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TWINNING AZERBAIJAN

Support to the Ministry of Education of the Republic of Azerbaijan for Further Adherence of the Higher Education System to the European Higher Education Area (AZ-ad-EHEA)

AZ/14/ENP/OT/31

EU Short Term Expert Mission Report

1. Basic Information

Component and Activity:

Component: 1. Legal and Regulatory

Activity: 1.2 Revisions of the Legislative Framework

Name of the Experts: Ms Sille Uusna, Ms Lagle Zobel

Dates of the Mission: 31 October – 4 November 2016

Contractor: Finnish Education Evaluation Centre (FINEEC) /
Estonian Quality Agency for Higher and Vocational Education (EKKA)



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2. Relevant Background Information/State of Affairs

Recently, the MoE introduced a draft of the new State standard and program for higher education (State standard). During the first missions of Activity 1.2 that took place on October 3 – 7, 2016, the STEs gave MoE some concrete recommendations regarding this draft, in order to ensure its compatibility with the principles of the European higher education area and create consistency between different regulations concerning the HE subject area. The present Mission was focused on the **Statute of higher education institutions** (Statute of HEIs) in the context of HE legislation system in Azerbaijan.

3. Objectives and Tasks of the Mission

The main objectives of the Mission were:

- To evaluate the accordance of Education law and Statute of HEIs to discover possible overlapping, gaps and contradictions.
- To give recommendations on the Statute of HEIs in the light of previous recommendations, State standard and study level standards.
- To conduct an interactive workshop on the subject of existing and potential future hierarchy and structure of Azerbaijani HE legislation.

4. Time Schedule of the Mission

Date	Activities/Meetings BC experts met (title and institution)	Remarks
31.10.2016	<ul style="list-style-type: none"> - Meeting of STEs - Meeting at the MoE, discussing the state of the State standard and other activities and plans concerning new legal initiatives. Participants from MoE: Sulhaddin Gozalov, Elshan Nuriyev, Emin Nazirov, Vusala Gurbanova, Aygun Mammadzade, Tofiq Ahmadov, Eldar Qojayev, RTA team.	-
01.11.2016	Workshop and discussion with the MoE HE and ANO experts on the theme of <i>Statute of higher education institutions and STE comments, including main principles of licencing and accreditation in the HE legal framework.</i> Participants: Elshan Nuriyev, Elmira Manafova, Marziyya Agayeva, Tofiq Mustafayev, Vusala Gurbanova, RTA team.	-
02.11.2016	Workshop and discussion with the MoE HE experts on the themes of <i>higher education framework legislation and Statute of higher</i>	-



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	<p><i>education institutions and STE comments, including research universities characteristics, management and funding of HE institutions and legal requirements for student unions.</i></p> <p>Participants: Sulhaddin Gozelov, Vusala Gurbanova, Tofig Ahmadov, Aygun Mammadzade, RTA team.</p>	
03.11.2016	<p>Interactive workshop on <i>higher education legislation system in Azerbaijan.</i></p> <p>Participants: Tofig Ahmadov, Nazrin Bagirova, Elshan Nuriyev, Marziyya Agayeva, RTA team.</p>	-
04.11.2016	<ul style="list-style-type: none"> - Report writing - Mission review at the MoE <p>Participants: Sulhaddin Gozelov, Vusala Gurbanova, Elshan Nuriyev, RTA team.</p>	-

5. Achievement of the Expected Results

The expected results of the mission were achieved. In workshops, the recommendations were comprehensively discussed. Due to the active participation of Higher Education Department, legal expert and ANO, it was possible to critically evaluate the impact and applicability of recommendations.

6. Unexpected Results

There were no unexpected results.

7. Issues Left Open After the Mission

According to the representatives of the MoE, the final version of the State Standard draft should be completed by the end of this November. So there may be need for another 1.2. Mission in the beginning of 2017 to review this document.

8. Recommendations for Future Missions

In previous Mission Reports, STEs have constantly underlined the importance of active participation of the Legal Department of the MoE in the activities of Component 1. During the current Mission, an Advisor of Legal Department was present during several important discussions on legal framework and showed an active interest in further participation in Mission's activities. Such involvement must be **fully recognized and strongly encouraged and promoted** also during future Missions.

9. Conclusions and General Remarks Concerning the Project

1. Remarkable efforts have been made in reviewing the existing legislation and repealing the provisions not needed anymore (consolidation of accreditation regulations, preparing the merging of



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four separate level HE standards in one regulation, a new draft for Scientific Board etc). We strongly recommend continuing with that kind of activities.

During the mission, STEs met with highly competent and motivated experts from HE Department, ANO and Legal Department. We strongly recommend promoting their cooperation to **combine competence** in different fields. We recommend that those experts could in a form of **brainstorming** draft a **possible structure and hierarchy** of reasonable HE legislation system. It is also advisable to use the format of joint brainstorming for discussing future initiatives of HE issues the MoE. Joint effort and promoted cooperation, also in more informal manner than formal working groups, could lead to an excellent result.

We also support the developments that allow the legal expert in Legal Department to specialize to HE issues specifically. HE field is complex and versatile and its legislation needs a lot of dedication.

2. MoE has not yet finalized their review of the draft **State Standard of HE**. HE Department intends to have it ready by the end of November 2016. According to the HE Department, so far, some key recommendations have been discussed and appear to be generally well received and approved by the MoE. Also, systematic work is claimed to be in progress to reduce overlapping in different HE regulations.

3. At the moment, there is no clear-cut higher education framework regulation in place in Azerbaijan. The basic principles of higher education have been scattered between different regulations (The *Education Law*, *Statute of HEIs*, *State Standards*, and also some lower-ranking legal acts, e.g *decrees of the MoE*). We recommend **creating a comprehensive higher education (HE) framework regulation** which includes all basic principles of HE. For example, founding and management of higher education institutions (HEIs); the purpose of the activities and the functions of HEIs; basic requirements of licensing and applying the right to conduct studies of both HEIs and study programs; members of HEIs and their rights and obligations; the conditions and procedure for studies; main principles for quality assurance and accreditation; basic criteria for funding of the HEIs; main operating principles for student unions.

One major legal framework regulation could provide the systematic approach which is necessary to cover many conceptual changes *The Action Plan on the Implementation of the National Strategy for the Development of Education in the Republic of Azerbaijan* envisages in a short period of time. We recommend to **carrying on mapping the regulations** that need to be changed or improved in order to achieve the strategic targets and implement the measures of the Action Plan.

A possibility of drafting a new act for HE was discussed, but in the nearer future the realistic solution would be the **improvement of existing Statute of HEIs**, which could concentrate all the important definitions and basic principles for HE.

4. The criteria of research universities are currently being developed in the frame of implementation provisions of the new Law on Science. We recommend to **include the criteria of a research university in either the Education Law or the Statute of HEIs**. For example, requirement of a high level of scientific activities and some basic principles how to evaluate this (publications, success applying research funding, positive results of evaluation of research etc). Also, it is



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recommendable to connect the status of research university with the exclusive right to conduct doctoral studies.

5. We recommend to reduce overlapping between different HE regulations by **consolidating some basic definitions and principles** (period of studies, rights given by the diploma, etc.) **in the Statute of HEIs** and leave the **provisions concerning specific organization of studies in the State Standard** for HE (see also recommendations from previous 1.2 Mission Report). All the important definitions for HE could be gathered in one place. Important definitions in the field of higher education not already mentioned in laws might be added to the Statute of HEIs, for example *study program, credit point, study forms (part-time, full-time), learning outcome, Diploma Supplement, academic year, etc.*

6. At the moment, the quality requirements for establishing new HEIs/study programs have not been included in any general framework regulation yet. We recommend including **the basic principles of licensing/opening new study programs in the Statute for HEIs**. For example, quality requirements like existence of teaching staff, curricula with learning outcomes, material resources, approved statute of HEI, etc.; special conditions for research universities (high-level research activity); the body (or bodies) who evaluates the application/makes the decision.

At the moment, the link between licensing and accreditation is not clear. In order to ensure the continuity between licensing/opening a new study program and accreditation, **the quality requirements for opening new HEIs and new study program** should be in **accordance** with the requirements later taken into account for **accreditation**.

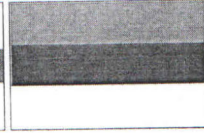
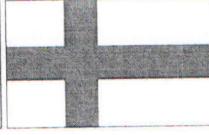
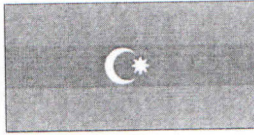
7. Main components of accreditation and the accrediting body have been established both in the Education Law and the Statute of HEIs. However, the accreditation object is not entirely clear and the accreditation results are only described in detail in *Approval of accreditation rules of education institutions* - for this, no clear delegation provision can be found in the Education Law or the Statute. It is recommended **to include in the Statute of HEIs the basic principles of quality assurance and accreditation**, including the object of accreditation (institutions or study programs or both); accreditation period; accrediting body and its general formation principles, composition (incl. limitations); consequences of a negative accreditation.

8. At the moment, management of HEIs is regulated in the Education Law, the Statute of HEIs, the State Standard for HE and the *Regulation of Scientific Board of higher education institution*. We recommend **covering the basic management structure of HEIs in the Statute for HEIs**, including the main rights and responsibilities of all management bodies in correct subordination (top-down) and with a comparable level of generalization. For example, the tasks of the rector have currently been described in very general terms. At the same time, tasks of the dean, chair of the faculty, etc. have been outlined in great detail and could be extensively reduced/left to the autonomy of the HEIs.

The **main division of responsibilities** between Rector and Scientific Board is unclear and needs to be clarified in the Statute of HEIs. Instead of giving the Rector right to approve all Scientific Board's decisions, it would be advisable to give him/her, for example, **one-time veto right** in order to make a clearer division between the rights, obligations and responsibilities between the Rector and the Scientific Board (regarding this suggestion, see also recommendations from the previous 1.2 Mission Report).



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9. Currently the specific criteria of funding of the HEIs are in separate regulation. We recommend adding main **funding criteria** of HEIs in the Statute for HEIs. Also we recommend for the future **developing performance indicators** (etc. number and employability of graduates, level of international cooperation, etc.) as a basis for the shaping of the student enrolment plan and also corresponding expectations and **obligations of the HEIs**. This would give a clear indicator to the universities, which kind of activities performed by HEIs are promoted by the State and which kind of outcomes the state expects from the HEIs in return for the funds allocated.

10. At the moment, principles of forming student unions are not clear. We recommend regulating the structure of **self-administration of student unions in a centralized manner**. It is advisable to include in the Statute of HEIs the main principles about student union elections, approving the charter of the union, their funding and responsibilities.

4. November 2016 Baku

(Date and place)

(Signature of Expert)

4. November 2016, Baku

(Date and place)

(Signature of Expert)