The role of legislative support in reinforcing the agency's independence in the provision of EQA

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Overcoming obstacles in reaching compliance with the ESG: lessons learnt from the SEQA-ESG project ENQA

23 November 2022

SLOVENSKÁ AKREDITAČNÁ AGENTÚRA PRE VYSOKÉ ŠKOLSTVO

Old legal framework in Slovakia

- Accreditation commission – „consultation board“ of the government
- Anchored in act on HEIs (131/2002 col.)
- Formal decision were made by Minister
- Predominantly focused on program accreditations
- No regulation on internal quality assurance

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SEQA-ESG

Independent HEIs should be assessed by independent agencies

SEQA-ESG

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Act on Quality Assurance in Higher Education
(Act 269/**2018** col.)

- Introducing the **concept** of Quality Assurance
- Creating the **Agency** as a public authority, legal entity
- Defining the **relations** between the Agency and Higher Education Institutions
- Defining the **process** framework incl. appeals
- Defining some mandatory **duties** for HEIs

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ESG 3.3 Independence

Agencies should **be independent** and act autonomously.

They should have full responsibility for their **operations** and

the **outcomes** of those operations without third party influence.

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Organizational independence

- Strong and clear legal framework respecting ESG
- Self-governing autonomy organs:
  - Chair of the Executive Board (statutory organ)
  - Vice-Chair of the Executive Board
  - **Executive Board** (decision making organ)
  - Director
  - Board of appeals
- Finances: state budget, fees and projects

SEQA-ESG

The Executive Board

- Governing and decision-making board is **nominated** by official representations of higher education (2 each):
  - Higher Education Institutions Council (academics)
  - Student Higher Education Institution Council (Student Union)
  - Slovak Rectors Conference
  - Employment association, research institutions, Churches...

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Other organs chosen by selection procedure

- Chair of the Executive board
  - Public call for competition
  - Selection commission consist of 5 person: nominated by one each stakeholder: HEIs council, Student HEIs council, Slovak rectors conference, employment associations, ministry
  - Procedure includes public hearing
  - Appointed for 6 years

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Operational independence

- In defining standards, procedures and methodologies
- In the recruitment, nomination, and appointment of experts
- In composition of the Review Panels for each proceeding, according to its nature
- Decisions are taken by the Executive Board

SEQA-ESG

Independence of formal outcomes

- The decisions are taken by Executive Board
- No one stakeholder has a dominant position in the Board
- Members should act solely in their individual capacity, and not according to those nominating them, neither any other person or interest
- Board of appeals is separate, independent, chosen by separate public selection procedure for 5 years
- The final instance is an independent court in case of dissatisfaction, including outcome of an appeal procedure

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