

Decision on the Appeal by Academic Information Centre (AIC) against the Decision to Renew its Registration

Appeals Committee
18 April 2024

Ref. AC/A133

Ver. 1.0
Date 2024-04-19
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Application of:	2022-08-18
Agency registered since:	2018-06-01
External review report of:	2023-06-28
Review coordinated by:	European Association for Quality Assurance of Higher Education (ENQA)
Review panel members:	Brian Norton, Ieva Vaiciukevičienė, Michal Goszczynski, Pieter-Jan Van de Velde
Register Committee decision of:	2023-12-12
Appeal of:	2024-02-16
Appeals Committee decision of:	2024-04-18
Attachments:	<ol style="list-style-type: none"> 1. Register Committee decision, 2023-12-12 2. Appeal by AIC, 2024-02-16 3. Appeals Committee clarification request, 2024-03-28 4. Register Committee response to Appeals Committee request, 2024-04-12

I. The Appeal Case

- On 2022-08-18 Academic Information Centre (AIC) applied for renewal of its registration on EQAR, based on an external review coordinated by the European Association for Quality Assurance of Higher Education (ENQA).
- The EQAR Register Committee deferred the application by its decision of 2023-10-13 and invited AIC to make additional representation. On 2023-11-24 AIC submitted its additional representation.
- The EQAR Register Committee rejected the application after the additional representation by its decision of 2023-12-12 (hereinafter “the Appealed Decision”).
- AIC made an appeal against the decision on 2024-02-16 (hereinafter “the Appeal”).
- The Appeals Committee considered the Appeal at its first meeting on 2024-03-21 where it confirmed the grounds of the Appeal and requested further information from the Register Committee on its appealed decision

pursuant to Art. 3.2. Section 1: Appeals of the Appeals and Complaints Procedure.

6. The Register Committee submitted further information on the appealed decision on 2024-04-12 (hereinafter “the response”).

7. The Appeals Committee considered the Appeal by AIC and the clarification provided by the Register Committee at its second meeting on 2024-04-18.

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II. Criteria and Factual Basis for Appeal Decisions

8. The Appeals Committee established its findings following the terms of reference as laid down in Art. 21 of the EQAR Statutes and Articles 1 and 2 of the Appeals and Complaints Procedure (Section 1):

EQAR Statutes

Article 21: Appeals

(1) The applicant can file an appeal against decisions of the Register Committee on procedural grounds or in the case of perversity of judgement.

(2) The Appeals Committee shall either reject or allow the appeal. If the appeal is rejected, the Register Committee’s decision is final. If the appeal is allowed, the Register Committee shall reconsider the Application, taking due account of the grounds of the appeal and the Appeals Committee’s decision.

(3) Further provisions shall be made in the Appeals Procedure.

Appeals Procedure

Article 1: Grounds of appeal

(1.1.) Applicants may, within the scope of appeal outlined in Art. 2 below, appeal against a decision of the Register Committee claiming that

a. the Register Committee has violated EQAR’s statutes or secondary regulations, general legislation or any commonly accepted principles of fair and equal procedures (“procedural grounds” according to art. 21 (1) of the statutes); or

b. the Register Committee’s decision was unreasonable or disproportionate in the light of the available evidence (“perversity of judgement” according to art. 21 (1) of the statutes), for example in that the Register Committee has

- not considered or misunderstood certain facts and/or evidence duly provided in the proceedings; or*
- based its decision on facts and/or evidence which were not duly provided in the proceedings; or*

- *not used or exceeded the scope of discretion at its disposal; or*
- *based its decision on considerations which are evidently not substantially related to the issue in question; or*
- *failed to consider an aspect which is likely to be of substantial relevance for the decision.*

(1.2.) An appeal is only admissible after the possibility to make additional representation on a Register Committee decision has been used, either as part of the regular process or by making use of the option to do so.

Article 2: Scope of Appeal

(2.1.) An appeal seeks to change the decision that is being appealed. If an applicant wishes to raise its dissatisfaction with the process without seeking a change of the decision, they should make a complaint.

(2.2.) The appeal may only be based on those facts which have been duly introduced into the proceedings of the Register Committee and shall clearly state the grounds for appeal.

(2.3.) EQAR's statutes and further regulations shall be relevant for appeals as in effect when the decision appealed against was made.

(2.4.) Except in case of grave and evident fault, the Appeals Committee will only consider those complaints which the applicant has put forward in the appeal.

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III. Admissibility of the Appeal

9. The Appeal was submitted within 40 days from receipt by AIC of the Rejection Decision, as required in Art. 3.1. of the Appeals Procedure.

10. The Appeal thus questioned that the Register Committee's judgement was reasonable and proportionate in the light of the available evidence, according to Art. 1.1 (b.) of the Appeals and Complaints Procedure (Section 1).

11. [IF NEEDED: COMMENT ON REGULATIONS IN EFFECT AT DECISION DATE] see Art. 2 (2) of the Appeals Procedure.

12. [IF NEEDED] The Appeals Committee considered only those complaints which the applicant has put forward in the Appeal, i.e. ESG 2.1; ESG 2.4; ESG 2.6 and ESG 3.6. Furthermore, the Appeals Committee considered the complaints which the applicant has put forward in the appeal that is related with the Register Committee's holistic judgement.

13. The Appeal was, therefore, admissible.

IV. Judgement on the Case

14. The Appeals Committee considered (1) the ESG standards in question and (2) the points brought forward by AIC on the holistic judgement by the Register Committee.

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IV.1 ESG Standards and Interpretation

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15. ESG 2.1 – AIC maintains that the judgement on the standard is unjustified and the evidences and statement by AIC have not been considered adequately.

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16. The Appeals Committee considered the claim by AIC, by taking closer look in the Appealed Decision and the Appeal itself and requested further clarification by the Register Committee.

17. The Appeals Committee noted the Register Committee's clarification and reasoning for the judgement with ESG 2.1. The Appeals Committee, therefore, concurred with the clarification by the Register Committee and noted that such an explanation should have been elaborated in the Appealed Decision.

18. ESG 2.4 – Justification given for the ESG 2.4 is disproportionate to the scope of students' involvement in the quality assurance activities, both in assessments and government.

19. The Appeals Committee considered the claim by AIC, by taking closed look in Appeal itself and the Appealed Decision.

20. The Appeals Committee concurred that the judgement of 'partial compliance' by the Register Committee has been justifiable and followed the evidence provided in the review report.

21. Furthermore, the Appeal Committee noted, that the ESG 2.4 reads clearly:

"External quality assurance should be carried out by groups of external experts that include (a) student member[s]."

22. Therefore, the Appeals Committee noted that the claim is not substantiated.

23. ESG 2.6 – Assessment of the ESG 2.6 is unfair and inconsistent with other Register Committee decisions.

24. The Appeals Committee considered the claim by AIC, by taking closer look in the Appealed Decision and the Appeal itself and requested further clarification by the Register Committee.

25. The Register Committee's response provided elaboration and further evidence why AIC has been found to be partially compliant with ESG 2.6 which has been considered by the Appeals Committee.

26. The Appeals Committee noted the response by the Register Committee and based on the response and provided evidence concurred with the reasoning for the judgement on ESG 2.6.

27. ESG 3.6 – The assessment of the ESG 3.6 is unreasonable, it is based on considerations which are evidently not substantially related to the ESG 3.6 and statements made in the Decision are not based on information provided neither in the SAR nor in the panel report.

28. The Appeals Committee considered the claim by AICm by taking closer look in the Appealed Decision and requested further clarification by the Register Committee on the judgement with the standard by clarifying on the evidence that brought to this judgement.

29. The Register Committee in its response elaborated on the 5 different factors that contributed to the judgement of the standard with partial compliance.

30. The Appeals Committee took note of the response by the Register Committee and was able to concur with the justification by the Register Committee on ESG 3.6.

IV.2 Holistic Judgement

31. The Appeals Committee considered the claim by AIC on the holistic judgement in the Appealed Decisions

“AIC absolutely disagrees with the Register Committee that it was ‘unable to conclude that AIC complies substantially with the ESG as a whole’”

32. The Appeals Committee, therefore, requested further clarification by the Register Committee on its’ holistic judgement and how this conclusion has been reached.

33. The Register Committee elaborated in its response, why and how the Committee reaches its holistic judgement and which factors are taken into account when such a decision is reached. Furthermore, the Register Committee clarified in its response how this conclusion was reached for AIC’s application.

34. The Appeals Committee took note of the clarification by the Register Committee and concurred that their justification for the holistic judgement has been reasonable in light with the provided evidence.

35. Furthermore, the Appeals Committee has considered whether the case should be referred back to the Register Committee despite upholding the conclusions on each standard as discussed above. This would have been appropriate if the Appeals Committee had found that the Register Committee, if it were to reconsider the case in view of the Appeals Committee’s reasoning as outlined above, would have ample reason to arrive at a different holistic judgement.

V. Concluding Judgement and Decision

36. Based on the considerations above, the Appeals Committee concluded that AIC did not provide convincing evidence for perversity of judgement. The

Register Committee's judgement was reasonable and proportionate in the light of the available evidence.

37. The Appeal by AIC is admissible, but not substantiated. The Appeals Committee therefore rejects the Appeal.

38. According to Art. 4 (3) of the Appeals and Complaints Procedure (Section 1), the Appealed Decision of 2023-12-12 is final.

Brussels, 18 April 2024

Paul Zoontjens (Chair)
Carolyn Campbell (member)
Jiri Nantl (member)

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Rejection of the Application by Academic Information Centre (AIC) for Renewal of Inclusion on the Register

Register Committee
11-12 December 2023

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Application of:	2022-08-18		
Agency registered since:	2018-06-01		
Type of review:	Full	Site visit:	2023-02-06
External review report of:	2023-06-28	Submitted:	2023-08-18
Review coordinated by:	European Association for Quality Assurance of Higher Education (ENQA)		
Review panel members:	Brian Norton, Ieva Vaiciukevičienė, Michal Goszczynski, Pieter-Jan Van de Velde		
Decision of:	2023-12-12		
Registration until:	2023-06-30		
Absented themselves from decision-making:	Inga Lapina		
Attachments:	1. External Review Report, 2023-06-28 2. AIC's statement on the report, 2023-08-18 3. AIC Additional representation, 2023-11-24		

1. The application of 2022-08-18 adhered to the requirements of the EQAR Procedures for Applications.
2. The Register Committee confirmed eligibility of the application on 2022-09-06.
3. The Register Committee considered the external review report of 2023-06-28 on the compliance of AIC with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG, 2015 version).
4. The Register Committee further considered the applicant's statement on the report, sent on 2023-08-18, and the two change reports of 2021-10-05 and 2022-03-15.
5. The Register Committee invited AIC to make additional representation on the grounds for possible rejection on 2023-10-13. The Register Committee considered AIC's additional representation on 2023-12-12.

Analysis:

6. In considering AIC's compliance with the ESG, the Register Committee took into account

Accreditation of higher education institution

Assessment and accreditation of a study field

Licensing of study programme

Accreditation of study programmes abroad

Inclusion of a licensed study programme on the accreditation form of study field

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7. The Register Committee noted that the Assessment of feasibility on changes in study fields (i.e. study programmes)¹ is not an activity within the scope of the ESG and has thus not considered it in its assessment of AIC's compliance with the ESG.

8. The Register Committee found that the report provides sufficient evidence and analysis on AIC's level of compliance with the ESG.

9. With regard to the specific European Standards, the Register Committee considered the following:

ESG 2.1 – Consideration of internal quality assurance

10. The Register Committee follows the panel's analysis regarding the requirement of a public quality assurance policy (ESG 1.1), explicitly in the *Inclusion of a licensed study programme on the accreditation form of a study field* and the *Accreditation of foreign study programmes frameworks*. The Register Committee noted that AIC has yet to fully take up the national qualification framework (ESG 1.2) in each assessment framework, focussing more on assessment policies in all assessment frameworks, including a focus on student-centred assessment (ESG 1.3), and adding reference to public information (ESG 1.8) in the *Inclusion of a licensed study programme on the accreditation form of a study field* framework.

11. After consideration of the additional representation by AIC regarding the points addressed in the panel review report and the Register Committee decisions, the Register Committee concluded that even when considering that different procedures could be considered as a package, there are missing elements with regards to standards 1.1, 1.2, 1.3 and 1.8 in the QA model of the agency.

12. Therefore the Register Committee agrees with the argumentation of the panel and judgement of the standard only as partial compliance.

ESG 2.3 – Implementing processes

13. The Register Committee noted that there are inconsistencies in the implementation of the processes. The Register Committee underlines the panel's recommendation that the agency should clearly communicate on the valid reasons behind multiple inputs to its accreditation process and

¹This activity was not designed as a stand alone procedure and therefore does not independently cover all requirements of the ESG Part 2. It only covers the ESG Part 2 in combination with another related procedure licensing of study programme or accreditation of study field.

decisions, by publishing them on the website as noted also in its [Substantive Change Report Decision](#) of 15 October 2021.

14. The Register Committee further noted the concerns raised by the review panel concerning the lack of relevant criteria and information integrated in AIC's guidebook from the Law on Higher Education and Cabinet Regulations, as well as the updating of assessment methodologies, frameworks and the guidelines for institutions, as well as experts.

15. From the additional representation by the agency, the Register Committee understood that, when considering that different procedures would be considered as a package the *Methodology for organising the assessment of higher education institutions and colleges* could be seen as a follow-up procedure for the one-off procedure *Accreditation of higher education institutions*. While the panel noted that the agency is preparing a cyclical institutional accreditation, the Committee reiterates the need for clear follow-up measures.

16. **The Register Committee concluded that AIC complies with ESG 2.3.**

ESG 2.4 – Peer-review experts

17. The Register Committee stressed in its Substantive Change Report Decision of 2021-10-22 that the group of experts in the *inclusion of licenced study programme on the accreditation of study field* procedure, does not include a student. While the Committee understands that this procedure was created as a temporary and short-term solution in order to close possible gaps in the accreditation periods of programmes (until the next re-accreditation of the corresponding study field), the Committee could not follow the agency's decision of not involving students, as per the requirement of the standard 2.4.

18. The Register Committee further noted from the review panel's report that the agency has not resolved this issue and sustained its position that two experts should be sufficient in this procedure.

19. Considering AIC's statement to the report that, the Register Committee understood that AIC is applying the national framework. The Committee however underlined that it is AIC's responsibility to ensure ESG compliance with all standards and that it has taken measures to ensure the involvement of students in all procedures.

20. The Register Committee underlines the panel's recommendation to include student-members in all procedures involving external experts, in particular in the procedures for Inclusion of a licensed study programme in the accreditation form of study field.

21. In its additional representation, AIC explained that the *inclusion of licenced study programme on the accreditation of study field* procedure is not a stand-alone procedure, but a temporary measure while the new quality assurance system from 2025 will include students in all procedures. The Register Committee however noted that students are at the time not included in this procedure, as the new system is not implemented yet. The

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Register Committee underlined the expectation of the standard, that students should be involved in all QA processes.

22. The Register Committee concurs with the panel that AIC complies only partially with ESG 2.4.

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ESG 2.6 – Reporting

23. The panel's analysis shows that AIC does publish full reports of the experts panels for its procedures 'Accreditation of higher education institution', 'Assessment and accreditation of a study field', 'Licensing of study programme' and 'Accreditation of study programmes abroad'.

24. The Register Committee further noted however, that these published reports and the decision letter do not reflect the additional elements which have been provided and taken into consideration after the site visit nor the additional tasks given to the higher education institution.

25. The Register Committee could not find any new supporting evidence to AIC's position in the additional representation. Both from the panel's report and the AIC website, it was clear that only the duration of accreditation terms is published, while the full decisions are not published together with the reports.

26. The Register Committee therefore concludes that there is no sufficient transparency in AIC's reporting processes and therefore concurs with the panel's conclusion of partial compliance.

ESG 2.7 – Complaints and appeals

27. The Register Committee noted in its past decision that the chairperson of the agency's board takes the final decision on the appeal and reviews the conclusions of the Appeals Committee. The Register Committee found this may affect the integrity of the appeals process. Additionally, the Register Committee found that higher education institutions do not have the possibility in case of institutional accreditation to appeal the report with AIC (only with ministry).

28. In the Substantive Change Report (of 2022-03-15), AIC elaborated further on the modalities for potential appeals against accreditation decisions regarding the Accreditation of foreign study programmes. The explanations, however, left open how such appeals would be considered.

29. In the review report the panel explained the possibility to appeal accreditation decisions made by the agency. The panel considers that the appeals procedure which has been developed, and the Appeals Committee which has been compiled in January 2022, brought the agency's review procedures for Latvian higher education institutions in line with the standard.

30. The Register Committee considered the statement of the agency regarding the appeals and complaints procedures and noted that the amendments to the legislation were approved and an appeal procedure,

including independent appeals commission, has been set and is functioning. The Register Committee welcomes the progress made, but follows the panel's concern on the lack of the transparency of external quality assurance system, due to a lack of written procedure for hearing complaints.

31. The Register Committee underscores the panel recommendations on the publication of the procedures to follow-up complaints concerning activities of the agency in Latvia and on the development of an appeals and complaints procedure for its accreditation procedure for foreign degrees.

32. **Having considered the improvements by the agency, the Register Committee noted the need to further elaborate on the procedure for complaints. The Register Committee agrees on compliance for this standard.**

ESG 3.6 – Internal quality assurance and professional conduct

33. The Register Committee understood from the panel's analysis that AIC has set up an internal management system to support the daily work of the agency and the collection of feedback from different sources to inform improvements.

34. The Committee however noted AIC's internal quality assurance system faces a number of issues and limitations: no major changes/ improvements can take place without government regulation or legal change; the informal nature of the feedback limits the ability of the agency to measure objectively "the outputs of the system"; no sufficient evidence that experts are getting acquainted with additional requirements or obligations set by Study Quality Commission after the accreditation procedure.

35. The Register Committee therefore finds that AIC has yet to consolidate its internal quality assurance system, including internal and external feedback mechanisms for continuous improvement.

36. **The Register Committee could not conclude that, as it stands, the agency's internal quality assurance processes are fully sufficient to assure and enhance the quality and integrity of its activities and therefore could not follow the panel's conclusion, but found that AIC complies only partially with the standard 3.6.**

37. For the remaining standards, the Register Committee was able to concur with the review panel's analysis and conclusion without further comments.

Conclusion:

38. Based on the external review report and the considerations above, the Register Committee concluded that AIC demonstrated compliance with the ESG (Parts 2 and 3) as follows:

Standard	Previous decision (2018-12-06)	Review panel conclusion	Register Committee conclusion
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2.1	Compliance	Partial compliance	Partial compliance
2.2	Compliance	Compliance	Compliance
2.3	Compliance	Compliance	Compliance
2.4	Compliance	Partial compliance	Partial compliance
2.5	Compliance	Compliance	Compliance
2.6	Compliance	Partial compliance	Partial compliance
2.7	Partial compliance	Partial compliance	Compliance
3.1	Compliance	Compliance	Compliance
3.2	Compliance	Compliance	Compliance
3.3	Compliance	Compliance	Compliance
3.4	Compliance	Compliance	Compliance
3.5	Compliance	Compliance	Compliance
3.6	Compliance	Compliance	Partial compliance
3.7	Compliance	(not expected)	Compliance (by virtue of applying)

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39. Also after duly considering AIC's additional representation, the Register Committee concluded that AIC only achieved partial compliance with a number of standards. AIC thus fails to meet some key requirements of the ESG and, in its holistic judgement on the basis of the documentation available and AIC's representation, the Register Committee remained unable to conclude that AIC complies substantially with the ESG as a whole.

40. The Register Committee therefore rejected the application.

41. AIC has the right, according to §3.31 of the Procedures for Applications, to undergo a focused review addressing those issues that led to rejection, and to reapply within 18 months based on that focused review.

42. AIC has the right to appeal this decision of the Register Committee in accordance with the [EQAR Appeals Procedure](#). Any appeal must reach EQAR within 40 days from receipt of this decision.



ACADEMIC INFORMATION CENTRE

Academic recognition in Latvia of academic degrees and education documents acquired in other countries
Information institution on recognition of professional qualifications in regulated professions
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Riga, August 18, 2023

No. 2023/4.4-005

To: EQAR Register Committee
e-mail: info@eqar.eu

Subject: external review of the AIC

Academic Information Centre and its Quality Agency for Higher Education (Agency) confirms its intention to apply for registration in EQAR, which is crucial for the international recognition of the agency.

The Agency appreciates the review panel for the in-depth study and feedback on the Agency operation and generally on external quality assurance system in Latvia. However, we would like to emphasize some aspects and kindly ask the EQAR Register Committee to consider them.

1. The first aspect is related to the the impact of the two assessment procedures on the overall judgement of some standards - "Assessment of feasibility on changes in study fields (i.e. study programmes)" and "Inclusion of a licensed study programme on the accreditation form of study field".

When including both procedures in the Terms of Reference for this review, the Agency has added an explanatory note stating that these procedures are not independent (stand-alone) and therefore were deliberately not designed to cover all standards of the ESG Part 2. We would like to point out that both procedures are imposed by the Latvian regulatory framework.

In the opinion of the Agency, the missing elements identified in "Assessment of feasibility on changes in study fields (i.e. study programmes)" and "Inclusion of a licensed study programme on the accreditation form of study field", have served as the main reason for judging standards 2.1. and 2.4. of the ESG Part 2, nevertheless that review panel concluded that all major processes are compliant with standards.

The number of experts and assessing feature are set by national regulation. As it is mentioned in the Self-Assessment Report (SAR) the compliance with the ESG is ensured in conjunction with licensing of study programme or study field assessment, therefore ensuring that student is involved in the assessment of particular subject (SAR p.62-65).

Regarding the assessment of feasibility on changes in study fields (i.e. study programmes) as it is mentioned in the SAR (p.25, 59-60), the cases when changes are reviewed by one expert are set in regulations no.793 paragraph 2.3. Depending on the nature of changes, the expert is provided with individual and specialised training. The set of changes could be different, therefore there is no possible to provide a unified template, however the Agency has developed Methodology (available

<https://www.aika.lv/normativie-akti/ieksejie-normativie-akti/>), where procedure is described, examples are given and guidelines for experts report are provided as well.

Applying the same principles for these two procedures as for the main assessment activities was not deemed to be necessary, considering the nature and legislation, and would only increase the already high level of bureaucracy and workload that the Agency is continuously striving to optimise.

2. As this is the second full review for the Agency, we have made efforts in all areas since the previous review in 2018, including in the areas identified by the previous review panel.

Regarding the standard 2.7., we would like to note that following the review panel recommendation in 2018, the amendments to the legislation were approved and appeal procedure, including independent appeals commission, was set and is functioning (SAR p.15, 71-73). Regarding the accreditation of study programmes abroad the procedure is established, only appeals commission members were not appointed at the moment of the current ENQA review. Detailed information is available in the SAR p.71 – 73 and on the Agency webpage <https://www.aika.lv/en/for-higher-education-institutions/accreditation-of-foreign-study-programmes/>

Taking into account that complaints and appeals procedures are established for all assessment frameworks, recognising the progress made since previous review and current review panel admits that all major review processes are compliant with the standard, the Agency kindly asks to reconsider the assessment of this standard.

Regarding the standard 3.4. the Agency would like to inform that the those thematic analysis report which were not yet published during the review panel visit, currently are available on the Agency webpage: <https://www.aika.lv/normativie-akti/informativie-zinojumi/>

We believe that suggestions provided by review panel will facilitate further improvements. However, in the opinion of Agency, judgments of standards are not proportional to the efforts the Agency has made to maintain an ESG-compliant system in Latvia.

We kindly as to take into consideration the specific national and legal context in which Agency operates and specifically the role of Agency and its competence and ambitions to facilitate development of quality culture and ensure the spirit of the ESG, which is recognised by all stakeholders.

Yours faithfully,

Jolanta Silka, Head of the Agency

Baiba Ramiņa, Chairperson of the AIC Board

The block contains two handwritten signatures in blue ink. The top signature is cursive and appears to be 'Jolanta Silka'. The bottom signature is also cursive and appears to be 'Baiba Ramiņa'.



ACADEMIC INFORMATION CENTRE

Academic recognition in Latvia of academic degrees and education documents acquired in other countries

Information institution on recognition of professional qualifications in regulated professions

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Riga, November 24, 2023

No. 2023/4.4-012

To: EQAR Register Committee

e-mail: info@eqar.eu

magalie.soenen@eqar.eu

Subject: additional representation of AIC

Academic Information Centre and its Quality Agency for Higher Education (Agency) would like to reconfirm our commitment to the thorough and thoughtful consideration of the ESG in the quality assurance in Latvia.

The Agency is convinced that many of the aspects mentioned by the panel and Register Committee will support further enhancement of Agency's activities. At the same time the Agency would like to pay attention to the proportionality of the assessment, considering that panel concluded that "all major review processes are compliant with the standard" and "the overall interpretation of the ESG standard is correct".

As every set of standards leaves room for interpretation, the Agency would like clarify its position in order to avoid any misunderstandings and assure its respect to the following the ESG and considering "Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies".

Using this opportunity, we would like to provide additional explanation and inform about progress done on some recommendations, which has an impact on the evaluation of some ESG standards.

We would appreciate if Register Committee will consider these aspects while making the final decision.

Additional Representation to the AIC application for the renewal of Registration to EQAR

In the following sections we have provided responses to the findings of the Register Committee and panel, which reflect the existing quality assurance system and our actions on the removal of any concerns regarding the full-fledged implementation of the ESG.

ESG 2.1 – Consideration of internal quality assurance

9. The Register Committee follows the panel's analysis regarding the requirement of a public quality assurance policy (ESG 1.1), explicitly in the Inclusion of a licensed study programme on the

accreditation form of a study field and the Accreditation of foreign study programmes frameworks, taking up the national qualification framework (ESG 1.2) in each assessment framework, focussing more on assessment policies in all assessment frameworks, including a focus on student-centred assessment (ESG 1.3), and adding reference to public information (ESG 1.8) in the Inclusion of a licensed study programme on the accreditation form of a study field framework.

Agency would like to point that ESG 1.1., ESG 1.2., ESG 1.3., and ESG 1.8. are covered by all assessment procedures (detailed mapping in the SAR Table 7 page 45-54):

ESG Part I standards	Licensing of study programmes (Self-assessment report)	Inclusion of a licensed study programme on the accreditation form of study field (Self-assessment report)	Assessment and accreditation of study fields (Self-assessment report)	Institutional accreditation (Self-assessment report)	Accreditation of foreign study programmes abroad (Self-assessment report)
1.1.	Chapter I: 1.2. Chapter III: 3.4., 3.5.	Part II: 2.1.3.	Part I: 1.3., 1.4. Part II: Chapter 2.1. 2.1.6., 2.1.2. Chapter 2.2.	Chapter 1: 1.2. Chapter 2.	Chapter 1.,9.
1.2.	Chapter I: 1.1., 1.2., 1.3. Chapter III.	Part I. Part II: 2.1.1., 2.1.3., 2.1.4.	Part II: Chapter 2.2.: 2.2.2. Part III: Chapter 3.1.: 3.1.2. Chapter 3.2.: 3.2.1., 3.2.3., 3.2.4., 3.2.5	Chapter 1: 1.3., 1.5. Chapter 2: 2.5., 2.6.	Chapter 1., 2.
1.3.	Chapter III: 3.2., 3.3., 3.4., 3.5.	Part II: 2.1.2., 2.1.3., 2.1.4.	Part II: Chapter 2.1.: 2.1.5. Chapter 2.2.: 2.2.3., 2.2.4. Part III: Chapter 3.2.: 3.2.1., 3.2.3.	Chapter 2: 2.6. Chapter 3: 3.4.	Chapter 4., 8., 10.
1.8.	Chapter III: 3.4., 3.5.	Part II: 4.	Part II: Chapter 2.2.: 2.2.5.	Chapter 1: 1.7.	Chapter 7.

However, it is important to add that **the overall quality assurance system was designed to avoid overlaps to the extent possible (that is also suggested by ESG 3.3), therefore the focus on each standard in different procedures slightly differs** and does not require the same element to be repeated. The Agency considers that the current arrangements are optimal for balancing the workload that the higher education institutions face.

On p.49 of the review report the panel follows this idea and even states that: “While the panel values the combination of study field and study programme reviews, it considers that there is still room for improvement in order to reduce the workload by better defining which elements should be assessed at programme level, and which ones are assessed at study field level”.

Also, it is worth to mention “Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies” stating that “Where several activities/processes are complimentary and clearly linked to each other – i.e. in a way that institutions or programmes systematically take part in all of them – they should be treated as a “package” for the purposes of ESG 2.1 and 2.2, which relate to the overall design.”

Agency assures that all standards are covered and there is no argumentation given for the opposite statement.

ESG 2.3 – Implementing processes

12. The Register Committee noted that there are inconsistencies in the implementation of the processes. The Register Committee underlines the panel's recommendation that the agency should clearly communicate on the valid reasons behind multiple inputs to its accreditation process and decisions, by publishing them on the website as noted also in its Substantive Change Report Decision of 15 October 2021.

13. The Register Committee further noted the concerns raised by the review panel concerning the lack of relevant criteria and information integrated in AIC's guidebook from the Law on Higher Education and Cabinet Regulations, as well as the updating of assessment methodologies, frameworks and the guidelines for institutions, as well as experts.

The Agency does not follow the argumentation of EQAR in regard to multiple inputs to its accreditation process as the Substantive Change Report Decision of 15 October 2021 does not identify any such issues.

Substantive Change Report Decision of 15 October 2021 emphasized inconsistencies in the naming of accreditation body.

As it is mentioned in the SAR inconsistencies were caused due to the differences in the official translations in English. Agency follows to the official translations and gradually adapt terms in English in the whole documents, by using one term, e.g. Study Quality Commission.

The consistency of all processes is assured by appropriate methodologies and guidelines both for higher education institutions and assessment experts, which are developed for each assessment procedure. Besides, there is an internal quality management system of the Agency which prevents any inconsistency in the implementation.

The Agency ensures that the external quality assurance processes are reliable and consistent through several tools/methods described in the SAR page 59.

The methodological differences of the assessment procedures are related to different aims of the procedures and intention to optimize the workload for the higher education institutions and the Agency, still following all requirements of the ESG 2.3.

The situation when any requirements set by the Law on Higher Education Institutions and Cabinet Regulations are not covered while implementing processes is completely impossible due to the Latvian legal framework (SAR page 58-62).

Agency is authorized by the government to implement quality assurance functions and organize assessment procedures in higher education. These functions are delegated and set out by the respective Laws and Cabinet regulations. Consequently, the decisions of the Agency have to comply with the requirements for formal decisions under the Administrative Procedure Law and respective legislative acts as otherwise they would all end up in the court.

14. The Register Committee noted that "no specific follow-up procedure is in place at institutional level" as the accreditation of higher education institutions, is a one-off procedure. While the panel noted that the agency is preparing a cyclical institutional accreditation, the Committee underlined the lack of clear follow-up measures, for this procedure.

The Agency has developed a policy for performing follow-up procedures and has introduced follow-up procedures for all types of assessments. (SAR page 61)

Although currently the accreditation of higher education institutions is a one-off procedure, it foresees **a follow-up that is described in the Methodology for Organizing the Assessment of Higher Education Institutions and Colleges¹ in Section IV. Follow-Up Activities.** (<https://www.aika.lv/wp-content/uploads/2020/07/Methodology-for-Organising-the-Assessment-of-Higher-Education-Institutions-and-Colleges.pdf>)

At the same time there is a clear vision to change the current quality assurance model to the cyclical institutional accreditation, which will explicitly cover all ESG standards and consequently will include a cyclical follow-up.

As it is mentioned in the SAR (page 20), the work on the transition has taken place since 2019, including a project implemented jointly with the Ministry of Education and Science. Consequently, after the round of workshops and seminars with higher education institutions and other stakeholders the provisional **concept of the new quality assurance model was developed and presented in May 2022. The concept report and presentation are available at:**

<https://www.izm.gov.lv/lv/projekta-progres-a-zinojumi-1>
<https://www.izm.gov.lv/lv/media/16496/download?attachment>

As it is set in ESG 2.3. all assessment processes are defined and published and consistently implemented, following steps described in the guidelines of the standard (SAR page 58-62).

ESG 2.4 – Peer-review experts

16. The Register Committee stressed in its Substantive Change Report Decision of 2021-10-22 that the group of experts in the inclusion of licenced study programme on the accreditation of study field procedure, does not include a student. While the Committee understands that this procedure was created as a temporary and short-term solution in order to close possible gaps in the accreditation periods of programmes (until the next re-accreditation of the corresponding study field), the committee could not follow the agency's decision of not involving students, as per the requirement of the standard 2.4.

19. The Register Committee underlines the panel's recommendation to include student-members in all procedures involving external experts, in particular in the procedures for Inclusion of a licensed study programme in the accreditation form of study field.

In the understanding of the Agency it is of the utmost importance that the assessment procedures are fit for purpose and cover the higher education system as a whole at the same time considering the burden for everyone involved.

The assessment procedures that were initially designed to fully cover all ESG standards involve students as full members of expert groups (Accreditation of higher education institution; Assessment and accreditation of a study field; Licensing of study programme; Accreditation of study programmes abroad).

¹ <https://www.aika.lv/wp-content/uploads/2020/07/Methodology-for-Organising-the-Assessment-of-Higher-Education-Institutions-and-Colleges.pdf>

The role and responsibilities of the student members are equal to those of the other members (including responsibility for the content of the report, remuneration, voting rights etc.) and historically this is an element that the Agency and the Student Union of Latvia has been very proud of.

Review panel concluded that all major review processes mentioned above are compliant with the standard, also in regard to student involvement.

As communicated during the drafting process of the Terms of Reference for the review, the Inclusion of a licensed study programme on the accreditation form of study field is a short-term solution. Within the European Social Fund project higher education institutions received financial support for the development of new study programmes. The newly developed programmes had to receive licence and undergo assessment, therefore it was imposed by legislation.

When designing the procedure for inclusion of a licensed study programme on the accreditation form of study field, the Agency analysed carefully the burden that it would place on the higher education institutions, stakeholders and the Agency, both in terms of human and financial resources. Care was taken to ensure that the relation between the invested resources and the outcome is reasonable and all relevant stakeholders, including the Student Union of Latvia that nominates student experts, were consulted in this regard. These discussions unanimously led to the current setup where the inclusion of a licensed study programme on the accreditation form of study field is as a sequential continuation of the study programme licensing where the progress is assessed, meaning that experts assess whether HEI intentions described during the creation and licensing of the study programme are fulfilled. Taking into account both procedures, it could be concluded that there are 5 experts (2+3) - three academics (one of them is international), one student, one labour market.

Currently there is a transition to the cyclical institutional accreditation. It is already approved that the new quality assurance system will be in place in 2025. In this new system the inclusion of a licensed study programme on the accreditation form of study field will not exist anymore.

<https://www.izm.gov.lv/lv/media/16496/download?attachment>

<https://www.izm.gov.lv/lv/projekta-progres-a-zinojumi-1>

Moreover, the Agency fully respects the requirements of the ESG 2.4 in regard to student participation, therefore it is envisaged that the new quality assurance model will involve students in all procedures.

A support letter from the Student Union of Latvia is attached to this letter to confirm the statements made above.

ESG 2.6 – Reporting

21. The panel's analysis show that AIC does publish full reports of the experts panels for its procedures 'Accreditation of higher education institution', 'Assessment and accreditation of a study field', 'Licensing of study programme' and 'Accreditation of study programmes abroad'.

22. The Register Committee further noted however, that these published reports and the decision letter do not reflect the additional elements which have been provided and taken into consideration after the site visit nor the additional tasks given to the higher education institution.

23. Only the duration of accreditation terms is published, while the full decisions are not published together with the reports.

24. The Register Committee concludes that there is no sufficient transparency in AIC's reporting processes and therefore concurs with the panel's conclusion of partial compliance.

For each assessment procedure the reports of experts and self-assessment reports of higher education institutions are published in a full manner (not summary or abstract as in some cases in the EHEA). In the case of accreditation, the term of accreditation is published as well.

Both public and negative reports are published fully.

All reports are in line with the guidelines (template) developed by the Agency. If any expert disagrees with the opinion of the group as a whole, he/she presents his/her individual opinion in the specific section in the report.

Decision made by the Study Quality Commission is a legal document under the Administrative Procedure Law (as any decision made by the independent institution), therefore decisions include certain legal arguments based on the assessment done by the experts. Decisions may include sensitive or limited access information and are sent to the higher education institution directly.

Decisions are based on the experts report and are in line with the assessment provided by the experts, therefore reporting process is transparent and all the results are publicly available.

ESG 2.7 – Complaints and appeals

25. The Register Committee noted in its past decision that the chairperson of the agency's board takes the final decision on the appeal and reviews the conclusions of the Appeals Committee. The Register Committee found this may affect the integrity of the appeals process. Additionally, the Register Committee found that higher education institutions do not have the possibility in case of institutional accreditation to appeal the report with AIC (only with ministry).

26. In the Substantive Change Report (of 2022-03-15), AIC elaborated further on the modalities for potential appeals against accreditation decisions regarding the Accreditation of foreign study programmes. The explanations, however, left open how such appeals would be considered.

27. In the review report the panel explained the possibility to appeal accreditation decisions made by the agency. The panel considers that the appeals procedure which has been developed, and the Appeals Committee which has been compiled in January 2022, brought the agency's review procedures for Latvian higher education institutions in line with the standard.

28. The Register Committee considered the statement of the agency regarding the appeals and complaints procedures and noted that the amendments to the legislation were approved and an appeal procedure, including independent appeals commission, has been set and is functioning. The Register Committee welcomes the progress made, but follows the panel's concern on the lack of the transparency of external quality assurance system, due to a lack of written procedure for hearing complaints.

29. The Register Committee underscores the panel recommendations on the publication of the procedures to follow-up complaints concerning Latvian activities of the agency and on the development of an appeals and complaints procedure for its accreditation procedure for foreign degrees.

30. The Register Committee therefore concurs with the panel's conclusion of partial compliance.

Complaints procedure is set in the Methodologies for each assessment procedure, prescribing the rights to submit complaints regarding the process of assessment stating that:

- If during the assessment process the assessment experts or HEI detect any violation in the assessment process or unethical conduct of the parties involved in the assessment process, a complaint may be expressed, firstly, to the assessment coordinator, or it could be submitted in written to the Agency:
 - o In case when complaint is expressed directly to the assessment coordinator, assessment coordinator is conducting in line with the set of principles for assessment procedure (if necessary consulting with the Head of the Assessment Unit or Head of the Agency)
 - o If complaint is submitted in written, the complaint is carefully considered and written answer within a month is prepared.
- higher education institution has right to object the approved experts by submitting justified arguments. According to the procedure justification of objection is examined by the Agency, i.e. by assessment coordinator, Head of Quality Assessment Unit and a lawyer and approved by the Head of the Agency. If expert's replacement is not justified, the additional attention is paid to the experts' trainings in order to emphasize the principles of the experts' work. In any case, the Agency provides arguments for replacement or rejection of replacement that are sent to HEI.

In the opinion of the Agency, this level of detail in the methodologies, as the main guiding document for the higher education institutions, is more fit for a purpose than a separate document that would only describe complaints.

In order to ensure better transparency, the above mentioned information is now available not only in methodologies but it is also published at the website, e.g <https://www.aika.lv/en/for-higher-education-institutions/accreditation-of-study-direction/>

According to the Law on Higher Education Institutions and the Cabinet regulations and described in the Methodologies each decision of Study Quality Commission can be appealed, by sending an appeal to the Appeals Commission.

As it is mentioned in the SAR the exception is the accreditation of higher education where a decision-making body is the Higher Education Council whose decisions are appealed to the Ministry of Education and Science.

However, currently there is a transition to cyclical accreditation of higher education institutions. **Amendments to the Law on Higher Education Institutions were already approved on 11.10.2022. with coming into force on 01.01.2025.**

Amendments state that the decision on the accreditation of higher education institutions is taken by the Study Quality Commission within six months. And, as any decision of the Study Quality Commission, it may be contested to the Appeals Commission, and a decision of the Appeals

Commission may be appealed to the court in accordance with the procedures laid down in the Administrative Procedure Law.

The Agency has implemented recommendation on the developing an appeals and complaints procedure for its accreditation procedure for foreign study programmes.

Information is available on the website: <https://www.aika.lv/en/for-higher-education-institutions/accreditation-of-foreign-study-programmes/>

Procedure for appeals and its commission is available here: https://www.aika.lv/wp-content/uploads/2023/11/Rules-of-Procedure_Appeals-Commission_foreign-programmes.pdf

At this moment complaints and appeals procedures are established for all assessment frameworks.

ESG 3.6 – Internal quality assurance and professional conduct

31. The Register Committee understood from the panel's analysis that AIC has set up an internal management system to support the daily work of the agency and the collection of feedback from different sources to inform improvements.

32. The Committee however noted AIC's internal quality assurance system faces a number of issues and limitations: no major changes/ improvements can take place without government regulation or legal change; the informal nature of the feedback limits the ability of the agency to measure objectively "the outputs of the system"; no sufficient evidence that experts are getting acquainted with additional requirements or obligations set by Study Quality Commission after the accreditation procedure.

33. The Register Committee therefore finds that AIC has yet to consolidate its internal quality assurance system, including internal and external feedback mechanisms for continuous improvement.

34. The Register Committee could not conclude that, as it stands, the agency's internal quality assurance processes are fully sufficient to assure and enhance the quality and integrity of its activities and therefore could not follow the panel's conclusion, but found that AIC complies only partially with the standard 3.6.

The Agency in collaboration with stakeholders has developed a Quality management manual. The Quality management manual aims to document the activities of the Agency in the field of the quality management in order to ensure that all the staff of the Agency and involved stakeholders have common understanding, and the society is informed about quality standards of the Agency.

Information on quality policy is available on the Agency's website.

The necessity for the improvement of the quality management system is assessed and planned within the annual strategic planning and control process. The Agency assures internal quality at strategic and operational level.

The Quality Management System follows the four steps of the PDCA cycle: Plan – Do – Check – Act (SAR page 40-42)

The SER provides examples of how the provided feedback affects the improvements made in the procedures and operations of the Agency, which confirms the regular feedback mechanisms (SAR Table 5 page 41-42)

As in many EHEA countries, the major changes in the higher education system are introduced through the legislative acts. However, the Agency is always involved in the development of the external regulations related not only to the quality assurance but also to the higher education and research policy in general (for example, ECTS introduction, cycles definition, doctoral concept, education monitoring, higher education state standards etc)

Also, the national legal framework recognizes that all internal regulations developed by the Agency are binding to all involved stakeholders.

The Agency has rights to initiate the amendments as well, for example, there are approved amendments initiated by Agency, for example:

- cabinet regulations in 2018-2019:
 - o the Agency has got more autonomy in drafting methodologies, guidelines and assessment criteria
 - o one joint Study Quality Commission was established for all national procedures instead of two separates for accreditation and for licensing
 - o Appeals commission was introduced
 - o HEI rights to choose any EQAR registered agency for study field assessment
- Law on Higher Education Institutions:
 - o Establishment of the Appeals Commission concept (in 2018)
 - o Cyclical institutional accreditation (in 2022)
 - o Recognition of the accreditation of joint study programmes (in 2022)
 - o Introduction of ECTS (in 2022)

Internal regulations like Methodologies, steps of the procedures, guidelines, by-laws etc are developed by the Agency (in discussions with all stakeholders), as well as amendments are approved also by the Agency without government implications.

As it is described in the SAR the processes for internal quality assurance are prescribed and implemented regularly. The Agency operates in a transparent, responsible and objective manner, involving stakeholders, which could be confirmed by the feedback received from all stakeholders and progress made since the previous assessment, including the current improvements described in this representation.

Yours faithfully,

Jolanta Silka, Head of the Agency

Baiba Ramaņa, Chairperson of the AIC Board

Rīga

16.11.2023. Nr. 2023/PV22

*Letter of support for Academic Information Center
(AIC) and its department Quality Agency for Higher
Education (AIKA).*

The Students Union of Latvia (LSA) represents students in Latvia nationally and internationally. Our organisation is an important partner to higher education policymakers, on topics which impact current and future students of Latvia. Our role is established in the National Law of Higher Education Institutions. LSA is also a member of the European Students Union.

With this letter, we would like to express our unwavering support for AIC and AIKA in the external review process which ENQA coordinates.

It has been brought to our attention that during this external review, the topic of involvement of students in the external quality assurance process has come under scrutiny, especially when it comes to the topic of the assessment of the inclusion of a licensed study programme on the accreditation form of study field. During this legislative process we, and the other stakeholders, concluded that student involvement in the aforementioned visits would be redundant as students are already represented at every other step of the process, most notably we have our representative on the Study Quality Commission where all final decisions on the study directions (including decisions about accreditation, licencing etc.) are taken, a representative in Higher Education Quality Assurance Council, which oversees the system as a whole, LSA is one of the mandated members of the Higher Education Council of Latvia which is the final decision making body on whether or not grant accreditation to new Higher education institutions, LSA also delegates a student representative to every other visit, e.g. programme licensing visits, study field accreditation visits as well as Higher Education institutional accreditation visits. LSA over the years has had great cooperation with AIKA and student representation in quality assurance processes in Latvia is one of the best in the European Higher Education Area.

**DOCUMENT IS SIGNED WITH A SECURE ELECTRONIC SIGNATURE AND
INCLUDES A TIME STAMP**

We hope that you will consider our opinion and that we have managed to address any potential worries about student involvement in the external quality assurance process in Latvia. We are open to further communication on the topic and any other potential concerns that may arise.

President

Liene Levada

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ACADEMIC INFORMATION CENTRE

Academic recognition in Latvia of academic degrees and education documents acquired in other countries

Information institution on recognition of professional qualifications in regulated professions

Latvian Quality Agency for Higher Education

National Europass Centre, ReferNet Latvia, National Coordination Point for EQF, Study in Latvia

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Riga, February 16, 2024

No. 2024/4.4-002

To: EQAR Appeals Committee

e-mail: info@eqar.eu

magalie.soenen@eqar.eu

Subject: appeal against the decision made by the EQAR Register Committee

Academic Information Centre and its Quality Agency for Higher Education (Agency) lodges an appeal against the decision made by the EQAR Register Committee on the rejection of the application by Academic Information Centre (AIC) for the renewal of inclusion on the Register (hereinafter Decision).

AIC is appealing the Decision because we consider that it is **unreasonable and disproportionate in the light of the available evidence** and that the reasoning of the EQAR Register Committee is not based on the actual standards of the ESG as is required.

Background

AIC has undergone a review to assess its continued compliance against the Standards and Guidelines for Quality Assurance in the European Higher Education Area (the ESG).

The ESG approved by Ministers in Yerevan in 2015 are clear on the respective purposes of the Standards and the Guidelines as follows:

*“The **standards** set out agreed and accepted practice for quality assurance in higher education in the EHEA and should, therefore, be taken account of and **adhered to by those concerned**, in all types of higher education provision.*

*The **guidelines** explain why the standard is important and describe how standards might be implemented. They set out good practice in the relevant area for consideration by the actors involved in quality assurance. **Implementation will vary depending on different contexts.**”*

The London Ministerial communique of 2007 states in relation to an agency's inclusion on EQAR that “*applications for inclusion on the register should be evaluated on the basis of substantial compliance with the ESG, evidenced through an independent review process.*”

It is AIC's considered view that the EQAR Register Committee has taken into consideration factors beyond the required standards without justified evidence and arguments.

We set out on some detail below why the Register Committee has drawn incorrect conclusions and been significantly inconsistent with its own previous decisions.

1. AIC maintains that the judgement on ESG 2.1 is unjustified and AIC's statement and evidence have not been considered adequately.

Register Committee decision on the ESG 2.1 – Consideration of internal quality assurance

10. The Register Committee follows the panel's analysis regarding the requirement of a public quality assurance policy (ESG 1.1), explicitly in the Inclusion of a licensed study programme on the accreditation form of a study field and the Accreditation of foreign study programmes frameworks. The Register Committee noted that AIC has yet to fully take up the national qualification framework (ESG 1.2) in each assessment framework, focussing more on assessment policies in all assessment frameworks, including a focus on student-centred assessment (ESG 1.3), and adding reference to public information (ESG 1.8) in the Inclusion of a licensed study programme on the accreditation form of a study field framework.

11. After consideration of the additional representation by AIC regarding the points addressed in the panel review report and the Register Committee decisions, the Register Committee concluded that even when considering that different procedures could be considered as a package, there are missing elements with regards to standards 1.1, 1.2, 1.3 and 1.8 in the QA model of the agency.

12. Therefore the Register Committee agrees with the argumentation of the panel and judgement of the standard only as partial compliance.

AIC reconfirms that ESG 1.1., ESG 1.2., ESG 1.3., and ESG 1.8. are covered by all assessment procedures (detailed mapping is provided in the SAR¹ Table 7 page 45-54, specific mapping on the respective standards is given in letter of the AIC additional representation²).

It is important to note that **the overall quality assurance system was designed to avoid overlaps to the extent possible (that is also suggested by ESG 3.3), therefore the focus on each standard in different procedures slightly differs** and does not require the same element to be repeated.

In the “Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies”³ it is stated that “Where several activities/processes are complimentary and clearly linked to each other – i.e. in a way that institutions or programmes systematically take part in all of them – **they should be treated as a “package” for the purposes of ESG 2.1 and 2.2, which relate to the overall design.** (Example: all institutions in a system undergo a periodic institutional audit and periodic programme accreditation. There is no need to re-check in programme accreditation those aspects of ESG Part 1 that are covered in the institutional audit.)”.

According to the “Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies”, AIC is respecting this principle. When developing the overall external quality assurance system, given the number and complexity of the processes, AIC has carefully considered the overall burden that it poses on higher education institutions and eliminated overlaps that would cause additional and unnecessary work and would not result in relevant conclusions, unique if compared to other assessments that the institution undergoes.

In regard to **ESG 1.1., the public availability of the quality assurance policy is thoroughly checked during the assessment of study fields that is a cyclical assessment mandatory for all study fields.**

¹ SAR is available at: https://www.aika.lv/wp-content/uploads/2022/12/AIC_SER_November_2022_ENQA-comments_FINAL_Dec.pdf

² AIC letter No. 2023/4.4-012 to EQAR Register Committee on November 24, 2023.

³ https://www.eqar.eu/assets/uploads/2020/09/RC_12_1_UseAndInterpretationOfTheESG_v3_0.pdf

The assessment criteria 1.2.1 for the assessment of study fields requires that *“The higher education institution/ college has established a quality policy (which is publicly available).”*

The assessment criteria 3 in the part III Study Content and the Mechanism **for the licensing of study programmes** requires that *“Implementation of the Study Programme There is a quality assurance system in place at the higher education institution/ college, the principles of which are complied with also in the study programme to be licensed. The study programme meets the standards set forth in Part I of the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG).”*

Any study programme that is included in the study field through “Inclusion of a licensed study programme on the accreditation form of a study field” has been licensed and has to undergo assessment of the study field and/or is included in a study field that has recently undergone assessment.

In regard to **1.2, AIC would like to emphasise that AIC is at the same time the national coordination point, responsible for referencing the national qualifications to the European Qualifications Framework.** When establishing the Agency in 2015, the fact that both functions would be performed under one umbrella was crucial in assigning the quality assurance function to AIC. The requirements of the national qualifications framework are incorporated in the national standards for education that are legally binding to all study programmes implemented in Latvia (Regulations on State Standard for Academic Education; Regulations on State Standard for Professional Education). Furthermore, in case of professional study programmes that lead to a professional qualification, in addition to degree, the requirements of the relevant LQF level are incorporated in the related professional standard and each professional standard belongs to one certain LQF level and cannot be applied to study programmes of other levels.

Each study programme is designed in line with LQF. Moreover, the compliance with these requirements is thoroughly checked during the assessment by requiring mappings against the state standards and professional standards, as well as mappings of programme aims against the learning outcomes of study courses and carefully assessing them. Regarding master's and doctoral study programmes, the research component is even more thoroughly assessed through a specific requirement included in the assessment guidelines "P5. *The study programme for obtaining a master's or doctoral degree is based on the achievements and findings of the respective field of science or field of artistic creation*". There have been numerous cases where the programmes have been judged as only partially compliant particularly because of inconsistencies between the programme aims, learning outcomes and content of study courses.

Here are some examples demonstrating this approach:

Study field assessment (experts joint opinion⁴):

The assessment criteria 2.2.1 in the 2.2. The Content of Studies and Implementation Thereof requires that *“The content of the study programme is topical, the content of the study courses / modules is interconnected and complementary, corresponds to the objectives of the programme and ensures the achievement of learning outcomes, as well as meets the needs of the industry, labor market and scientific trends. Complies with national regulations (state education standard, professional (occupational) standard or professional qualification requirements (if applicable))”.*

⁴ https://www.aika.lv/wp-content/uploads/2022/02/TULKOJUMS_SVN_Ekspertu-atzinuma-vadl%C4%ABnijas_07022022_clean.pdf

2.2.2. *In the case of a master's or doctoral study programme, the awarding of a degree is based on the achievements and findings of the relevant field of science or artistic creation.*

The assessment criteria 2.5. in “Assessment of the Compliance of the Study Programme”: *“The study programme complies with the State Academic Education Standard or the Professional Education Standard”* (point 1), *“The study programme complies with a valid professional standard or the requirements for the professional qualification (if there is no professional standard required for the relevant occupation) provided if the completion of the study programme leads to a professional qualification (if applicable)”*(point 2).

Study programme licensing procedure (experts joint opinion⁵):

The assessment criteria no.1 in the III. Chapter Study Content and the Mechanism for the Implementation of the Study Programme *“The study content is relevant and in line with the latest sectoral trends and/or the trends in science, and it complies with the provisions of the relevant regulatory enactments. The contents of the study courses are harmonised and allows achieving the learning outcomes of study courses and the study programme”*

The assessment criteria in the V. Chapter Compliance of the Study Programme with the Provisions of Regulatory Enactments *“The study programme complies with the State Academic Education Standard or the Professional Education Standard”* (point 7), *“The study programme complies with the valid professional standard or the requirements for the professional qualification (if there is no professional standard required for the relevant occupation) provided that the completion of the study programme leads to a professional qualification”*(point 8).

We consider that requesting a blunt reference to EQF/LQF in order to confirm that the national qualifications framework is included in the assessment methodologies is a narrow interpretation of the standard 1.2 and supports formal and superficial attitude rather than meaningful and thorough implementation of it.

Regarding ESG 1.3 and 1.8, it is once again important to emphasise that the “Inclusion of a licensed study programme on the accreditation form of a study field”, while defined as a separate quality assurance procedure, is only a technical solution for including the programme in study field and assessing the progress achieved since licensing. The study field that the study programme belongs to is and will be assessed every 2 or 6 years.

The intended teaching and learning methods and the appropriateness of the study programme to the expected student body (ESG 1.3) have to be thoroughly assessed when establishing the study programme (Part III. Study Content and the Mechanism for the Implementation of the Study Programme) and during the assessment of study fields (Part II, 2.2. The Content of Studies and Implementation Thereof).

Adding additional standards to “Inclusion of a licensed study programme on the accreditation form of a study field” would impose repetition and cause unproportionate burden to higher education institutions. The similar approach is used also by other agencies, for instance, SQAA (Slovenia).

The availability and accuracy of the available public information (ESG 1.8) is considered on a regular basis when receiving an application and is foreseen by the methodologies developed for all assessment

⁵ <https://aika.lv/wp-content/uploads/2019/05/The-Guidelines-for-the-Preparation-of-the-Joint-Report-by-the-Experts-on-the-Assessment-of-a-Study-Programme.pdf>

procedures. The main emphasis on the aspect of public information is put in the assessment of study fields.

Taking into account the evidence and reasoning explained above, the Agency cannot agree that the alleged deficiencies in relation to incorporating ESG 1.8 and conscious decision on eliminating repetitiveness related to ESG 1.3 can lead to partial compliance.

In addition, the Agency has noticed **an inconsistency in EQAR Register Committee`s judgements on the ESG 2.1.** For example, the decision on MAB states that:

*“8. While the Register Committee concurred with the panel’s judgement and found the agency to be compliant with the standard, it highlighted the panel’s recommendation that MAB **should fully address ESG 1.4 and ESG 1.7 in the ex-ante programme evaluation and in the MAB – WFME accreditation procedures.**”⁶*

The decision on MAB clearly states that there is a need to fully address ESG 1.4 and 1.7 in two fully fledged procedures, nevertheless, the agency is found to be compliant with ESG 2.1. However, in the case of AIC there is a clear evidence, that all standards are incorporated in all assessment procedures and even if further improvements could be in place, there is no reasoning for partial compliance with the ESG 2.1.

There is another example, the decision on HAHE⁷, where judgement is based only on theory and not practical evidence, stating that: *“12. [...] While no reviews have taken place yet, it is expected that all evaluations will be completed by 2024. The mapping provided by the agency demonstrated that the standards 1.1 – 1.10 of the ESG are, in theory, reflected in the Standards for Postgraduate Study Programs (see Annex 9).”*

Therefore, it is not clear why mapping and additional explanation by AIC was not taken into account. The examples of decisions on other agencies just demonstrate unequal and non-transparent decision-making.

Based on the provided arguments we request to reconsider the judgement for ESG 2.1., ensuring fair and adequate judgement.

2. Justification given for the ESG 2.4 is disproportionate to the scope of students' involvement in the quality assurances activities, both in assessments and governance.

Register Committee decision on the ESG 2.4 – Peer-review experts

17. The Register Committee stressed in its Substantive Change Report Decision of 2021-10-22 that the group of experts in the inclusion of licenced study programme on the accreditation of study field procedure, does not include a student. While the Committee understands that this procedure was created as a temporary and short-term solution in order to close possible gaps in the accreditation periods of programmes (until the next reaccreditation of the corresponding study field), the Committee could not follow the agency’s decision of not involving students, as per the requirement of the standard 2.4.

18. The Register Committee further noted from the review panel’s report that the agency has not resolved this issue and sustained its position that two experts should be sufficient in this procedure.

19. Considering AIC’s statement to the report that, the Register Committee understood that AIC is applying the national framework. The Committee however underlined that it is AIC’s responsibility to ensure ESG

⁶ https://backend.deqar.eu/reports/EQAR/2023-12_A132_MAB_Approval_decision_L1W1nLd.pdf

⁷ https://backend.deqar.eu/reports/EQAR/A118_HAHE_ApprovalDecision_v1_2VxPTf4.pdf

compliance with all standards and that it has taken measures to ensure the involvement of students in all procedures.

20. The Register Committee underlines the panel's recommendation to include student-members in all procedures involving external experts, in particular in the procedures for Inclusion of a licensed study programme in the accreditation form of study field.

21. In its additional representation, AIC explained that the inclusion of licenced study programme on the accreditation of study field procedure is not a stand-alone procedure, but a temporary measure while the new quality assurance system from 2025 will include students in all procedures. The Register Committee however noted that students are at the time not included in this procedure, as the new system is not implemented yet. The Register Committee underlined the expectation of the standard, that students should be involved in all QA processes.

22. The Register Committee concurs with the panel that AIC complies only partially with ESG 2.4.

The Agency has repeatedly emphasised that the external quality assurance system in Latvia has recognised students as equal members of all review panels since 2012 and involved students even earlier. **The role and responsibilities of the student members are equal to those of the other members (including responsibility for the content of the report, remuneration, voting rights etc.) and historically this is an element that the Agency and the Student Union of Latvia⁸ have been very proud of.**

The assessment procedures that were initially designed to fully cover all ESG standards involve students as full members of expert groups (Accreditation of higher education institution; Assessment and accreditation of a study field; Licensing of study programme; Accreditation of study programmes abroad).

As noted in the decision by the EQAR Register Committee, the inclusion of a licensed study programme on the accreditation form of a study field was designed as a temporary solution and includes neither representatives of students, nor labour market representatives, which are crucial for all Agency's assessment procedures within the scope of the ESG. This decision was deliberate and supported both by the Student Union of Latvia and the Employers Confederation of Latvia, as it would cause a disproportionate burden for both institutions responsible for nominating experts as well as for the Agency in managing the procedure.

The inclusion of a licensed study programme on the accreditation form of study field is as a sequential continuation of the study programme licensing with the aim to assess HEI progress since the creation and licensing of the study programme and fulfillment of intentions. Taking into account both procedures, it is evident that they overall involve 5 experts (2+3) – three academics (one of them is international), one student, one labour market representative.

As confirmed earlier, the inclusion of a licensed study programme on the accreditation form of a study field will be terminated after 2025⁹. In the new quality assurance model in force after 2025, all assessment procedures within the scope of the ESG will involve students as equal partners and the Student Union of Latvia is an active partner in developing the new model. The introduction of cyclical institutional accreditation that will replace the assessment/accreditation of a study field (and respectively the inclusion of a licensed study programme on the accreditation form of a study field that forms a temporary solution) has been officially approved by amendments to the Law on Higher

⁸ A support letter from the Student Union of Latvia is attached to this letter to confirm the statements made above.

⁹ Additional information is available on the website of the Ministry of Education and Science: <https://www.izm.gov.lv/lv/media/16496/download?attachment>; <https://www.izm.gov.lv/lv/projekta-progres-a-zinojumi-1>

Education Institutions.¹⁰ In this new system the inclusion of a licensed study programme on the accreditation form of study field will not exist anymore.

Review panel concluded that all major review processes mentioned above are compliant with the standard, also in regard to student involvement (review report, page 56).

Having studied the EQAR's Database of Precedents the Agency can accept that EQAR consistently has judged 2.4 as partially compliant in cases where students are not involved in any procedure within the scope of the ESG.

However, despite this observation, the Agency argues that this practice brings little added value and that genuine and active involvement of students in consultation with the student body is more meaningful than formal inclusion of students wherever possible. If needed at all, this approach could be relevant for a developing country and not for one with proven track record of student involvement and representation at the highest European level since early 2000s.

The Agency also cannot agree that the weight of the Inclusion of a licensed study programme on the accreditation form of a study field of temporary nature is the same as for the set of licensing of study programmes, assessment/accreditation of study fields and institutional accreditation for newly established institutions where students are full members of all review panels and often perform the important role of the panel secretary.

The Agency therefore requests to re-consider the judgement for the ESG 2.4 and at the same time to reconsider its impact on the overall judgement.

Regarding the available evidence on implementation of the new model at the time of the review, the Register Committee has several precedents of considering the intentions or planned activities without available evidence:

*“The Register Committee welcomed the new amendments. **Though the practical implementation is still not in place as no (full) procedures are completed, the Committee found the developments promising and found the agency compliant with the standard.**”¹¹*

However, in AIC's case it is not just intention but the amendments have already been approved by the government prescribing that the new quality assurance model will be introduced from 2025 and the procedure on the Inclusion of a licensed study programme on the accreditation form of a study field will be eliminated.

Based on the provided arguments the Agency requests to reconsider judgement for ESG 2.4 ensuring proportionate and reasonable judgment.

¹⁰ Law on Higher Education Institutions <https://likumi.lv/ta/id/37967-augstskolu-likums>

¹¹ https://backend.deqar.eu/reports/EQAR/2023_10_Renewal_Decision_EAEVE.pdf

3. Assessment of the ESG 2.6. is unfair and inconsistent with other Register Committee decisions

Register Committee decision on ESG 2.6 – Reporting

23. The panel's analysis shows that AIC does publish full reports of the experts panels for its procedures 'Accreditation of higher education institution', 'Assessment and accreditation of a study field', 'Licensing of study programme' and 'Accreditation of study programmes abroad'.

24. The Register Committee further noted however, that these published reports and the decision letter do not reflect the additional elements which have been provided and taken into consideration after the site visit nor the additional tasks given to the higher education institution.

25. The Register Committee could not find any new supporting evidence to AIC's position in the additional representation. Both from the panel's report and the AIC website, it was clear that only the duration of accreditation terms is published, while the full decisions are not published together with the reports.

26. The Register Committee therefore concludes that there is no sufficient transparency in AIC's reporting processes and therefore concurs with the panel's conclusion of partial compliance.

The standard on ESG 2.6 requires that "Full reports by the experts should be published, clear and accessible to the academic community, external partners and other interested individuals."

AIC is committed to complying with this standard and for each assessment procedure the reports of experts and also the self-assessment reports of higher education institutions are published in a full manner (not summary or abstract as in some cases in the EHEA). In the case of accreditation, the term of accreditation is published as well.

Both positive and negative reports are published fully.

All reports are produced in line with the guidelines (template) developed by the Agency. If any expert disagrees with the opinion of the group as a whole, he/she presents his/her individual opinion in the specific section of the report. The decision made by the Study Quality Commission is a legal document under the Administrative Procedure Law (as any decision made by the independent institution), therefore decisions include certain legal arguments based on the assessment done by the experts.

Decisions may include sensitive or limited access information from the self-assessment report annexes that are not published and are therefore sent to the higher education institution directly. The publicly available information on the decision includes not only the accreditation term but also the list of study programmes and detailed parameters of every study programme (model, length, language of delivery etc.) that have been approved by the Study Quality Commission. The Study Quality Commission may additionally focus on certain legal elements, however they do not have any impact on the accreditation decision.

Decisions are based on the experts' report and are in line with the assessment provided by the experts, therefore the reporting process is transparent and all the results are publicly available.

Based on the provided arguments the Agency requests to reconsider judgement for ESG 2.6 ensuring consistent and fair judgement.

4. The assessment of the ESG 3.6. is unreasonable, it is based on considerations which are evidently not substantially related to the ESG 3.6 and statements made in the Decision are not based on information provided neither in the SAR nor in the panel report.

Register Committee decision on ESG 3.6 – Internal quality assurance and professional conduct

33. The Register Committee understood from the panel's analysis that AIC has set up an internal management system to support the daily work of the agency and the collection of feedback from different sources to inform improvements.

34. The Committee however noted AIC's internal quality assurance system faces a number of issues and limitations: no major changes/ improvements can take place without government regulation or legal change; the informal nature of the feedback limits the ability of the agency to measure objectively "the outputs of the system"; no sufficient evidence that experts are getting acquainted with additional requirements or obligations set by Study Quality Commission after the accreditation procedure.

35. The Register Committee therefore finds that AIC has yet to consolidate its internal quality assurance system, including internal and external feedback mechanisms for continuous improvement.

36. The Register Committee could not conclude that, as it stands, the agency's internal quality assurance processes are fully sufficient to assure and enhance the quality and integrity of its activities and therefore could not follow the panel's conclusion, but found that AIC complies only partially with the standard 3.6.

The ESG 3.6 requests that the agencies should have in place processes for internal quality assurance related to defining, assuring and enhancing the quality and integrity of their activities.

AIC in its SAR has provided comprehensive information on the Agency's Quality management system (SAR pages 39 - 42). The Quality Management System follows the four steps of the PDCA cycle: Plan – Do – Check – Act (SAR pages 40-42). Also SAR provides examples of how the provided feedback affects the improvements made in the procedures and operations of the Agency, which confirms the regular feedback mechanisms (SAR Table 5 pages 41-42).

The review panel finds the internal quality assurance is functioning effectively and no recommendations were provided (review report page 30)

As in many EHEA countries, the major changes in the higher education system are introduced through the legislative acts. However, the Agency is always involved in the development of the external regulations related not only to the quality assurance but also to the higher education and research policy in general (for example, ECTS introduction, definition of cycles, doctoral concept, education monitoring, higher education state standards etc.).

The statement of the expert panel "*Often, fundamental changes can only be made by convincing the Ministry to change Cabinet Regulations or other legal frameworks*" included in the review report refers only to changes to the national legal framework. In comparison to 2017, the Agency has achieved significant progress regarding its autonomy in defining and developing assessment guidelines and methodologies. In the opinion of the Agency, it is understandable that the scope of a national quality assurance agency (assessment procedures to be performed and their aims) is defined by the national legislation and certain national legal acts that are binding for all higher education institutions. In particular, the statement of the expert panel can be related to introduction and possible changes to "Inclusion of a licensed study programme on the accreditation form of a study field" that repeatedly has been discussed in the SAR and with the review panel and EQAR. There are no other changes that can be made by interference of the Ministry only.

The national legal framework recognizes that all internal regulations developed by the Agency are binding to all involved stakeholders and delegates to the Agency the autonomy for their development.

This means that all internal regulations like Methodologies, processes, guidelines, by-laws etc are developed by the Agency (in discussions with all stakeholders), as well as amendments are approved also by the Agency without any government implications.

As it is described in the SAR, the processes for internal quality assurance are prescribed and implemented regularly. The Agency operates in a transparent, responsible and objective manner, involving stakeholders, which can be confirmed by the feedback received from all stakeholders and progress made since the previous assessment.

When concluding the strategic period 2017-2023, the Agency surveyed all national stakeholders and asked their views on the overall impact of the quality assurance system on the quality of education. The results of this survey are incorporated in the new strategy and the concept of cyclical institutional accreditation that are both to be published in the course of 2024.

In addition, the Agency cannot agree to the statement by the EQAR Register Committee “the informal nature of the feedback limits the ability of the agency to measure objectively” as there is a formal system of collecting feedback that has been operational since 2015 and the Table 4 included in the review report confirms it, page 29). It is not clear from where the Register Committee got the contradictive evidence.

Regarding the statement of the EQAR Register Committee that “no sufficient evidence that experts are getting acquainted with additional requirements or obligations set by Study Quality Commission after the accreditation procedure” the Agency does not find any related analysis of this in the review report under the ESG 3.6. In addition, as the current system does not foresee the involvement of experts in monitoring the implementation of their own recommendations, the Agency does not see the rationale (in terms of workload and financial benefits) behind interaction with experts regarding the additional requirements. **Moreover, having studied the standard and guidelines and the EQAR’s database of precedents, the Agency does not consider this issue as related to ESG 3.6.**

The Agency has studied the reasoning for judging ESG 3.6 as partially compliant in the decisions made starting from 2020. The reasoning includes - lack of formal system for collecting feedback and lack of commitment in addressing recommendations from the previous review (AKAST), fragmented system and lack of transparency, lack of links between the elements of internal quality assurance system (NEAA), different opinions of the interviewees regarding the possibilities of feedback that led to conclusion that the system is not fully implemented (HCERES), lack of comprehensive response regarding the issues identified in the previous review (ACQUIN), informal and flexible approach to internal quality assurance that was reflected in the self-evaluation report, no progress in addressing the recommendations from the previous review (AI), confusion among experts, consultants and staff regarding their responsibilities in internal quality assurance matters (THEQC), no information on how ESG compliance is assured for reports by other, non-registered agencies (madri+d), inconsistency of public information, staff meeting as the main tool for internal quality assurance (AKKORK), flag that was not addressed from the previous review (ACCUA).

In cases where the agencies have set up functional internal QA system including relevant documentation, structures and personnel, the EQAR Register Committee has made decision on the compliance with the ESG 3.6.

Based on the reasoning explained above, the Agency cannot accept the deliberation included in the decision by the EQAR Register Committee regarding ESG 3.6 as accurate. Moreover, the Agency cannot accept the judgment on ESG 3.6 as proportionate to the only accurate issue identified – “*no sufficient evidence that experts are getting acquainted with additional requirements or obligations set by Study Quality Commission after the accreditation procedure*”. As explained above, the Agency does not consider this issue even relevant to the particular standard.

In addition, is the Agency has made an observation on inconsistency regarding the judgements on ESG 3.6.:

“19. While the Committee concurs with the panel’s conclusion of compliance, it further emphasises that concrete improvements based on the IQA system should be planned within strategic and operational documents and documented systematically.”¹²”

However, in AIC’s case, no substantial drawbacks have been identified, there is evidence that the internal quality assurance system is functioning effectively, therefore the reasoning for partial compliance is unclear.

Based on the provided arguments the Agency requests to reconsider judgement for the ESG 3.6 ensuring reasonable and consistent judgment.

5. AIC absolutely disagrees with the Register Committee that it was “unable to conclude that AIC complies substantially with the ESG as a whole”.

The above mentioned facts and evidence clearly demonstrates that AIC is still in substantial compliance with the ESG as a whole nevertheless the minor shortcomings which would be addressed by further improvements.

The policy of the “Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies” aims that EQAR Register Committee decisions are well-informed, fair and consistent, as well as facilitates the consistency and transparency of the Register Committee’s decisions.

The judgement on AIC’s compliance with certain standards creates reasonable doubts on the consistency and transparency of the Register Committee’s judgments and questions the overall decision on compliance.

Currently, there are four partially evaluated ESG standards for AIC, but Register Committee` decision was negative for AIC in substantial compliance with the ESG as a whole.

In other similar cases, despite failing to meet some key requirements, the Register Committee decided positively and concluded that there are specific and limited issues, but the agencies continue to comply substantially with the ESG as a whole. For instance, the decisions on:

- NEAA, Bulgaria (13.10.2023) – 4 partially compliant (2.4, 3.1., 3.5,3.6),
- HAHE, Greece (03.03.2023) – 4 partially compliant (2.2, 2.4, 3.5, 3.6),
- IQAA, Kazakhstan (25.10.2022) – 4 partially compliant (2.5, 2.6, 2.7, 3.3),
- HCERES, France (23.06.2022) – 4 partially compliant (2.1., 2.3, 3.4, 3.6),
- ACCUA, Spain (22.06.2020) – 4 partially compliant (2.6, 2.7, 3.1, 3.6).

In the light of the provided facts and arguments above, we consider that the EQAR Register Committee’s decision on the rejection of the application by AIC for the renewal of inclusion on the Register:

- has not considered or has misunderstood certain facts and/or evidence duly provided in the SAR and additional representation (arguments given at points 1 and 4);
- has exceeded the scope of discretion at its disposal (arguments given at point 4);
- is based on considerations which are evidently not substantially related to the issue in question (arguments given at points 1 and 4);
- has failed to consider an aspect that is likely to be of substantial relevance for the decision (arguments given at points 1, 2, 3 and 4);

¹² https://backend.deqar.eu/reports/EQAR/2023-10_A124_KAZSEE_Approval_Decision_Mkhw3Ee.pdf

- is inconsistent, unfair and disproportionate (arguments given at points 1, 2 and 4);
- is non-transparent and unreasonable (arguments given at points 1 and 4);
- has made conclusions that are not based on the actual standards of the ESG.

We consider that biased approach and inconsistency is observed, therefore discriminating AIC rights to the fair, justified and transparent decision.

In light of above-mentioned facts, AIC kindly requests the EQAR Appeal Committee to reconsider the Decision.

If it is a case, any additional clarifications could be provided both in writing and orally. We appreciate the time taken to review this appeal and given arguments.

Yours faithfully,

Jolanta Silka, Head of the Agency

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Jolanta Silka
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Baiba Ramaņa, Chairperson of the AIC Board

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EQAR Appeals Committee

Brussels, 28 March 2024

Appeals Committee - Clarification request from the Register Committee [A133 AIC]

Dear Register Committee members,

As you have been informed the Appeals Committee has received an appeal by the Academic Information Centre (AIC) on the 'Rejection of the Application by the Academic Information Centre (AIC) for renewal of inclusion on the Register'.

In order to make its decision on the submitted appeal, the Appeals Committee would like to request further clarification from the Register Committee on several matters.

The Committee would request additional clarification on the following questions/points:

- **Holistic judgement** – How has the Register Committee reached the conclusion in its holistic judgment that AIC does not comply substantially with the ESG, while the following is written in paragraph 39 of the 'rejections decision'? Which key requirements have not been met and references to the evidence illustrating the failiures?

'Also after duly considering AIC's additional representation, the Register Committee concluded that AIC only achieved partial compliance with a number of standards. AIC thus fails to meet some key requirements of the ESG and, in its holistic judgement on the basis of the documentation available and AIC's representation, the Register Committee remained unable to conclude that AIC complies substantially with the ESG as a whole.'

- **ESG 2.1** – Could you please further clarify on the judgement on ESG 2.1, since the current justification in the 'rejection decision' is not clear enough. Does the judgement relates to missing elements regarding standards from several external QA activities of AIC?

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- ESG 2.6 – Clarify the judgment after the additional representation, since the current justification in the ‘rejection decision’ is not clear enough. Is the issue related with lack of publishing of relevant information and tasks given to the higher education institutions after the site-visit in additions to the decision, reports or both? The question is referring specifically to paragraph 26 of the decision.

“The Register Committee therefore concludes that there is no sufficient transparency in AIC’s reporting processes and therefore concurs with the panel’s conclusion of partial compliance.”

- **ESG 3.6** – Clarify on the evidence for the ‘holistic’ judgment indicating relevant factors from the panel review report and the nature of response from the agency in terms of either providing no additional information or reaffirming the status quo.

The Appeals Committee would appreciate if an answer could be submitted back by 6 April 2024.

The Register Committee is welcomed to provide any additional reflection on the appeal.

For the Appeals Committee,

Paul Zoontjens (Chair)

Carolyn Campbell

Jiri Nantl

Register Committee Response

Regarding the request by the Appeals Committee on the appeal by AIC

Register Committee

3-4 April 2024

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Per the request of the Appeals Committee from 2023-03-28, please find the response of the Register Committee on the raised questions.

1. Holistic judgement

Question: How has the Register Committee reached the conclusion in its holistic judgment that AIC does not comply substantially with the ESG? Which key requirements have not been met and references to the evidence illustrating the failures?

In the decision-making practices of the Register Committee, holistic judgement is used to avoid a purely rigid approach in which a number of standards with which the agency complies partially would be the only delineating factor between the overall judgement of compliance with the ESG and the overall judgement of non-compliance. In practice this means that if the evaluated agency is deemed to be partially compliant with more than three standards, the Register Committee will holistically assess whether this warrants rejection of the application or can the agency still be deemed compliant overall.

When reaching such a decision, the Register Committee takes into account a number of factors (in addition to the number of standards with which the agency is partially compliant): level of risk that the encountered issues pose (severity) and potential for risk mitigation/corrections, agency's record of reacting to recommendations from previous reviews, and number of concerns related to other standards with which the agency is deemed to be compliant. Specifically, the latter might mean that if there are other standards with which the agency is deemed to be compliant, but only borderline (i.e. there are still some notable concerns there), this will be taken into account when reaching holistic judgement.

The points below summarise the concerns related to AIC's level of ESG compliance:

- Implementation of some of the ESG principles and purposes in the assessment of the agency operations is challenged by the agency's approach to external panel reports and EQAR decisions.

The agency failed to demonstrate that it seriously takes into account external expert advice and recommendation for improvement on certain aspects of its work that were delivered within the previous and current external review. This creates obstacles to the realisation of a key purpose of the external assessment of the agency activities – to ensure that they “adhere to the same set of principles”. (ESG 2015,

p.8) Specifically, the Register Committee noted that AIC did not improve its internal processes and structures in line with the 2018 review panel recommendations on standards 2.1 and 2.6, which has caused these or similar issues to resurface in the 2023 review.

Register Committee

3-4 April 2024

- Lack of transparency in decision-making (ESG 2.6)

The main issue here is the agency not publishing the rationale behind decisions taken upon advice from third parties (e.g., employers, labour market representatives) after the expert report is completed and the HEI feedback on the report is received (See report 2018 and 2023 analyses related to ESG 2.6.)

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- **Complaints procedure is incomplete, and attention not paid to the Panel's advice to provide clarity on how the complaint received by the agency is going to be dealt with (ESG 2.7)**
- **The Panel's findings that ESG part 1 are not fully, explicitly and consistently applied throughout all EQA procedures of the agency affect the compliance with ESG 2.1.** See comments under ESG 2.1. below
- **"The Panel findings about inconsistencies between the report templates for HEI's and for expert committees affect AIC compliance with ESG 2.5, as apparently the agency is likely inconsistent in the use of its criteria."** (p. 43)
- **Panel's concerns regarding the ability of the agency to translate its mission and strategic goals into specific activities, clear timeframe and distribution of responsibilities between the staff. (ESG 3.1.).** The IQA system fails to demonstrate how the analysis of feedback information is transformed into the planning process for addressing issues raised by experts and higher education institutions. (See ESG 3.6 below)
- **Failure to provide a 'safety net' for the way it deals with its various procedures through the implementation of robust and effective internal quality assurance system** (see comments under ESG 3.6 below)

2. ESG 2.1 Consideration of internal quality assurance

Question: Does the judgement relates to missing elements regarding standards from several external QA activities of AIC?

The Register Committee judgement relates not only to missing elements, but also to entire standards not extended to all assessment procedures, incorrect mapping, the inconsistencies between standards required in the self-assessment template/guidelines and those required in the assessment experts' template/guidelines and the fact that these issues have been identified since the 2018 review.

- **Incorrect mapping**

Evidence:

- “The references to individual standards provided by the agency in the ESG mapping table above are not always accurate (e.g. the mapping grid for Licencing of new programmes refers to Mechanism for the Implementation of the Study Programme (criterion 3.5.) of the guidelines for experts’ reports, which does not exist in the published guidelines) and often refer also to elements which only sideways relate to the mentioned ESG. The agency should review the table and make sure that all references are correct.”

Register Committee

3-4 April 2024

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- Some standards are not extended to all assessment procedures

Evidence:

- For the ‘Assessment of feasibility on changes in study fields’ procedure (report, p. 43-44):
 - the review panel considers that the guidance provided by the agency to the review expert is clearly **insufficient to guarantee a consistent application of the ESG Part 1 standards within this procedure**
 - The panel considers that the agency should guarantee that those elements (of the programme) which are fundamentally changed compared to the previous review are assessed, in order to guarantee that the programme under review stays compliant with the agency’s own assessment frameworks and the ESG Part 1 standards
- For the procedure for ‘Inclusion of a licensed study programme on the accreditation form of a study field’
 - the agency assessment framework does not cover all standards. (p. 46 of the Report). The Panel recommends that the requirement of a public quality assurance policy (ESG 1.1) should be made explicitly and a reference to public information;
 - ESG 1.3- student-centred learning is not reflected at all (p. 45).
 - (ESG 1.8) should be added to this procedure. (p. 47).
 - The panel concludes that in this procedure “no reference is made to on-going monitoring and periodic review of programmes”, i.e., to ESG 1.9. p. 47.
- For the procedure of “Foreign programme accreditation”
 - ESG 1.2- The accreditation of foreign study programmes framework does not explicitly refer to the design and approval of the programme. p. 46.
- For all AIC EQA procedures

- the ESG 1.3 aspect of students taking an active role in their learning process is not mentioned explicitly. The panel considers it to be important to focus more on assessment policies, including a focus on student-centred assessment in all review procedures p.45
 - “implementation (of ESG Part 1) is not consistent over all with the agency’s procedures” (Report p. 47)
- There are missing elements (of ESG Part 1) in the definition of some AIC standards

Evidence:

 - ESG 1.2- No specific requirement in the AIC guidelines to check the alignment with NQF and EQF level and credit framework of programme under assessment; p. 46
 - ESG 1.3- no coverage of student role in the student-centred assessment
- Due to inconsistencies between guidelines and templates for SARs and for external expert committees, AIC fails to ensure that the rationale behind the ESG standard is systematically covered

Evidence:

 - The panel suggests to align the template for the self-assessment reports with the template for the experts’ reports for Licensing of study programmes, Assessment and accreditation of study fields and Inclusion of a licenced study programme on the accreditation form of a study field, using the same wording for the assessment criteria, subdivision and numbering. This would increase the transparency of the assessment frameworks and reduce the risk of inconsistencies. (p. 43)
- **The problem with missing elements regarding ESG standards in several QA activities of AIC and some standards entirely missing from the AIC criteria in certain procedures is persistent**

Evidence:

- 2018 (ENQA Panel):p. 43-44
 - the ESG standard 1.7 Information management extends to all assessment procedures and **to ensure they cover the rationale behind the ESG standard;**
 - the standard for public information (ESG 1.8) and the clarity and objectivity of information about learning outcomes, admission criteria etc. is included for the QA procedure of licensing the study programme;
 - p.44: **ESG 1.7: The standard is not sufficiently covered** in the case of institutional accreditation. The standard is sufficiently covered in accreditation of study directions, but collecting,

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analysing and presenting different types of *data (key performance indicators, profile of student population, student progression etc)* should be introduced in all types of assessments.

- **ESG 1.3** Student-centred learning and teaching. *The rationale behind the standard has not been fully addressed* “AIC believed that “The presence of the student panel members (in the external assessment process) should ensure that the programmes are delivered in a way that encourages students to take an active role in creating the learning process.” P 43.
- mismatches between guidelines and report templates for experts and for HEIs in wording of the standards.

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3. ESG 2.6 Reporting

Question: Clarify the judgment after the additional representation, since the current justification in the ‘rejection decision’ is not clear enough. Is the issue related with lack of publishing of relevant information and tasks given to the higher education institutions after the site-visit in additions to the decision, reports or both? The question is referring specifically to paragraph 26 of the decision.

The issue is related with the lack of rationale (or mechanism) to ensure clarity and fairness behind the accreditation decision as long as it is based on new inputs, collected from the assessed institution or labour market representatives, or both, after the experts report is finished and endorsed by the institution under assessment. Both the 2018 and 2023 panels are concerned that there is no provision for valid reasoning behind such unprecedented disruption of the review process (as stipulated in ESG 2.3) and insist on publication of the reasons behind the final decision (ESG 2.6).

Evidence:

- 2023 Report, p. 54 (on ESG 2.3):
“The review panel learned that a specific characteristic of the agency’s external quality assurance frameworks is that there is no clear cut-off moment in the review process. The written report is based on the situation at the time of the review visit. Based on this report the institution may implement improvement measures, which are reported to the Study Quality Commission, which takes the work done since the review visit into account in its decision. If there are still urgent matters, the Commission may also require the institution to take remedial action in order to sustain the accreditation decision. In such case follow-up by the agency’s staff is guaranteed, and if relevant, by the Study Quality Commission. This approach ... leads to a situation where the (Panel) report of the site visit **does not report** on the full review process. (see **ESG 2.6**).”
- 2023 Report, p. 62 (on ESG 2.6):

“The panel found out that the process of external assessment does not end with the review panels’ work. Institutions may add additional information on how they have implemented suggestions by the review panel and are heard by the Study Quality Commission before a decision is made. The Study Quality Commission may also hear professional standard setting bodies and take their input into account in its decision-making process. None of this additional information is made public”.

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As already **pointed-out by the previous ENQA review panel**, the elements that are considered by the Committee making the final decision on the rationale or analytical side of the decision made and the input provided on the professional regulatory context are not published. The review panel does not consider this practice to be in-line with this standard. Though this inconsistency was already flagged by the previous ENQA review panel, the agency has not acted adequately to solve this issue.

The panel “considers the fact that only the duration of accreditation terms is published while the full decisions, including the elements which have led to the decision, as well as potential additional ‘tasks’ are not published together with the reports for all procedures relating to Latvian higher education as a **substantial deficiency relating to this standard**.”[p. 61].

- 2018 Report (p. 57):

“The overall rationale for the decision is not always obvious in the final reports. While reports are published, ... minutes of the Commission (CAS/CSLP committees) are not published and there is currently no way of knowing why a committee may overturn the recommendation of an expert panel – even though this only occurred in one case to date.”

4. ESG 3.6 Internal quality assurance and professional conduct

*Question: Clarify on the evidence for the ‘holistic’ judgment **indicating relevant factors from the panel review report** and the nature of response from the agency in terms of either providing no additional information or reaffirming the status quo.*

The Register Committee took into consideration several factors when deciding on the judgement of compliance with the standard.

Factor 1: problems with the implementation of IQA in the past review

The 2018 Panel report concluded that there was no evidence for the implementation of the IQA arrangements, but such arrangements were in place. Despite the lack of evidence for implementation of the EQA system of the agency, it was judged as ‘compliant’ to this standard.

There was also a concerns on the limited definition of the QA policy, restricted to the achievement of the legal requirements and needs of society.

Factor 2: Limited evidence for complete establishment, implementation and effectiveness of IQA.

The Review Panel repeats again that “The agency has developed a quality management manual, which determines the main **elements of its quality management system**, including a quality policy and quality objectives”. The Policy definition and guiding principles are also published on the website. p. 29. The **new developments** include: Process and Measurement System (promised to help improve the agency’s work). Whether this system is implemented and what is its effectiveness is not clarified.

Then it is reported that “Continuous improvement is based on input gathered from the agency’s staff” who can give suggestions for improvement through “weekly meetings” and “regular meetings between the Head of the Agency and each staff member”. P. 30.

Table 4 on the same page is somewhat contradictory to the previous statement, as it provides examples of ‘actions’ taken by the agency as a result of inputs gathered from additional groups, not just from the staff: revised assessment of study fields based on feedback from expert panels; The way in which information is transferred to the SQC has been improved based on SQC feedback; approach or way of presenting information has been changed on the grounds of input from external partners/ labour market and the agency strategy was reviewed.

All this shows that the agency IQA relies on the old feedback information collection from internal and external groups, rather than on the new Process and Management system. The eventual relationship between the two has not been commented by the Panel.

Factor 3: Limited effectiveness of the present IQA system

The methods of acquisition of information and ideas for improvements is based on feedback from various groups (through meetings, seminars, occasional surveys, views and ad hoc proposals for change and improvement). **The only evidence for a closed feedback loop** provided in the report concerns the improved **communication** with internal and external stakeholders, which has been validated in the 2021 survey. P. 29-30.

A summary of feedback information is documented in the annual Agency’s reports to the Ministry.

The panel recommends to seek **more effective ways** to further improve the internal quality assurance system of the agency: “to complement stakeholder feedback by measuring the outputs of the system”, as well as to measure “the overall impact on the quality of higher education”. P. 30.

Factor 4: Legal restrictions/ boundaries to improvement-or

The Panel indicates that significant change of the status quo for improvement purposes cannot be made without the Ministry approval, which appears to discourage efforts for further development and enhancement of agency's practice beyond the strict legal prescriptions. P. 31.

In sum, the Panel analysis, as well as the issues discovered by the panel in a number of instances in other standards, indicate that the agency's internal quality assurance processes are either incomplete or not sufficient enough. (inconsistencies in guidelines and templates for experts and those for universities in some procedures; incomplete reflection of ESG Part 1 in the assessment criteria in particular assessment procedures and across the entire assessment framework, etc.).

Factor 5: Ineffective translation of the strategy into agency's activities and work and failure to "make the strategic vision underpinning the future strategic plan more explicit".

Report, p. 20-21: A systematic analysis or follow-up report has not been provided to the panel, however. The fact that the structure of the multi-annual plan has not been followed completely in the 21/81 most recent annual action plan, did not contribute to an easy follow-up. The panel sees clear potential to gain efficiency if the agency manages to integrate the reporting on its strategic planning, which is currently reported in the public annual report and the annual report to the Ministry of Education and Science.

The panel recognises that the *dependence on Government decisions on national quality assurance procedures reduces the influence the agency may have on remit of its own future activities*. The review panel encourages the **agency to invest further in creating a common understanding of its strategy for the future, as well as clear views on potential risk management.**

The Register Committee agrees with the Panel that AIC is not explicit in its strategic planning. At the time of the review, as well as to date, there is no evidence of a published activity plan that translates strategic goals of AIC into specific actions, due dates, responsible staff, KPI's and resources, which could be monitored and used for the purposes of agency's accountability. (ESG 3.1). It also remains unclear, how the agency links its analysis of feedback information with its planning processes in order to tackle the issues raised by its expert panels, staff and institutions which undergone assessments

The examples provided by the agency and included in the Review report fail to provide a clear picture on how the agency operationalize the recommendations from external ENQA reviews in its planning processes in order to address the issues and improve its work.