

External review of the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina (HEA) by the European Association for Quality Assurance in Higher Education (ENQA)

Annex I: TERMS OF REFERENCE

July 2016

1. Background and Context

Higher education in Bosnia and Herzegovina in line with the Constitution belongs to the entity of the Republika Srpska (RS), cantons in the Federation of BiH (FBiH) and the Brčko District of BiH (BD BiH). The institutional structure in the area of higher education consists of ten cantonal ministries of education, the Ministry of Education and Culture of the Republika Srpska and the Department of Education in the Government of the Brčko District of BiH, which present the competent education authorities adopted laws in the area of education, education budgets, establish education policy and have all other rights and obligations in its area of responsibility.

The Framework Law on Higher Education sets out organisation of higher education in BiH, accountability of competent education authorities in the area of higher education; establishes the bodies for implementation of the laws and international obligations of BiH, as well as the manner of quality assurance in the area of higher education.

HEA was established by the Framework Law as an independent administrative organisation. Decision of the Council of Ministers of Bosnia and Herzegovina sets out that the seat of HEA is in Banja Luka and that work should commence on 1st March 2008. After the creation of organisational, technical and other requirements for the performance and tasks entrusted to HEA by the Framework Law, HEA has become fully operational since July 2009. The HEA organisational structure is provided for by the Rulebook on Internal Organisation. The operations of HEA are organised within four core organisational units and these are as follows:

Management Cabinet

Sector for Development of Higher Education

Sector for Quality Assurance

Sector for Legal, Personnel, Financial and General Affairs

The Framework Law provided for the competences and the basis for HEA operations in Articles 47 to 52. However, the operations of HEA are to a significant extent determined by laws and bylaws at BiH level which regulate the organisation, competences and work of the institutions of BiH. As the higher education in the original constitutional competences in BiH belongs to the RS entity, cantons in the FBiH and Brčko District of BiH, the legal framework for the work of HEA consists of the laws on higher education of the RS, cantons of the FBiH and BiH Brčko District, as well as the accompanying bylaw regulations adopted by the competent education authorities.

In 2014/2015 academic year in BiH, 47 licensed higher education institutions have the permit, i.e. the license for work. Out of this number, eight are public universities and two public colleges. In Bosnia and Herzegovina education is realised at 35 private higher education institutions, while two private licensed higher education institutions have not performed education in 2014/2015 academic year.

HEA has been an affiliate of ENQA since February 2010 and is applying for the first time for ENQA membership.

HEA is also applying for registration on EQAR.

2. Purpose and Scope of the Evaluation

This review, will evaluate the way in which and to what extent HEA fulfils the *Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)*. Consequently, the review will provide information to the ENQA Board to aid its consideration of whether membership of HEA should be granted and to EQAR to support HEA application to the register.

The review panel is not expected, however, to make any judgements as regards granting membership.

2.1 Activities of HEA within the scope of the ESG

In order for HEA to apply for ENQA membership and for registration in EQAR, this review will analyse all activities of HEA that are within the scope of the ESG, i.e. reviews, audits, evaluations or accreditation of higher education institutions or programmes that relate to teaching and learning (and their relevant links to research and innovation). This is regardless of whether these activities are carried out within or outside the EHEA, and whether they are obligatory or voluntary.

The following activities of HEA have to be addressed in the external review:

- Accreditation of higher education institutions

HEA's self-evaluation and external review report should further address whether there might be any potential for conflict of interest in the agency's activities regarding the preparation of normative acts or providing advice on the work and policy development for the competent education authorities, and HEA's external quality assurance activities, and how such possible conflicts of interest are prevented.

3. The Review Process

The process is designed in the light of the *Guidelines for ENQA Agency Reviews* and in line with the requirements of the *EQAR Procedures for Applications*.

The evaluation procedure consists of the following steps:

- Formulation of the Terms of Reference and protocol for the review;
- Nomination and appointment of the review panel;
- Self-assessment by HEA including the preparation of a self-assessment report;
- A site visit by the review panel to HEA;
- Preparation and completion of the final evaluation report by the review panel;
- Scrutiny of the final evaluation report by the ENQA Review Committee;
- Analysis of the scrutiny by the ENQA Board and their decision regarding ENQA membership;
- Follow-up of the panel's and/or ENQA Board's recommendations by the agency, including a voluntary follow-up visit.

3.1 Nomination and appointment of the review team members

The review panel consists of four members: one or two quality assurance experts, an academic employed by a higher education institution, student member, and eventually a labour market representative (if requested). One of the members will serve as the chair of the review panel, and another member as a review secretary. Two of the reviewers are nominated by the ENQA Board on the basis of proposals submitted to ENQA by the member national agencies. The third external reviewer is drawn from a nomination provided by

the European University Association (EUA) or the European Association of Institutions in Higher Education (EURASHE). The nomination of the student member comes from the European Students' Union (ESU). In addition to the four members, the panel will be supported by the ENQA Secretariat review coordinator who will monitor the integrity of the process and ensure that ENQA expectations are met throughout the process. The ENQA staff member will not be the Secretary of the review and will not participate in the discussions during the site visit interviews.

Current members of the ENQA Board are not eligible to serve as reviewers.

ENQA will provide HEA with the list of suggested experts with their respective curriculum vitae to establish that there are no known conflicts of interest. The experts will have to sign a non-conflict of interest statement as regards HEA review.

3.2 Self-assessment by HEA, including the preparation of a self-assessment report

HEA is responsible for the execution and organisation of its own self-assessment process and shall take into account the following guidance:

- Self-assessment is organised as a project with a clearly defined schedule and includes all relevant internal and external stakeholders;
- The self-assessment report is broken down by the topics of the evaluation and is expected to contain, among others: a brief description of the national HE and QA system; background description of the current situation of the Agency; an analysis and appraisal of the current situation; proposals for improvement and measures already planned; a SWOT analysis; each criterion (ESG part II and III) addressed individually. All agency's QA activities (whether within their national jurisdiction or outside of it, and whether obligatory or voluntary) will be described and their compliance with the ESG analysed.
- The report is well-structured, concise and comprehensively prepared. It clearly demonstrates the extent to which HEA fulfils its tasks of external quality assurance and meets the ESG and thus the requirements of ENQA membership.
- The self-assessment report is submitted to the ENQA Secretariat who has 4 weeks to pre-scrutinise it before forwarding the report to the panel of experts. The purpose of the pre-scrutiny is to ensure that the self-assessment report is satisfactory for the consideration of the panel. The Secretariat will not judge the content of information itself but whether the necessary information, as stated in the Guidelines for ENQA Agency Reviews, is present. For the second and subsequent reviews, the agency is expected to enlist the recommendations provided in the previous review and to outline actions taken to meet these recommendations. In case the self-assessment report does not contain the necessary information and fails to respect the requested form and content, the ENQA Secretariat reserves the right to reject the report and ask for a revised version within 4 weeks. In such cases, an additional fee of 1000 € will be charged to the agency.
- The report is submitted to the review panel a minimum of six weeks prior to the site visit.

3.3 A Site Visit by the Review Panel

HEA will draw up a draft proposal of the schedule for the site visit to be submitted to the review panel at least two months before the planned dates of the visit. The schedule includes an indicative timetable of the meetings and other exercises to be undertaken by the review panel during the site visit, the duration of which is 2,5 days. The approved schedule shall be given to HEA at least one month before the site visit, in order to properly organise the requested interviews.

The review panel will be assisted by HEA in arriving in Banja Luka (Republika Srpska, Bosnia and Herzegovina)

The site visit will close with an oral presentation and discussion of the major issues of the evaluation between the review panel and HEA.

3.4 Preparation and completion of the final evaluation report

On the basis of the review panel's findings, the review secretary will draft the report in consultation with the review panel. The report will take into account the purpose and scope of the evaluation as defined under articles 2 and 2.1. It will also provide a clear rationale for its findings with regards to each ESG. A draft will be first submitted to the ENQA review coordinator who will check the report for consistency, clarity and language and it will be then submitted to HEA for comment on factual accuracy. If HEA chooses to provide a statement in reference to the draft report it will be submitted to the chair of the review panel within two weeks after the receipt of the draft report. Thereafter the review panel will take into account the statement by HEA, finalise the document and submit it to HEA and ENQA.

The report is to be finalised within three months of the site visit and will not exceed 40 pages in length.

When preparing the report, the review panel should also bear in mind the *EQAR Policy on the Use and Interpretation of the ESG*, so as to ensure that the report will contain sufficient information for the Register Committee for application to EQAR.

HEA is also requested to provide a letter addressed to the ENQA Board outlining its motivation applying for membership and the ways in which HEA expects to contribute to the work and objectives of ENQA during its membership. This letter will be discussed along with the final evaluation report.

4. Follow-up Process and Publication of the Report

HEA will consider the expert panel's report and will publish it on its website once the ENQA Board has made its decision. The report will also be published on the ENQA website, regardless of the review outcome and decision by the ENQA Board. HEA commits to preparing a follow-up plan in which it addresses the recommendations of the review panel and to submitting a follow-up report to the ENQA Board. The follow-up report will be published on the ENQA website, in addition to the full review report and the Board's decision.

The follow-up report will be complemented by a small-scale visit to the agency performed by two members of the original panel (whenever possible). This visit will be used to discuss issues, based on the ESG, considered as of particular importance or challenge by HEA. Its purpose is entirely developmental and has no impact on the judgement of membership and/or compliance of the agency with the ESG. Should the agency not wish to take advantage of this opportunity, it may opt out by informing the ENQA Review Coordinator about this.

5. Use of the report

ENQA shall retain ownership of the report. The intellectual property of all works created by the expert panel in connection with the review contract, including specifically any written reports, shall be vested in ENQA.

The review report is used by the Board of ENQA for the purpose of reaching a conclusion on whether HEA has met the ESG and can be thus admitted as a member of ENQA. The report will also be used for registration on EQAR, and is designed so as to serve these two purposes. However, the review report is to be considered final only after being approved by the ENQA Board. Once submitted to HEA and ENQA and until it is approved by the Board the report may not be used or relied upon by HEA, the panel and any third party and may not be disclosed without the prior written consent of ENQA. HEA may use the report at its discretion only after

the Board has approved of the report. The approval of the report is independent of the decision on membership.

The Chair of the panel shall remain available to respond to questions of clarification or further information from the EQAR Register Committee provided that the ENQA Secretariat is copied in all such requests.

6. Budget

HEA shall pay the following review related fees:

Fee of the Chair	4,500 EUR
Fee of the Secretary	4,500 EUR
Fee of the 2 other panel members	4,000 EUR (2,000 EUR each)
Fee of 2 panel members for follow-up visit	1,000 EUR (500 EUR each)
Administrative overhead for ENQA Secretariat	7,000 EUR
Experts Training fund	1,400 EUR
Approximate travel and subsistence expenses	6,000 EUR
Travel and subsistence expenses follow-up visit	1,600 EUR

This gives a total indicative cost of 30,000.00 EUR VAT excl. for a review team of 4 members. In the case that the allowance for travel and subsistence expenses is exceeded, HEA will cover any additional costs after the completion of the review. However, the ENQA Secretariat will endeavour to keep the travel and subsistence expenses in the limits of the planned budget, and will refund the difference to HEA if the travel and subsistence expenses go under budget. The review fee will be paid by HEA in three instalments – first one at the signature of the contract and the next two before the site visit.

The fee of the follow-up visit is included in the overall cost of the review and will not be reimbursed in case the agency does not wish to benefit from it.

In the event of a second site visit required by the Board and aiming at completing the assessment of compliance, and should the agency accept a second visit, an additional fee of 500 EUR per expert, as well as travel and subsistence costs are recoverable from the agency.

7. Indicative Schedule of the Review

Agreement on terms of reference	By August 2016
Appointment of review panel members	February/March 2017
Self-assessment completed	By February 2017
Pre-screening of SER by ENQA coordinator	February 2017
Preparation of site visit schedule and indicative timetable	March 2017
Briefing of review panel members	April 2017
Review panel site visit	Early May 2017
Draft of evaluation report and submitting it to ENQA coordinator for pre-screening	June 2017
Draft of evaluation report to HEA	July 2017
Statement of HEA to review panel if necessary	July 2017
Submission of final report to ENQA	Mid-August 2017
Consideration of the report by ENQA Board and response of HEA	September 2017
Publication of the report	September 2017