

# Exclusion of the Kosovo<sup>1</sup> Accreditation Agency (KAA) from the Register

Register Committee

Ref. C22  
Ver. 2.0  
Date 2018-02-27  
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Decision of:	27/02/2018
Agency registered since:	05/06/2015
Last external review report:	10/04/2014
Registration originally until:	30/04/2019
Exclusion effective as of:	25/09/2017
Absented themselves from decision-making:	none
Annexes:	<ol style="list-style-type: none"> <li>1. <a href="#">Letter by the previous KAA President, 2/10/17</a></li> <li>2. <a href="#">Request to the Minister of Education, Science and Technology, 6/10/17</a></li> <li>3. <a href="#">Letter by the Minister, 12/10/17</a></li> <li>4. <a href="#">Statement of the CITU, 23/10/17</a></li> <li>5. <a href="#">KAA Representation, 18/12/17</a></li> <li>6. <a href="#">Request to the Minister, 22/12/17</a></li> <li>7. <a href="#">Letter by the Minister, 15/01/17</a></li> </ol>

## 1. Summary of the procedure

On 2 October 2017, EQAR was informed (annex 1) that the Minister of Education, Science and Technology dismissed the Board (State Quality Council) and Acting Director of the Kosovo Accreditation Agency (KAA).

On 6 October 2017, the Register Committee contacted the Minister to acquire further information on the dismissal as well as the planned procedure for appointing a new Board and Director (annexes 2).

On 12 October 2017, the Register Committee received a response from the Minister (annex 3).

On 28 October 2017, the Register Committee received a statement of the "Coalition for Integrity and Transparency in University (CITU)" (annex 4).

<sup>1</sup> All references to Kosovo, whether the territory, institutions or population, in this document shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

On 15 November 2017, pursuant to §8.1 of the EQAR Procedures for Applications, the Register Committee initiated an extraordinary revision of KAA's registration and invited KAA, according to §8.5, to make representation on the matter.

The Register Committee considered KAA's representation of 18 December 2017 (annex 5) and contacted the Minister once again on the matter (annex 6). The Register Committee also considered the Minister's additional statement received on 15 January 2018 (annex 7).

## 2. Evidence

Through media reports as well as a letter from the former President of KAA (annex 1), the Register Committee was made aware that the Minister dismissed the entire KAA Board (State Quality Council) and its Acting Director.

The Minister stated (annex 3) that the dismissal was based on a request by the Prime Minister, who had access to "classified information regarding the work of members of the board". The Minister noted that this information was not related to all members of the board. The Minister later (annex 5) added that the decision for dismissal "was made as a result of non compliance with standards and legal procedures by the Board", and that it had been confirmed by the former President of the Board in a meeting with the Minister. No further details were, however, provided on the exact standards or legal procedures with which the Board had not complied, nor on the meeting referred to.

The Minister further stated that steps were taken to "create the new board as soon as possible" and later reported on the approval by the government of the new Board members. The Minister did, however, not explain how the Board members were selected.

KAA (see annex 5) could not provide information on the reasons for the dismissal or the nature of the "irregularities". KAA had no access to the "classified information" referred to by the Minister. KAA confirmed that, to its knowledge, the dismissed Board members and former Acting Director were not subject to any legal proceedings. KAA further noted that the dismissal took place without a hearing or opportunity for Board members to respond to the "irregularities".

KAA noted that many of its operations were on hold pending the final appointment of a new Board. It was unable to initiate new accreditation procedures or resume ongoing ones.

In an unsolicited statement, the "Coalition for Integrity and Transparency in University (CITU)" brought forward its concerns to EQAR (annex 4), noting that KAA's ability to operate independently was called into question, and

called for a legal and transparent process of recruiting the new board members.

### 3. Standard concerned

**ESG 3.3 – Independence:** “Agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party influence.”

### 4. Analysis

The Register Committee considered the Law on Higher Education in Kosovo of 2011 as well as the Administrative Instructions related to KAA, which do not contain explicit provisions regarding the dismissal of KAA Board members or its Director.

In principle, the Committee considered that the dismissal of the leadership of the agency might only be appropriate and justifiable in highly exceptional circumstances and if it was both reasonable and absolutely necessary to protect other overriding values or principles.

The Register Committee established that KAA itself is not aware which “irregularities” were held against its former Board members.

Even after two attempts to receive clarification by the Minister, the precise nature of these “irregularities” or “non compliances” remained unknown to the Register Committee. The Committee was therefore unable to assess whether the dismissal of the entire KAA Board was absolutely necessary to protect other overriding values or principles. It also remained unclear whether the Minister had access to the “classified information” referred to and was thus able to verify whether the information justified the Prime Minister’s request.

Considering that the “classified information” did not relate to all Board members – as explicitly stated by the Minister – but all members were dismissed, the Committee considered that the dismissal seems unreasonable at least in the case of those Board members that were not concerned by the “classified information”.

While the Minister referred to a “meeting” between him and the former President of the KAA Board, it is not clear that it was a formal opportunity for the former KAA Board to respond, in view of a possible dismissal, to the allegations held against it. The Committee thus considered that the dismissal took place without a proper hearing or other opportunity of the Board members to formally respond to the allegations held against them, and that due process seems not to have been observed.

The Minister did not provide detailed information as to how the new Board members were selected, but only noted that they were appointed by the

## Register Committee

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ministry. The Register Committee was thus unable to satisfy itself that the new Board were appointed in a manner that was both transparent and ensured the independence of KAA.

## 5. Conclusion

The Register Committee concluded that, as a consequence of the dismissal by the Minister of the KAA Board, the agency is no longer able to “act autonomously” and is no longer in a position to assume “full responsibility for [its] operations”, as required by ESG standard 3.3.

The Register Committee could not identify circumstances that would justify the dismissal with its detrimental effects on KAA's independence and ability to operate without serious risk of third party influence.

## 6. Decision

Given the above, the Register Committee concluded that KAA is no longer in compliance with ESG standard 3.3. The criteria for inclusion on the Register are therefore no longer fulfilled and the Register Committee decided to exclude KAA from the Register.

KAA lost its ability to act autonomously (and thus ceased to be in compliance with ESG standard 3.3) with the dismissal decision by the Minister of 25 September 2017. According to §8.4 b of the Procedures for Applications, the exclusion shall be effective as of that date.

KAA has the right to appeal this decision of the Register Committee in accordance with the Appeals Procedure (available on the EQAR website at <http://www.eqar.eu/application.html>). Any appeal must reach EQAR within 90 days from receipt of this decision.

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**A letter to our colleagues and partners  
about Government decision to dismiss all board members and acting director  
of Kosovo Accreditation Agency**

Prishtina, September 28<sup>th</sup>, 2017

On Monday, September 25<sup>th</sup>, afternoon, through some online media, I and other members of the State Council of Quality (SCQ - Board) of Kosovo Accreditation Agency (KAA) were informed about a request of the new Prime Minister of the Republic of Kosovo addressed to the new Minister of Education to dismiss the whole composition of the SCQ and also the Acting Director of KAA. According to the request of the new Prime Minister there have been "serious irregularities" happening at KAA, there has been "a public debate about higher education in Kosovo society", and that all members of KAA "lack professional, academic and ethical credentials" (see Annex 1). Unfortunately there has been no prior consultation, discussion or information neither between KAA and the Prime Minister, nor with the Minister of Education about this request. Clearly hearing this news through online media was quite shocking to all of us.

Sadly enough, the request of the Prime Minister was immediately followed by the Minister of Education who in the Monday, late evening sent to all of us the decision about the dismissal of the SCQ and the Acting Director of KAA. In its decision, consisting of two simple lines (see Annex 2), the Minister of Education referred to some unclear legal provisions and rationale, however his decision took effect immediately and we all were dismissed from our duty. This decision is in contradiction to the provisions of the Law on Higher Education, article 7, which specifies that if one third of the board members are replaced for any reason within one year, the Ministry has to report this to the Assembly. This fact was completely ignored! Moreover, the decision of the minister is completely lacking evidence to support its statements and is a severe break of all European principles, in particular the European Standards and Guidelines for quality assurance in higher education (ESG), which is clearly stating that **"agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party influence"**.

KAA understands it is publicly accountable to the academic community and society at large, which is why it is prepared to give arguments for all its decisions and approaches. However, the arbitrary decision the Ministry has taken is very different from safeguarding public accountability but it is tampering with the very valued notion of independence.

KAA management is willing to provide clear evidence of all of its decisions, as well as an activity report and is inviting the ministry to point out what are the specific actions in the KAA operations that demonstrated "lack of professionalism and ethical conduct". With the new composition of the State Council of Quality no new legal rules were introduced in the accreditation procedures, we only engaged for their full implementation.

Aiming at increasing the transparency in higher education, in the last two years all of our decisions were published in our webpage ([www.akreditimi-ks.org](http://www.akreditimi-ks.org)). We introduced dialogue with every Higher Education

Institution (HEI) in Kosovo and therefore none of SCQ decision came as a surprise to them. We consider that the transparency, dialogue, and public discussion about higher education are core values and they are healthy for the entire higher education system in Kosovo.

We all are very proud of our achievements in these last two years and don't share the same opinion as the new Prime Minister, that the following activities are "serious irregularities":

1. The huge number of study programs in Kosovo has decreased because the minimum quality criteria according to the legislation were not met. From 486 in 2015, as of Monday we have 346 study programs.
2. 140 study programs were suspended because of the lack of academic staff, according to the legislation into force.
3. 8 private institutions of higher education have been closed down, because of the lack of minimum quality criteria specified in the legislation into force.
4. In our last Board meeting held on 22.09.2017 we decided to withdraw accreditation of some HEIs who provided false evidence to the Agency and through these false evidences initially got the accreditation.
5. In our last Board meeting held on 22.09.2017 we found out that 60 foreign professors, coming from neighbouring countries, have been presented as full time professors in Kosovo whereas at the same time they were all working in their home universities. Some of the professors contacted from the office declared that they had no idea that their credentials have been used in Kosovo because at least for the last two years they have not been present in Kosovo at all.
6. We allowed local professors to work only at one institution of higher education as full time, as specified in the legislation.
7. We decided to introduce students quota in our accreditation decisions according to the expert team recommendations and according to the recourses that HEIs have. Some medical programs were for the first time accredited at private HEIs with only conditional accreditation and with limited number of students.
8. We increased the transparency in our decision making and we introduced dialogue with all HEIs.
9. Our work was highly recognized from all relevant stakeholders in Kosovo, including civil society, and this was stated in the Kosovo Progress Report of year 2016.
10. We repaired the damaged reputation of KAA in the national and international arena.

Kosovo Accreditation Agency undertook several activities, which aimed at increasing the quality of higher education in Kosovo. We fear that these activities will be cancelled from the new management, however we wish to share them with you:

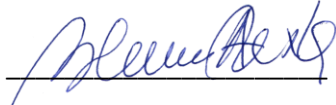
- 1) Since December 2016 KAA has worked on revising the Standards and Guidelines of the Agency. The process involved all members of the national academic community, higher education stakeholders, student representatives and international experts. The document has been preliminary approved from the Board in the meeting held on 22.09.2017 however we didn't proceed further with the public consultation because of the decision that we received on Monday.

- 2) The Administrative Instruction on Accreditation has been revised, where among others we introduced the Appeals Procedure, Monitoring process, student's involvement in program accreditation, etc.
- 3) A second cooperation agreement with Helvetas Swiss Intercooperation through the Enhancing Youth Employment program has been signed. This agreement foresees a series of training and workshop for HEIs to introduce them with the new Standards and Guidelines of the Agency.
- 4) A new cooperation agreement with Austrian Development Agency through HERAS Projects has been signed. This project aims at helping KAA to draft Monitoring Standards, helping KAA in conducting a Quality Barometer in Kosovo higher education, supporting KAA in organizing the second National Education Forum, etc.
- 5) KAA has worked on the Digitalisation of Accreditation, a project that is almost finished. KAA has worked hard on Terms of Reference of this project and it would have been one of the main tools to further increase the transparency in the accreditation process. The project was about to be launched in the next month.

KAA hopes that the MEST is aware of the flagrant non-compliance with the ESG this decision has caused. This decision jeopardises all the efforts and successes of KAAs past 8 years aiming to anchor Kosovo's HE into the European Higher Education Area.

Sincerely,

Prof. Asoc. Dr. Blerim Rexha  
On behalf of former members of KAA SCQ



EQAR | Aarlenstraat 22 rue d'Arlon | BE-1050 Brussels

Ministry of Education, Science and Technology

Shyqiri Bytyqi, Minister

Rruga. Agim Ramadani

10000 Prishtinë

Kosovo

Brussels, 6 October 2017

## Dismissal of the KAA Board and Acting Director

Honourable Minister,

We have been informed of your decision to dismiss all members of the State Council of Quality, i.e. the board of the Kosovo Accreditation Agency (KAA), as well as the Acting Director of KAA. According to media reports, certain "irregularities" in KAA's work were the background for the decision.

You will be aware that KAA has been registered on the European Quality Assurance Register for Higher Education (EQAR) since 2015. As such, KAA is subject to monitoring by EQAR of its compliance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG).

ESG standard 3.3 stipulates that "agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party influence".

The dismissal of the entire leadership of the agency might call into question whether KAA continues to fulfil the standard.

Furthermore, we had requested KAA to clarify by 5 October 2017 a number of issues in relation to an earlier Substantive Change Report. As a result of the dismissal and the absence of an authorised representative, KAA has been unable to respond and to fulfil its reporting obligations towards EQAR.

We would very much appreciate if you could explain the reasons for the decision to dismiss the entire KAA leadership, in particular what are the

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EQAR Founding Members:





exact irregularities the KAA leadership was allegedly responsible for. We would further be grateful if you could inform us when you expect to appoint a new acting director and new members to the board of KAA, and what is the procedure that will be followed for their nomination.

Given the current inability of KAA to respond to any queries itself, we would be obliged if we could receive your statement on the matter at your earliest convenience, so as to fully inform our Register Committee of the situation at hand.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Karl Dittrich", written over a horizontal line.

Karl Dittrich  
(President)

Cc: KAA office

REPUBLIC OF KOSOVO  
MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY  
CENTRE FOR QUALITY ASSURANCE  
Kosovo  
Njësia Org. 013  
Org. Jedinica  
Org. Unit  
Nr. fletëve 2  
Drejtues  
No pages  
Nr. Prot. 4304  
Prot. No.  
Data 13.10.17  
Data



Republika e Kosovës

Republika Kosova - Republic of Kosovo

*Qeveria - Vlada - Government*

*Ministria e Arsimit, Shkencës dhe Teknologjisë - Ministarstva za Obrazovanje Nauku i  
Tehnologiju - Ministry of Education, Science and Technology*

*Kabineti i Ministrit / Kabinet Ministra / Cabinet of the Minister*

October 12<sup>th</sup> 2017

## EUROPEAN QUALITY ASSURANCE REGISTER FOR HIGHER EDUCATION (EQAR)

### RE: Dismissal of KAA Board and Acting Director

Dear Mr. Dittrich,

Thank you for your letter dated October 6, in which you requested explanations about the dismissal of the Board of the Kosovar Accreditation Agency.

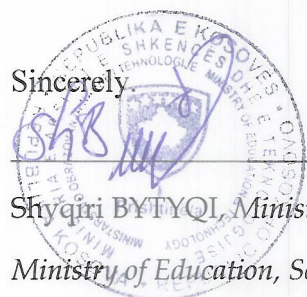
Regarding this request, please let me inform you as follows:

1. The request for the dismissal of the members of the KAA board came from the Prime Minister, who had access to classified information regarding the work of members of the board.
2. This is not to say that said information was related to all members of the KAA board.
3. In the direct meeting I had with the President of the board of the Kosovar Accreditation Agency, he acknowledged that they did not always stick to the established procedures for the accreditation of institutions of higher education.

I am fully aware of the urgency of this matter. Therefore, we are taking all necessary steps in order to create the new board as soon as possible and to resume with normal work. You will be immediately notified as soon as the election of the new KAA board is approved.

It is my fervent hope that normal cooperation with EQRA will resume and even deepen in the future.

Sincerely,



Shyqiri BYTYQI, Minister

Ministry of Education, Science and Technology.



## RESPONSE

Pristine, 23 October, 2017

The Coalition for Integrity and Transparency in University (CITU), is carefully observing the recent decisions from the Government of Kosovo with regard to the Kosovo Accreditation Agency (KAA).

From our standpoint of view, we believe that there has been no sufficient explanation given from the Ministry of Education, Science and Technology, for the dismiss of the entire board of the KAA. This has raised our great concerns for the ability of the agency to operate independently from politics.

Recognizing the importance KAA has on higher education in Kosovo, we consider that it is with utmost importance to have a legal and transparent process of recruiting the new board members.

Hence, we, the member organization of this coalition, request for the legal obligation of reporting to the parliament to be fully respected, as specified in the article 7, point 8 of the Law on Higher Education in the Republic of Kosovo. Likewise, in accordance with article 7, point 4, the new board members assigned, have to be ratified in the parliament.

Any action to install the governing bodies avoiding the above mentioned legal obligations, will be illegitimate and unacceptable.

**Coalition for Integrity and Transparency in University (CITU):**

Kosovar Foundation for Open Society (KFOS)  
Kosovo Education Center (KEC)  
Organization for Increase of Quality in Education (ORCA)  
EdGuard Institute  
Democracy for Development (D4D)  
NGO Çohu  
Sbunker  
Center for political Courage (CPC)  
ENCOMPASS Center  
NGO Admovere





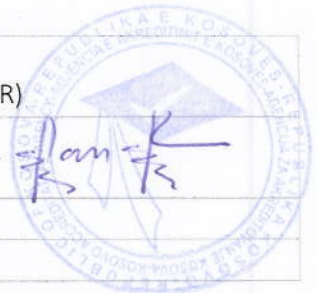
**Republika e Kosovës**  
**Republika Kosova - Republic of Kosovo**

Agjencia e Kosovës për Akreditim  
Agencija Kosova za Akreditaciju  
Kosovo Accreditation Agency



Ref.: 1278/17

To:	Mr. Colin Tück/ Director European Quality Assurance Register for Higher Education (EQAR)
From:	Mr. Bekim Samadraxha / Acting Director Kosovo Accreditation Agency (KAA)
Subject:	KAA Representation Report to EQAR
Date:	18.12.2017



Dear Mr. Tück,

As requested from your letter dated 22<sup>nd</sup> November 2017, and your notification concerning the Register Committee's decision to initiate an extraordinary revision of KAA's registration, hereby Kosovo Accreditation Agency (KAA) has prepared the response/ representation based on the EQAR procedures.

KAA confirms your statement that the decision to dismiss all members of the State Council of Quality (SCQ) and the Acting Director of KAA has been received through online media, and later on from the Minister of Education through the electronic and physical copy (Please see annex 1. The Request of the Prime Minister to dismiss the management of KAA; and Annex 2. The Decisions of the Minister of Education to dismiss the management of KAA).

KAA Informs EQAR that it does not have any sort of information that any of the dismissed members of SCQ and the former acting director have been or are in any judicial/ legal process as it is stated in the rationale of the Prime Minister's request to dismiss the management of KAA because of "irregularities".

KAA confirms that the dismissal took place without any hearing or other opportunity of the Board members or the Acting Director to formally respond to the allegations held against them.

KAA informs EQAR that no information of any kind was made available to KAA as "classified information" and that KAA did not have access to these "classified information regarding the work of members of the board" as has been referred in your exchange with the Minister of Education.

KAA informs EQAR that majority of its actions are put on hold. KAA is performing only the daily operations and administration but without the legitimate leadership cannot undertake any new process nor resume many of its activities (As stated in the Annual Report of KAA 12 2017).

KAA has been informed with the Minister's decision to appoint all local and international members of the State Council of Quality, including its President and Vice President, and this process it is expected to pass the adoption from the Kosovo Assembly, as it is foreseen from the law into force. Concerning the information how the selection/appointment of new Board members is organized, and other issues related to the transparency of this process, please address this issue at the Minister of Education as KAA is unable to provide such information.

Because other considerable concerns raised in your letter are not within the competency of KAA to provide information, please address your issues at the competent bodies who have decided to dismiss the management of KAA.

KAA is aware of the importance to be member of EQAR, and therefore it expresses its readiness to fully cooperate with EQAR for any matter raised from the Register Committee.

Best regards,  
Bekim Samadraxha  
Acting Director

EQAR | Aarlenstraat 22 rue d'Arlon | BE-1050 Brussels

Ministry of Education, Science and Technology

Shyqiri Bytyqi, Minister

Rruga. Agim Ramadani

10000 Prishtinë

Kosovo

Brussels, 22 December 2017

## Extraordinary Revision of KAA's Registration on EQAR

Honourable Minister,

I wish to thank you for your letter of 13 October 2017 concerning the dismissal of the Board and Acting Director of the Kosovo Accreditation Agency (KAA).

In its meeting on 15/16 November 2017, the EQAR Register Committee deliberated on the matter and found that KAA seemed to be no longer able to "act autonomously" and in a position to assume "full responsibility for [its] operations", as required by standard 3.3 of the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG).

The Register Committee therefore initiated an extraordinary revision of KAA's registration with the intention to exclude KAA from the Register, as per §8.4 b of the EQAR Procedures (see attached decision).

EQAR invited KAA to make representation on the matter before the Register Committee would take a final decision. KAA made representation on 18 December 2017, confirmed the facts at EQAR's disposal and noted that it had no information on the reasons for the dismissal or the selection/appointment procedure followed for the new KAA Board/State Council of Quality.

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EQAR Founding Members:



Given that those matters are within your competence as the responsible Minister, we would like to afford you the opportunity to comment on the matter if you so wish, further to your letter of 13 October 2017 and in light of the extraordinary revision of KAA's registration on EQAR.

We shall be grateful if you could kindly respond to us **by 15 January 2018**.

Yours sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke.

Karl Dittrich  
(President)

**Attached:**      Decision of the EQAR Register Committee, 16/11/2017  
Representation by KAA, 18/12/2017

**Cc:**              KAA





Republika e Kosovës

Republika Kosova-Republic of Kosovo

*Qeveria - Vlada-Government*

*Ministria e Arsimit, e Shkencës dhe e Teknologjisë- Ministarstvo Obrazovanja,  
Nauke i Tehnologije-Ministry of Education Science and Technology*

Kabineti i Ministrit/Cabinet of the Ministry/Kabinet Ministra

DATE/A:	15.01. 2018
REFERENC-Ë:	297/01B
PËR/ZA/TO:	Mr. Karl Dittrich,
CC:	
PËRMES/PREKO/THROUGH:	
NGA/OD/FROM:	Shyqiri Bytyqi-Minister of MEST
TEMA/SUBJEKAT/SUBJECT:	Information



Honorable President,

Dear Mr. Dittrich,

Thank you very much for your interest to follow up latest developments in Kosovo Accreditation Agency.

I would like to inform you that the Decision for dismissal of the Board of KAA and director of KAA was based on the recommendation of Prime minister, Mr. Ramush Haradinaj. The decision for dismissal was made as a result of non compliance with standards and legal procedures by the Board, which was confirmed personally by the President of the Board, Blerim Rexha in a meeting with me.

After the dismissal of the Board of KAA and director of KAA, in accordance with legal procedures, we appointed acting director of KAA, who will hold this position until all procedures for election of new director will be completed.

In the meantime, we continued with procedures to stabilize KAA and we made a decision to appoint new members of the Board of KAA in accordance with Law on Higher Education no.04/L-037 and Administrative Decision no.9/2017 for Accreditation of Institutions of Higher Education in the Republic of Kosovo, article 4, Organisative structure of KAA, paragraph 1.2., State Council of Higher Education will be composed from at least five, but not more than nine members.

In the composition of SCHE we must have at least three international members. Decision for the appointment of the members of SCHE is based in actual legislation and we are in compliance with domestic legal framework as well as with international standards.

After the decision for appointment of new members of SCHE by the Ministry, we have sent it to the Government for approval.

Government approved the list of nine members of SCHE proposed by the Ministry, from which six are local and three are international.

The list of nine members of SCHE has been sent to Parliamentary Commission for Education, and then to the Assembly of Kosovo for approval. After the completion of this process, we will immediately call for first meeting of SCHE, and select the President and Vice-president of SCHE.

I can assure you that after we come to an end of this process, which took more time than we expected, SCHE will operate normally as an independent institution and without any interference from outside, as it is required by local legislation, as well as in accordance with criteria of EQAR.

For any additional information, we are at your disposal.

Sincerely,

Shyqiri Bytyqi

Minister of Education, Science and Technology