

**Approval of the Application
by Polish Accreditation Committee (PKA)
for Renewal of Inclusion on the Register**

Register Committee
3-4 April 2024

Ref. RC42/A138
Ver. 1.0
Date 2024-04-16
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Application of:	2022-10-07		
Agency registered since:	2008-12-01		
Type of review:	Targeted	Site visit:	2023-01-31
External review report of:	2023-06-28	Submitted:	2023-07-28
Review coordinated by:	European Association for Quality Assurance of Higher Education (ENQA)		
Review panel members:	Almantas Šerpataukas, Andy Gibbs, Erdal Emel, Pegi Pavletic		
Decision of:	2024-04-04		
Registration until:	2028-06-30		
Absented themselves from decision-making:	n/a		
Attachments:	<ol style="list-style-type: none"> 1. External Review Report, 2023-06-28 2. PKA Change Report, 2023-05-31 3. Applicant's statement on the report, 2023-07-09 4. Minuted clarification with the Review Panel, 2023-10-04 5. PKA Additional Representation, 2023-12-20 6. PKA Additional documentation, 2024-03-28 		

1. The application of 2022-10-07 adhered to the requirements of the EQAR Procedures for Applications.
2. The Register Committee confirmed eligibility of the application on 2022-10-25.
3. The Register Committee considered the targeted external review report of 2023-06-28 on the compliance of PKA with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG, 2015 version).
4. The Register Committee further considered PKA's change report of 2023-05-31.
5. The Register Committee sought and received clarification from the chair of the review panel (minuted clarification of 2023-10-04).

6. The Register Committee invited PKA to make additional representation on the grounds of possible rejection on 2023-10-23. The Register Committee considered PKA's additional representation (of 2023-12-20) and PKA's additional documentation (of 2024-03-28) on its meeting on 2024-04-04.

Analysis:

7. In considering PKA's compliance with the ESG, the Register Committee took into account:

- *Initial (ex-ante) programme evaluation (opinion-giving process)*
- *Programme evaluation (ex-post)*

8. The Register Committee understood that the activity '*complex evaluation procedure*', will only be applied after 2025, when a pilot evaluation is set to take place. A further change report is expected once the piloting of the complex evaluation procedure is rolled out in 2025.

9. There are no reported activities by the applicant that are outside the scope of the ESG.

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

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

ESG 2.3 – Implementing processes

12. The Register Committee noted that PKA does not have separate follow-up mechanisms in place, but that they are part of the re-accreditation process i.e., after a conditional two year period (or longer depending on the length of the study cycle) the agency monitors the implementation of recommendations, while in case of a six year accreditation cycle, the agency monitors if the recommendations for improving the quality of education are addressed.

13. The Register Committee finds this approach completely reasonable and in line with the requirement of the standard.

14. The Register Committee noted that all of PKA's evaluation procedures (with some exceptions) are being carried out remotely. In its clarification call the review panel explained that PKA is following clear regulations regarding its remote procedures, regulations that have been updated following wide consultations with the sector. The panel was reassured with PKA's approach in its online accreditation procedure i.e., PKA carries out observations of classes, institutions are asked to provide a video of the learning facilities and during the remote visit PKA experts also meet with different stakeholders to verify the facts in the review report.

15. The Register Committee further noted concerns from the review panel's analysis regarding the factual accuracy-check of review reports, as this practice was not clear for those the review panel interviewed. The Register

Committee however noted that the possibility for the higher education institution to comment on the assessment report is given to all higher education institutions (as confirmed by the panel) and that this is part of the procedure of the agency in the consideration of the report. The Register Committee nevertheless underlines the panel's recommendation to further clarify the stage of factual accuracy check in PKA's procedures.

16. Having considered the clarification of the panel and PKA's statement to the review report, the Register Committee could not concur with the review panel's decision of partial compliance, and found that the agency is in fact compliant with ESG 2.3.

ESG 2.4 – Peer-review experts

17. In its past decision, the Register Committee noted PKA's intention to ensure students are part of the peer-review expert groups in the opinion-giving process and to contribute as equal partners.

18. In its 2023 review report, the panel noted improvements related to the wider engagement of different stakeholders' groups. In the case of opinion-giving procedure, panels are now composed of members of relevant sections or experts appointed from the academic teachers expert group and a student.

19. The Register Committee thus concluded that the agency has addressed the issues raised in the previous report and therefore can follow the panel's judgment of compliance.

ESG 2.6 – Reporting

20. In the past decision, the Register Committee noted that reports of its *initial (ex-ante) programme evaluation/opinion-giving process* were not published. In its recent review, the panel confirmed that all "expert reports and resolutions of the opinion giving process are now published and available on PKA's website".

21. While the Committee noted that PKA has published all decisions from the *initial (ex-ante) programme evaluation/opinion-giving process*, the Register Committee however found that such decisions did (in particular after July 2020) not include full reports. Given the missing number of a large number of full reports the Register Committee sought further clarifications from the review panel. The panel explained that they understood there was a delay in the publication of reports but that the statutory requirement is for PKA to publish all reports. This reassured the panel that the earlier concern regarding the publication of reports was resolved.

22. Given that PKA has not published all reports from its opinion giving process, the Register Committee found that the earlier concern has not been addressed.

23. In its representation, PKA provided information on the planned changes in its provisions to ensure publishing all reports from its opinion-giving processes. PKA explained that it would be possible to publish all reports

from its opinion giving process without the need to wait for information from the Minister regarding their final decision through these changes.

24. Furthermore, in its additional documentation provided on 2024-03-28 PKA informed of its statutory changes where the planned changes have been done.

25. The Register Committee welcomed the actions taken by PKA. However, these changes in the provisions remain to be considered and reviewed by an external review panel to determine whether the changes have been properly implemented.

26. The Register Committee therefore could not concur with the review panel's conclusion, and found that PKA complies only partially with ESG 2.6.

ESG 3.3 – Independence

27. In its decision of the Substantive change report decision (of 28-06-2022) the Register Committee concluded that the dismissal of the President casts serious doubts on whether PKA remains able to “act autonomously” and to assume “full responsibility for [its] operations”, as required by ESG standard 3.3.

28. The Register Committee considered that the law and regulations on PKA provided insufficient safeguards against an infringement on the agency's independence by allowing for such a decision to be taken discretionary by the Minister. The Committee found that its earlier conclusion that PKA complies with ESG 3.3 might have been flawed, and based on a positive external review report that did not allay such concerns.

29. In its current review the panel confirmed the concerns of the Register Committee i.e., the panel “*could not gauge the extent to which the looming possibility of dismissal without reason may affect the behaviour and performance of the President...*”. The panel also noted that there are no clear rules and procedures for the dismissal of PKA's President, thus the Minister can continue to use discretionary power to dismiss the President of PKA.

30. Following the review panel's recommendation, the President of PKA submitted a letter, dated August 2, 2023, to the Minister of Education and Science, articulating the recommendations delineated in the ENQA's review report. In its response letter (Annex 1 of Statement), the Minister showed readiness for a discussion that would determine the criteria for dismissing the PKA President.

31. The Register Committee considered that the Minister was willing to recommend a change in the Law and that would remove the question mark over the independence of PKA (as noted in the Review Report and PKA's Statement to the Review Report). The Committee nevertheless found that since its Change Report (of [2022-06-28](#)) and the review panel's review report of June 2023, no change or new evidence in the form of a policy, protocol, procedure or similar, specifying reasons/rationale for the dismissal of the President regulating the Minister's discretionary power was developed and adopted.

32. The Committee further noted existing possible conflict of interest in PKA's decision making bodies (see further under ESG 3.6), which raises concerns related to the integrity and independence of the agency's formal outcomes.

33. The Register Committee finds the above issues of significance given the powers conferred in the position of the PKA's President (expressed mainly in article 7, 8, 9 & 11a of PKA Statutes) and the controlling stake laid in the hands of the Minister, who has already employed its discretionary power to dismiss the President of PKA at any point (see Change Report Decision of 2022-10-25).

34. In its additional representation, the agency provided a declaration from the new Minister of Science of Poland, where he shows willingness to initiate an amendment on the provisions of the Act of Higher Education and Science in order to limit the Minister's powers and remove their right to dismiss the President of PKA. Furthermore, the declaration states that the proposed amendment it would empower PKA to be responsible for the dismissal of the President.

35. The declaration of the Minister also informed the Register Committee, that until the legislative framework is changed, he shall introduce an internal procedure in case the President needs to be dismissed, in order to eliminate any further doubts of the Register Committee.

36. The Register Committee welcomed the proposed changes by PKA and the Polish Ministry of Science. Nevertheless, the presented changes have not been implemented in practice yet and at the moment are promises that have yet to be implemented. Therefore, once adopted it remains to be considered and reviewed by an external review panel to determine whether the changes have been properly implemented.

37. The Register Committee therefore concurs with the panel that PKA complies only partially with ESG 3.3. The agency is expected to submit a Substantive Change Report informing the Register Committee once the changes have been made.

ESG 3.5 – Resources

38. In its past review, the Register Committee noted concerns related to the lack of resources, the high turnover of the Bureau staff and the agency's capacity to perform thematic analysis.

39. The Register Committee noted from the findings of the latest review (review report of 2023) that the agency now benefits from an increase in support and resources, a decrease in staff turnover, an improved focus on thematic analysis and a legislative recognition for this activity. The panel also found that staff, managers and stakeholders were satisfied with the current resources of the agency.

40. Based on the findings of the review panel, the Register Committee was able to concur with the judgement of compliance with standard 3.5.

ESG 3.6 – Internal quality assurance and professional conduct

41. In its Change Report Decision (of [2022-11-25](#)), the Register Committee considered the reported change on the newly established body, the Quality Council, and expressed concern with the current proposal of an open-ended regulation that would affect the operability and independence of the Quality Council.

42. While the panel was unable to address concerns with the current proposal of an open-ended regulation that would affect the operability and independence of the Quality Council, it noted that the PKA's President maintains a supervisory role in the internal quality management system of the agency (by being responsible for supervision of the internal quality management system (IQMS) and in appointing a Quality Management System.

43. The Register Committee found that the current proposal for Quality Council (based on Statutes articles 11a & 15a) could have far reaching consequences, while also noting the organisational issues highlighted under ESG 3.3.

44. The Committee was also made aware of possible conflict of interest scenarios (1) where the Chairs of Section may participate in the discussion of the Presidium, even if they have been part of assessments they have previously prepared and (2) where the Chair of the Appeals Body may vote on resolutions adopted by the Presidium which may be later considered by the Appeals Body. The Register Committee found that this setup lacks the appropriate checks and balances and may affect the integrity of PKA's activities. The Committee could not understand why PKA has not set up a system that would allow the recusal from the discussion or the possibility for restricting the participation (to no voting rights) of those that could be in a conflict of interest scenario.

45. In its additional representation, PKA informed that the responsibility for establishing the Quality Council will be with the Presidium and no longer solely with the President.

46. Furthermore, PKA committed to introduce provisions stipulating that members of the Presidium participating in programme evaluation procedures or preparing a review in the opinion-giving processes, shall be excluded from voting on those procedures.

47. In its additional representation, PKA clarified that the participation and voting rights of the Chair of the Appeals Body in the Presidium is based on the provisions of the Higher Education Act and PKA's Statutes. PKA clarified that the Chair of the Appeals Body participates only in the part of the meetings where motions for reconsideration of assessment of opinions are discussed and votes only on this matter.

48. Furthermore, PKA clarified that the Chair of the Appeals Body does not take part in the proceeding assessments of opinions that may become object of applications for reconsideration, nor do they vote on such matters.

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49. In the additional documentation (of 2024-03-28), PKA reported that the following statutory changes have been made: (a) The responsibility for establishing the Quality Council will be with the Presidium rather than solely with the President; (b) The members of the Presidium participating in the programme evaluation procedures or preparing a review in the opinion-giving processes, shall be excluded from voting on the decisions resulting from those procedures.

50. While the Register Committee welcomed the changes taken by PKA, it underlined that the issues outlined before remain to be addressed and subsequently to be considered and review by an external review panel in order to determine their implementation in practice.

51. The Register Committee therefore could not follow the review panel's judgment of compliance and found that PKA complies only partially with ESG 3.6.

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

Conclusion:

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

Standard	Previous decision (2019-06-19)	Review panel conclusion	Register Committee conclusion (2023-10-13)
2.1	Compliance	Compliance	Compliance
2.2	Compliance	<i>(inherited)</i>	Compliance
2.3	Compliance	Partial compliance	Compliance
2.4	Partial compliance	Compliance	Compliance
2.5	Compliance	<i>(inherited)</i>	Compliance
2.6	Partial compliance	Compliance	Partial compliance
2.7	Compliance	Compliance	Compliance
3.1	Compliance	<i>(inherited)</i>	Compliance
3.2	Compliance	<i>(inherited)</i>	Compliance
3.3	Compliance	Partial compliance	Partial compliance
3.4	Compliance	<i>(inherited)</i>	Compliance
3.5	Partial compliance	Compliance	Compliance
3.6	Compliance	Compliance	Partial compliance
3.7	Compliance	(not expected)	Compliance (by virtue of applying)

54. The Register Committee considered that PKA only achieved partial compliance with some standards. In its holistic judgement, the Register

Committee concluded that these are specific and limited issues, but that PKA complies substantially with the ESG as a whole. The Register Committee took in consideration that PKA has undertaken several statutory changes and set mechanisms in place that should lead to enhanced compliance with several standards (ESG 2.6, ESG 3.3, ESG 3.6)

55. The Register Committee therefore renewed PKA's inclusion on the Register. PKA's renewed inclusion shall be valid until 2028-06-30¹

56. The Register Committee further underlined that PKA is expected to address the issues mentioned appropriately and to resolve them at the earliest opportunity.

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¹ Inclusion is valid five years from the date of the external review report, see §3.25 of the EQAR Procedures for Applications.



EQAR Substantive Change Report

Agency #1	Polish Accreditation Committee
Agency acronym	PKA
Expiry date #1	31/05/2023
Contact #1	Grzegorz Kołodziej
Phone #1	+ 48 22 563 17 63
Email #1	grzegorz.kolodziej@pka.edu.pl
Other organisations?	No
A. Has the organisational identity of the registered agency changed?	No
B. Has the organisational structure changed?	Yes
Description	Please see attached file
C. Changes in EQA activities	4. Not applicable, no new activities/no changes
D. Activity outside the scope of the ESG	No
File #1	SCR_PKA.pdf (494 KB)
File #2	Appendiece_letter_ENG.pdf (206 KB)
File #4	Appendiece_letter_PL.pdf (230 KB)
Submit form?	I am ready to submit the change report form

{machine translation}

Wiązowna 2023-04-03

Prof. Dr. hab Stanisław Wrzosek
President
Polish Accreditation Committee

Dear Sir
Prof. Dr. hab. Przemysław Czarnek
Minister of Education and Science

Dear Minister,

I request that you dismiss me from the position of President of the Polish Accreditation Committee.

My request is motivated by my poor health, which makes it impossible for me to efficiently lead the institution, the President of which the Minister appointed me. I have undergone two major surgeries in the past nine months, including one of an oncological nature. I am currently very weak and await rehabilitation.

Please accept my application requests, and at the same time I declare my full cooperation with the Minister and the leadership of the Polish Accreditation Committee in the area of improving the quality of education in the Polish higher education system.

I also ask you to indicate such a date for my dismissal from the position of PKA President that I will be able to provide all relevant information related to the functioning of the Committee and its Bureau to the new President appointed by the Minister, which will enable him to organize a team of closest associates and smooth functioning of the institution. I believe that all matters could be settled by April 28 this year.

Yours sincerely

I certify that it is true to the original with the text in Polish

Stanisław Wrzosek

Wiązowna 2023-04-03

Prof. dr hab. Stanisław Wrzosek
Przewodniczący
Polskiej Komisji Akredytacyjnej

Szanowny Pan
Prof. dr hab. Przemysław Czarnek
Minister Edukacji i Nauki

Szanowny Panie Ministrze,

zwracam się z prośbą o odwołanie mnie ze stanowiska Przewodniczącego Polskiej Komisji Akredytacyjnej.

Prośbę swą motywuję złym stanem zdrowia, co uniemożliwia mi sprawne kierowanie instytucją, na Przewodniczącego której Pan Minister mnie powołał. Przebyłem w ciągu 9 ostatnich miesięcy dwie poważne operacje, w tym jedną o charakterze onkologicznym. Obecnie jestem bardzo osłabiony i czeka mnie rehabilitacja.

Proszę o pozytywne rozpatrzenie mojej prośby, a jednocześnie deklaruję pełną współpracę z Panem Ministrem oraz kierownictwem Polskiej Komisji Akredytacyjnej w obszarze podnoszenia jakości kształcenia w polskim systemie szkolnictwa wyższego.

Proszę również o wskazanie takiej daty odwołania mnie ze stanowiska Przewodniczącego PKA, abym mógł przekazać wszystkie istotne informacje związane z funkcjonowaniem Komisji i jej Biura wskazanemu przez Pana Ministra nowemu Przewodniczącemu, co umożliwi mu zorganizowanie zespołu najbliższych współpracowników i płynne funkcjonowanie instytucji. Sądzę, że wszystkie sprawy można byłoby uregulować do dnia 28 IV br.

Z poważaniem

zgodnie z datą 28.04.2023r.

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The Polish Accreditation Committee

Statement to the ENQA Targeted Review Report

The Polish Accreditation Committee (PKA) would like to express its gratitude for the meticulous assessment and efforts invested by the ENQA review panel in evaluating our activities. The professional insights provided by the panel constitute invaluable guidance that will shape our path forward. We will diligently act upon all the recommendations set forth by the evaluation panel.

In its statement responding to the ENQA review report, the PKA aims to highlight the actions already undertaken to address the recommendations outlined in the report.

ESG 2.3 – Implementing processes – Partial compliance

Panel recommendation: Clearly define and implement a follow-up in the programme evaluation procedure.

Measures already taken by PKA:

The Polish Accreditation Committee (PKA) respectfully disagrees with the assertion that the follow-up in the programme evaluation procedure is neither clearly defined nor implemented. Our follow-up procedures are meticulously delineated and have been successfully employed when the Presidium of the PKA approves a positive programme evaluation with a curtailed validity period of up to two years. The issuance of a positive assessment for a reduced period is predicated on the articulation of recommendations of a rectifying nature, ensuing from the programme evaluation. Throughout this abbreviated period, the Higher Education Institution (HEI) is mandated to enact the recommendations, and upon the termination of the evaluation period, a subsequent evaluation is conducted. This subsequent evaluation not only examines the fulfilment of individual criteria but also scrutinizes the manner of implementation of the recommendations and its efficacy in rectifying previously diagnosed deficiencies and errors. The follow-up is systematically documented by both the higher education institution and the PKA. The higher education institution is required to delineate the corrective actions undertaken in response to the recommendations specified in the PKA Presidium's resolution on programme in its self-assessment report. Conversely, the PKA's evaluation panel's report encompasses a description and an evaluation of the effectiveness of the corrective measures instituted by the higher education institution. Should the higher education institution fail to adhere to the recommendations specified in the PKA Presidium's resolution, the Presidium consequently confers a negative programme evaluation.

This procedure was delineated in the Self-Evaluation report (p. 38): "The programme evaluations conducted by the Polish Accreditation Committee take into consideration the changes introduced as a result of previous evaluations. Section of the reports devoted to this issue are included in the procedures on programme evaluations made after two years and follow-up evaluations. In the case of positive ratings for 6 years, recommendations are designed only to improve a good education process, their adoption is examined in the course of the subsequent programme evaluation.

In 2022, PKA changed the concept of conducting programme evaluations, in which the resolution of the PKA's Presidium on a positive programme evaluations shortened duration to 2 years. In accordance with the adopted concept, after issuing a positive evaluation for a period of up to two years, the Committee conducts a full programme evaluation of a given field of study, while assessing the degree of implementation of the recommendations formulated as a result of the previous evaluation procedure. It should be noted that failure to implement the recommendations from the previous visit, in accordance with the terms of issuing a programme evaluation, constitutes the basis for issuing a negative evaluation." This approach was also elucidated during the site visit of the ENQA

review panel.

Nonetheless, in response to the recommendations propounded by the ENQA review panel, the PKA is contemplating the augmentation of the follow-up procedures, extending it to programme evaluations issued for the entire duration of 6 years. This procedure will necessitate the HEI to tender a midterm report, encapsulating substantive alterations pertaining to a specific field of study, correlated with the ambit of the programme evaluation, as demarcated by the detailed PKA's programme evaluation criteria, three years subsequent to the issuance of a positive programme evaluation for that field of study for a six-year period. Should the magnitude and extent of these alterations be exceedingly substantial, the PKA Presidium reserves the right to designate the field of study for programme evaluation prior to the expiration of the six years for which the evaluation was conferred. This constitutes a preliminary proposal, necessitating further consultations with pivotal internal and external stakeholders, as the ramifications of its implementation bear implications not only on the operations of the PKA but also on the functioning of the HEIs. Upon consensus on the intricate details, the envisaged augmentation of the follow-up procedures will mandate amendments to the PKA statute.

ESG 3.3 – Independence – Partial compliance

Panel recommendation: The agency should make representations to the Minister of Education and Science advising that the discretionary powers which enable the President of PKA to be removed from office are considered by the European Quality Assurance community to undermine the agency's independence. Introducing clear criteria for the removal from office of the PKA President would address this concern.

Measures already taken by PKA:

Following ENQA review panel recommendation the Chairman of the Polish Accreditation Committee (PKA) submitted a letter, dated August 2, 2023, to the Minister of Education and Science, articulating the recommendations delineated in the ENQA Targeted Review. Concurrently, the Chairman solicited the Minister to deliberate the feasibility of articulating the criteria for the dismissal of the PKA Chairman. This request was anchored on the Minister's previously expressed readiness to engage in a dialogue with the PKA about the dismissal criteria of its Chairman and to collaboratively identify an appropriate resolution during a meeting with the ENQA review panel on March 1, 2023.

In a subsequent correspondence dated August 17, 2023, the Minister of Education and Science reaffirmed his commitment to engage in discussions about prospective strategies for formulating criteria for the dismissal of the PKA Chairman. This affirmation was in alignment with the earlier expressed intentions during the ENQA review panel's site visit.

The original correspondences and their respective translations are enclosed in Annex No. 1.

The Minister of Education's affirmation to formalize the criteria for dismissing the PKA Chairman paves the way for ensuing steps in this domain, specifically, the formulation of proposals to be deliberated among the stakeholders.

The inception point for crafting this proposal is the prevailing criteria for the PKA Chairman to state the expiration of the tenure of a PKA member prior to the completion of their term of office, as stipulated in Article 252, Section 2 of the Act of 20 July 2018 – Law on Higher Education and Science (consolidated text of the act: Journal of Laws of 2020; item 85, 374). Besides evident criteria

culminating in the termination of tenure, such as death or resignation, the PKA Chairman may state the expiration of the tenure of a PKA member if the individual in question ceases to fulfill the requisites mandated for serving as a PKA member, as delineated in Article 251, Sections 5 and 6 of the aforementioned Act.

The stipulations of Article 251, Sections 5 and 6, along with Article 252, Section 2, are encompassed in Annex No. 2.

The Polish Accreditation Committee (PKA) moreover would like to express its sincere gratitude for all the suggestions for further improvement provided by the ENQA review panel. The insights given by the panel will serve as an invaluable roadmap for our future endeavors. However, with regard to some suggestions aimed at further improving the functioning of the PKA, as formulated by the review panel, it is necessary to supply explanations concerning their scope.

ESG 2.1 Consideration of internal quality assurance – Compliance

ENQA review panel's suggestion for further improvement: Consider including recognition of periods of study and prior learning elements in opinion giving procedure.

PKA's explanation:

In accordance with the Act of 20 July 2018 – Law on Higher Education and Science (consolidated text of the act: Journal of Laws of 2020; item 85, 374), the confirmation of learning outcomes (recognition of prior learning) and transfer from another higher education institution or foreign institution are, along with recruitment, forms of admission to studies (Article 69(1)). The Detailed criteria for reviewing requests for granting permission to provide a degree programme at a specific level of study and with a specific degree profile, as specified in Annex No. 5 to the PKA statute, applied in the opinion giving procedure, take into account the assessment of the principles of qualification of candidates for studies under criterion 3 Admission to studies, verification of learning outcomes achievement by students, giving credit for individual semesters and years and awarding diplomas.

It should be noted that, according to Article 71(1) of the aforementioned act, a higher education institution may confirm the learning outcomes achieved in the learning process outside the study system for persons applying for studies in a particular field of study, level, and profile, if it has: 1) a positive assessment of the quality of education at these studies, or 2) scientific category A+, A, or B+ within the scope of the discipline referred to in Art. 53 sec. 1, or the leading discipline to which that field of study is assigned. A higher education institution (HEI) with a scientific category has the right to establish studies autonomously, without applying for permission to establish studies. The application for permission to establish studies, subject of opinion giving process performed by the PKA, is submitted by an HEI that does not have a scientific category of A+, A, or B+ in a specific discipline to which the field of study is assigned. Therefore, within the opinion giving procedure, it is not possible to conduct an assessment regarding recognition of prior learning because the procedures for confirming learning outcomes achieved outside the study system can be introduced by the HEI for a specific field of study only after completing the full cycle of education in that field and obtaining a positive programme assessment. Recognition of prior learning procedures are evaluated according to criterion 3 of the programme assessment specified in Annex No. 2 to the PKA statute (Admission to studies, verification of learning outcomes achievement by students, giving credit for individual semesters and years, and awarding diplomas), standard 3.1. Formally accepted and published, coherent and transparent conditions for the admission of candidates for studies, which allow for the

selection of right candidates; rules for student progression, giving credit for individual semesters and years of studies, and for awarding diplomas; recognition of learning outcomes, periods of learning and qualifications obtained in higher education; and the validation of learning outcomes achieved as part of the learning process outside the system of higher education are applied.

To complete the explanation, it should also be clarified that during studies, the HEI – based on Article 67(7) of the Act on Higher Education and Science – has the right to apply, under the conditions specified in the study regulations, recognition of prior learning procedures concerning the crediting of students' professional internships. These conditions are subject to evaluation within the opinion giving procedure, according to the aforementioned criterion 3 Detailed criteria for reviewing requests for granting permission to provide a degree programme at a specific level of study and with a specific degree profile, specified in Annex No. 5 to the PKA statute. Within this criterion, standard 3.2 states that The system for learning outcomes verification enables the monitoring of students' progress and guarantees reliable assessment of the achievement of learning outcomes by the students. Verification and assessment methods used allow for the verification and assessment of all learning outcomes, including, in particular, preparation for conducting research or participation in research (general academic profile of study), or The system for learning outcomes verification allows for monitoring students' progress and guarantees reliable assessment of the achievement of learning outcomes by students. Verification and assessment methods used allow for the verification and assessment of all learning outcomes, including, in particular, the acquisition of practical skills and preparedness to conduct business activity in the labour market area corresponding to the degree programme (practical profile of study).

ESG 2.3 Implementing processes – Partial compliance

ENQA review panel's suggestion for further improvement: Clarify stage of factual accuracy check in PKA procedures.

PKA's explanation:

The Polish Accreditation Committee (PKA) must express strong disagreement with the statement that the stage of factual accuracy check of the evaluation panel's review report is not clearly defined in PKA procedures. The fact that the stage of verifying the content of the report with the actual state does not bear such a name in PKA procedures does not mean that it is not included in the programme evaluation process. There are clear and defined procedures for factual accuracy checks, framed by the provisions of the Act of 20 July 2018 - Law on Higher Education and Science (consolidated text of the act: Journal of Laws of 2020; item 85, 374) (art. 245 sec. 1 point 2 and art. 247) and the PKA statute (art. 17 and 19). The detailed programme evaluation procedure is included in Appendixes 13 and 14 to the PKA self-assessment report. The factual accuracy check stage corresponds in the PKA procedure to the stage of presenting the position by the HEI in response to the report of the evaluation panel. In its response, the Higher Education Institution (HEI) has the opportunity to point out any discrepancies between the content of the report and the actual situation. The position presented by the HEI in response to the report, together with the report of the evaluation panel, forms the basis for the preparation of an opinion by the section responsible for individual area of science, operating within the structure of PKA, appropriate for a given field of study, which opinion is, in turn, the basis for the adoption of a resolution on programme evaluation by the PKA Presidium. The position presented by the HEI in response to the report of the evaluation panel is published together with the report of the evaluation panel and the resolution of the PKA Presidium on programme evaluation in the Public

Information Bulletin on the PKA website.

ESG. 2.4 Peer-review experts – Compliance

ENQA review panel's suggestion for further improvement: Update student database more regularly and continue to reduce reliance on non-digital communications.

PKA's explanation:

The Polish Accreditation Committee (PKA) is taken aback by this particular suggestion for further improvement made by the ENQA review panel. The suggestion is vague and likely results from a misunderstanding. The PKA has already addressed this issue during the 'check on potential factual errors' stage and once again provides a comprehensive explanation confirming the current update of the expert database, including student experts, as well as the extensive use of advanced information and communication technology in all aspects of PKA's functioning. It is important to emphasize that improving the organization of work of evaluation panels is one of the strategic goals of the PKA, which aims for continuous improvement in this area, using contemporary technology and systematically enhancing the competencies of members, experts, secretaries of evaluation teams, and PKA office staff in using information and communication technology. The PKA has identified the systematic development of the informatization of evaluation and opinion-giving procedures as one of the key challenges in its development strategy until 2025.

On the PKA website, complete and updated lists of PKA members, experts, and secretaries of the evaluation panel are published after each change. This is updated regularly as the PKA, being a public institution, must provide a Public Information Bulletin. Moreover, it should be emphasized that the data available on the website include:

- 1) Name, surname, academic degree/title, and affiliation to the Section and possibly other bodies operating within PKA - in the case of members.
- 2) Name, surname, academic degree/title, and information on the represented scientific or artistic discipline - in the case of experts from the group of academic teachers.
- 3) Name, surname, and, if applicable, academic degree/title - in the case of experts from the group of employers.
- 4) Name, surname - in the case of experts from the group of students.

The scope of data published on the website complies with the requirements of the personal data protection policy and the information security policy.

Referring to the contact details of experts and their updates, it must be clearly emphasized that, due to the requirements of the personal data protection policy and the information security policy, the only acceptable form of contact with members and experts during the programme evaluation and opinion-giving process is via email addresses in the pka.edu.pl domain, along with the assigned Microsoft A1 license, which also enables contact via MS Teams, established by the PKA IT administrator and the possibility of using applications available under this license.

Each expert accepting participation in the programme evaluation or opinion-giving process is also obliged to continuously monitor official means of communication. Additionally, it should be noted that, in terms of detailed data necessary for financial and accounting settlements, before starting individual activities, each expert is obliged to submit a sheet containing relevant personal data to the PKA Bureau

and is responsible for providing information to the Bureau in the event of any changes. In this case, changes are noted immediately since all contracts are registered with the Social Insurance Institution within seven days by law. Moreover, at the request of student experts, after consulting the PKA data protection officer, the coordinator from PSRP (The Student's Parliament of the Republic of Poland) of student experts created an online sheet in which he records changes in data regarding this group of experts. These changes are monitored continuously by the PKA accounting department when the sheet is updated by the coordinator of student experts. Additionally, concerning the circulation of documentation, it should be emphasized that the PKA and PKA Bureau fully utilize the possibilities of electronic circulation of documents to the extent that it is compliant with the personal data protection policy and information security policy, as well as with the regulations governing the circulation of financial and accounting documents and the rules of archiving documentation in public institutions.

ESG. 2.6 Reporting – Compliance

ENQA review panel's suggestion for further improvement: Set a clear time by which opinions will be published following notification of the Minister granting permission to establish a degree programme in a specific field, level and profile.

PKA's explanation:

In the two months following the conclusion of the ENQA review panel's site visit, concerted efforts have been made to publish all resolutions related to the opinion-giving process, as adopted by the Presidium in the years 2021-2022. As of May 18, all resolutions have been uploaded to the DEQAR database. The uploading process to the opinion database on the PKA website has also been completed. It is important to note that, since 2021, the content of the Section opinion in the opinion-giving process has been incorporated into the content of the Presidium's resolution, and therefore is not published as a separate document.

ESG. 2.7 Complaints and appeals – Compliance

ENQA review panel's suggestion for further improvement: Revise the instructions sent to the institutions on how and when to submit an application for reconsideration of the opinion-giving procedure, in an effort to lower the number of appeals.

PKA's explanation:

Higher education institutions have a legally guaranteed right to apply for a reconsideration of programme evaluation and opinions concerning the application for permission to conduct studies in a specific field, level, and profile, as stipulated by the Act of 20 July 2018 – Law on Higher Education and Science (consolidated text of the act: Journal of Laws of 2020; item 85, 374, art. 245 sec. 4). This right is not limited in any way, except for the deadline within which the application for reconsideration should be submitted (14 days from the date of delivery of the resolution of the PKA Presidium) and the requirement to inform the minister responsible for higher education about the submission of the application. Higher education institutions almost invariably exercise this right in every case of receiving a negative programme evaluation or a negative opinion on the application for the establishment of studies. Since the number of PKA Presidium resolutions concerning opinions on applications for the establishment of studies is relatively high compared to the number of negative programme evaluations, the number of applications for reconsideration of opinions is significant.

On the PKA website at <https://www.pka.edu.pl/standardy-i-procedury/procedury/procedura-odwolawcza/>, publicly available information specifies the subject of the application for reconsideration as follows: "The subject of the appeal can be both the resolution on programme evaluation, and the opinion concerning the application for permission to establish studies. Objections may concern procedural, legal, and substantive aspects of the assessment and should only refer to those issues and to the extent that they were the subject of the assessment and the basis for the adopted resolutions. The Presidium decides to change the opinion or assessment only in cases where the presented arguments relating to each raised objection remove all doubts that were the cause of the original resolution while being within the permissible limits allowing for the completion of information and documentation. Resolutions adopted by the Commission are final and can only be changed by it. The question of the appealability of Commission resolutions was definitively resolved by the Supreme Administrative Court, which ruled that the PKA resolution does not constitute an act of public administration and, as such, is not subject to administrative jurisdiction and cannot be the subject of an assessment by the Administrative Court. The current appeal system serves well the quality of education, reinforcing the independence of PKA decisions".

The procedure for submitting and considering the application for reconsideration is also described.

In the Statement to the ENQA Review Report in 2019, the PKA emphasized that the unrestricted, legally guaranteed right of higher education institutions to apply for reconsideration is at the same time the source and basis of the enhancement-oriented approach in PKA proceedings.

The PKA would like to reiterate that the justifications of negative opinions are very detailed; they also constitute guidelines for the HEIs on how the study programme should be changed so that the application could be positively evaluated, which becomes the basis for the application for a reconsideration of the case. The PKA considers the enhancement-oriented approach as a significant contribution to fulfilling its mission as an institution responsible for quality assurance and maintains that the possibility of correcting the application and its reconsideration in the appeal process creates an opportunity for HEIs to shape their didactic offer in accordance with the adopted development strategy, and to receive support in the correct design of the study programme and creating conditions for its implementation. The enhancement-oriented approach is an incentive for the HEIs to appeal, and in turn, clear guidance on the improvements included in the resolution results in an effective improvement of the application.

It should be noted that the effectiveness of the enhancement-oriented approach is evidenced by the quantitative analysis of the results of programme evaluations, in which there are relatively few negative assessments compared to the number of negative opinions on applications for the establishment of studies (data illustrating PKA operations are included on pp. 13-15 of the PKA Self-evaluation Report, tab. 9-12), which means that higher education institutions effectively use the guidance provided to them in the process of reviewing applications for the establishment of studies.

The ENQA Targeted Review report also includes several suggestions aimed at further improving the functioning of the PKA, concerning the expansion of the scope and scale of the internationalization of the Commission's activities, and in particular involving more international experts, accelerating plans for internationalization and international expert involvement in procedures, and a more internationalized approach in the dissemination of evaluation reports.

The PKA wishes to emphasize that internationalization is one of the key strategic areas identified in the strategy for 2021-2025. This is reflected both in the definition of strategic objective 2.4 - raising

the level of internationalization of evaluation procedures, which is related to planned activities in the field of introducing an appropriate system for the recruitment and selection of international experts, in connection with the internationalization of evaluation procedures, as well as the processes of internationalization taking place in the higher education system in Poland, supported by international benchmarking of procedures, exchange of experiences on the international forum, membership in international accreditation associations, participation in professional events, inviting foreign speakers to participate in quality forums, and participation of PKA members and experts in foreign evaluations. This is related to strategic objectives 3.1 - development of activities in international organizations working for the quality of education in higher education, and 3.2 - development of PKA's publishing and popularization activities in the international environment within the strategic area III - PKA as an active and globally recognizable accreditation agency.

To achieve these objectives, the PKA plans to establish an international affairs team consisting of members and experts of the Commission, whose tasks will include:

- 1) undertaking activities within the framework of international cooperation with institutions and organizations operating in the field of higher education;
- 2) implementation of projects of an international nature;
- 3) preparation of reports on the international cooperation of the Commission.

Annex No. 1

The Polish Accreditation Committee



Annex No. 2

The Polish Accreditation Committee





**Pan
Dr hab. Przemysław Czarnek
Minister Edukacji i Nauki**

Szanowny Panie Ministrze,

W okresie od listopada 2022 do czerwca 2023 Polska Komisja była poddawana procedurze cyklicznego zewnętrznego przeglądu przeprowadzanego przez ENQA – The European Association for Quality Assurance in Higher Education. Celem przeglądu jest ocena stopnia, w jakim PKA spełnia standardy jakości ESG 2015 przyjęte dla Europejskiego Obszaru Szkolnictwa Wyższego. Obecny przegląd miał charakter ukierunkowany i obejmował wybrane standardy, jako że PKA jest członkiem ENQA od roku 2009 i ubiega się o odnowienie członkostwa oraz przedłużenie rejestracji w European Quality Assurance Register for Higher Education (EQAR).

Jednym z etapów przeglądu była wizyta panelu oceniającego ENQA, która odbyła się w dniach 28. lutego – 2 marca 2023. Harmonogram wizyty obejmował m.in. spotkanie z Ministrem Edukacji i Nauki (1 marca 2023).

W dniu 20 lipca 2023 PKA otrzymała raport panelu oceniającego, zatwierdzony na posiedzeniu ENQA Agency Review Committee w dniu 28 czerwca 2023. Raport ten został udostępniony na stronie PKA pod adresem <https://www.pka.edu.pl/ocena-zewnetrzna-prac-pka-2022/>

W podsumowaniu raportu stwierdzono, iż „W świetle rozpatrzonych dokumentów i ustnych dowodów panel oceniający jest przekonany, że w wykonywaniu swoich funkcji PKA jest zgodna z ESG” (s. 46).

Jednocześnie w raporcie, obok wskazania dobrych praktyk oraz sugestii mających na celu dalsze doskonalenie, sformułowane zostały dwie rekomendacje.

Jedna z nich, związana ze standardem 3.3 Niezależność, nie odnosi się bezpośrednio do zakresu działalności i kompetencji PKA, dotyczy bowiem odwołania Przewodniczącego PKA, co jest wyłączną kompetencją Ministra Edukacji i Nauki.



W raporcie zalecono PKA zwrócić się do Ministra Edukacji i Nauki z informacją, że „uznaniowe uprawnienia, które umożliwiają odwołanie Przewodniczącego PKA ze stanowiska, są uważane przez europejską społeczność zapewniania jakości za podważające niezależność agencji oraz że wprowadzenie jasnych kryteriów odwołania Przewodniczącego PKA rozwiązałyby tę kwestię” (s. 45).

Pozwalam sobie zatem przekazać przytoczoną wyżej treść rekomendacji i jednocześnie zwracam się z prośbą o rozważenie możliwości określenia kryteriów odwołania Przewodniczącego PKA, szczególnie, że w raporcie znalazła się informacja (s. 16), iż w trakcie spotkania z panelem oceniającym w dniu 1 marca 2023 padło zapewnienie o gotowości do przedyskutowania z PKA kwestii kryteriów odwołania jej Przewodniczącego, w celu znalezienia właściwego rozwiązania.

Z wyrazami szacunku

Przewodniczący
Polskiej Komisji Akredytacyjnej
Tadeusz Stanisławski



Minister Edukacji i Nauki

Przemysław Czarnek

DSW-WPS.072.3.2023.LJ
Warszawa, 17 sierpnia 2023 r.

**Ksiądz
dr hab. Tadeusz Stanisławski
Przewodniczący
Polskiej Komisji Akredytacyjnej**

Czcigodny Księżu Przewodniczący,

nawiązując do pisma z 2 sierpnia 2023 r. znak PKA.051.2.2023, w którym Ksiądz Przewodniczący poinformował o rekomendacjach panelu oceniającego The European Association for Quality Assurance in Higher Education (ENQA) w związku z ubieganiem się przez Polską Komisję Akredytacyjną o odnowienie członkostwa oraz przedłużenie rejestracji w EQAR, pragnę potwierdzić gotowość do dyskusji na temat przyszłych rozwiązań w zakresie ustalenia kryteriów odwoływania przewodniczącego PKA, zgodnie z deklaracją wyrażoną podczas spotkania z przedstawicielami panelu w dniu 1 marca br.

Z wyrazami szacunku,

Przemysław Czarnek
Minister
/ – podpisano cyfrowo/

[Translation of the letter from the Chairman of the PKA dated August 2, 2023, addressed to the Minister of Education and Science]

Dr hab. Przemysław Czarnek

Minister of Education and Science

Between November 2022 and June 2023, the Polish Accreditation Committee (PKA) underwent a cyclical external review conducted by ENQA - The European Association for Quality Assurance in Higher Education. The purpose of the review was to assess the extent to which the PKA meets the ESG 2015 quality standards adopted for the European Higher Education Area. The current review was targeted and covered selected standards, as the PKA has been a member of ENQA since 2009 and is seeking renewal of membership and extension of registration in the European Quality Assurance Register for Higher Education (EQAR).

One of the stages of the review was a site visit by the ENQA assessment panel, which took place from February 28 to March 2, 2023. The site visit schedule included, among others, a meeting with the Minister of Education and Science (March 1, 2023).

On July 20, 2023, the PKA received the assessment panel's report, approved at the ENQA Agency Review Committee meeting on June 28, 2023. This report was made available on the PKA website at <https://www.pka.edu.pl/ocena-zewnetrzna-prac-pka-2022/>

In the report summary, it was stated that "In light of the reviewed documents and oral evidence, the assessment panel is convinced that in carrying out its functions, the PKA is in compliance with the ESG" (p. 46).

Simultaneously, the report, alongside indicating good practices and suggestions for further improvement, formulated two recommendations.

One of them, related to standard 3.3 Independence, does not directly pertain to the scope of activities and competencies of the PKA but concerns the dismissal of the PKA Chairman, which is the exclusive competence of the Minister of Education and Science. The report recommended that the PKA inform the Minister of Education and Science that "the discretionary powers that enable the dismissal of the PKA Chairman from office are considered by the European quality assurance community as undermining the agency's independence, and that the introduction of clear criteria for the dismissal of the PKA Chairman would resolve this issue" (p. 45).

Therefore, I take the liberty of conveying the aforementioned recommendation and simultaneously request that you consider the possibility of defining the criteria for dismissing the PKA Chairman, especially since the report contained information (p. 16) that during the meeting with the assessment panel on March 1, 2023, there was an assurance of readiness to discuss with the PKA the criteria for dismissing its Chairman, with the aim of finding an appropriate solution.

*[Translation of the letter from the Minister of Education and Science dated August 17, 2023, addressed to the
Chairman of the PKA]*

Rev. Dr hab. Tadeusz Stanisławski

Chairman

Polish Accreditation Committee

Venerable Reverend Chairman,

Referring to the letter dated August 2, 2023, ref. PKA.051.2.2023, in which you, Reverend Chairman, informed about the recommendations of the assessment panel of The European Association for Quality Assurance in Higher Education (ENQA) in connection with the Polish Accreditation Committee's application for membership renewal and extension of registration in the EQAR, I wish to confirm my readiness for a discussion on future solutions in determining the criteria for dismissing the PKA chairman, in accordance with the declaration expressed during the meeting with the panel representatives on March 1 of this year.

ACT

of 20 July 2018

– the Law on Higher Education and Science

Art. 251. [...]

5. A member of the Polish Accreditation Committee may be a person who:

- 1) remains in good standing and observes the principles of scientific ethics;
- 2) holds at least a doctor's degree, has academic achievements and, for a candidate proposed by an employers' organisation - higher education;
- 3) has not reached the age of 70 by the date of commencement of the term of office;
- 4) complies with the requirements referred to in Art. 20 sec. 1 points 1-5.

6. The following persons may not be the members of the Polish Accreditation Committee:

- 1) a member of the Science Evaluation Committee;
- 2) a founder;
- 3) the rector;
- 4) a member of the council of the higher education institution;
- 5) an employee of the Polish Accreditation Committee Office.

[...]

Art. 252. [...]

2. The chair of the Polish Accreditation Committee shall state the expiration of the tenure of a member of the Polish Accreditation Committee in the event of:

- 1) his/her death;
- 2) submitting a resignation by him/her;
- 3) his/her failure to submit a vetting declaration or vetting information;
- 4) failure to meet at least one of the requirements specified in Art. 251 sections 5 and 6;
- 5) failure to participate in the work of the Polish Accreditation Committee for a period longer than 6 months.

Art. 20. 1. A member of the council of the higher education institution may be a person who:

- 1) has full legal capacity,
- 2) enjoys full civil rights;
- 3) has not been convicted of an intentional offence or intentional tax offence under a final and binding judgment;
- 4) has not been punished by disciplinary action;
- 5) did not work for the State security authorities, did not serve in them or cooperate with them in the period from 22 July 1944 to 31 July 1990 within the meaning of Art. 2 of the Act of 18 October 2006 on the disclosure of information about documents of the State security bodies from the years 1944-1990 and the content of these documents (Journal of Laws of 2019, item 430, 399, 447, 534 and 1571);

[...]

Application by PKA for Renewal of Registration

Register Committee

Clarification provided by the Panel

Ref. A138
Date 2023-10-04
Page 1 / 2

Date of the conversation:	2023-10-04
Panel members:	Andy Gibbs, Almantas Serpatauskas
Representative of EQAR:	Melinda Szabo, Blazhe Todorovski

1. PKA has submitted on 2022-10-07 an application for renewal of registration on the European Quality Assurance Register for Higher Education (EQAR). On 2023-07-28, PKA submitted the external review panel's report of 2023-06-28.
2. In order to prepare the deliberations of the Register Committee on PKA' compliance with the ESG, EQAR contacted the Panel to clarify the matters below.

ESG 2.3 – Implementing processes

3. The panel clarified that the accreditation period is for 2 or 6 years, and in exceptional cases i.e., that apply for lengthier accreditation cycles, the accreditation period might be longer than 2 years. The panel emphasised that the agency's processes are nevertheless implemented consistently.
4. The follow-up processes in the case of programme evaluation procedures happens during the re-accreditation period but not in between i.e., normally after 2 or 6 years. The panel considered that there should be a consistent follow up in place to also monitor progress in quality enhancement in the case of 6 year accreditation, as per the reading of the standards 2.3 of the ESG.
5. The panel confirmed that PKA's evaluation procedures are with some exceptions being carried out remotely. The review panel noted that PKA is following a number of regulations regarding its remote procedures, regulations that have been updated following wide consultations with the sector. The panel has considered in detail all these procedures. In its online accreditation procedure PKA carries out observations of classes done by PKA, HEIs are asked to provide a video of the learning facilities and during the remote visit PKA experts also meet with different stakeholders to verify the facts in the review report. The review panel was convinced that PKA is thorough in verifying the effectiveness of ESG Part 1 in practice.
6. While PKA Statutes mention the possibility for the higher education institution to comment on the assessment report within three weeks of

the date of its receipt, the review panel was uncertain whether this is followed in practice since this was not clear for those the review panel interviewed.

ESG 2.6 – Reporting

Ref. A138
Date 2023-10-04
Page 2 / 2

7. The panel explained that in its last review that PKA has not taken on the responsibility in publishing the reports in the opinion- giving process procedure since PKA’s role remained limited to preparing the report and as a participant in the decision making process. The change in the law made it a statutory requirement for PKA to publish all reports for all procedures. Expert reports and resolutions of the opinion giving process are published and available on PKA’s website until 2020, but indeed the agency has only published resolutions but no reports after 2020.
8. Reports from 2020 onwards have not been published as PKA claim there are delays in the MoHE providing the information. The panel noted the delays in publication and made a recommendation suggesting that there should be a clear time frame within which reports should be published.
9. The statutory requirement of publishing reports, gave the panel a positive indication that the publication issue is being resolved however the delay was noted hence the recommendation to prepare a publication schedule.

ESG 3.3 – Independence/ESG 3.6 – Internal quality assurance and professional conduct

10. The panel clarified that elected members in Sections may act as experts in review panels, but they may not be present during the deliberations of the accreditations prepared for the Presidium. The Chairs of Section may however participate in the discussion of the Presidium, even if they have been involved in assessment they have previously prepared.
11. In the understanding of the review panel, the Chair of the Appeals Body may vote as part of the resolutions adopted by the Presidium, regarding resolutions that were considered by the Appeals Body. PKA Statute, Article 9 states that “The Chair of the Appeals Section attends the meetings of the Presidium, during which resolutions on requests for reconsideration of a matter, as referred to Article 4(1)(1-4) are adopted, and enjoys voting rights during such meetings.”
12. The review panel learned during the call on the resignation of the PKA President as of (03/04/2023) and the appointment of a new PKA President (as of 29/04/2023), that took place a few months after the panel’s site-visit, during the panel’s preparation of the review report.



on expressing an opinion about the additional representation concerning the Deferral of the Application by the Polish Accreditation Committee (PKA) for Renewal of Inclusion on the Register (EQAR)

§ 1

Pursuant to Art. 258, para. 1, item 6 of the Act of July 20, 2018. - Law on Higher Education and Science (i.e., Journal of Laws of 2023, item 742, as amended), the Presidium of the Polish Accreditation Committee, after reviewing the opinion of the team developing an additional representation of the Polish Accreditation Committee, expresses:

a positive opinion regarding the additional representation prepared in response to the Deferral of the Application for Renewal of Inclusion on the Register by the Polish Accreditation Committee (PKA)

Justification

In response to the letter from the Chairman of the Register Committee dated October 23, 2023, the working team appointed by the PKA's President prepared an additional representation with regard to the Deferral of the Application by Polish Accreditation Committee (PKA) for Renewal of Inclusion on the Register, the content of which is attached to this resolution.

The Presidium of the Polish Accreditation Committee, after a thorough analysis of the presented document, fully accepts and supports its content and authorizes the PKA's President to submit it to the Register Committee.

§ 2

The resolution comes into force on the date of adoption.

President
of Polish Accreditation Committee

Tadeusz Stanislawski



Attachment No. 1

to the Resolution No.1080/2023 of the Presidium of the Polish Accreditation Committee dated December 14, 2023 on expressing an opinion about the additional representation concerning the Deferral of the Application by the Polish Accreditation Committee (PKA) for Renewal of Inclusion on the Register (EQAR)

Polish Accreditation Committee (PKA) additional representation prepared in response to the Deferral of the Application for Renewal of Inclusion on the Register (EQAR)

In response to the letter from the President of the Register Committee dated October 23, 2023, the Polish Accreditation Committee (hereinafter also referred to as the PKA or the Committee) provides an additional representation regarding *the Deferral of the Application by Polish Accreditation Committee (PKA) for Renewal of Inclusion on the Register* (hereinafter referred to as *the Deferral of the Application*).

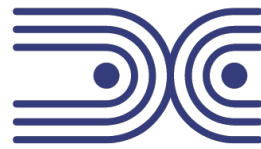
The Polish Accreditation Committee appreciates considering explanations and arguments provided in the PKA's statement to the review report and resultant acknowledgment that the PKA's activities are compliant with the ESG standards 2.3 – Implementing processes, 2.4 – Peer-review experts, and 3.5 – Resources.

Concurrently, the Polish Accreditation Committee seeks the consideration of additional explanations and arguments pertaining to the EQAR's assessment of the Committee's compliance with the ESG standards 2.6 – Reporting, 3.3 – Independence, 3.6 – Internal Quality Assurance and Professional Conduct, and the acknowledgement of these standards as being met (compliant).

ESG 2.6 - REPORTING

1. The Polish Accreditation Committee appreciates the thorough analysis and conclusions presented by the Register Committee. While we understand the reservations regarding the publication of the results by the PKA, it should be noted that these reservations relate solely to the publication of resolutions concerning opinions on applications for granting permission to provide a degree programme. Delays in this regard were due to the fact that the date of publishing the resolution by the PKA was dependent on the date of the Minister's decision to grant permission to provide a degree programme. The resolution was published after the decision date and after the Ministry informed the PKA that the decision was final. This rather complex procedure and the difficulties in communicating information about any decisions made did indeed cause delays in publishing resolutions on opinions.
2. In response to the above, the Polish Accreditation Committee took immediate action, which resulted updating the assessment database and the opinion database, as well as ensuring that delays in publishing the results by the Polish Accreditation Committee will not occur in the future:

In 2019, a new website for the Committee was designed and launched, enhancing the transparency of presented and published materials and information, including the results of procedures conducted by the PKA for opinions and evaluations. The website architecture was adjusted to accommodate the publication of opinions. Additionally, an opinion database was designed and launched on the PKA's website. The capacity to publish the higher education institution's position in response to the assessment panel's report, in addition to the previously published resolutions of the Presidium, was expanded. Since the turn of 2018 and 2019 the upload to the DEQAR database has been conducted and continually improved by the PKA, in collaboration with the EQAR and the IT company supporting the PKA.



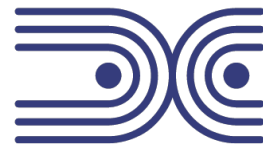
In 2021, with a view to further improving the stability and professionalisation of the data export process for publication on both the PKA's website and the DEQAR database, the agreement with the supporting IT company included the following tasks: (1) developing and exporting information and files from the database maintained by the PKA to ensure their public accessibility via the PKA's website, (2) developing and exporting information, including data from the PKA's database, for import into external databases maintained by partners collaborating with the PKA, (3) installing and updating certificates for the PKA's website, (4) monitoring and verifying the need for updating software versions and plugins used on the PKA's website, (5) providing backup service for the PKA's website and its restoration in the case of a failure. Also in 2021, the decision was made to upgrade the assessment database on the PKA's website based on the schedule of assemblies of the PKA's Presidium (held every two weeks), regarding subsequent final evaluations. This solution allows for immediate publication of the results of evaluation proceedings together with relevant documentation.

3. We also want to emphasize that the resolutions of the Presidium of the Polish Accreditation Committee regarding opinions, in accordance with the current provisions of the PKA Statutes, were published upon receiving information from the Minister about the completion of the proceedings regarding applications for granting permission to provide a degree programme. It should be noted that in letters to the Ministry of Education and Science requesting information in this regard, the Polish Accreditation Committee simultaneously requested that the Ministry provide this information to the Committee periodically, for example, once a quarter. **At present, all resolutions issued until May 31, 2023, regarding evaluations and opinions are openly available on the PKA's website.**
4. In the past two months, the Bureau of the Polish Accreditation Committee has undergone a comprehensive modernization process of its IT infrastructure. Our main goal was to enhance the security and reliability of the IT system. We have purchased and launched a new Dell server along with VMWare virtualization software, enabling the operation of multiple independent virtual servers on a single device. This solution improves our flexibility and efficiency.
5. In the Bureau of the Polish Accreditation Committee, we are implementing the Microsoft Active Directory service (a service enabling centralized management of user and computer information in our organization). This will be a key element of our IT structure, enabling coordinated management of user and computer information and better resource control, as well as increasing data security. Additionally, we are introducing the Veeam Backup & Replication tool, which will allow us to create backup copies of system images, including applications, and replicate virtual machines. In 2023, we are also enhancing the security of our data by introducing Acronis cloud backup support service, allowing for infrastructure restoration in cloud computing in the case of a failure. These actions aim to increase the efficiency and security of our IT infrastructure and are crucial for the Bureau of the Polish Accreditation Committee. Through the modernization of our IT infrastructure, we are improving data security, operational flexibility, and system reliability. With the introduction of new solutions, we are better prepared for future challenges, ensuring that our infrastructure meets our needs. The implementation of these solutions will bring us benefits both in terms of operational efficiency and increased data security.

The schedule of the comprehensive modernization of the Bureau's IT structure has been divided into 5 stages:

STAGE 1 - UNTIL 07.11.2023

1. Completion of functional requirements and scope of infrastructure upgrades.



2. Development of the Technical and Organizational Design.
3. Organizational meeting, discussion regarding the scope of modernization and recommended solutions.

STAGE 2 - UNTIL 15.11.2023

1. Procurement and delivery of hardware and licenses.
2. Configuration of Microsoft services on a Dell PE R550 server. Installation and configuration of VMware as a virtualizer.
3. Installation and configuration of the Active Directory service.

STAGE 3 - UNTIL 18.11.2023

1. Installation and configuration of hardware in the server room.
2. Developing virtual environments for applications.
3. Transfer and installation of new applications.

STAGE 4 - UNTIL 20.11.2023

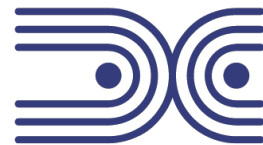
- Installation and configuration of Veem Community Backup - setting up a backup schedule.

STAGE 5 - UNTIL 22.11.2023

- Installation and configuration of the Acronis Solution.

The projected comprehensive modernization of the IT infrastructure of the Bureau of the Polish Accreditation Commission will be beneficial, especially in the context of publishing reports and opinions. This includes facilitating access to information – a modern IT infrastructure will enable quicker and more convenient sharing of reports and opinions, ensuring greater transparency and accessibility of data to stakeholders. It will improve data security through new and effective IT solutions that offer greater data security. By automating certain processes, such as the publication of reports and opinions, it can significantly increase the efficiency of the Bureau's work, allowing for a quicker response to requirements and inquiries. The proposed modernization will allow for better integration of the various systems used by the PKA, facilitating process management and improving internal information flow.

6. To simplify the procedure for publishing opinions on application for granting permission to provide a degree programme and ensure uninterrupted updates to the opinion database (similar to the assessment database), the Committee undertakes to amend article 23 para. 2 of the Statutes at the next plenary assembly, i.e., in January 2024. This amendment aims to ensure that the Committee's commitment to publishing resolutions regarding opinions on the fulfilment of conditions for the provision of degree programmes in a given field of study, at a given level and with a specific degree profile without having to wait for information from the Minister regarding his final decision on granting permission to provide a degree programme in a given field of study, at a given level and with a specific degree profile. The current provision was introduced into the Statutes due to the specific nature of the procedure for granting permission by the Minister. As a public administration body, the Minister grants permission in the form of an administrative decision. The Committee's opinion is an expert evaluation that is not binding for the Minister. It was assumed that the Committee's opinion could only be published after the formal completion of the procedure for granting permission by the Minister. It should be emphasized that there are no legal provisions preventing the publication of the Committee's opinion even before the Minister grants permission. The PKA's opinion, once a resolution has been adopted by the Presidium or after a request for



reconsideration has been recognized, can no longer be changed in any way [For details, see Appendix 1.1 which outlines the planned amendments to the PKA Statutes, together with the PKA President's commitment to raise them at the PKA's Plenary Assembly].

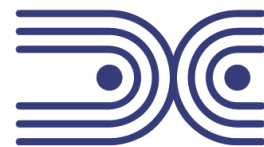
7. **Taking into account the improvement measures adopted by the PKA, including both changes to the procedure for publishing opinions on the fulfilment of conditions for the provision of degree programmes in a given field of study, at a given level and with a specific degree profile (to be sanctioned by the amendment of the PKA's Statutes), and a comprehensive modernization of the PKA Bureau's IT infrastructure to ensure an effective and secure publication process and data transfer, as well as an update of the database, the Polish Accreditation Committee expects the evaluation of compliance with the ESG standard 2.6 – Reporting to be changed from “partial compliance” to “compliance”.**

ESG 3.3 - INDEPENDENCE

8. The Polish Accreditation Committee acknowledges the position of the Register Committee expressed in *the Deferral of the Application*, indicating that establishing conditions and procedures for appointing and dismissing the President of the Committee is an appropriate solution. The current legal provisions, allowing the Minister to appoint and dismiss the President, should be specified, particularly regarding the conditions for the decision on dismissal. Therefore, in Appendix 2.2 to this document, the PKA provides the declaration of the Minister of Science Dariusz Wiczorek to initiate an amendment to the provisions of the Act of July 18, 2018, on Higher Education and Science. This amendment would limit the Minister's powers and remove his right to dismiss the President of the PKA, with a simultaneous proposal to empower the Polish Accreditation Committee to include in its Statutes the right of the Plenary Assembly of the PKA to dismiss its President. Additionally, the Minister, considering that the legislative process takes time and aiming to clarify and eliminate the EQAR's doubts about the independence of the PKA, introduces an internal procedure in the Ministry in case changes to the position of the President of the PKA become necessary before the amended provisions of the law come into force. As the procedure stipulates, any dismissal of the President of the PKA will be preceded by seeking the opinions of the Main Council for Science and Higher Education, the Polish Parliament of Students, and the PKA's Presidium. The dismissal of the President will require a written justification, specifying the identified violations of the law, the occurrence of a conflict of interest, or irregularities in the management of the PKA). [For details, see Appendix 1.2 which contains Minister's of Science Dariusz Wiczorek Declaration].
9. The Polish Accreditation Committee believes that the evaluation of compliance with the ESG standard 3.3 – Independence (non-compliance) is not justified by the analysis presented in *the Deferral of the Application*.

The PKA presented the following facts in the self-assessment report:

- 1) Operational independence and organizational autonomy of the Polish Accreditation Committee has been guaranteed by the law in Art. 251 (1) act of 20 July 2018 Law on Higher Education and Science.
- 2) Organizational arrangements and operational procedures of PKA, specific powers of its bodies, detailed criteria and evaluation procedures, and the method for the appointment of reviewers are laid down in the Statutes adopted by the PKA's plenary assembly.
- 3) Strategic decisions remain the competence of the Presidium and the plenary assembly of the



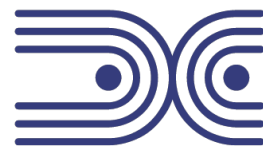
PKA (i.e. Strategy, Statutes, detailed criteria and evaluation procedures, quality standards, decisions on processes' results, selection of candidates for experts).

- 4) Candidates for PKA's members are presented by various stakeholders, statement of the expiry of the mandate of a member of the Polish Accreditation Committee which may only take place in the cases specified in Art. 252 (2) Act of July 20, 2018 - Law on Higher Education and Science, constitutes the exclusive competence of the PKA's President.
- 5) External experts are appointed by autonomous decisions of PKA according to the procedure stipulated in PKA's Statute. The process of selection and appointment of experts is transparent, multilayered and is not affected by state authorities, HEIs or other stakeholders.
- 6) PKA is independent and acts autonomously. It has full responsibility for its operations and the outcomes without third party influence.
- 7) The decision-making process of formal outcome is independent – PKA adopts independent resolutions, and no external institution can impact the decision-making process.
- 8) Relevant stakeholders background, particularly students take part in quality assurance processes, as well as in decision-making and / or consultative-advisory bodies.
- 9) The system check-and-balance is built into the multilayered decision-making process and competences of individual and collegiate bodies. Its effectiveness has been confirmed in practice by PKA (p. 16).

With the exception of the legal regulation regarding the appointment and dismissal of the President of the Polish Accreditation Committee by the Minister, the Committee fulfils the provisions specified in the ESG standard 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," as well as the requirements outlined in the guidelines for this standard:

"In considering the independence of an agency the following are important:

- Organisational independence, demonstrated by official documentation (e.g. instruments of government, legislative acts or statutes of the organization) that stipulates the independence of the agency's work from third parties, such as higher education institutions, governments and other stakeholder organizations.
- Operational independence: the definition and operation of the agency's procedures and methods as well as the nomination and appointment of external experts are undertaken independently from third parties such as higher education institutions, governments and other stakeholders.
- Independence of formal outcomes: while experts from relevant stakeholder backgrounds, particularly students, take part in quality assurance processes, the final outcomes of the quality assurance processes remain the responsibility of the agency.
- Anyone contributing to external quality assurance activities of an agency (e.g. as expert) is informed that while they may be nominated by a third party, they are acting in a personal capacity and not representing their constituent organizations when working for the agency. Independence is important to ensure that any procedures and decisions are solely based on expertise."



This was also confirmed by the ENQA evaluation panel in its external review report, stating on p. 16 that "The standard [3.3] had been fully reviewed by the Register Committee prior to the review visit. The only new evidence that was presented during the review visit was the confirmation by the Minister of his discretionary power [to dismiss the President of PKA] and his willingness to apply it."

Furthermore, the claim formulated by the Register Committee in *the Deferral of the Application*, that the influence of third parties (the Minister) on the dismissal of the President, arising from legal provisions enacted by the Parliament, translates into an impact of third parties on the operational independence of the Committee and the independence of its outcomes, thereby undermining its organizational independence, is not confirmed by the factual situation reflected in the Statutes of PKA or the actual functioning of the Committee.

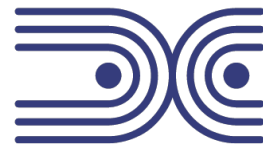
In *the Deferral of the Application*, it is stated (according to the Change report decision of 28-06-2022 of the Register Committee) that "the dismissal of the President casts serious doubts on whether PKA remains able to "act autonomously" and to assume "full responsibility for [its] operations", as required by the ESG standard 3.3." These concerns are unfounded. The Committee has worked and continues to work in an undisturbed and autonomous manner. It should be noted that in both the external review report and *the Deferral of the Application*, no facts were indicated that would confirm instances of the breach of the PKA's procedures or its autonomy. Moreover, no evidence was provided of the alleged influence on the Committee's decisions regarding the determination of detailed assessment criteria, evaluation procedures, appointment of experts, reviewers, assessment panels, adoption of resolutions on opinions or assessments, as well as requests for reconsideration of cases. The factors mentioned above, in line with the PKA's self-assessment report, indicating the Committee's independence, remain unchanged.

On the contrary, in the 2023 external review report, the evaluation panel states (p. 17): "The Presidium of the Polish Accreditation Committee adopts resolutions on the basis of opinions of the Section. No evidence was found that the decisions can be influenced by other parties." And further (p. 17): "The panel concluded that the three dimensions of independence remained as they were in 2018 when the agency was found to be in compliance." In *the Deferral of the Application*, the Register Committee concludes that it disagrees with this assessment but does not present arguments undermining operational independence or the independence of the Committee's outcomes. It focuses solely on issues related to the dismissal of the President of the PKA and, in this context, the potential influence of third parties on the exercise of certain powers granted to the President by the Statutes. The Register Committee overlooks the guaranteed legal status of the PKA as an independent institution working to improve the quality of education and the fact that all strategic decisions, including the adoption of Statutes, the establishment of detailed assessment criteria and procedures, the appointment of experts, are made by the PKA.

It should be emphasized that the President of the PKA has no power to independently make decisions that affect institutions of higher education. According to Article 9 para. 3 of the Statutes, it is the Presidium of PKA that makes resolutions concerning program evaluation and resolutions regarding opinions on meeting the conditions for conducting studies in a specified field, level, and profile. The President of PKA is a member of the Presidium, and their vote has equal weight with the vote of any other member of the Presidium. There is not even a mechanism allowing the President to decide on issues in which an equal number of votes are cast for and against. Additionally, it should be noted that the Polish Accreditation Committee is not managed solely by the President. All key decisions are made by the collegial body of the Committee, namely the Presidium of the Polish Accreditation Committee or the plenary assembly.



10. *The Deferral of the Application* states that the Minister's discretionary authority to dismiss the President of the Committee may impact the PKA's independence if one considers the powers granted to the President in the Committee's Statutes, including specifically the powers arising from articles 7, 8, 9, and 11a of the Statutes. The PKA agrees with the statement that the Minister's discretionary right may potentially affect the President's conduct. The evaluation panel noted in the external review report (p. 17) that it cannot prove to what extent the Minister's dismissal of the Committee President without stating a reason may affect their conduct, which is evident, as it is only a matter of speculations. However, it is a fact that although it is not unlikely for the Minister to dismiss the PKA's President without stating reasons, none of the newly appointed Presidents has utilized the powers granted to them in the Statutes in a manner deviating from the actions of previous Presidents and the established functioning of the Committee. It should also be reiterated that all strategic decisions are made by the Presidium of the PKA or the plenary assembly (i.e. Strategy, Statutes, detailed criteria and evaluation procedures, quality standards, decisions on processes' results, selection of candidates for experts). The President's authority to appoint experts and secretaries of assessment panels is, in reality, limited to formal tasks since the appointment of experts is preceded by a multi-stage recruitment procedure, the principles of which are defined in Appendix 6 to the PKA's Statutes. The establishment of the Advisory Council (Article 8) was also preceded by the submission of candidacies by members of the Presidium of the PKA and did not rely on the unilateral decision of the President. Article 9 pertains to the powers of the Presidium of the PKA, which is the body of the PKA and has the authority to make decisions, particularly adopting resolutions regarding evaluation, presenting opinions on applications for the provision of degree programmes, and applications for reconsideration, so this paragraph does not concern the President's powers. The statement by the Register Committee that the President's authority to appoint the Quality Council (article 11a of the PKA's Statutes), together with the possibility of their discretionary dismissal by the Minister, existing in the current legal framework, may pose a threat to independence, is purely speculative. The Quality Council has not been established yet. It is a new body. The Council will operate based on regulations adopted by the Presidium of the PKA, not by the President. To address the Register Committee's doubts regarding the powers granted to the President in appointing the Quality Council, a proposal for amending the Statutes will be presented to the plenary assembly. In Article 11a para. 1, the authority to appoint the Quality Council and to designate its President will be recommended to be transferred to the Presidium. [For details, see Appendix 1.1 which outlines the planned amendments to the PKA Statutes, together with the PKA President's commitment to raise them at the PKA's Plenary Assembly].
11. The perception of the PKA as an independent institution is confirmed in the most recent results of surveys conducted periodically as part of the evaluation of the programme evaluation process. The latest edition of the survey began on June 28, 2022. As of November 22, 2023, 438 external stakeholders (universities) participated in the survey, indicating a response rate of over 75%. In the set of questions related to the assessment of the PKA as an independent expert institution, a significant majority of respondents (76%) agreed that the PKA is an independent institution. Similar levels of agreement were observed with statements such as: the PKA is an authority in ensuring the quality of education (75%), a professional institution working to ensure the quality of education (81%), objective in its opinions (77%), building a culture of quality education (79%), and fulfilling its statutory tasks well (81%). Fewer than 10% of respondents disagreed with these statements. Universities highly evaluate the evaluation panels as professional, substantive, and objective (over 80% of responses), and fewer than 10% of respondents disagree with this assessment. The majority of the universities also agree that the assessment issued by PKA is fair (84%), reflects the factual



state of education in the evaluated field (82%), is objective (82%), and provides comprehensive examination of the strengths and weaknesses of the field (75%)

12. **Taking into account the commitment of the Minister of Science Dariusz Wiczorek to initiate an amendment to the provisions of the Act of July 18, 2018, on Higher Education and Science, aiming to change the provision regarding the appointment and dismissal of the President of the Polish Accreditation Committee, as well as the signing of a document regulating the procedure and conditions for appointing and dismissing the President until the law is changed, the proposed adjustments in the PKA's Statutes, as well as the full operational independence of the Committee and the independence of the results, confirmed both by the Register Committee before the last ENQA assessment and as a result of the recent assessment, the Polish Accreditation Committee expects the evaluation of compliance with the ESG standard 3.3 – Independence to be changed from “non-compliance” to “compliance”.**

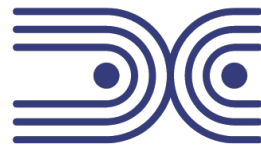
ESG 3.6 - INTERNAL QUALITY ASSURANCE AND PROFESSIONAL CONDUCT

13. The Polish Accreditation Committee emphasize that the President of the PKA has not yet exercised the authority granted to him in the PKA's Statutes to establish the Quality Council. This regulation remains open and, therefore, subject to change by transferring the authority to establish the Quality Council and appoint its President from the PKA's President to the Presidium. Thus, this will not be an individual decision, but a collegial one [For details, see Appendix 1.1 which outlines the planned amendments to the PKA Statutes, together with the PKA President's commitment to raise them at the PKA's Plenary Assembly]. This solution will avoid the "far reaching consequences" mentioned in *the Deferral of the Application* (item 35), although unspecified by name.

At the same time, the Polish Accreditation Committee emphasizes that the sole purpose of introducing an open-ended regulation to the PKA's Statutes concerning the possibility of establishing the Quality Council was and is to improve the operational efficiency of the Committee and enhance the competencies of the PKA's members and experts by strengthening those elements within the internal quality assurance system of the PKA that are associated with the development and improvement of the PKA's members and experts, as well as secretaries of assessment panels. This includes improving the results of their work, particularly in terms of the compliance of reports and resolutions with legal provisions, internal consistency, precision, and transparency of assessments and recommendations. This is clearly reflected in the tasks defined in the Statutes for the Council. Draft interpretative positions or document templates developed by the Council are subject to approval by the PKA's Presidium.

It is worth noting that the quality policy, subsequently implemented through the actions of the internal quality assurance system (potentially including the Quality Council), is adopted by the plenary assembly of the Committee in accordance with Article 5 of the PKA's Statutes. Therefore, the Committee President, supervising the internal quality assurance system, is obliged to implement the quality policy adopted by all PKA's members, thus playing an executive rather than regulatory role. The statutory provisions, especially after the aforementioned amendment that provides for a transition from individual to collegial decision-making on the establishment of the Quality Council, offer adequate checks and balances mechanisms preventing the subordination of the Committee President to the Quality Council.

14. The Polish Accreditation Committee commits to introducing a provision into the Statutes stipulating that a member of the PKA's Presidium participating in the program evaluation procedure as a member of the evaluation panel or preparing a review in the opinion-giving process regarding the



fulfilment of conditions for the provision of degree programmes in a given field of study, at a given level and with a specific degree profile shall be excluded from voting on the program assessment and opinion-giving matters, respectively. In Article 14, para. 6 will be added, stating that: "6. A member of the PKA's Presidium preparing a review as mentioned in Article 16, para. 1 or participating in the activities of the assessment panel referred to in Article 18, para. 1 shall be excluded from voting on matters related to adopting resolutions as mentioned in Article 16, para. 10 and Article 20, para. 1, respectively." [For details, see Appendix 1.1 which outlines the planned amendments to the PKA Statutes, together with the PKA President's commitment to raise them at the PKA's Plenary Assembly].

15. The Polish Accreditation Committee informs that the participation, with voting rights, of the chair of the Appeals Body in meetings of the Committee's Presidium, during which motions for reconsideration of assessment or opinions are proceeded, is defined in the provisions of the Act of July 20, 2018, Law on Higher Education and Science (Art. 245, sec. 6: The chair of the Appeals Body shall participate, with the right to vote, in Presidium meetings where resolutions on motions for reconsideration are adopted). The wording of Art. 245 sec. 6 mentioned above has been incorporated *in extenso* into the Statutes of the Polish Accreditation Committee. The chair of the Appeals Body participates exclusively in the part of the Presidium meeting where motions for reconsideration of assessment or opinions are processed and votes only on these matters. They do not take part in proceeding assessments or opinions that may become the object of applications for reconsideration, nor do they vote on such matters.
16. **Taking into account the commitment of the Polish Accreditation Committee to the aforementioned changes in the Committee's Statutes, eliminating the possibility of violating checks and balances mechanisms when establishing the Quality Council and preventing conflicts of interest in the voting process for assessment or opinions by a member of the PKA's Presidium who previously participated in the review or opinion-giving process as a member of an assessment panel or reviewer, as well as clarifications regarding the right of the chair of the Appeals Body to participate with voting rights in the PKA's Presidium meetings, the Polish Accreditation Committee expects the evaluation of compliance with the ESG standard 3.6 – Internal quality assurance and professional conduct to be changed from "partial compliance" to "compliance."**



Appendix 1.1 which outlines the planned amendments to the PKA Statutes, together with the PKA President's commitment to raise them at the PKA's Plenary Assembly



On amending the Resolution of the Polish Accreditation Committee No. 4/2018 of December 13, 2018 on the Statutes of the Polish Accreditation Committee

Acting on the basis of Art. 256, para. 2 of the Act of July 20, 2018. - Law on Higher Education and Science (i.e., Journal of Laws of 2023, item 742, as amended) and Article 27 of the Statutes of the Polish Accreditation Committee constituting an annex to the Resolution of the Polish Accreditation Committee No. 4/2018 of December 13, 2018 on the Statutes of the Polish Accreditation Committee (as amended), the following is adopted:

§ 1

In the Annex to Resolution No. 4/2018 of the Polish Accreditation Committee of December 13, 2018 on the Statutes of the Polish Accreditation Committee (as amended):

- 1) Article 11a is hereby amended as follows:
"Article 11a. 1. The Presidium may appoint the Quality Council of PKA's activity, whose tasks may include, in particular:
 - 1) monitoring the quality of the assessment panel reports, in particular in terms of compliance with the law, internal consistency, precision and transparency of the formulated assessments and recommendations, as well as their importance for justifying the opinion of Section or the Section for Teacher Education and the resolutions of the Committee;
 - 2) evaluation of the quality of work of the members of the Committee and experts;
 - 3) preparation of draft interpretative positions;
 - 4) preparation of draft templates or guidelines or changes to the templates or guidelines referred to in Art. 9, para. 3, items 5-8.(2) The composition of the Council referred to in par. 1 include:
 - 1) Secretary;
 - 2) at least 6 members appointed by the President from among members of the Committee or experts, including at least one student expert and at least one from a group of experts indicated by employers or representing employers' organisations.(3) Presidium shall appoint the Chair of the Council referred to in para. 1.
(4) The Council referred to in para. 1 performs its tasks on the basis of the Regulations adopted by the Presidium."
- 2) in Article 14, after para. 5, para. 6 is added, which reads:
"6. A member of the Presidium of the PKA who prepares the review as mentioned in Article 16, para. 1 or who participates in the activity of the assessment panel as mentioned in Article 18, para. 1 shall be subject, in a given case, to exclusion from voting on matters of adoption of resolutions referred to in Article 16, para. 10 and Article 20, para. 1, respectively."
- 3) Para. 2 in Article 23 is hereby amended as follows:



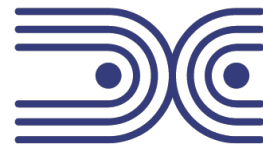
"2. The Committee shall publish, on its dedicated website in the Public Information Bulletin, an opinion on the fulfilment of conditions for the provision of degree programmes in a given field of study, at a given level and with a specific degree profile, and on the relevance of the degree programme with the strategy of the higher education institution within 14 days from the date on which the resolution of the Presidium of the PKA becomes final."

§ 2

The resolution shall come into force on the day following the expiry of the 30-day period for the Minister to raise objections regarding its compliance with the law, provided that no such objections are raised.

President
of Polish Accreditation Committee

Tadeusz Stanislawski



Appendix 1.2 which contains Minister's of Science Dariusz Wieczorek Declaration



Minister Nauki

Dariusz Wieczorek

DSW-DSW.8000.1.2023
Warszawa, 15 grudnia 2023r.

ks. dr hab.
Tadeusz Stanisławski
Przewodniczący Polskiej Komisji Akredytacyjnej

Szanowny Panie Przewodniczący,

w związku z przekazanym do Ministerstwa Edukacji i Nauki stanowiskiem European Quality Assurance Register for Higher Education (EQAR), zgodnie z którym decyzja o przedłużeniu wpisu Polskiej Komisji Akredytacyjnej (PKA) do rejestru została odroczone z uwagi na zastrzeżenia EQAR do niezależności PKA przedstawiam niniejsze stanowisko.

Obowiązujące w Rzeczypospolitej Polskiej przepisy regulujące system szkolnictwa wyższego w Polsce od 2005 r. przewidywały, że Przewodniczącemu PKA powołuje i odwołuje minister właściwy do spraw szkolnictwa wyższego. Zarówno przepisy ustawy Prawo o szkolnictwie wyższym z 2005 r., jak i ustawy Prawo o szkolnictwie wyższym i nauce z 2018 r. nie zawierały postanowień ograniczających swobodę ministra w podejmowaniu decyzji dotyczących powoływania i odwoływania Przewodniczącego PKA spośród członków Komisji, nie formułowano w nich również żadnych kryteriów powołania lub odwołania. Dotychczas przepisy te i zasady nie budziły wątpliwości i nie powodowały formułowania zarzutów dotyczących ograniczenia niezależności PKA. Zgodnie z obowiązującymi w Polsce przepisami Polska Komisja Akredytacyjna jest instytucją działającą niezależnie na rzecz doskonalenia jakości kształcenia. Niezależność PKA jest niezwykle istotna dla jej funkcjonowania w systemie szkolnictwa wyższego, jest warunkiem autorytetu Komisji w środowisku akademickim oraz jest niezbędnym atrybutem PKA umożliwiającym skuteczne dokonywanie ocen jakości kształcenia.

Mając na uwadze stanowisko wynikające z decyzji EQAR z dnia 13 października 2023 r. o odroczeniu rozpatrzenia aplikacji PKA o wpis do rejestru, jak również uzasadnienie przedstawione przez EQAR informuję, że:

1. Minister Nauki wystąpi do Parlamentu Rzeczypospolitej Polskiej z inicjatywą zmiany przepisów ustawy z dnia 18 lipca 2018 r. Prawo o szkolnictwie wyższym

i nauce, polegającej na ograniczeniu kompetencji Ministra i skreśleniu możliwości odwoływania Przewodniczącego PKA. Jednocześnie rozważona zostanie możliwość upoważnienia Polskiej Komisji Akredytacyjnej do określenia w jej statucie możliwości odwołania Przewodniczącego przez Zgromadzenie plenarne PKA.

2. Ponieważ proces legislacyjny wymaga czasu, kierując się chęcią wyjaśnienia i wyeliminowania wątpliwości EQAR dotyczących niezależności PKA, do czasu wejścia w życie znowelizowanych przepisów ustawy, na wypadek gdyby zaistniała konieczność zmian na stanowisku Przewodniczącego PKA wprowadzona zostanie wewnętrzna procedura postępowania w takim przypadku. Zgodnie z taką procedurą, ewentualne odwołanie Przewodniczącego PKA poprzedzone będzie zasięgnięciem opinii Rady Głównej Nauki i Szkolnictwa Wyższego¹, Parlamentu Studentów Rzeczypospolitej Polskiej² oraz prezydium PKA. Odwołanie Przewodniczącego będzie wymagało pisemnego uzasadnienia, ze wskazaniem na stwierdzone naruszenie przez przewodniczącego PKA przepisów prawa, stwierdzone wystąpienie konfliktu interesów albo stwierdzone nieprawidłowości w zarządzaniu PKA.

Z wyrazami szacunku,

Dariusz Wiczorek
Minister Nauki

/-podpisano kwalifikowanym podpisem elektronicznym/

¹ Instytucja przedstawicielska środowiska szkolnictwa wyższego i nauki, wymieniona w ustawie Prawo o szkolnictwie wyższym i nauce, która współdziała z organami władzy publicznej w zakresie polityki naukowej państwa, a także ma prawo do przedstawiania opinii m.in. w sprawach zasad działania i kierunków rozwoju systemu szkolnictwa wyższego i nauki, zarządzania uczelniami oraz w sprawach studentów, doktorantów i kadry naukowej

² Instytucja przedstawicielska środowiska szkolnictwa wyższego i nauki reprezentująca ogół studentów w Rzeczypospolitej Polskiej.



Minister Nauki

Dariusz Wiczorek

DSW-DSW.8000.1.2023
Warsaw, December 15, 2023.

fr. dr hab.
Tadeusz Stanisławski
President of the Polish Accreditation Committee

Dear Mr. President,,

In connection with the position of the European Quality Assurance Register for Higher Education (EQAR) submitted to the Ministry of Education and Science, according to which the decision to extend the entry of the Polish Accreditation Committee (PKA) to the register has been postponed due to EQAR's reservations about the independence of PKA, I present this position.

The regulations in force in the Republic of Poland governing the higher education system in Poland since 2005 provided that the President of the PKA is appointed and dismissed by the minister responsible for higher education. Both the provisions of the Higher Education Act of 2005 and the Higher Education and Science Act of 2018 did not contain provisions limiting the minister's freedom in making decisions regarding the appointment and dismissal of the President of the PKA from among the members of the Committee, nor did they formulate any criteria for appointment or dismissal. So far, these regulations and principles have not raised doubts and have not led to allegations of limiting the independence of the PKA. According to the regulations in force in Poland, the Polish Accreditation Committee is an institution operating independently for the improvement of the quality of education. The independence of the PKA is extremely important for its functioning in the higher education system, it is a condition of the Committee's authority in the academic community and is a necessary attribute of the PKA enabling effective quality assessments of education.

Taking into account the position resulting from the EQAR decision of October 13, 2023, to postpone the consideration of the PKA application for entry into the register, as well as the justification presented by EQAR, I inform that:

1. The Minister of Science will approach the Parliament of the Republic of Poland with an initiative to change the provisions of the Act of July 18, 2018, Law on Higher Education and Science, aimed at limiting the competences of the Minister and deleting the possibility of dismissing the President of the PKA. At the same time, the possibility of authorizing the Polish Accreditation Committee to determine in its statute the possibility of dismissing the President by the Plenary Assembly of the PKA will be considered.
2. Since the legislative process requires time, guided by the desire to clarify and eliminate EQAR's doubts about the independence of the PKA, until the amended provisions of the Act come into force, in case there is a need for changes in the position of the President of the PKA, an internal procedure will be introduced in such a case. According to such a procedure, any dismissal of the Chairman of the PKA will be preceded by obtaining the opinion of the Main Council of Science and Higher Education, the Parliament of Students of the Republic of Poland, and the PKA presidium. The dismissal of the President will require a written justification, indicating the violation of the law by the President of the PKA, the occurrence of a conflict of interest, or identified irregularities in the management of the PKA.

With respect,

Dariusz Wiczorek
Minister of Science

/- signed with a qualified electronic signature /



Minister Nauki

Dariusz Wieczorek

DSW-DSW-812.1.2024

Warsaw, 30 January 2024

Mr.
dr hab. inż. Janusz Uriasz
President of the Polish Accreditation Committee

Dear Mr. President,

with reference to the letter of 15 December 2023 (DSW-DSW.8000.1.2023) regarding the position of the Minister on the reservations of the European Quality Assurance Register for Higher Education (EQAR) concerning the independence of the Polish Accreditation Committee (PKA), I present information on the appointment of PKA members for the VII term, starting on 1 January 2024 and I kindly ask you to communicate this position to EQAR.

According to the regulations governing higher education in the Republic of Poland, members of the PKA are appointed by the minister responsible for higher education. In view of the PKA's term ending on 31 December 2023, on 28 December 2023, acting pursuant to Article 251(3) of the Act of 20 July 2018 - Law on Higher Education and Science, I appointed members of the Polish Accreditation Committee for the seventh term of office commencing on 1 January 2024 and lasting until 31 December 2027.

A total of 98 members of the PKA have been appointed by authorised entities (including HEIs, the General Council for Science and Higher Education, rectors' conferences, the PKA Presidium, employers' organisations), who come from various Polish academic centres, reflecting the distribution of HEIs across the country and Mr. dr hab. inż. Janusz Uriasz was nominated as the PKA President.

The President of the PKA enjoys widespread trust within the academic community and has been a member of the PKA for four terms. In my opinion, the person of the President provides a guarantee of independent and fully professional performance of PKA's tasks.

In view of the commencement of the PKA's term on 1 January 2024, no further changes to the composition of the PKA are being considered at this stage; nevertheless, two more persons may be appointed to PKA to reach a total maximum of 100 members, in accordance with the current legal status. Changes in the PKA composition may also occur due to the expiration of a member's mandate as defined in the Law on Higher Education and Science or resignation from membership.

Yours sincerely,

Dariusz Wieczorek
Minister of Science
/-signed with a qualified electronic signature/



Warsaw, March 28, 2024

Mr. Stéphane Lauwick
President, Chair of the Register Committee
European Quality Assurance Register for Higher Education (EQAR)
Aarlenstraat 22 Rue d'Arlon
1050 Brussels – Belgium

The amendment to the Statute of the Polish Accreditation Committee

Dear Mr. Stéphane Lauwick,

On behalf of the Polish Accreditation Committee (PKA), I am forwarding the translation of the amendment to the Statute of the Polish Accreditation Committee with the information that the Minister of Science Dariusz Wiczorek raised no objections to the changes to the Statute of the Polish Accreditation Committee accepted on March 7, 2024 at the plenary session of the Committee.

We look forward to the Register Committee's favourable consideration of our additional representation. Should you require any further information or clarification, please do not hesitate to contact us.

Yours sincerely,

Polish Accreditation Committee, President

Resolution No. 1/2024
of the Polish Accreditation Committee
of March 7, 2024.

on amending the Resolution of the Polish Accreditation Committee No. 4/2018 of December 13, 2018 on the Statute of the Polish Accreditation Committee

Acting on the basis of Art. 256, para. 2 of the Act of July 20, 2018. - Law on Higher Education and Science (i.e., Journal of Laws of 2023, item 742, as amended) and § 27 of the Statute of the Polish Accreditation Committee constituting an annex to the Resolution of the Polish Accreditation Committee No. 4/2018 of December 13, 2018 on the Statute of the Polish Accreditation Committee (as amended), the following is adopted:

§ 1.

In the Annex to Resolution No. 4/2018 of the Polish Accreditation Committee of December 13, 2018 on the Statute of the Polish Accreditation Committee (as amended):

- 1) after § 7, § 7a is added, which reads:

“§ 7a. 1. The President can appoint one or two Vice-Presidents of the Committee.

2. In the event of appointing two Vice-Presidents, the President shall specify which Vice-President has priority in replacing the President in case of the President’s absence.

3. The Vice-President shall carry out the duties of the President entrusted to him/her.

4. The delegation referred to in para. 3 may be one-off or permanent.”

- 2) § 11 is repealed.

- 3) § 11a is hereby amended as follows:

"§ 11a. 1. The Presidium may appoint the Quality Council of PKA’s activity, whose tasks may include, in particular:

1) monitoring the quality of the assessment panel reports, in particular in terms of compliance with the law, internal consistency, precision and transparency of the formulated assessments and recommendations, as well as their importance for justifying the opinion of Section or the Section for Teacher Education and the resolutions of the Committee;

2) evaluation of the quality of work of the members of the Committee and experts;

3) preparation of draft interpretative positions;

4) preparation of draft templates or guidelines or changes to the templates or guidelines referred to in Art. 9, para. 3, items 5-8.

2. The composition of the Council referred to in par. 1 include:

1) Secretary;

2) at least 6 members appointed by the President from among members of the Committee or experts, including at least one student expert and at least one from a group of experts indicated by employers or representing employers' organisations.

3. The Presidium shall appoint the Chair of the Council referred to in para. 1.

4. The Council referred to in para. 1 performs its tasks on the basis of the Regulations adopted by the Presidium.",

4) In § 14, after para. 5, para. 6 is added, which reads:

"6. A member of the Presidium of PKA, who prepares the review as mentioned in § 16, para. 1 or who participates in the activity of the assessment panel, as mentioned in § 18, para. 1 shall be subject, in a given case, to exclusion from voting on matters of adoption of resolutions referred to in § 16, para. 10 and § 20, para. 1, respectively.

5) Para. 2 in § 23 is hereby amended as follows:

"2. The Committee shall publish, on its dedicated website in the Public Information Bulletin, an opinion regarding the fulfilment of conditions for conducting studies in a specific field of study, level and profile of study and the relationship between studies and the strategy of a higher education institution within 14 days from the date on which the resolution of the Presidium of the PKA becomes final."

§ 2

The resolution shall come into force on the day following the expiration of the 30-day period for the Minister to raise objections regarding its compliance with the law, provided that no such objections are raised.

President
of the Polish Accreditation Committee
dr hab. inż. Janusz Uriasz