

AEQES' position paper on the legal changes needed to improve the Agency's functioning

June 18th 2012

TABLE of CONTENT

- 1 basic principles**
- 2 missions**
- 3 status and bodies**
- 4 independence of AEQES**
- 5 methodology and implementation**
- 6 follow-up procedures and evaluation cycle**
- 7 specific matters**

The members of the Agency,

having been asked by Mr Toni Pelosato, the head of cabinet of the minister in charge of higher education Mr Jean-Claude Marcourt, during the plenary session of May 8th 2012 and in the presence of the representative of the minister of education Mrs Marie- Dominique Simonet, to address to the government a position paper in relation with the possible developments of the Agency aiming at improving its functioning in the context of the development of a new legal framework;

willing to develop their reflection on the lessons learned from the implementation of the Decree of 22 February 2008; and relying both on the recommendations of ENQA¹ after the Agency's review in June 2011 and on the requests of EQAR² as to the follow-up measures;

have wished to take a stand on the following matters :

A. preliminary remarks

This present position paper is based on the following:

- the first position paper issued by the Agency on June 14th 2007³ dealing with the perspectives of AEQES in the context of a new legal framework;
- the lessons learned from the implementation of the new Decree of 22 February 2008 ; the permanent reflection within the Agency to examine its procedures and practices ; the feedback collected from the Agency's main stakeholders *via* surveys among experts, HEIs and students involved in the evaluations ; the ongoing project of evaluating the impact of EQA;
- the results⁴ from the self-evaluation of the Agency and from the ENQA's review in 2011;
- finally, the follow-up measures formulated by EQAR in order to decide upon the inclusion of AEQES on the Register (in March 2012 AEQES introduced an application for inclusion on the European Quality Assurance Register. EQAR deferred the application, pending additional information on how AEQES will address ENQA's recommendations).

AEQES was reviewed by ENQA in 2011. This process granted AEQES full membership of ENQA for five years⁵ from 9 September 2011 and made AEQES a series of recommendations.

In brief, the review panel stressed the following **strengths**:

- a culture of quality enhancement ;
- an intense dialogue among stakeholders ;
- transparent procedures ;
- evaluation reports that are adapted to their readership ;
- existing staff (Executive Unit) being excellent ;

¹ ENQA, the European Association for Quality Assurance in Higher Education

² EQAR, the European Quality Assurance Register

³ See <http://www.aeges.be/documents/20070614AvisAvenirAgence.pdf>

⁴ See http://www.aeges.be/english_quality_at_aeges.cfm

⁵ See <http://www.aeges.be/documents/Letter%20ENQA%20to%20AEQES%20260911.pdf>

- and the independence of AEQES' decisions.

Areas of improvement were identified by ENQA and several **recommendations** were made:

- translate the key documents in English (has been realised at the moment of writing this position paper) ;
- revise the list of indicators (has been realised, the new set of standards is presently in its testing phase) ;
- strengthen the follow-up procedures ;
- shorten the evaluation cycle (to 5 to 6 years, according to the ENQA Board letter) ;
- include students in the expert panels ;
- and solve the human resources concern and AEQES' autonomy in hiring staff.

AEQES will take a stand on these elements; a follow-up report is due to be delivered to ENQA in September 2013 at the latest.

EQAR formulated the following remarks⁶ in considering AEQES application for inclusion:

[...] The Register Committee noted that most measures addressing the recommendations have only just been implemented or are still being discussed. The Committee considers that the information on the way in which AEQES has addressed the shortcomings identified by the external review team is, as it stands, insufficiently decisive to enable the Committee to make an overall judgment on AEQES' substantial compliance with the ESG.

The Register Committee therefore deferred the consideration of AEQES' application for inclusion, pending additional information by AEQES on the (further) implementation of the improvement measures foreseen in certain areas and initial experiences with these measures.

AEQES is requested to provide such additional information by 5 October 2012 at the latest, so as to allow the Register Committee to consider the application further at its next meeting.

B. summary of the proposals

This is a concise overview of AEQES's proposals for which arguments are developed in the following pages:

- « *develop and implement procedures that are adapted to the needs of higher education and to its evolving context* » [point 2]
- grant AEQES a different official status, that of public interest organization (B type) whilst ensuring the existing staff can keep its statute and advantages [point 3]
- complete the ongoing evaluation cycle of the bachelor and master programmes [point 5.1]
- from 2018-2019 on, establish a new type of evaluation methodology with a shorter cycle (for instance 6 years)

⁶ Page 1 of "Deferral of the Application by AEQES (Agence pour l'Évaluation de la Qualité de l'Enseignement Supérieur) for Inclusion on the Register" letter dated May 9, 2012

- devise jointly mechanisms and processes of transversal evaluations (selected programmes, specific themes, integrated evaluation scopes, ...) [point 5.1]
- be and remain the official public service body entitled to evaluate the provision of teaching and learning defined by the future Belgian francophone qualification framework, from level 5 to 8 included [point 5.2]
- remove the set of standards from legal framework of any type, in order to ensure the necessary flexibility of AEQES's framework (e.g. in the context of the revision of the ESG) [point 5.3]
- make the follow-up procedures mandatory (thus establishing a review site visit every five years) for all the study programmes evaluated up to 2018 [point 5.4]
- establish an independent appeal commission [point 6.1]
- grant the Agency a yearly allocation sufficient to cope with all its missions [point 6.2]

1 basic principles

The Agency members reassert the following principles:

1.1. Quality and quality assurance in higher education institutions must rest in the **public sphere**;

1.2. a widely **participative and formative approach** is necessary to guarantee true and sustainable ownership of quality enhancement procedures :

The culture of enhancement and intense dialogue permeates AEQES, and indeed the higher education community⁷.

AEQES has succeeded in implanting the notion of quality assurance within higher education institutions and institutions introduced – or identified existing – quality assurance mechanisms.[...] The panel believes that this is a good start.[...] The panel recommends to AEQES [...] to take a proactive role in examining the effectiveness of internal quality assurance mechanisms of programmes and higher education institutions⁸.

1.3. results from **evaluations must be communicated in a transparent way** (publication and distribution of reports and studies providing system-wide analyses of higher education in the French Community of Belgium;

1.4. the **experts' independence** is of the highest importance. They provide the evaluation results and their independence keeps the Agency safe from any conflict of interest;

1.5. the “non-sanctioning” approach of the evaluation encourages the **emergence of a quality culture** as it favors trust and confidence;

AEQES makes no formal decisions; its focus is quality enhancement⁹.

1.6. it is crucial that HEIs and other stakeholders give the evaluation the appropriate **follow-up**. This point is further developed at section 5.3.

⁷ Report of the panel of the external review of AEQES, ENQA June 2011, page 4

⁸ Report of the panel of the external review of AEQES, ENQA June 2011, page 14-15

⁹ Report of the panel of the external review of AEQES, ENQA June 2011, page 4

2 missions

The missions as defined in the Decree of 22 February, article 3¹⁰, must be maintained in the new legal framework; at the same time, **more autonomy and flexibility** in the methodology and procedures are to be considered in order to guarantee that AEQES is able to reach its goals and develop its missions within a higher education environment in constant evolution.

The review panel observed¹¹ the prevalence of a culture of consensus and discussion between AEQES and the higher education stakeholders in the French Community of Belgium. The processes established by AEQES reflect this culture, which, in the view of the panel, is conducive to setting up a quality culture in higher education in dialogue with all stakeholders. On the other hand, the legal framework appeared to the team to be on the other side of the balance in this environment.[...] it seemed to the panel to make the system rigid as far as the development of the process of quality assurance and its adaptation to changing needs and contexts is concerned.

The Register Committee noted¹² that the performance indicators used by AEQES were defined by the government of the French-speaking Community of Belgium, rather than developed by AEQES itself.

So, and in order to be efficient and relevant, the Agency should be provided with the necessary leeway to adapt its methodology. AEQES needs to be able to move progressively towards other methods adapted to future needs and should operate within a legal framework that gives the Agency the necessary autonomy to do so.

As a consequence, the following mission should be added to the present list: « *develop and implement methodologies that are adapted to the needs of higher education and to its evolving context* »

This point is further developed at section 5.

3 status and bodies

Contrary to what was stated in the AEQES position paper of June 14th 2007, the current “separate management status” of the Agency (by which it has circumscribed autonomy within the Public Administration) has proved to be an inefficient framework to allow the Agency to:

¹⁰ The Decree of 22 February defines the Agency’s missions as follows: 1° to ensure that the study programmes organised by the institutions are subject to regular evaluation, highlighting best practice and any inadequacies or problems needing to be resolved; 2° to ensure the implementation of evaluation procedures; 3° to promote, in collaboration with all higher education institutions (HEIs), the introduction of best practice, allowing for enhancement in the quality of teaching in each institution; 4° to provide information to the government, stakeholders and beneficiaries of higher education on the quality of higher education available in the French community; 5° to formulate for policymakers suggestions for improving the overall quality of higher education; 6° to make any proposal deemed to be of use for the accomplishment of its missions, at its own initiative or on request; 7° to represent the French community in national and international bodies in matters concerning quality assurance in higher education.

¹¹ Report of the panel of the external review of AEQES, ENQA June 2011, page 36

¹² Page 1 of “Deferral of the Application by AEQES (Agence pour l’Évaluation de la Qualité de l’Enseignement Supérieur) for Inclusion on the Register” letter dated May 9, 2012

- fulfill its missions with full autonomy;
- use its allocated budget adequately
- hire staff on profiles autonomously designed by the Steering Committee.

ENQA's and EQAR's findings related to this point are clear:

[...] only a structural transformation could provide AEQES with the flexibility to steer its processes better in response to higher education needs and developments.¹³

The Register Committee noted¹⁴ that AEQES resources are limited and barely sufficient to carry out its core evaluation activities. The additional information should address how AEQES' resource situation has developed further.

The Agency has indeed suffered, since its creation, from the effects of this structural difficulty: it has not been allowed to hire staff on its own resources¹⁵, it does not have an adequate number of personnel to fulfill the missions foreseen in the Decree in a fully satisfying way, and it struggles to meet the requirements of the 10-year evaluation plan.

At the same time, the Agency has been subject to criticism from the inspector of finance because it is unable to spend some amounts of its earmarked resources that are carried forward. This is clearly a paradoxical situation that must be changed.

The additional information should set out how the government responded to the request and whether it has taken steps (for instance, legal changes, policy decisions or administrative decisions) leading to greater autonomy of AEQES in staff matters, as well as any measures taken by AEQES to improve the perceptions relating to its lack of independence¹⁶.

AEQES proposes to be granted a different legal status that avoids these disadvantages and will:

- reassert the Agency as a quality agency within the public sphere;
- provide the Agency with a legal personality;
- define its functioning in 5-year contracts ;
- enable it to autonomously hire its staff (including the director);
- enable it to manage its budget with autonomy;
- provide the existing staff with the possibility of keep it's current statute and associated advantages ;
- enable the Agency's to report its activities to the Parliament every year.

As a consequence AEQES wishes to be granted the official statute of a **public interest organization (B type)**

Within this new organisational framework, the bodies of the Agency should be the following:

¹³ Report of the panel of the external review of AEQES, ENQA June 2011, page 4

¹⁴ Page 2 of "Deferral of the Application by AEQES (Agence pour l'Évaluation de la Qualité de l'Enseignement Supérieur) for Inclusion on the Register" letter dated May 9, 2012

¹⁵ Because of the articles 7, 22 and 23 of the Decree of 22 February 2008

¹⁶ Page 2 of "Deferral of the Application by AEQES (Agence pour l'Évaluation de la Qualité de l'Enseignement Supérieur) for Inclusion on the Register" letter dated May 9, 2012

- a board of directors or **Steering Committee** composed in a similar way to the present Steering Committee as set by the Decree of 22 February 2008 added with one or two international experts in order to give the Agency a broader European dimension and further endorsing its independence; the Steering Committee will be, among others, in charge of negotiating the 5-year contract;
- a **Secretariat** or Executive Board whose composition and tasks are defined by the government in consultation with the Agency ; the Secretariat will be, among others, responsible for the supervision and the coordination of the Executive Unit's missions and will prepare the decisions of the Steering Committee;
- the Agency's staff, named the **Executive Unit** and headed by a director;
- an **Appeal commission** composed of independent members.

4 independence of AEQES

The review panel explored the question of independence in many interviews and was assured in the replies from internal and external groups that independence of decision-making and internal operations are generally considered inherent to the agency. [...]

The review panel found that AEQES is fully independent in its decision-making and processes and the development of its activities. It believes that the link with the ministry is somewhat restrictive, however, with regard to some budgetary use and is at least cumbersome with the staff hiring procedures controlled by through the ministry. While the review panel also recognizes that AEQES does not feel any threat from the ministry link but enjoys its advantages, it recommends that AEQES discuss how it can enhance its image as a fully independent entity in the eyes of higher education institutions and the public.

It recommends, moreover, that AEQES initiate discussions with the ministry on the possibilities of separating its staff recruitment and hiring procedures and full budgetary independence beyond the annual budget allocation and financial reporting to ensure accountability of public funds.¹⁷

It is essential for the Agency to be able to demonstrate its independence in the decision-making processes as well as in developing new procedures, methodologies and activities.

Autonomously selecting and hiring staff is another necessary step.

Finally, it is important to safeguard and continuously develop the internal quality assurance procedures (see the AEQES Quality Handbook) that guarantee the independence of the experts.

The perception of independence of the Agency by the various stakeholders depends strongly on these factors.

5 methodology and implementation

5.1 programme-oriented and institutional-oriented approaches, mixed approaches to quality assurance

As pointed out in section 2 of this position paper, the Agency needs to be able to adapt its methods and procedures to the evolving needs of the higher education sector.

¹⁷ Report of the panel of the external review of AEQES, ENQA June 2011, pages 30-31

While keeping to the generic three-step process, (i.e. internal evaluation, external evaluation (peer reviews) and follow-up), new methods complementary or/and alternative to the present programme-oriented evaluation should be developed. Besides finding solutions to pressing budgetary issues, these developments could also stimulate the higher education institutions to take up more responsibility in terms of internal quality assurance (with a clear link with the European standards and guidelines) and could explore new scopes that have not been touched so far...

How could this be done?

First of all, the Agency stresses that it plans to **complete the whole cycle of evaluation of bachelors and masters** provided in the French speaking Community in order to ensure that all programmes will have been assessed in a similar way. (This means applying the AEQES methodology up to 2017/2018 considering the current provision of programmes).

Meanwhile, the Agency should be provided the necessary leeway to develop, in close consultation with the councils of higher education, new methodologies and evaluation approaches such as institutional evaluation, thematic evaluation or mixed approaches. These methodologies should be tested before 2018 by piloting institutions willing to volunteer.

From 2018-2019 onward, AEQES envisages to establish a **methodological approach that shortens the cycle** (for instance to 6 years) for all the institutions of the French speaking Community. This approach could be **combined with specific programmed-oriented evaluation or *ad hoc* thematic approaches**¹⁸ that provide encompassing system-wide analyses. This needs to be developed and planned in consultation with the councils of higher education.

*Given that AEQES constitutes one of the rare formal meeting sites for the various actors steering higher education within the French Community of Belgium, the discussions on various cross-sections of higher education contribute to the enhancement of its educational quality*¹⁹.

The global system of external quality assurance aims at supporting higher education quality enhancement and communicating adequately to the stakeholders (“accountability”).

From a realistic budgetary point of view the Agency will not be able to continue the current full assessment of all study programmes within the French speaking Community, especially as the evaluation-cycle has to be shortened and other areas of evaluation need to be explored (see below). In the context of economical crisis, budgetary prudence and pragmatism should go hand in hand with strengthening the international ambitions and visibility the quality of French speaking Community higher education deserves.

¹⁸ For instance: the teaching approaches, the reception, integration and curriculum counselling of students, the research benefits for teaching, the roles and functioning of the consultation and decision-making bodies, the joint programmes, the projects and internships, etc. could be subjected to thematic evaluations among HEIs of the same profile.

¹⁹ Report of the panel of the external review of AEQES, ENQA June 2011, page 11

5.2. scope of evaluation and transverse approach

Regarding the scope of evaluation, AEQES already pointed (in its position paper of 18 January 2010) to *“the Agency’s concern about the fact that the present scope of external quality assurance procedures is limited to the study programmes of the first and second cycles (bachelor and master). The global coherence asked for by the Minister of higher education should lead the Agency to reflect on the relevance of extending its evaluation scope to the third cycle (Phd/doctoral education), vocational training and qualifications provided in continuing education, the cross-border higher education, and so on.[...] How could these areas be addressed by integrated evaluation procedures?”*

Furthermore, other fields within higher education are presently not included in the Agency’s scope: the specialised programmes, the MC (masters complémentaires) programmes, the teacher training programmes²⁰, the 120 ECTS short-cycle higher education programmes offered by the adult education institutions, etc.

AEQES aims to be and to remain the public service Quality Assurance Agency responsible for the evaluation of all higher education provision (encompassing level 5 to 8 in the future Belgian francophone qualification framework²¹). The purpose is not to aim at single-minded comprehensiveness but to **plan regular, jointly established evaluation mechanisms fit for purpose to these areas.**

5.3. reference framework or set of standards

Moreover, the indicators were developed by the government and AEQES has only limited influence on changing or adapting them to specific contexts. It is important to note that they are not benchmark indicators as such but a checklist of areas experts should look at in their evaluation²².

The review panel recommends that, taking the ESG as its basis, AEQES should arrive at setting standards for quality, against which evaluations could take place. This would aid experts in their judgments, and make them more transparent and consistent by defining what it considers quality [...]²³

Already aware of the fact that the ‘list of indicators’ needed revision, AEQES decided, in spring 2010, to establish a working group especially devoted to developing a new set of standards.

This new set of standards was approved by the Steering Committee on May 8 2012 and a test phase is currently running for the different study programmes to be evaluated in 2013-2014. The feedback from this pilot will be used for improving the tool. It is indeed important for the Agency to make its new reference framework an evolving and flexible tool, fit for purpose (scope and focus) and adaptable to future developments within QA (such as the

²⁰ Such as CAP = certificat d’aptitudes pédagogiques; AESS = agrégation de l’enseignement secondaire supérieur ; CAPAES = certificat d’aptitudes pédagogiques de l’enseignement supérieur

²¹ *Translator’s note: The French speaking Community is preparing its qualification framework that should reference all French-speaking education programmes*

²² Report of the panel of the external review of AEQES, ENQA June 2011, page 4

²³ Report of the panel of the external review of AEQES, ENQA June 2011, page 38

future revision of the Standards and Guidelines for Quality Assurance in the European Higher Education Area, ESG).

Therefore, AEQES strongly pleads to have its set of standards removed from any type of legal framework so that it will be able to be a continuously **evolving tool monitored and developed by the Agency itself** in consultation with the stakeholders.

5.4. follow-up procedures and evaluation cycle

It is important to note that the ENQA review panel considered AEQES as ‘partially compliant’ with only two of the ESG standards: ESG 2.6 (Follow-up procedures) and ESG 3.4 (Resources).

The Agency believes that the follow-up phase and the periodicity of the reviews cannot be disconnected.

The ENQA report points out:

The weakness of the system is the follow-up phase. It requires institutions to produce a follow-up report in which they show actions taken in response to AEQES recommendations, and which report is published on the AEQES website. Beyond this, no methodology has been developed for follow-up²⁴.

The panel recommends that AEQES, in consultation with the councils and ministry, develop a more substantial follow-up process in order to assure ongoing quality assurance in the system²⁵.

The Register Committee noted that the newly developed guidelines for follow-up processes may constitute a step towards embedding follow-up more systematically in AEQES' procedures than is currently the case. This is particularly crucial due to the long evaluation cycle. The new guidelines have, however, not yet been implemented and remain optional at this stage²⁶.

Concerning the follow-up phase, new guidelines for the updating of the published follow-up action plan were developed within the framework of the government order of 19 December 2008; these guidelines provide for a follow-up site visit and discussions between the experts and the HEI about its action plan (thus ensuring that for each evaluated programme the weaknesses have been identified and actually acted upon as well as to assess the relevance of the up-dated action plan).

As to the evaluation cycle, AEQES had already made it clear in its self-evaluation report that the length of the cycle should be shortened. The review panel’s comments and the ENQA Board’s letter confirm this view:

It [the review panel] points out that the ten-year cycle of external evaluations is too long to guarantee ongoing quality assurance as a “fact of life” at institutions²⁷

²⁴ Report of the panel of the external review of AEQES, ENQA June 2011, page 33

²⁵ Report of the panel of the external review of AEQES, ENQA June 2011, page 34

²⁶ Page 2 of “Deferral of the Application by AEQES (Agence pour l’Évaluation de la Qualité de l’Enseignement Supérieur) for Inclusion on the Register” letter dated May 9, 2012

²⁷ Report of the panel of the external review of AEQES, ENQA June 2011, page 23

It is evident to the review panel that the time is ripe to reconsider the length of its evaluation cycle²⁸.

The ENQA Board letter stipulates:

Cyclical reviews: a 10 year-evaluation cycle is too long and should be shortened to five or six years²⁹

However, shortening the evaluation cycle will put an untenable pressure on the budget needed to continue the current comprehensive evaluation process. In reducing the cycle, for instance from 10 to 5 years, evaluating *all* the individual study programmes provided in the French speaking Community would simply not be feasible.

A less costly solution would be to implement follow-up site visits with a core review panel half-way through the evaluation cycle.

Therefore, as an immediate solution, the Agency requests the lawmaker to **make the follow-up procedures** (that is to say the updating of the published action-plan) **mandatory half-way through the evaluation cycle** (which would result into a site-visit every five years) and this for all the programmes up to 2018.

Beyond 2018, as noted in section 5.1, the cycle of evaluation could be reduced (to a periodicity of 6 years for instance) if AEQES adopts a different methodology such as the institutional-oriented approach.

This two step change would meet a double aim: encourage the HEIs to strengthen progressively their internal quality assurance procedures and quality enhancement culture; and provide the expected information (publication of the review reports and the system-wide analyses) about the totality of the bachelor and master study programmes.

6 specific matters

6.1. an appeal commission

An appeal commission and adapted procedures should be installed to settle cases which cannot be solved through the regular internal procedures. This commission must be independent.

The review panel was convinced from the evidence gathered that the procedures and decision-making of AEQES are structured and transparent, and that the agency has a keen sense of responsibility and accountability³⁰.

6.2. financing

A yearly allocation sufficient to cope with all the missions of the Agency should be secured in the French speaking Community budget.

²⁸ Report of the panel of the external review of AEQES, ENQA June 2011, page 24

²⁹ ENQA Board letter to AEQES (September 2011)

³⁰ Report of the panel of the external review of AEQES, ENQA June 2011, page 35

Bearing in mind that by the end of 2018, all the carried forward will have been spent, this allocation must take into consideration the evolving characteristics of higher education in the French speaking Community and allow the Agency to comply with the European guidelines in quality assurance as put forward by ENQA and EQAR.

The present position paper was adopted unanimously by the Steering Committee during the plenary session of June 18 2012.

It was addressed to the Ministers Mr Jean-Claude Marcourt and Mrs Marie-Dominique Simonet, to the members of the higher education commission of the Parliament as well as to all the councils of higher education;

It is also posted on the Agency website.