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QFORTE

*Fortifying higher education quality in Moldova.
No boundaries for quality*



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Memorandum on the current legislation regarding external quality assurance in higher education in the Republic of Moldova

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Introduction

The Republic of Moldova is currently striving to integrate into the European Higher Education Area, for which questions of quality assurance play a crucial role. In this context, the QFORTE project aims at strengthening the quality culture in Moldovan higher education by contributing to revisions of internal as well as external quality assurance. As part of this endeavour, this memorandum serves to give feedback on the current legislation on external quality assurance and to provide a basis for further reflection, discussion, and refinement. In particular, this refers to the *Methodology of external quality evaluation*¹ (hereinafter: Methodology) and the *Guidelines for the external evaluation of higher education institutions*² (hereinafter: Guidelines). We note that different institutions are responsible for these documents: The Guidelines are within the responsibility of the Moldovan quality assurance agency (ANACEC), while the ministry is competent to change the Methodology. It is important to stress that ANACEC should always be consulted seriously when changes are made to the Methodology as it constitutes an important basis for their activities.

It is noted that the Methodology is currently subject to a revision process, together with the national Education Code, and the state of this process as of September 2021 is considered within this memorandum where appropriate. Furthermore, it is clear that if major changes are to be made in the course of the project regarding institutional accreditation and its relation to programme accreditation, this may necessitate additional revisions of the Guidelines and the Methodology.

Comments on the Methodology

The Methodology establishes a normative framework for external quality assurance of higher education in Moldova, containing both standards and procedures and as such, it is applied by ANACEC.³ However, article 113 of the Education Code allows higher education institutions to choose between ANACEC and any agency listed in the European Quality Assurance Register for Higher Education (hereinafter: EQAR). We learned that foreign agencies are free to apply their own standards and procedures and do not have to consider ANACEC's Methodology, but this is not clear from the Education Code. To the contrary, article 83 states that all higher education institutions "shall be subject to external quality assessment [...] in line with the methodology and criteria developed by [ANACEC]". The Education Code should be changed to clearly specify that foreign agencies can apply their own standards, as long as they are based on the European Standards and Guidelines (hereinafter: ESG).

The standards and procedures defined in the Methodology include the accreditation of institutions and individual study programmes. So far, ANACEC has only accredited study programmes and it is one of the goals of the QFORTE project to pilot institutional accreditation procedures for higher education institutions in Moldova. For both programmes

¹ Methodology of external quality evaluation for the authorization of provisional operation and accreditation of vocational education and training, higher education and professional continuous training study programmes and institutions and of the Regulation for the calculation of fees for services provided in the external evaluation of the quality of vocational education and training, higher education, professional continuous training study programmes and institutions, originally published on 18 May 2016, as of 29 December 2018.

² Guidelines for the external evaluation of higher education institutions, approved by the governing board of ANACIP on 23 June 2016.

³ It also covers areas such as vocational education or continuous professional education that are beyond the scope of the project and thus are not discussed by this memorandum.

and institutions, the Methodology differentiates between authorization for provisional operation and actual accreditation, the former being necessary for institutions that have been either newly established or significantly changed in their organisational structure. Study programmes have to be authorised for provisional operation when they are newly created. When this provisional authorisation runs out, the higher education institution has to apply for accreditation of that programme. The idea is that authorisation for provisional authorisation requires a lower degree of compliance with the standards than accreditation and is thus easier to achieve.

However, there are several problems and inconsistencies with these rules:

First, different duration of this authorisation is given. Article 26 says that it expires after graduation of the first student cohort from the programme, while article 61 specifies that the authorisation is valid for five years. In the current draft for a revised version of the Methodology, a change of article 61 has been proposed so that the authorisation is valid until two years after the first graduation from the programme. However, this would still leave a contradiction between article 26 and article 61, so the different durations in various articles have to be brought in line. Moreover, this is not only a formal question. For authorisation for provisional operation, institutions only have to comply partially with the standards, while for accreditation full compliance is needed (see below). This difference is significant, even taking into account that some standards cannot be fulfilled when a programme is started. This can be a problem from the perspective of students enrolled in the first few cohorts of the programme who might struggle with considerable problems in the programme. Therefore, we recommend applying stricter standards already in authorisation for provisional operation.

Second, the current Methodology does not explicitly state that master's and PhD programmes first undergo authorisation for provisional operation before they can apply for regular accreditation. To the contrary, the requirements to apply for authorisation and accreditation are identical (articles 19, 28). In the proposed new version of the Methodology, article 28 has been corrected, so this should be implemented. However, with this change it has also been proposed to add as a requirement for the accreditation of bachelor's programmes that students have graduated from the programme for the last five years. This rule does not make sense for the first accreditation of a programme, since it has been running only for around five years at that point.

Third, the idea that the standards for accreditation should be higher than for provisional authorisation is not adequately implemented. The Methodology is not clear, under which conditions study programmes should be accredited (article 62). On the one hand, it says that for a successful accreditation, every accreditation standard has to be met (with at least 90 % of the corresponding performance indicators). On the other hand, it says that the accreditation shall be refused if three or more standards are not met, which means less than 50 % in the corresponding performance indicators. So, there is a twofold gap: if one or two standards are not fulfilled and if the performance indicator of a standard is fulfilled between 50 % and 90 %. Consequently, the legal basis for accreditation decisions is currently not well-defined and urgently needs to be clarified. It is assumed that accreditation should require compliance with all standards (to at least 90 %), which is also the current suggestion for revision of this article.

A concept that is ingrained in the Methodology is that higher education institutions need to start with bachelor's programmes and can only proceed step-by-step to master's and PhD programmes if they have a bachelor's programme in the same field that has been accredited or at least authorised for provisional operation (see for instance article 28). We

acknowledge that that this is an intentional provision meant to ensure that institutions have the competence and the staff to successfully manage the programmes at a higher level, although it runs contrary to the fact that every degree programme is accredited on its own and independently of other programmes. It also prevents institutions from specialising on master's or PhD programmes.

As of now, every programme is considered individually for authorisation or accreditation. However, it is suggested by ANACEC to introduce simultaneous accreditation of entire groups of related programmes. In general, this can be a reasonable way to save resources and to properly discuss issues that go beyond an individual programme, for instance facilities, adequacy of teaching staff, or internal quality assurance processes. At the same time, such a big change probably requires adjustments in many different areas. Therefore, the implications of this change have to be well thought through, particularly to identify if other articles of the Methodology have to be changed as well.

Currently, there are only two options at the end of an accreditation procedure: The respective programme is either accredited for five years or not accredited. This is highly problematic as it allows little room to differentiate between programmes of good, medium, and bad quality. Moreover, these limited options make it very difficult to positively influence the development of a study programme, because it can only be accepted as it stands or outright rejected. Therefore, it would be reasonable to allow more flexibility in the accreditation decision, for instance through shortened accreditation periods, conditional accreditation or suspension of the procedure for a certain amount of time. In its suggestions for revision of the Methodology, ANACEC includes the possibility to award a conditional accreditation, demanding the removal of significant problems within six months, which is a sound proposal to make the system more flexible.

Finally, there are two issues worth mentioning:

First, in article 72 the Methodology speaks of the respective higher education institution's right to appeal any decision on authorisation or accreditation. However, the document is not clear what happens in such a case, who is competent to decide on the appeal and other related issues. In order to achieve compliance with the ESG, this process has to be defined completely. The same goes for complaints during the external quality assurance procedure. These are mentioned only once with regards to the composition of the expert group and the Methodology does not state what happens with such a complaint. Furthermore, higher education institutions may have justified complaints during all stages of the procedure. We learned that ANACEC has already developed a procedure for dealing with appeals and complaints, but this has to be defined in the authoritative documents.

Second, the Methodology determines requirements for experts in quality assurance procedures (article 41). However, the specific requirements seem not to be appropriate for all groups of experts as they include teaching experience, which cannot be expected from representatives of professional practice, as well as work experience in the respective field, which students typically will not have. We learned that ANACEC has laid down specific requirements for the different groups of experts, but these should be embedded into the Methodology.

Comments on the Guidelines

The Guidelines intend to include the operational and instrumental mechanisms of the external evaluation of the quality of study programmes and educational institutions. Due

to the current national quality assurance system, the document has not been used in practice yet. However, the legislative stakeholders, namely the Ministry and ANACEC, plan to implement the institutional accreditation and evaluation system and use the document or a modified version of it.

The document has an evident framework of standards, criteria and performance indicators for the external evaluation of higher education institutions. We learned that the document is meant as guidelines for higher education institutions and experts. However, it appears insufficient to support higher education institutions in their preparation for external evaluation and the self-evaluation process. Higher education institutions could use a better description of the performance indicators, a set of guiding questions for each criterion, and elaborations on what certain concepts and requirements such as “a functional and effective QA system” (1.4.1) or “internal procedures to ensure autonomy on all components” (1.3.3) mean. We learned that not all mentioned reference documents and analyses are obligatory; therefore, a complete list of mandatory appendices would be helpful in this context. ANACEC is organising seminars for higher education institutions on writing the self-evaluation report, which is a very good practice. Nevertheless, written additional explanation is always beneficial. Experts could use a comprehensive elaboration of (non-) compliance with the standards.

Looking closely at the performance indicators and evaluation standards, quite many are focused on legal requirements and less on quality assurance. Of course, each national quality assurance system and national agency’s tasks differ, and countries distribute responsibilities between legislative stakeholders differently. Nevertheless, it seems worth stressing that certain parts of the document are very law-enforcement oriented and would be more appropriate for a separate legal document that is not primarily focused on quality assurance. Since ANACEC is looking at membership in the EQAR long-term, they should not be responsible for monitoring purely legal requirements. Transferring this task to the Ministry (or other government institution) would be appropriate.

At the same time, many standards are fulfilled if the performance indicator complies with a normative framework. Since we are unfamiliar with these official normative frameworks, we cannot evaluate whether the documents ensure a useful implementation and broader picture of these performance indicators. We present two examples:

- 3.2.2: assessment of the learning outcomes has to follow normative requirements. Do normative requirements consider an effective assessment of the learning outcomes and ensure various examination methods?
- 4.2.3: academic mobility should be in accordance with normative requirements. Do normative requirements consider support structures, recognition of achievements, adequate mobility windows, etc.?

While examining the document, we looked closely at all standards, criteria and performance indicators and found some inconsistencies, some of which we list below. Even though we believe that some of the mentioned dilemmas are clearer in practice, they can potentially lead to misunderstandings. Certain comments are offering reflection on the demands or the content with the questions that may arise during the external evaluation processes. Therefore, additional explanation, unquestionable wording or potential revision of some criteria can benefit all users of the Guidelines.

- The Guidelines are intended for the external evaluation of higher education institutions. Still, the content and requirements for the self-evaluation report do mention an option of external evaluation for authorization of provisional operation/accreditation of the



study programme. We would advise moving this part to a different document intended for study programme procedures.

- The scoring system does not always reflect compliance with some interconnected performance indicators. The institution is partially compliant if it has strategies, systems, and policies, even if they are not implemented fully. It is essential to understand that the theoretical system only has its value when applied. Of course, basic structures and documents are the cornerstone and serve as a starting point; nevertheless, they are of no use if not implemented. Similarly, a functional and effective internal quality assurance system (1.4.1) cannot exist without applying its procedures (1.4.2).
- A few strictly quantitative standards are used throughout the document, where the numerical value does not inherently guarantee quality assurance. ICT tools (3.1.3) are presently relevant only in the percentage of courses that use them and not in their adequacy or quality. Does it make sense to require higher education institutions to spend at least 10 % of their budget on research without considering the specific profile of each HEI (5.3.1)? Should you demand a particular 40 % ratio of privately funded research (5.3.2)? It is worth considering if such demands are a good thing per se.
- *1.1. The legal framework for the operation of the institution.* How is that criterion directly related to the first standard? Is there no separate formal-legal authorization for starting a higher education institution?
- *1.2.1 The mission of the institution.* The evaluation standard is very broad and inexplicit. How do you evaluate and measure whether the institution's mission is in line with the European Higher Education Area principles? Which are these principles exactly?
- *1.2.2 The development strategy of the institution.* Since this is the document from 2016, the reference document will need to be updated.
- *3.2.1 The normative-regulatory framework for the assessment of learning outcomes and 3.2.2 Organizing the process of assessing learning outcomes during studies.* The difference between evaluation standards is unclear and does not reflect the distinction between having a structure and organizing a process. It is again worth considering, if having a structure without the processes means full compliance with 3.2.1.
- *4.1.2 Access for disadvantaged groups to studies.* Which students are considered here? Are students with special needs included? Why are only recruitment and admission mentioned for such students and not their inclusion in the everyday teaching and learning process?
- *5.1.1 Planning, recruitment and administration of teaching staff.* The mandatory minimum evaluation standard is: »The educational institution must ensure a rate of full-time and internal part-time scientific-teaching staff in the institution not less than 50%.« Is the demanded percentage achievable for a potential new higher education institution?
- *5.1.2 Professional qualification of the teaching staff.* The mandatory minimum evaluation standard is: »The share of teaching and scientific staff with professional qualifications according to the study programme in which it is involved is at least 80%.« Do you consider it adequate that 20 % of teaching and scientific staff can teach without any appropriate professional qualification?
- *6.3.1 Ensuring and providing students with access to curricular support.* Why is it acceptable to not offer curricular support in 10 % of the cases? We would also advise to clarify the meaning of the term »curricular support« to avoid any misunderstanding.
- *8.1.1, SER, point 2: Analysis of technical capabilities to ensure the functionality and accessibility of the institution's website.* Is the accessibility related to visually impaired students? If not, which standard is focused on such students? What kind of analysis is needed to ensure the functionality and accessibility: technical, content-oriented, both?



- *9.1.4 Public accountability of the institution (internal audit).* According to the explanation we received the internal audit procedures are connected to revisions in various fields like, spending of public finances, fulfilling ISO standards, etc. While necessary on a managerial level of higher education institutions, such procedures are not intrinsically connected to quality assurance. Therefore, they should be evaluated by a government institution and not by ANACEC.
- *9.2.2. Career guidance activities and the competitiveness of graduates on the labour market.* Is it appropriate to require a certain percentage of graduates (70 %) to be employed in accordance with their qualifications? This seems challenging to ensure, especially in arts, humanities, and social sciences, where formal education and specific demands of a particular workplace can be very flexible. How is the appropriate employment measured? What does it mean when graduates change their career paths due to the labour market demands? Of course, it is important that higher education institutions monitor their alumni, trends in the labour market, and consequent changes in the fields; however, the evaluation standard as such could be difficult to achieve and at the same time it does not necessarily reflect the competitiveness of graduates nor that the achieved qualifications are insufficient.