that the KAA was not able to act autonomously and was not in a position to assume full responsibility for its operations according to the standards of EQAR. Prior to excluding the KAA from their network, EQAR provided MEST with many opportunities to justify its decision, but they failed to clarify it. After several attempts to understand the nature of the irregularities that allegedly occurred, these irregularities were never revealed to EQAR.³³ Afterwards, every single act of MEST addressing this situation was deemed to be politically motivated.³⁴

Shortly afterwards, ENQA was about to exclude the KAA from its network as well.³⁵ In this case, fortunately MEST was more attentive to the situation. It created and clarified the process of renewing the board by the means of an Administrative Instruction.³⁶ Relying on the new Instruction, MEST appointed the new members of the SQC board and the Assembly of Kosovo approved the nominations. Hence, after seven months of blockade, the KAA became functional and operational. The civil society considered this process as transparent and assured ENQA that the KAA was going to be monitored and that civil society would work closely with them.³⁷

Reflecting on these two events, the damage caused to the KAA with the chaotic actions of MEST was significant. If domestically the professionalism of the KAA had been questioned before, after this episode its international credibility was in shambles. First, the KAA was accused of accrediting institutions and study programs based on their political standing and not according to legal

²⁹Gazeta Express, 'Me kerkese te kryeministrit Haradinaj, shkarkohen drejtorja dhe Bordi i Agjencise per Akreditim', [At the request of the Prime Minister Haradinaj, the director and the board of the Accreditation Agency get dismissed], Pristina, September 2017, <https://www.gazetaexpress.com/lajme/me-kerkese-te-kryeministrit-haradinaj-shkarkohet-kreu-dhe-bordi-agjencise-per-akreditim-438858/?archive=1>

³⁰ Ibid.

³¹Koha.net, 'LDK-ja don seance te jashtezakonshme per perjashtimin e Kosoves nga EQAR', [LDK wants an extraordinary session to discuss the exclusion of Kosovo from EQAR], Pristina, March 2018, <http://fax.al/read/news/14623619/17369475/ldk-ja-do-seance-te-jashtezakonshme-per-perjashtimin-e-kosoves-nga-eqar-i>

³² European Quality Assurance Register (ENQA), 'Exclusion of the Kosovo Accreditation Agency (KAA) from the Register' decision Ref. C22, (27 February 2018), http://eqar.eu/fileadmin/agencyreports/2018-02_Exclusion_Decision_C22_KAA.pdf

³³Ibid.

³⁴Ibid.

³⁵ Organization on Raising Quality in Education (ORCA), 'Kuvendi duhet t'i emëroj sot anetaret e KShC' [The Assembly must appoint the members of the SQC Board today], Pristina, April 2018, <http://orca-ks.org/sq/2018/04/16/orca-kuvendi-duhet-ti-emeroje-sot-anetaret-e-kshc/>

³⁶Administrative Instruction No.:06/2018 on the Criteria and Procedures of the Members Appointment for the State Quality Council of the Kosovo Accreditation Agency in the Republic of Kosovo, Ministry of Education, Science and Technology,

³⁷ Organization on Raising Quality in Education (ORCA), 'Kuvendi duhet t'i emëroj sot anetaret e KShC' [The Assembly must appoint the members of the SQC Board today], April 2018, <http://orca-ks.org/sq/2018/04/16/orca-kuvendi-duhet-ti-emeroje-sot-anetaret-e-kshc/>

standards. Second, it was discovered that the KAA had accredited study programs employing foreign academic staff that did not respect the law. Third, the KAA was expelled from European networks for higher education because of the political interference by the Prime Minister and the Minister, who completely disregarded the independency of the agency. All in all, this served to raise even more suspicion that the agency had served as a political tool for different party interests.

The new board of the SQC

After taking office in April 2018, the new board of the SQC set two priorities in order to take the situation under control. Their first priority was focused on addressing all the accumulated work during the blockade. They assured that they would focus on improving the internal situation of the institution and stressed their mandate on guaranteeing the quality of all accredited HEIs. Their second priority consisted on improving and re-establishing the relations with and credibility in the eyes of the international community, focusing on re-admittance into EQAR and obtaining a good evaluation from ENQA.

In relation to the first priority, one of the first decisions that the new board had to take was the extension of all accredited study programs that were about to expire. Had they decided to evaluate and verify all of them, they would have not been able to apply the standards and procedures of the European Higher Education Area (ESG) in the available time, which would have led to chaos. Therefore, in order not to throw the entire sector in disarray, and to avoid causing new problems, they decided to automatically extend the period of the accreditation of all valid study programs for a year without further scrutiny.

In addition, the SQC board considered re-evaluating the situation of the study programs under suspicion. As a result of these re-evaluation procedures, the accreditation of 19 study programs of public HEIs was withdrawn. Meanwhile private study programs were left for a later date.³⁸ At that time, there were 73 study programs from 14 different private HEIs that had been suspended. The review took place on 25th July, already midway through summer, and out of 73 programs, 60 accredited programs were withdrawn. The accreditation of 4 other programs expired and only 9 were re-accredited after fulfilling the requirements.³⁹

Furthermore, the SQC board decided to launch a verification of engagement of all academic staff in all HEIs that have a valid accreditation in September. That would be done according to the criteria set out in a new regulation created to fill the legal gaps that led to the current situation. The Administrative Instruction No.09/2017 on Accreditation of Higher Education Institutions, article 26, point 5.3.4, requires that for any study program that leads to a Bachelor or Master of Science degree, the institution must have at least one PhD full time staff or an equivalent degree in the field of the study program for each student group and every 60 ECTS credits. Thus, these criteria have changed, as they take into consideration the length and needs of each study plan.

³⁸Kosovo Accreditation Agency, 'Këshilli Shtetëror I Cilësisë (Kshc) I Agjencisë Së Kosovës Për Akreditim (Aka) Mbajti Mbledhjen E 57-Të (17.07.2017)' [The Board of the State Quality Council of the Kosovo Accreditation Agency (KAA) held its 57rd meeting (17.07.2017)], (Pristina: 17 July 2017), <http://www.akreditimi-ks.org/new/index.php/sq/homepage-2/98-kaa-articles-2/lajmet/382-kshc57>

³⁹Kosovo Accreditation Agency, 'Këshilli Shtetëror I Cilësisë (Kshc) I Agjencisë Së Kosovës Për Akreditim (Aka) Mbajti Mbledhjen E 58-Të (25.07.2017)' [The Board of the State Quality Council of the Kosovo Accreditation Agency (KAA) held its 58rd meeting (25.07.2017)], (Pristina: 25 July 2017), <http://www.akreditimi-ks.org/new/index.php/sq/homepage-2/98-kaa-articles-2/lajmet/383-kshc58>

Moreover, due to the 7 months' impasse of the KAA, applications of HEIs for new institutional and program accreditation have not been processed yet. The manner in which these applications are handled will set the tone for the future of the KAA. As of the publication of this report, such applications have yet to be considered and decided upon.

In addition, the board decided to actively participate in creating the new legislation in accordance with the standards and guidelines of the ESG. In order to do that, they joined the working groups drafting a Law on Accreditation and the secondary legislation regulating the field.⁴⁰

In relation to the second priority, the new board considered re-admittance to EQAR and a good evaluation from ENQA the main goal. This process would require full engagement of the staff going once again through the whole process of seeking membership of the network, for which a number of arrangements would be required. The most important issue to be addressed is assuring the autonomy of the agency, as it is one of the most important criteria required by these two networks.⁴¹Due to prior accusations of KAA politicization and malfunction, the SQC enabled the participation and the monitoring of their meetings by organizations of civil society.⁴²To some extent, this shows positive signs of willingness aimed at enhancing work transparency.

3. Key KAA challenges and obstacles

For a decade now, the KAA has been facing the same challenges and obstacles affecting its performance. Naturally, the poor performance of the KAA has contributed substantially to the current poor quality of higher education in Kosovo. The role of the KAA is to ensure that the accredited HEIs offer qualitative education that is competitive with the quality of education offered in the European higher education area. Consequently, whenever the KAA fails to deliver on its oversight functions, the overall quality of the sector suffers. Hence, it is important to underline that these problems and challenges have not been so far properly and seriously addressed by relevant institutions. The following paragraphs discuss few standing problems and challenges the KAA is faced with.

First, the position of the General Director has not been trusted to a full time professional for years. Instead, the KAA has kept acting directors for longer periods of time than the law foresees. This has naturally deteriorated the performance of the entire institution, missing a full-fledged Director capable of dealing with the daily and long term problems that appeared.

Second, for years the KAA has been faced with lack of human resources. Currently, the KAA is composed of six employees, including one General Director, one Legal Officer, one Administrative Officer, one Financial Officer, and two Evaluating and Monitoring Officers, one for public institutions and one for private HEI.⁴³This arrangement has created a number of problems through the years.

⁴⁰ Shkelzen Gerxhaliu (Officer for Evaluation and Monitoring), Kosovo Accreditation Agency, personal interview, Pristina, 31 July 2018.

⁴¹ Colin Tüch (Director of European Quality Assurance Register(EQAR), Opening Remarks at the discussion 'Monitoring the Kosovo Accreditation Agency: Is the Agency committed on ensuring the quality of higher education', Pristina, September 2018.

⁴² Organization on Raising Quality in Education (ORCA), 'Kuvendi duhet t'i emëroj sot anetaret e KShC'[The Assembly must appoint the members of the SQC Board today], April 2018, <http://orca-ks.org/sq/2018/04/16/orca-kuvendi-duhet-ti-emeroje-sot-anetaret-e-kshc/>

⁴³Kosovo Accreditation Agency, StafList of the Kosovo Accreditation Agency, websource, <http://www.akreditimi-ks.org/new/index.php/sq/aka/ekipi-i-aka>

As one might observe, there are only two evaluating and monitoring officers in the entire agency. Their job consists on evaluating and verifying every application that the KAA receives on institutional and program accreditation and reaccreditation. They are tasked with evaluating whether the institutions applying for accreditation or reaccreditation fulfill all legal requirements. In addition, they have to verify all the information provided and check if the content of the application is accurate and pictures the reality. Considering the fact that there are 30 HEIs with 351 programs that require continuous evaluation and monitoring, the work scope is voluminous and becomes hardly bearable for the existing staff. The nature and the volume of work imply that two monitoring and evaluation officers are not able to cover the core KAA responsibility in a timely and thorough manner.

Furthermore, insufficient human capacities have been affecting not only the accreditation and reaccreditation process, but also the exercise of oversight functions as foreseen by the Law No.05/L-037 on Higher Education in Kosovo.⁴⁴ The foreseen biannual inspection of HEIs, which is supposed to involve the KAA officers together with international external evaluators, has never happened. Even though it is imposed by law, the KAA does not exercise any control function on accredited HEIs and study programs. As a result of this, HEIs have the independence to change their entire structure and organization depending on their own needs and desires after being granted the accreditation.

Moreover, in accordance with the Administrative Instruction 9/2017 a new appeal commission should have been established. Such a commission shall review and decide on all the appeals submitted by HEIs against the decisions of the board. It is important to note that the appeal commission shall be composed of three experts in the field of higher education quality assurance. One of them shall be a former international member of the board, one shall be a former national member of the board and the third shall be a competent international expert in the field of higher education in Kosovo.⁴⁵ So far it has been difficult to appoint persons that fulfill these requirements, and thus the commission remains non-operational at the time of publishing this report. Most of the potential candidates either have a conflict of interests, are already retired or were among those dismissed by MEST.⁴⁶

Third, even though the KAA has been publishing all accreditation, reaccreditation, suspension and withdrawal decisions of accreditations of HEIs in their webpage, the reporting structure and methodology requires substantial improvement. Currently, the KAA does not provide with disaggregated data on its decisions. After each meeting, it publishes a final list of valid, certified programs that does not reflect on the decision making process. Thus, from one meeting to another the number of accredited study programs in any given institution may vary without any relation with the previous data and the minutes of the meeting that have been made public. For instance, after the 51st meeting it was reported that 90 study programs remained accredited. According to the minutes of the 52nd meeting, 13 programs were said to have been reaccredited, yet the total number of programs rose to 115, without further explanation on the difference of figures. This reporting practice is confined to provision of reliable data and lacks transparency. It would be

⁴⁴ Law No.04/L-037 on Higher Education in Kosovo, *Ministry of Education, Science and Technology*, article 7, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2761>

⁴⁵ The Administrative Instruction 9/2017 on Accreditation of Higher Education Institutions, *Ministry of Education, Science and Technology*, article 22, https://masht.rks-gov.net/uploads/2017/08/pdfjoiner_1.pdf

⁴⁶ Shkelzen Gerxhaliu (Officer for Evaluation and Monitoring), Kosovo Accreditation Agency, personal interview, Pristina, 31 July 2018.

desirable that the reporting method changes, and in the future the specific decisions taken at each meeting, including the accreditation or suspension of institutions and programs are listed, so as to facilitate the oversight of decision-making processes.

Fourth, reviewing the legislation regulating the process of accreditation and re-accreditation was one of the many requirements of ENQA and EQAR, both of which recommended that a specific law regulates the field and assures the independency of the institution.⁴⁷ Moreover, adjusting the accreditation process and the criteria with the standards and procedures of the ESG would represent the greatest achievement towards improving the quality of higher education. Previously, a practical problem that was always present during the accreditation processes was the mismatch of the expert's reports, whose evaluation was made according to ESG standards, with their final recommendations, based on domestic law. It has been argued that Kosovo had low standards on awarding accreditation for HEIs, which explains why institutions that received a negative assessment could nonetheless obtain a positive recommendation, a phenomenon that directly affected the quality of the education provided.⁴⁸ The new Law being currently discussed is expected to address the issue by aligning Kosovar standards with ESG criteria. However, the legislative process is still at a very early stage to foresee the quality of the new legal framework.

4. Conclusions and Recommendations

The KAA's main duty is to ensure the quality of higher education in Kosovo in the same line with international standards. The board of the SQC must accredit HEIs only when their objectives are aligned with those of the Law on Higher Education. The above discussed factors have proven that the KAA has poorly performed its functions and responsibilities while failing to achieve its mission.

The number of private HEIs and study programs is far from being adequate for Kosovo's socio-economic situation. Currently, the country is leading the region with 1.57 institutions for each 100.000 inhabitants and still a third of its graduates are unemployed. The KAA, instead of promoting and demanding a steady improvement of the quality of the already existing institutions through monitoring, has been accrediting additional HEIs that added little value to the overall system.

The increased number of accredited institutions has only added to the impracticality that covered this agency. Instead of creating mechanisms to ensure compliance with the required standards, the agency's *laissez faire* approach has been driven by a conception of higher education as a business instead of as a public service. Consequently, these practices caused a decrease of quality of the education provided by these HEIs. The high tuition fees amongst private institutions have proven to be great business tools, considering they are 12 to 24 times higher than the ones in public institutions. This norm has attracted different investors that not necessarily are concerned with the quality offered.

All in all, the current situation has proven that the SQC board has not entirely fulfilled its duties and had raised suppositions that the composition of the board has been a result of political interests which consequently affected its autonomy and their decision making.

⁴⁷ Colin Tück (Director of European Quality Assurance Register(EQAR), Opening Remarks at the discussion 'Monitoring the Kosovo Accreditation Agency: Is the Agency committed on ensuring the quality of higher education', Pristina, September 2018.

⁴⁸ Shkelzen Gerxhaliu (Officer for Evaluation and Monitoring), Kosovo Accreditation Agency, personal interview, Pristina, 31 July 2018.

It is to be seen how the new board will address the aforementioned issues. The attention brought to the institution should be used properly to assure a high level of integrity among the board members, transparency and accountability in the decision making procedures. In addition, the deceitful management of these 10 years should raise awareness among all actors involved in the higher education sector in Kosovo.

Recommendations

- The Law on Accreditation and all the relevant secondary legislation must be drafted in accordance to the ESG standards and should ensure the institutional independency and autonomy of the KAA during the process.
- The MEST should consult the KAA during the entire drafting process of the Law on Accreditation, in addition to other relevant stakeholders.
- The MEST should promptly address the lack of human resources in the KAA.. In particular, the KAA needs a higher number of trained evaluation and monitoring officers to undertake the core responsibilities of the agency.
- The KAA should start the biannual monitoring procedures immediately as foreseen by the Law No.04/L-037 on Higher Education. Any delay in performing this responsibility would affect the integrity and trust in the agency and consequently the perceived widespread low quality of higher education.
- The KAA should work more closely with the former members of the SQC board on identifying and appointing the members of the appeal commission, as required by law.
- The KAA should establish an online database to provide information related to all accredited HEIs and study programs. This database should be in continuous update and should reflect any potential change of status, such as the date of accreditation, date of suspension or withdrawal of every HEI in every SQC Board meeting.

POLICY ANALYSIS

Policy Analysis in general is a policy advice paper which particularly aims to influence the key means through which policy decisions are made in both local and central levels of government. The purpose of Policy Analysis is to address, more in-depth, a particular problem, to examine the arguments related to a concerned policy, and to analyze the implementation of the policy. Through Policy Analysis, Group for Legal and Political Studies seeks to stimulate wider comprehensive debate on the given issue via presenting informed policy relevant choices and recommendations to the key stakeholders and parties of interest.



**GROUP FOR LEGAL
AND POLITICAL
STUDIES**

legalpoliticalstudies.org