

# **LAW OF UKRAINE ON HIGHER EDUCATION**

## **SECTION V HIGHER EDUCATION QUALITY ASSURANCE**

### **Article 16 System of higher education quality assurance**

1. The system of higher education quality assurance shall be comprised of:

- 1) a system by which higher education institutions ensure quality of education activity and higher education (internal quality assurance system);
- 2) a system of external quality assurance for education activity of higher education institutions and higher education;
- 3) a system of assuring performance quality of the National Quality Assurance Agency for Higher Education and independent agencies for assessment and quality assurance of higher education.

2. A system by which higher education institutions ensure quality of education activity and higher education (internal quality assurance system) envisages the following actions and procedures:

- 1) definition of principles and procedures for higher education quality assurance ;
- 2) monitoring and periodic revision of programmes of study;
- 3) annual evaluation of higher education learners, research and academic and pedagogical staff of higher education institutions and regular publication of evaluation results on official web sites of higher education institutions, information boards or by other means;
- 4) ensuring in-service training for pedagogical, research and academic staff;
- 5) ensuring proper resourcing for organization of learning and instruction, including students' independent work under each programme of study;
- 6) ensuring that information systems are in place to effectively manage the education process;
- 7) ensuring that information about programmes of study, degrees and qualifications is publicly available;
- 8) ensuring that effective system is in place to prevent and disclose academic plagiarism in research and scientific works produced by faculty and learners of higher education institutions;
- 9) other actions and procedures.

A system by which higher education institutions ensure quality of education activity and higher education (internal quality assurance system) shall be assessed, upon representation of the higher education institution, by the National Quality Assurance Agency for Higher Education or accredited independent agencies for assessment and quality assurance of higher education for its

compliance with the requirements of higher education quality assurance approved by the National Quality Assurance Agency for Higher Education.

3. A system of external quality assurance for education activity of higher education institutions and higher education envisages the following actions and procedures:

- 1) ensuring effectiveness of processes and procedures of the internal quality assurance for education activity of higher education institutions and higher education;
- 2) ensuring that systems are in place to carry out procedures for external quality assurance;
- 3) ensuring that publicly available criteria are in place for decision-making in line with quality assurance standards and guidelines recognized for the European Higher Education Area;
- 4) organizing accessible and comprehensible reporting;
- 5) carrying out periodic performance reviews of quality assurance systems and follow-up mechanisms with regard to received recommendations;
- 6) other actions and procedures.

4. A system of assuring performance quality of the National Quality Assurance Agency for Higher Education and independent agencies for assessment and quality assurance of higher education envisages the following actions and procedures:

- 1) ensuring that effective processes and procedures are in place for external higher education quality assurance;
- 2) ensuring adequate and well-balanced resourcing of external higher education quality assurance;
- 3) securing independence of operations of the National Quality Assurance Agency for Higher Education and independent agencies for assessment and quality assurance of higher education;
- 4) accountability;
- 5) other actions and procedures.

#### **Article 17 Status of the National Quality Assurance Agency for Higher Education**

1. The National Quality Assurance Agency for Higher Education is a permanent collegial body empowered by this Law for implementation of the state policy in higher education quality assurance.

2. The National Quality Assurance Agency for Higher Education is legal entity acting in accordance with this Law and the Charter approved by the Cabinet of Ministers of Ukraine.

#### **Article 18 Powers of the National Quality Assurance Agency for Higher Education**

1. The National Quality Assurance Agency for Higher Education shall:

- 1) define requirements for the higher education quality assurance system, design regulation on accreditation of programmes of study with its subsequent submission for approval to the central government agency on education and science;
  - 2) scrutinize quality of education activity carried out by higher education institutions;
  - 3) carry out licensure reviews and prepare expert opinion on granting license for education activity;
  - 4) prepare proposals, upon representation of higher education institutions (research institutions), on the list of specialities to be offered to higher education learners at corresponding levels of higher education, to be presented to the central government agency on education and science;
  - 5) build a unified database of specializations introduced by higher education institutions for higher education learners at each level of higher education;
  - 6) carry out accreditation of programmes of study offered to higher education learners;
  - 7) define criteria for evaluation of education activity quality, including quality of research accomplishments, for higher education institutions of Ukraine which may serve the purpose of institutional ranking;
  - 8) identify requirements for the level of research qualification of those seeking research degrees, and develop procedure for their award by specialized Academic Councils of higher education institutions (research institutions) with its subsequent submission for approval to the central government agency on education and science;
  - 9) design regulation on accreditation of specialized Academic Councils with its subsequent submission for approval to the central government agency on education and science, carry out accreditation of specialized Academic Councils and control their activity;
  - 10) grant accreditation to independent agencies for assessment and quality assurance of higher education;
  - 11) exercise other authority stipulated by the law.
2. The National Quality Assurance Agency for Higher Education shall prepare and publish annual reports on quality of Ukrainian higher education, its adequacy to sustainable development objectives, and annual reports on their own operations, prepare proposals on legislative foundations for higher education quality assurance, referring these documents to the Verkhovna Rada of Ukraine, President of Ukraine, Cabinet of Ministers of Ukraine and higher education institutions for discussion and follow-up.

## **Article 19 Composition of the National Quality Assurance Agency for Higher Education**

1. The National Quality Assurance Agency for Higher Education shall be composed of 25 members and its overall membership shall be based the following scheme:
  - 1) two members to be nominated by the National Academy of Sciences of Ukraine, and one member to be nominated by each of the sectoral national academies of sciences;
  - 2) thirteen members to be elected by conferences among representatives of public, municipal and private higher education institutions of Ukraine, of which nine members representing public

institutions, one member representing municipal institutions and three members representing private institutions;

3) three members to be elected by a joint representative body of all-Ukrainian associations of employers;

4) two members to be elected by congress of representatives of students' governments of higher education institutions among those enrolled in higher education programmes.

Entities that elected (nominated) their representatives to the National Quality Assurance Agency for Higher Education shall have the right to withdraw their nominees before their official end of office.

The office of member of the National Quality Assurance Agency for Higher Education shall be terminated upon:

1) expiration of official term of office;

2) personal notice of resignation;

3) conviction;

4) termination of Ukrainian citizenship;

5) deeming to be missing or dead;

6) death;

7) in cases stipulated by the law.

2. Members of the National Quality Assurance Agency for Higher Education shall stay in office for the period of three years. The same person may not serve on the National Quality Assurance Agency for Higher Education for more than two terms. Chairs and deputy chairs of the National Academy of Sciences of Ukraine and sectoral national academies of sciences, higher education institutions, research institutions, founders of private higher education institutions may not be members of the National Quality Assurance Agency for Higher Education.

3. The Head and Deputy Head of the National Quality Assurance Agency for Higher Education are elected for the period of three years.

The Head and Deputy Head of the National Quality Assurance Agency for Higher Education are employed on full-time basis subject to appointment and dismissal by the Cabinet of Ministers of Ukraine upon representation of the National Quality Assurance Agency for Higher Education.

4. The National Quality Assurance Agency for Higher Education shall invite to participate in its operations international experts who are professors at leading foreign higher education institutions and/or experts from institutions in charge of education quality assurance in other countries.

5. The National Quality Assurance Agency for Higher Education establishes as part of its structure Ethics Committee, Appeal Committee and other committees composed of members of the National Quality Assurance Agency for Higher Education. Ethics Committee shall consider issues of academic plagiarism and make appropriate representations to the National Quality Assurance Agency for Higher Education and perform other responsibilities vested by the National Quality Assurance Agency for Higher Education. Appeal Committee shall review

appeals, claims and complaints on actions and decisions of specialized Academic Councils and make appropriate representations to the National Quality Assurance Agency for Higher Education and perform other responsibilities vested by the National Quality Assurance Agency for Higher Education.

## **Article 20 Operations of the National Quality Assurance Agency for Higher Education**

1. Meetings of the National Quality Assurance Agency for Higher Education shall be deemed duly empowered with at least two thirds of its membership attending. Decisions on all issues are adopted by majority vote among the overall membership of the National Quality Assurance Agency for Higher Education.

If a member of the National Quality Assurance Agency for Higher Education finds him/herself in a conflict of interest situation, such member shall abstain from voting.

Decisions on accreditation of a programme of study shall be adopted on the basis of expert opinion rendered by the relevant sectoral expert panel presented by its chair.

Members of the National Quality Assurance Agency for Higher Education act on the basis of openness and transparency. Information about activity of the National Quality Assurance Agency for Higher Education (decisions, meeting minutes, etc.) shall be published on the official web site.

2. Members of the National Quality Assurance Agency for Higher Education perform their assigned functions on the basis of legal civil contracts.

3. Organizational, financial, operational, material, technical, information and other support and resourcing of the National Quality Assurance Agency for Higher Education shall be provided a secretariat. Regulation on this secretariat and its staffing schedule shall be approved by the National Quality Assurance Agency for Higher Education.

4. Members of the National Quality Assurance Agency for Higher Education and members of sectoral expert panels, during their performance as stipulated by this Law, may be freed (fully or partially) from discharge of their professional duties at their main place of employment with retention of their salary.

5. The National Quality Assurance Agency for Higher Education may engage accredited independent agencies for assessment and quality assurance of higher education to conduct accreditation of programmes of study.

6. Pedagogical, research and academic staff working in the National Quality Assurance Agency for Higher Education on full-time basis the length of their service shall be included in the pedagogical, research or academic employment history according to the applicable legislation.

7. The National Quality Assurance Agency for Higher Education cooperates with national and international institutions in the field of higher education, specifically with those that have education quality assurance and accreditation as their core activity.

## **Article 21 Sectoral expert panels of the National Quality Assurance Agency for Higher Education**

1. Sectoral expert panels of the National Quality Assurance Agency for Higher Education shall be composed of 9 to 15 members who shall sit on the panel for the period up to three years and have research degree in the relevant field of knowledge or professional experience in the sector for at least 5 years, excluding representatives of students' governments. Sectoral expert panels may include representatives of the Government, employers, their organizations and associations, higher education institutions of all forms of ownership, research institutions, National Academy of Sciences of Ukraine and sectoral national academies of sciences, representatives of students' governments and international experts.

Members of the sectoral expert panels of the National Quality Assurance Agency for Higher Education may not be part of the Research and Methodology Board and research and methodology committees of the central government agency on education and science.

2. Nomination and election procedure for members of sectoral expert panels and panel regulations are approved by the National Quality Assurance Agency for Higher Education.

In order to ensure performance of functions assigned to sectoral expert panels, legal civil contracts may be concluded with their members.

3. Decisions on all issues are adopted by simple majority vote among the overall membership of a sectoral expert panel of the National Quality Assurance Agency for Higher Education.

## **Article 22 Funding of the National Quality Assurance Agency for Higher Education**

1. The National Quality Assurance Agency for Higher Education is a non-for-profit organization.

2. The National Quality Assurance Agency for Higher Education shall be funded from the following sources:

1) the state budget;

2) funds received as payment for work on accreditation and licensure reviews and funds received as payment for other services related to higher education quality assurance in the amounts defined by the National Quality Assurance Agency for Higher Education;

3) grants for improving quality of higher education in Ukraine, including those allocated for improvement of the higher education quality assessment system;

4) other sources not prohibited by the law.

3. Amounts of state budget allocations for operations of the National Quality Assurance Agency for Higher Education, including remuneration expenditure amounts, shall be established annually by the Verkhovna Rada of Ukraine by a separate budget line in the process of adoption of the State Budget of Ukraine.

## **Article 23 Independent agencies for assessment and quality assurance of higher education**

1. An independent agency for assessment and quality assurance of higher education is a non-government organization (institution, agency, bureau, etc.) accredited by the National Quality Assurance Agency for Higher Education that undertakes assessment and evaluation of

programmes of study, learning outcomes and/or higher education institutions (their structural units) in order to provide higher education institutions with recommendations and assist them in organization of higher education quality assurance systems and make proposals to the National Quality Assurance Agency for Higher Education on accreditation of programmes of study.

2. Independent agencies for assessment and quality assurance of higher education may cooperate with the European Association for Quality Assurance in Higher Education, in particular in order to implement European standards and recommendations on improving higher education quality in Ukraine.

3. Independent agencies for assessment and quality assurance of higher education may issue to higher education institutions their own certificates on evaluation of a programme of study and/or higher education quality assurance systems.

4. Higher education institutions' participation in the evaluation of a programme of study by an independent agency for assessment and quality assurance of higher education shall be voluntary.

## **Article 24 Education activity licensure**

1. Education activity in the higher education sector is carried out by higher education institutions and research institutions (for doctor of philosophy degree programmes) on the basis of licenses granted by the central government agency on education and science, according to the procedure defined by the Cabinet of Ministers of Ukraine and compliant with this Law.

2. In order to obtain expert opinion on eligibility for education activity license, the applicant shall submit to the National Quality Assurance Agency for Higher Education a written application and documents confirming compliance with the education activity standard for the relevant speciality. Research institutions of the National Academy of Sciences of Ukraine and sectoral national academies of sciences may submit applications and documents for expert opinion on the basis of correspondent decisions of their presidiums. The National Quality Assurance Agency for Higher Education, within two months upon receipt of an application and documents, shall conduct expert review and provide the applicant with the expert opinion.

3. In order to obtain license for education activity, the applicant submits to the central government agency on education and science a written application and expert opinion of the National Quality Assurance Agency for Higher Education. On the basis of received documents the central government agency on education and science shall issue an education activity licence or deny licensure to a higher education institution within 10 working days. A decision to deny licensure shall be substantiated and contain reference to specific provisions of the education activity standard with regard to which the applicant has been found non-compliant.

In case of failure to grant licensure for continuation of education activity to the applicant within the defined timeline, or to take decision about rejection, the applicant shall have the right to carry out correspondent education activity without licensure in 10 working days after expiration of the timeline established for granting license for education activity or taking decision about rejection, on the basis of the expert opinion of the National Quality Assurance Agency for Higher Education.

4. A license shall be granted for each speciality for the period of ten years and may be revoked only on the grounds stipulated by this Law. Information about granting or revocation of licenses shall be entered to the Unified State Education Electronic Database.

5. A license shall contain:

1) full title and place of a higher education institution and arm's-length divisions that deliver education for the relevant speciality and level of higher education;

2) licensed enrollment size, i.e. maximum number of persons a higher education institution may simultaneously enroll for education under the relevant speciality and level of higher education according to the education activity standards.

6. Form of an education activity license, issuance and re-issuance, delivery, safekeeping and recording procedure shall be approved by the Cabinet of Ministers of Ukraine.

7. Re-issuance of an education activity license shall be required in case of:

1) change of title or place of a higher education institution;

2) reorganization of legal entities that hold an education activity license by way of acquisition or merger;

3) availability of an accreditation certificate for the relevant speciality and level of higher education at the time of license expiration;

4) reorganization or change of title of a structural unit of a higher education institution that delivers education under the relevant speciality and level of higher education and is indicated in a higher education institution license.

8. Re-issuance of an education activity license is exempt from licensure procedure. In the event or reorganization of legal entities holding education activity licenses by way of acquisition or merger, re-issuance shall be processed on the basis of licenses these institutions hold.

9. In the event of loss or damage of an education activity license a higher education institution is entitled to apply for a duplicate license. The central government agency on education and science shall be obliged to issue a duplicate to replace a lost or damaged license to a higher education institution within two weeks upon such application receipt.

10. An education activity license may be revoked only in the event when:

1) a higher education institution files an application for termination of education activity;

2) misrepresentation is found in documents submitted for licensure;

3) a higher education institution fails to comply with the order issued by the central government agency on education and science in the course of Government oversight (control) of higher education institutions on elimination of violation of the education activity standards.

A decision to revoke an education activity license shall be taken by the central government agency on education and science. During consideration of issue to revoke an education activity license, information shall be heard from a representative of the higher education institution concerned.



A decision to revoke an education activity license may not be taken with regard to a higher education institution that holds a valid certificate for accreditation of a programme of study under the relevant speciality.

11. In case of license revocation a higher education institution loses the right to carry out education for the relevant speciality.

12. Theological higher education institutions that desire their data to be entered in the Unified State Education Electronic Database shall be subject to licensure procedure. Theological higher education institutions that desire to award state-recognized diplomas shall have their programmes of study accredited.

## **Article 25 Accreditation of programmes of study**

1. A higher education institution that desires to have their programmes of study accredited shall submit to the National Quality Assurance Agency for Higher Education a written application and documents confirming compliance of its education activity with the higher education standard for the relevant speciality.

2. The National Quality Assurance Agency for Higher Education, within two months upon receipt of an application, shall take a decision on granting or rejecting accreditation of a particular programme of study on the basis of an accreditation review.

3. Within three working days after the decision to grant accreditation to a programme of study, the National Quality Assurance Agency for Higher Education shall provide a higher education institution with an accreditation certificate.

4. An accreditation certificate shall contain the following:

- 1) title and address of a higher education institution;
- 2) speciality and level of higher education for which the programme of study is accredited;
- 3) date of issuance.

5. An accreditation certificate shall be first issued for each accredited programme of study for the period of five years, and upon second and each subsequent accreditation – for the period of ten years. Information about issuance of an accreditation certificate shall be entered to the Unified State Education Electronic Database.

6. Form of an accreditation certificate, issuance and re-issuance, delivery, safekeeping and recording procedure shall be approved by the Cabinet of Ministers of Ukraine.

Re-issuance of an education activity license shall be required in case of:

- 1) change of title or place of a higher education institution;
- 2) reorganization of legal entities that hold an accreditation certificate by way of acquisition or merger;

4) liquidation or reorganization, or change of title (place) of a structural unit of a higher education institution that delivers education under the relevant speciality (field) and level of higher education.

7. The certificate confirms conformity of a programme of study offered by a higher education institution under the relevant speciality and level of higher education with the higher education standards and grants the right to issue state-recognized diploma for this speciality.