

Substantive Change Report by the Kosovo Accreditation Agency (KAA)

Register Committee

Decision of:	17 November 2015
Report received on:	19 October 2015
Agency registered since:	5 June 2015
Last external review report:	April 2014
Registered until:	30 April 2019
Absented themselves from decision-making:	n/a
Attachments:	<ol style="list-style-type: none"> 1. Substantive Change Report 2. Clarification request of 29/10/2015 3. KAA response of 15/11/2015

Ref. RC/C03

Ver. 1.0

Date 2015-11-17

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1. The Register Committee considered the Substantive Change Report of 19 October 2015 (Attachment 1).
2. The Register Committee considered that the criminal charges established against KAA's Director and former President of the Board were related to their official duties and the integrity of KAA's work. The Committee therefore requested KAA (Attachment 2) to provide additional and more comprehensive information on the issue, and how KAA responded to it, than contained in the brief report made by KAA.
3. The Register Committee welcomed the information provided in KAA's letter of 15/11/2015 (Attachment 3).
4. The Register Committee took note of the appointment of a new President and Vice-President of the Board of KAA, following the resignation of the former President.
5. The Register Committee noted that KAA did not encounter any irregularities in those accreditation procedures that are related to the criminal case. The Committee understood that KAA would carry out a more in-depth review of those procedures should the outcome of the criminal proceedings indicate that there have been irregularities.
6. The Register Committee regretted that KAA did not perform further, precautionary checks of other accreditation procedures in order to reassure

itself of their full integrity after allegations of such serious nature against its former/suspended officials.

7. The Register Committee considered that the next external review of KAA should give specific attention to the processes put in place by KAA to assure the integrity of its activities (see ESG 3.6 Internal Quality Assurance and Professional Conduct); this should be considered an addition to the issues flagged in the Register Committee's decision of 5 June 2015.

8. The Register Committee took note of the information provided by KAA on the ongoing work to further develop its appeals procedures.

9. The Register Committee underlined that KAA is required to make further Substantive Change Reports on:

- a. any decisions made on the future of the appeals procedures, after having received a legal opinion from the Prime Minister's Office; and
- b. any new developments in the criminal proceedings, after the next court session on 21 December 2015 and otherwise.

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Subject: Substantive Change Report: Kosovo Accreditation Agency**From:** form_engine@fs22.formsite.com**Date:** 19/10/2015 10:51**To:** substantive-changes@eqar.eu

Reference #	8640832
Status	Complete
Login Username	
Login Email	
Agency #1 *	Kosovo Accreditation Agency
Expiry date #1 *	30/04/2019
Contact #1 *	Furtuna Mehmeti
Phone #1 *	0037744991414
Email #1 *	furtuna.mehmeti@rks-gov.net
Other organisations? *	No
A. Has the organisational identity of the registered agency changed? *	No
B. Has the organisational structure changed? *	Yes
Description *	In the first week of September 2015, after nearly a year of investigations, the Special Prosecutor of the Republic of Kosovo established formal charges against two leaders of the Kosovo Accreditation Agency (KAA), respectively against Prof. Dr. Zushi Ferdije Etemi, Chair of the Board of KAA, and Mr. Basri Muja, Director of KAA (suspended from the office since December 2014). Following charges established by the State Prosecution, Prof. Zhushi submitted her resignation to the Ministry of Education, Science and Technology, aiming to open ways to lighten the truth. After the resignation of Prof. Zushi, on 10/09/2015 the Board of KAA convened an extraordinary meeting where the main item on the agenda was the election of the Chairman and Vice Chairman of KAA. At this meeting, the Board unanimously elected Prof. Dr. Blerim Rexha as Chairman of the Board and Prof. Dr. Lul Raka, as vice chairman of the

Board of KAA.

C.i. Are there new types of activities? *

No

C.ii. Are there changes in existing activities? *

No

C.iii. Have some or all existing activities been discontinued? *

No

Last Update

2015-10-19 03:51:00

Kosovo Accreditation Agency (KAA)

Ms Furtuna Mehmeti

– by email –

Brussels, 29 October 2015

Substantive Change Report – Clarification Request

Dear Furtuna,

We have received the Substantive Change Report by KAA of 19 October 2015. The report is being reviewed by rapporteurs before being brought to the attention of the entire EQAR Register Committee.

Given the serious nature of the charges, the Register Committee will require more comprehensive information on the case, and how KAA responded to it, than contained in the brief report made by KAA.

We would thus be obliged if you could provide us with the following additional information:

1. a summary of the charges eventually established against the former Director of KAA and the former Chair of the Board of KAA;
2. an explanation of the steps taken by KAA to verify the integrity of the assessments and decisions taken in those accreditation procedures to which the charges relate;
3. an explanation of the steps taken by KAA to check for potential irregularities in other accreditation procedures;
4. an explanation of the process followed for the selection and appointment of the new Chairman and Vice-Chairman of the KAA Board;
5. the minutes of the meeting in which they were appointed;
6. any decisions taken on the further development of KAA's appeals procedure since your clarification letter of 3/11/2014;

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7. any other deliberations or decisions by the KAA Board in relation to the recent developments.

In order to expedite proceedings we kindly ask you for a reply **by 15 November 2015**. Please inform us if any difficulties arise in meeting this deadline.

Please note that pursuant to the EQAR Procedures for Applications your response will be published together with your initial report and the Register Committee's decision. Please indicate clearly and provide reasons if you consider that any parts of or appendices to your response should not be published.

I shall be at your disposal if you have any further questions or inquiries.

Kind regards,

A handwritten signature in black ink, appearing to read 'Colin Tück'.

Colin Tück
(Director)



Kosovo Accreditation Agency (KAA)

Substantive Change Report

Dear Mr Tuck,

In response to your clarification request, Kosovo Accreditation Agency (KAA) would like to provide additional information concerning its most recent developments. In order to comply with the standard of your request, we will respond to every question raised in your letter:

1. A summary of the charges eventually established against the former Director of KAA and the former Chair of the Board of KAA?

After nearly one year of investigations carried out by the Special Prosecution of the Republic of Kosovo, on the first week of September 2015, the Prosecution Office established official charges against the Director of KAA and the former President of the Board of KAA. Mr Basri Muja and Ms Ferdije Zhushi Etemi are charged for two criminal offences: abuse of official position or authority, and bribery. The first Court Session was held on 12th November 2015, where the Court read the official indictment. After reading the indictment, the defendants Mr Muja and Ms Zhushi stated that they oppose the indictments and that they do not feel guilty. The defendants stated that within the legal term they will oppose the evidences submitted to Court by the Special Prosecution and that will oppose the whole indictment.

The next session is scheduled to be held on 21st December 2015.

2. An explanation of the steps taken by KAA to verify the integrity of the assessments and decisions taken in those accreditation procedures to which the charges relate?

According to the Law on Higher Education, and according to the Administrative Instruction on Accreditation of HEIs in the Republic of Kosovo, the accreditation process is carried out through an external evaluation process done by international experts. Based on the evaluation reports drafted by the Team of Experts, the Accreditation Board will take the final decision on accreditation.

The Evaluation Reports of year 2013 and 2014 drafted by the International Team of Experts are quite clear about the quality of the proposed study programs submitted from ISPE College and Universum College. Based on the negative recommendations by the Team of Experts provided in the Evaluation Reports (which are published in English and Albanian language in the official web page of KAA www.akreditimi-ks.org), the Accreditation Board decided negatively in two Board Meetings in 2013 and 2014. Both institutions failed to meet the article 11, paragraph 3, 3.2, of the Administrative Instruction on Accreditation of HEIs, which states that *“At least 50% of the academic staff must be employed on full time, permanent basis, must be qualified to PhD level or its artistic equivalents and must be responsible for at least 50% of the teaching load of the study program. To ensure the connection of research and teaching in universities and university colleges this full time, permanent staff must constitute at least three members per study program, of whom at least one must be a full time, regular professor who is not in retirement. For colleges and other higher education institutions which do not aspire to university college status, except that there will be no requirement for the staff team to be led by a full time regular professor although the Institution is permitted to employ such a person whether active or retired.”*

KAA has not received again application for accreditation from Universum College in year 2015, whereas ISPE College applied again with the same number of new study programs. Based on the Evaluation Report and based on the article 11 of the Administrative Instruction referred to above, the Accreditation Board in the Board meeting held on August 2015, decided to accredited one study program of ISPE College on Security Studies/ MA. This is the study program for which ISPE College has initiated all charges against the managers of KAA. The Accreditation Board decided to accredit this study program not because of any pressure coming from the outside, but because ISPE College proved that this time it met the Accreditation Standards stipulated in our Legislation and Procedures.

3. An explanation of the steps taken by KAA to check for potential irregularities in other accreditation procedures?

KAA did not take any step to check for potential irregularities in other accreditation procedures. Again, according to our legislation the accreditation process is done through an external evaluation process done by international experts. Based on the evaluation reports drafted by the Team of Experts, the Accreditation Board will take the final decision on accreditation. According to these evaluation reports drafted by ETs, KAA has not noted that irregularities have happened.

However, the situation of academic staff among institutions of higher education in Kosovo is quite weak. Having into regard the high number of institutions of higher education and the number of study programs, compared to the number of PhDs that are requested with the Administrative Instruction on Accreditation, it means that institutions have to develop their staff capacities in order to be able to extend further their accreditation validation. In the recent Board meeting, Board members decided to fully implement the article 11 of AI on Accreditation, meaning that no new applications for accreditation of study programs will be accepted as long as institutions will not provide evidence that they have three new PhDs for one study program. Through this restrictive mechanism, KAA intends to gradually decrease the number of study programs and thus will oblige HEIs to develop their existing study programs in order to comply fully with Kosovo and international standards.

4. An explanation of the process followed for the selection and appointment of the new Chairman and Vice-Chairman of the KAA Board?

The Accreditation Board operates in accordance with the Law on Higher Education and in accordance with the Regulation of the State Council of Quality (Board). Following the resignation of the former President of the Board Ms Zhushi, and aiming to continue normally with the work of KAA, board members discussed about having an extraordinary meeting as quickly as possible. According to the Regulation, article 11, Extraordinary Meetings of the Board can be held at any time. The agenda for the Extraordinary Meetings should be restricted to minimum items. In the absence of the President of the Board, the oldest member of the Board should convene and chair the Extraordinary Meeting, until the New President of the Board is elected. And this is what happened in the Extraordinary Meeting held on 9th October 2015. According to article 9 of the Regulation, the Board shall elect the President of the Board among its members with open votes. The article states that the election of the President shall be made by majority of votes among the members. The President shall have high academic title and shall have a five-year mandate, with possibility to be re-elected for another new mandate.

Prof. Asoc. Dr. Blerim Rexha, full time professor at the Faculty of Electric and Computer Engineering of University of Prishtina, was proposed and voted as the new President of the Board with unanimous votes of Board members. Also, Prof. Ass. Dr. Lul Raka, full time professor at the Faculty of Medicine of University of Prishtina was proposed and voted as the Vice President of the Board with unanimous votes of the Board members.

Prof. Asoc. Blerim Rexha has been member of the Board since March 2015 whereas Prof. Ass. Lul Raka was recently appointed as member of the Board by MEST.

5. The minutes of the meeting in which they were appointed?

Please see appendix 1 of the document for the minutes.

6. Any decisions taken on the further development of KAA's appeals procedure since your clarification letter of 3/11/2014?

At its meeting of November 2014 the Board adopted an internal rule for an appeal procedure and set up an Appeals Committee. The Appeals Committee reviewed all appeals and recommended to the Board to either change its decision, proceed to new investigations or a new evaluation or reject the appeal. The Appeals Committee comprises 3 persons, it is chaired by an international member of the Board and includes an external member coming from an academic background and with experience in quality assurance. The appointment of this external member to the appeals committee is seen by KAA as a first step in moving towards greater externality as soon as such a move becomes feasible and desirable in the Kosovo national environment.

The Appeals Committee has operated since July 2015, as it reviewed a number of requests for reconsideration of negative decisions taken in the July 2015 session. While most of these requests were rejected because of lack of ground for reconsideration, two were partly upheld (in one case because the Evaluating Team oversaw some data provided by the applicant institution, in the other one because of additional evidence provided by the institution in its appeal).

However, as a public agency KAA is subject to the Law on Administrative Procedures (Law Nr. 02/L-28, 2005), which gives the right to appeal to a court of Law to any institution which remains dissatisfied after it has exhausted its right of internal appeal to KAA. Therefore KAA has temporarily suspended the implementation of the Appeals Procedure with the Committee, and has requested a legal opinion from the Legal Office of the Prime Minister's Office of the Republic of Kosovo in order to verify if KAA's Appeals Process is in contradiction to the Law on Administrative

Procedures. After KAA will receive the legal opinion from the Prime Minister's Office, we will proceed further with the consolidation of the Appeals Procedures.

7. Any other deliberations or decisions by the KAA Board in relation to the recent developments?

- The official mandate of the Director of KAA, Mr Muja is about to expire in this month, November 2015. The Ministry of Education, Science and Technology, has made an official request to the Ministry of Public Administration, to initiate the recruitment procedures for the position of Director of KAA. According to the Law on Civil Services of the Republic of Kosovo, and according to the Procedures for Electing Senior Positions in Agencies and Directorates in the public Administration in Kosovo, the Ministry of Public Administration is the institution in charge to organize the recruitment process within minimum three months. Meanwhile, Furtuna Mehmeti continues to act as the Acting Director of KAA until January 2016. If by then the Director of KAA is not elected, her position as the Acting Director in normal circumstances will continue.
- Board members decided to fully implement the article 11 of AI on Accreditation, meaning that no new applications for accreditation of study programs will be accepted as long as institutions will not provide evidence that they have three new PhDs for one study program. Through this restrictive mechanism, KAA will gradually decrease the number of study programs and will oblige HEIs to develop first the existing study programs and then enable them to apply for additional ones. Approximately 90 study programs were rejected in three consecutive Board meetings held in April, July and August due to the lack of academic staff.
- The Law on Higher Education has been revised on the basis of a very broad consultation process before the adoption of a final draft by government and its submission to Parliament in September 2015. KAA has actively participated in the working group on this revision of the Law on Higher Education in order to make sure that KAA responsibilities and independence are duly safeguarded; this is fully the case in the latest draft version available, which even strengthens KAA's responsibility for its own procedures and increases the role of accreditation throughout the higher education system.
- Once the new Law is passed in Parliament, presumably before the end of 2015, KAA will undertake a revision of its procedures in view of these new conditions and will involve all relevant stakeholders in this process. KAA has been able to secure financial support from international donors to underwrite the anticipated costs of broadened stakeholder engagement.

We would like to inform you that the Minutes of the Extraordinary Meeting have not yet been approved by the Board Members. The Minutes will be approved in the next Board meeting to be held on 30th November 2015. Therefore we kindly ask you to not publish the minutes of the Meeting before this date.

Please contact us for any additional information.

Best regards,
Furtuna Mehmeti
Acting Director