



LICENSING AND ACCREDITATION UNDER THE LAW ON HIGHER EDUCATION IN KOSOVO 2002 – 2009

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Executive Summary

In 2004, the *Strategy for Development of Higher Education in Kosova (2005-2015)* committed MEST to “look for solutions which will enable our country to become an inseparable entity of the European Area of Higher Education determined by the objectives of the Bologna Process.” Yet it was only four years later that the imperative for quality assurance – a key underpinning for Kosovo’s full acceptance into the EHEA – began to take any substantive form. This was especially true for the private higher education institutions (PBHEs) which form the subject of this report.

Prior to July 2008, PBHE licences had been granted or withheld for reasons which are not entirely transparent. A variety of types of institutional title was permitted and legitimised by these Licences, even though the criteria specified by the Law on Higher Education, 2002/03 were neither assessed nor met.

As the Kosovo Accreditation Agency was not yet operational, the new Government of Kosovo asked the British Accreditation Council to undertake an initial review of the 31 institutions which had been licensed in one form or another between 2003 and 2008. The BAC report said

“The Law must be observed. It has been roundly ignored by a large number of people, including at different times ministers, members of parliament, and senior academics. The law clearly states what the criteria are for being entitled to be called a university, and none of the 30 institutions inspected meets these requirements. Even where there are sufficient students and faculties, degree equivalence is not externally assessed and few of these institutions have a robust research programme worthy of a European university”

and recommended the Minister of Education to license just one institution. This recommendation was accepted and just one institution was licensed to admit new students during the 2008-09 academic session.

Not all PBHEs which had been inspected by BAC in 2008 chose to apply to KAA for accreditation in 2008-09. Several others engaged in merger discussions with one or more larger institutions. Eventually, applications were received from 13 institutions/groups during the 2008-09 process. Subsequently, two further applications were received and considered.

63 international experts (from Austria, Bulgaria, Germany, Hungary, Ireland, Slovenia, Switzerland, the Netherlands and the UK) were engaged in the review process. All made detailed recommendations for improvement as well as recommendations for programme accreditation. These were then considered by the National Council for Quality (NCQ).

NCQ decisions on programme accreditation can be shown to flow directly from the relevant Expert Panel’s recommendations and the KAA’s advice on the Licence to be

awarded can be justified by the evidence which its processes had gathered. The Government moved swiftly to confirm the KAA's decisions and to outline its plans for granting Licences.

One institution had failed to persuade KAA that any of its programmes warranted accreditation. As it could not therefore be accredited as an institution, no Licence could be granted. Seven institutions were offered Licences as Colleges; three as Institutes; two as Higher Professional Schools; and one as a Higher Technical School. All had conditions (either in respect of accreditation or in respect of licensing criteria) attached to them. All were permitted to recruit to their accredited programmes with immediate effect.

The Government had chosen to offer those Colleges which wished to develop them approval for Masters' programmes within the fields of study for which they had accredited Bachelors' programmes. If these could meet KAA accreditation requirements by late September 2009, then they could be included within the institution's Licence for 2009-10. KAA undertook a further assessment of the applications for Masters' programmes and determined at the NCQ meeting of 3rd October 2009 to approve such programmes in seven institutions.

The Report concludes

"Prior to 2008, the Provisional Institutions of Self-Government in Kosovo appeared to have no active desire to implement the provisions of the Law on Higher Education 2002/03 which would give public assurance of the quality of education at the University of Prishtina and in the burgeoning and uncontrolled private HE sector. Indeed, the situation can best be described as connivance between Ministers, Ministry officials, Professors of the University of Prishtina and private entrepreneurs in a PBHE Licence lottery, whose rules were unclear and substantially ignored".

"The Government itself is to be commended on its principled refusal to allow all but one PBHE to recruit new students in 2008-09. This has given the institutions time and opportunity to re-think their purposes, strategies and alliances and to prepare for the first full round of accreditation by Kosovo's own national agency, the KAA".

"KAA has operated very effectively in this first round of accreditation. Its staff have shouldered a huge burden of responsibility to match the huge workload which they have had during their first full year of operation. They have ensured that the Agency has discharged its functions with integrity, transparency and a high degree of externality. The judgments made by the National Council have been clearly based on evidence supplied by PBHEs and peer review by international subject specialists".

"Yet compromises have been made. It is apparent from the External Panels' reports that some accredited institutions have barely reached the threshold of international comparability in research, scholarship, pedagogy or

resources. Some of these deficiencies have been “nodded through” in the hope and expectation of future improvement. This improvement is more likely to be seen in those institutions which have demonstrated, following the BAC Report, that they have the capacity and determination to seek continuous improvement. There remain institutions, even following this round of accreditation, which give the impression of being more interested in market share than in academic or professional reputation”.

Other conclusions are drawn and recommendations made. The report concludes on a positive note:

“all the signs are encouraging that clear and transparent processes of external quality assurance are now operating within Kosovo and these are being mirrored - to a greater or lesser extent - in newly accredited institutions. Much more will need to be done to embed the culture of quality assurance through self-evaluation and independent external scrutiny throughout the accredited institutions, but a significant and impressive start has been made on this new journey”.

In a very real sense, a clear red line can be drawn under the past as Kosovo continues on this new journey.

Background – the policy context

In 2004, the Ministry of Education, Science and Technology, Kosovo, published the final draft of its *Strategy for Development of Higher Education in Kosova (2005-2015)*. Its vision for Kosovo was of a “democratic society, integrated in the European Higher Education Area, where knowledge and scientific research are of particular role and importance for the enduring and long term cultural, social and economic development”. It saw that vision and the programme for its implementation as resting on clear principles of “impartiality, democratization, equality, variability, development, quality, efficiency and effectiveness, academic freedom and institutional autonomy, public accountability”. (*ibid*, p.6)

Yet it was only four years later that the imperative for quality assurance – a key underpinning for Kosovo’s full acceptance into the EHEA – began to take any substantive form. Whereas most countries in the EHEA had reasonably well-established and embedded arrangements for system-wide regulation as well as institutional quality assurance – usually expressed through the twin processes of institutional licensing by the State and institutional and programme accreditation by an independent body of academic experts – Kosovo was still not in such a position. Although it had had a legislative framework for Higher Education quality assurance and regulation in place since 2002 (the *Law on Higher Education 2002/03*), there had been little attempt to translate this into concrete form.

A key element in the “Bologna process”, quality assurance has been particularly high on the EU’s agenda since the Berlin communiqué 2003, which stated that “quality of higher education has proven to be at the heart of the setting up of a European Higher Education Area”. By 2009, ENQA (the European Association for Quality Assurance in Higher Education) was able to “acknowledge the progress that has been made in developing internal and external quality assurance procedures and national quality assurance systems since ministers adopted the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) in Bergen in 2005”. (*ENQA Position Paper on Quality Assurance in the EHEA, April 2009, p. 1*)

The *Strategy for Development of Higher Education in Kosova (2005-2015)* committed MEST to “look for solutions which will enable our country to become an inseparable entity of the European Area of Higher Education determined by the objectives of the Bologna Process. According to this perspective, by building a distinctive and adaptable system of higher education which is harmonious with the demands of the society, the higher education will satisfy the requirements necessary to carry out to the sustainable development of our society.” (*ibid* p. 6)

That challenge remains high on the present Minister of Education’s agenda and has informed much of the recent work which is summarised in this paper.

Introduction

The Law on Higher Education in Kosovo (Law 2002/03) and the Administrative Instruction for Licensing Private Providers of Higher Education in Kosovo (AI 14/2003) which were formulated and issued under the UNMIK administration of Kosovo require all private providers of higher education (PBHEs) to be licensed by the Ministry of Education, Science and Technology. A central component of the licensing process was to be successful accreditation. Article 4.3 of the LHE 2002/03 states

“The Ministry shall by administrative instruction provide for the establishment of the Kosovo Accreditation Agency (KAA) charged with promoting the quality of higher education in Kosovo. Through processes of licensing, inspection and accreditation by professional and transparent methods it shall assist higher education providers to develop their potential and to enhance and maintain the quality of their activity”.

An Administrative Instruction establishing the KAA (AI 11/2004) was issued in February 2004 but the Agency was not established until four years later, following the Declaration of Independence.

AI 14/2003 stated that

- “7.1 After the establishment of the AAK, licensing of the PBHE can be done only based on the decisions of the AAK for program accreditation of the appointed PBHE.
- 7.2 Each PBHE in Kosova must have the license for performing their activities according to the section 3 of this Administrative Instruction.
- 7.3 PBHE can not start the duty without having preliminary the license from MEST but he can announce the advertisement and accept the students after the approval of the license procedure.
- 7.4 Licensing of PBHE will be done by MEST.
- 7.5 After the establishment of AAK, MEST takes decision for license issuing based on the decision of AAK for program accreditation of PBHE and her recommendations for MEST in relation to PBHE”.

Due to this delay in the establishment of the Kosovo Accreditation Agency and the new Government of Kosovo's need for a thorough review of the Licences which had been issued between 2003 and 2008, an initial accreditation exercise was undertaken by the British Accreditation Council on behalf of the Ministry of Education, Science and Technology. The BAC report recommended the Minister of Education to license just one institution (the American University of Kosovo) on the basis that its awards were those of the Rochester Institute of Technology, USA, itself accredited by the Middle States Commission on Higher Education. (*BAC Kosovo Accreditation Project Report, July 2008*).

The Minister accepted this recommendation and the Government resolved as follows:

"Based on the Report of the BAC on the accreditation and licensing of private universities, but also based on Section 92, item 3 and Section 93, Item 4 of the Constitution of the Republic of Kosovo, the Government of Kosovo takes the following decision of nine points:

1. No private provider of higher education in Kosovo, with the exception of the American University of Kosovo, meets the criteria to be called a university.
2. No private provider of higher education in Kosovo meets the criteria to be licensed and to issue academic degrees.
3. No private provider of higher education who has applied under the titles of university, academy, or institute, meets the criteria for accreditation and licensing.
4. No private provider of higher education who has applied for accreditation for the purpose of being licensed for a first license, will be accredited or licensed.
5. Any private provider of higher education who fails to obtain a license for a second time – will lose their license.
6. No private provider of higher education meets the criteria to enroll new students in the academic year 2008/2009.
7. All private providers of higher education will have to renew their application with the Kosovo Agency for Accreditation.
8. Starting from October 1st 2008, the process of accreditation will also start for all private institutions of primary and secondary education, including the public university of Prishtina.
9. This decision takes immediate effect."

Licensing under the UNMIK Administration, 2003 - 2008

Prior to July 2008, licences had been granted or withheld for reasons which are not entirely transparent. As a result, several PBHEs started programmes prior to obtaining a Licence in the expectation that this would follow. Examples of this can be found in every session from 2004-05 to 2007-08. Students were enrolled on these programmes, even though the PBHE had no legal approval to do so.

The form which licences took varied considerably. Some were more generic than others. Some specified programmes, others Faculties, still others particular levels of study and degree award. Some were issued in the name of the registered corporate entity, which was not necessarily the "trading name" actively used by the PBHE. Others were issued in that "trading name". A variety of types of institutional title was permitted and, it must be said, legitimised by these Licences, even though the criteria specified by the LHE 2002/03 were neither assessed nor met.

Institutions were licensed as Universities, University Colleges, Academies, Faculties and Schools without any apparent reference to their scope, nature or purpose and certainly in breach of the straightforward definitions given in the LHE 2002/03, such as that for a "university"

- "8.1 A university shall be an institution of both education and research, offering diplomas and degrees up to and including doctoral level, with objectives including the advancement of knowledge, thought and scholarship in Kosovo, the educational, scientific, cultural, social and economic development of Kosovo, the promotion of democratic citizenship and the achievement of the highest standards in teaching and learning.
- 8.2 The title 'university' may be granted under the provisions of this Law only to an accredited provider of higher education with an independently audited enrolment of at least 3000 full-time-equivalent students and providing courses or programmes in at least five different subject groups as prescribed in administrative instructions to be issued by the Ministry."

A powerful report from the GAP Institute for Advanced Studies, published in May 2008, demonstrated the inconsistencies and illegalities which characterized the private provision of higher education in Kosovo, observing that:

"Although only one institution of higher private education meets the standard of being called a university (3,000 students) many of these are licensed as universities, and even more advertise as universities. The Ministry of Education, Science and Technology should complete the legal framework as prescribed by law. In many cases the Administrative Instructions should improve to make the legislation more concrete. During the research, we found enormous resistance on the part of some of the institutions of higher education to provide information which according to the law should be

considered public information. With that in mind, we are publishing the factsheet in Annex 1 of this report, with the main results for each university. We call upon the accreditation agency to conduct their accreditation in an open, transparent and very public manner. This would greatly improve the flow of information in this sector."

There followed, in Annex 1, a detailed breakdown of the current provision and resources for each of 25 different PBHEs. Information about some of the largest of these institutions was unavailable, so the overall picture painted by GAP was incomplete. However, it is worth recording its principal recommendations:

- "The government should implement as soon as possible section 11.10 of the Law on Higher Education, where the Ministry should set the rules for a quality assessment of the Providers of Higher Education and make them publicly available. The quality assessment when made public will provide the students with the information on the quality of the institutions. The quality assessment should include the University of Prishtina as prescribed by the law.
- The quality assessment should be done on regular basis and in a standardized format (i.e. on annual basis and on specific criteria). PPHE's would then have the incentive to improve on their weaknesses; and
- The assessment should be carried out in an independent way. The quality assessment criteria and process should be done in consultation with the PPHE's". (*GAP Institute for Advanced Studies: A Review of Private Higher Education in Kosovo - Policy Report, May 2008, p. 16*)

It was against this background of persistent irregularity, in which it was impossible for international agencies, let alone prospective students in Kosovo and their families, to make clear and well-informed judgments about the academic credentials, capabilities and quality of particular institutions that, as one of its first acts, the new Government of the Republic of Kosovo established the Kosovo Accreditation Agency (foreshadowed by the Law on Higher Education some five years previously).

The first Acting Director and Deputy Director of the Agency were appointed in March 2008, accountable to the National Council for Quality (NCQ) - a Board of nine members appointed by the Government, three of whom were international experts. They began immediately to develop detailed criteria, standards and procedures for the introduction of an effective operational process from September 2008.

Meanwhile, in order to establish a bench-mark against which the future development of the private sector of higher education in Kosovo might be judged, the Minister of Education invited the British Accreditation Council for Independent Further and Higher Education (BAC) to conduct an independent inspection of all PBHEs known to be operating in Kosovo.

The BAC Kosovo Accreditation Project, June - July 2008

By June 2008 when the BAC began its work in Kosovo, just over 20,000 students had been enrolled in the 30 PBHEs which it was asked to inspect. It must be noted that the inspection visits which its inspection teams paid to each institution were not as lengthy or detailed as they would have been had the institutions been applying for BAC accreditation. However, the visits were supplemented by extensive documentary evidence provided by the PBHEs and available to the BAC team within MEST. BAC inspected premises, interviewed key staff and analysed material submitted by the colleges and concluded that:

“On the strength of this evidence, none of the institutions should be accredited or licensed, for a variety of reasons:

- Only one of them meets the size criterion under Kosovan Law and Administrative Instructions, and none meets the requirements of being a research learning environment.
- Many institutions lack the *pro bono publico* corporate form required of a university.
- For some, the precise corporate form and ownership is not yet clear.
- Most lack a strong body of full-time academics sufficient to become a community of scholars”.

The inspectors also found:

- “A cavalier attitude to the granting of academic titles.
- Study programmes, in particular the over-emphasis upon Law and Economics, which are inappropriate to the economic needs of Kosovo.
- Poor assessment and Quality Assurance practice.
- Insufficient emphasis on degree completion”.

However,

“The inspection team found much valuable educational provision, in terms of specialisation and geographical access”.

(BAC Kosovo Accreditation Project Report, July 2008 p. 5)

Postgraduate programmes (Master's level) accounted for 794 of the 20,128 enrolments (2.5% of the total). 36% of all undergraduate enrolments were for Economics programmes (38% in 2007-08); 22% (17% in 2007-08) were for Law programmes; 19% (20% in 2007-08) were for Business and Management programmes; 6% were for Political Science programmes. Psychology, Art, Design and Media, Medicine, Computer Science, Education and other subjects comprised the remaining 17% of student enrolments (19% in 2007-08). *(BAC Kosovo Accreditation Project Report, July 2008 p. 19)*

As the report commented,

"This pattern of provision (especially at undergraduate level) may not serve the needs of the Kosovan economy and society as well as it might" (*ibid*)

BAC surmised that the pattern of provision was essentially producer-led, in that it appeared to reflect the propensity of University of Prishtina Professors and other staff to provide their services to many institutions alongside their UP contractual obligations.

The size of each institution and its recruitment history can be seen from the table below. (*BAC Kosovo Accreditation Project Report, July 2008 p. 18 but ranked by size*). It includes only those PBHEs which had enrolled students. Several PBHEs were essentially research institutes which had no students and are thus not included. This table does not indicate which institutions were operating without Licence for some or all of their programmes in any particular year. It is estimated that 1,911 students are on programmes which have never been licensed, constituting 9% of all students in PBHEs. This issue is addressed in detail later in this paper (see *The Outcome of the 2008-09 Accreditation and Licensing Process for Existing Students* below).

The most immediate consequence of the Government's decision not to permit new enrolments in PBHEs other than the American University of Kosovo was a temporary reduction of a significant number student places for the academic session 2008-09 and was a clear signal of its determination to regulate the sector effectively.

However, as the BAC Report concluded

"The Law must be observed. It has been roundly ignored by a large number of people, including at different times ministers, members of parliament, and senior academics. The law clearly states what the criteria are for being entitled to be called a university, and none of the 30 institutions inspected meets these requirements. Even where there are sufficient students and faculties, degree equivalence is not externally assessed and few of these institutions have a robust research programme worthy of a European university". (*BAC Kosovo Accreditation Project Report, July 2008 p. 21*)

The Report also made 31 recommendations in relation to:

1. the creation of a Kosovo Council for Academic Awards
2. academic staff
3. management of HE institutions
4. classification of private institutions after the accreditation exercise
5. regulation of HE institutions
6. improving quality and relevance

as well as providing specific commentaries and recommendations on each of the PBHEs inspected.

TABLE 1. Students enrolled on all programmes offered by PBHEs, July 2008

| Institution | Licence | 2004-05 | 2005-06 | 2006-07 | 2007-08 | Totals | As % of total | As % of 2007-08 |
|--|--------------------|-----------------|---------|---------|---------|--------|---------------|-----------------|
| University "AAB" | University | 116 | 949 | 2258 | 2327 | 5650 | 28.07% | 27.31% |
| Fama University | University College | 367 | 1017 | 1571 | 1893 | 4848 | 24.09% | 22.22% |
| University "Iliria" | University | 465 | 790 | 436 | 796 | 2487 | 12.36% | 9.34% |
| Dardania University | University | 91 | 766 | 433 | 312 | 1602 | 7.96% | 3.66% |
| University for Business & Technology | University | 127 | 173 | 130 | 440 | 870 | 4.32% | 5.16% |
| University College "European Vision " | University College | 0 | 0 | 123 | 559 | 682 | 3.39% | 6.56% |
| University College "Biznes" | University College | 0 | 0 | 169 | 405 | 574 | 2.85% | 4.75% |
| University College "Gjilani" | University College | 0 | 0 | 173 | 306 | 479 | 2.38% | 3.59% |
| University Pjetër Budi | University | 0 | 71 | 133 | 257 | 461 | 2.29% | 3.02% |
| University College " Universum" | University College | 0 | 0 | 100 | 306 | 406 | 2.02% | 3.59% |
| American University of Kosovo | University | Dates not given | | | | 365 | 1.81% | 0.00% |
| University "Rezonanca" | University | 106 | 120 | 41 | 54 | 321 | 1.59% | 0.63% |
| University of Prizren | University | 0 | 0 | 206 | 96 | 302 | 1.50% | 1.13% |
| University College Ferizaj | University College | 0 | 0 | 0 | 258 | 258 | 1.28% | 3.03% |
| University College "Tempulli" | University College | 34 | 37 | 23 | 69 | 163 | 0.81% | 0.81% |
| International University of Prishtina | University | 0 | 0 | 0 | 152 | 152 | 0.76% | 1.78% |
| University College "Victory" | University College | 0 | 0 | 62 | 70 | 132 | 0.66% | 0.82% |
| University Riinvest | University | 0 | 0 | 0 | 129 | 129 | 0.64% | 1.51% |
| Eurosport | University College | 0 | 46 | 26 | 16 | 88 | 0.44% | 0.19% |
| Akademie Evolucion | Academy | 0 | 9 | 3 | 44 | 56 | 0.28% | 0.52% |
| Academy of Advanced University Studies | Academy | 0 | 0 | 13 | 28 | 41 | 0.20% | 0.33% |
| Design Factory | School | 0 | 28 | 7 | 4 | 39 | 0.19% | 0.05% |
| Academy of Arts | Academy | 10 | 11 | 2 | 0 | 23 | 0.11% | 0.00% |
| Totals | | 1316 | 4017 | 5909 | 8521 | 20128 | 100.00% | 100.00% |

The KAA Accreditation Process, 2008-09

The LHE 2002/03 provided that

- “4.4 When established, the KAA shall be responsible in accordance with this Law and subsidiary instruments issued under it for:
- (a) Advising the Ministry on applications from private persons, bodies or institutions for licences to offer courses or programmes forming part of or leading to higher education qualifications;
 - (b) Inspecting licensed higher education providers and advising the Ministry on the modification or revocation of licences;
 - (c) Undertaking periodic quality audit of licensed higher education providers and issuing a decision on accreditation or re-accreditation including the power to award degrees and diplomas;
 - (d) Undertaking periodic quality assessment of courses and programmes offered by accredited higher education providers;
 - (e) Advising with the Ministry at its request on the results of quality assessment and its consequences for the funding of public providers of higher education, allocations to private providers of higher education and for discretionary support for students attending courses or programmes at private providers of higher education; and
 - (f) Carrying out on behalf of the Ministry such functions as may be delegated to it relating to recognition of academic and professional qualifications.
- 4.5 The KAA shall publish its conclusions, recommendations and advice”.

KAA established its *modus operandi* early in the 2008-09 academic session and published its guidelines and check-lists for academic experts and for institutions during the last quarter of 2008 on its web-site (www.akreditimi.org).

Two Administrative Instructions were issued in early 2009 which enshrined these criteria, requirements and procedures. One (AI 2/2009 *Administrative Instruction for Accreditation of Higher Education Institutions in Kosovo*) was of general applicability to both the public University and PBHEs. The second (AI 12/2009 *Criteria and procedures for the accreditation of Higher Professional Schools and Higher Technical Schools in Kosovo*) related specifically to those institutions which wished to seek accreditation as a Higher Professional School or a Higher Technical School.

It was made clear that KAA would undertake accreditation reviews of several Faculties of the University of Prishtina during 2008-09 as well as of those PBHEs which chose to apply for accreditation. A common methodological approach would be adopted, involving Panels of independent, international Experts who had no other connection with the institutions under review as well as extensive documentary scrutiny by KAA staff. The starting point for these reviews would be a Self-Evaluation Report submitted by the institution seeking accreditation.

The Faculties of Economics, Medicine and Philosophy of the University of Prishtina were reviewed in detail, as were the University's overall operating and quality assurance procedures and the scholarly context in which these are located. Recommendations to withdraw or suspend certain programmes were made by the respective Expert Panels and these recommendations were accepted by the KAA's Board - the National Council for Quality (NCQ) - at its 6th July meeting.

Not all PBHEs which had been inspected by BAC in 2008 chose to apply for accreditation. Several others engaged in merger discussions with one or more larger institutions. Eventually, applications were received from 13 institutions/groups during the 2008-09 process. Subsequently, two further applications were received which fell outside the strict 2008-09 timelines but were admitted to the process.

Most institutions had chosen to re-badge themselves in order to remain within the LHE 2002/03. Some clearly hoped that the larger size and wider curriculum scope which resulted from their merger would permit them to be accredited as Universities. In doing so, they failed to note the greater significance of Article 8.1 of the LHE 2002/03 (repeated here for ease of reference)

“8.1 A university shall be an institution of both education and research, offering diplomas and degrees up to and including doctoral level, with objectives including the advancement of knowledge, thought and scholarship in Kosovo, the educational, scientific, cultural, social and economic development of Kosovo, the promotion of democratic citizenship and the achievement of the highest standards in teaching and learning”.

In virtually every case, KAA's Expert Panels commented adversely on the level, extent and quality of research and general scholarship in the PBHEs, whether they had applied as a “university” or as another type of institution.

Some institutions chose to apply as a Faculty, defined by AI 14/2003 *Licensing Private Providers of Higher Education in Kosovo* as having “600 students”. Even though this definition is very loose, it is followed immediately by the requirement that “University should have at least five faculties with 3,000 students”. (AI 14/2003, para 8.1.2) This was reasonably taken to mean that a Faculty must have sufficient subject coherence to distinguish it from another Faculty. Furthermore, this Administrative Instruction requires that the Faculty's courses be “accredited by a

recognised international or national agency". No applicant for Licence as a Faculty passed these tests.

63 international experts were engaged in the review process each with close experience of at least one of the higher educational systems of Austria, Bulgaria, Germany, Hungary, Ireland, Slovenia, Switzerland, the Netherlands or the UK. Their reports are comprehensive and detailed. All are written in English which was generally the language of discussion with the PBHEs (although at times German was used). All make detailed recommendations for improvement as well as recommendations for programme accreditation.

Their draft reports were made available to the PBHEs for factual comment prior to finalisation. KAA staff then summarised these reports, added synopses of key documentary analyses which they had undertaken and presented these to the KAA NCQ which met on 6th July 2009. All reports were available to all members of the NCQ.

Pursuant to Article 4.4 (b) of the LHE 2002/03, KAA advised the Ministry on the modification or revocation of licences, suggesting that as no PBHE could be licensed as either a University or a Faculty (for the reasons set out above), it would be sensible for them to be licensed as either a College or an Institute (apart from those which had sought and been recommended Higher Professional or Higher Technical School status). There is no limitation in either the LHE 2002/03 or AI 14/2003 which might preclude the use of the designation "College" and the latter makes specific provision (in para 8.1.2) for "Institutes". KAA thus appears to have steered a very reasonable course between outright rejection of applications for University or Faculty status and approval of all them, if successfully accredited, as Institutes.

It also determined which programmes (and degree or other awards) could be offered by each PBHE on the basis of the recommendations made by its Expert Panels. These would become KAA-recognised qualifications under the provisions of Article 14 of the Law on National Qualifications (2008/03).

As is probably inevitable, given Kosovo's relatively recent emergence as an independent nation committed to the Rule of Law and associated principles of transparency, equity, integrity and fairness in public decision making, there are some gaps between the strength and soundness of provision reported by the KAA Expert Panels and the final outcomes of the Accreditation and Licensing processes. However, these gaps are relatively small and easily explicable. Partly they arose because there was other evidence available to the KAA's NCQ which may not have been taken fully into account by the Expert Panels. Partly they resulted from other considerations which flowed from the Government's ultimate responsibility for determining whether Licences should be awarded. Whatever the reason, the NCQ decision on programme accreditation can be shown to flow directly from the relevant Expert Panel's recommendations and the KAA's advice on the Licence to be awarded can be justified by the evidence which its processes had gathered.

Licensing PBHEs in 2009

The Government moved swiftly to confirm the KAA's decisions and to outline its plans for granting Licences. A parallel process to the KAA process had been under way since early June. MEST had required each PBHE to demonstrate through documentary evidence that it met each of the 28 conditions for licensing set out in Section 8.1.1 of the *Administrative Instruction on Licensing Private Providers of Higher Education in Kosovo* (AI 14/2003). In addition to this, it undertook certain direct enquiries of its own into hygiene, health and safety and litigation matters.

The outcome of this process was a detailed grid, showing which conditions had been met fully by each PBHE, which had been met partially and which had not been met. A judgment was then made as to which should be set as conditions on which further evidence should be supplied for the eventual award of a Licence.

One institution had failed to persuade KAA that any of its programmes warranted accreditation. As it could not therefore be accredited as an institution, no Licence could be granted.

Seven institutions were offered Licences as Colleges; three as Institutes; two as Higher Professional Schools; and one as a Higher Technical School. All had conditions (either in respect of accreditation or in respect of licensing criteria) attached to them. All were permitted to recruit to their accredited programmes with immediate effect.

The Government had chosen to offer those Colleges which wished to develop them approval for Masters' programmes within the fields of study for which they had accredited Bachelors' programmes. If these could meet KAA accreditation requirements by late September 2009, then they could be included within the institution's Licence for 2009-10.

KAA undertook a further assessment of the applications for Masters' programmes and determined at the NCQ meeting of 3rd October 2009 to approve such programmes in seven institutions.

Properly designed Certificates of Accreditation, bearing both the KAA and Republic of Kosovo logos and signed by the Chairman of the NCQ and the Executive Director of KAA, were issued. Valid for the period 1 October 2009 – 30 September 2010, these certificates listed the exact programmes of study and degree awards for which accreditation had been given.

The estimated number of continuing students on KAA-accredited programmes in 2009 – 2010 is given in Table 2 below. The programmes which have been accredited for the 2009 – 2010 session are listed in Table 3.

TABLE 2. Ranking by size of PBHEs following 2009 KAA Accreditation decisions

(Estimated number of students on accredited programmes only)

| Institution | Accredited as | Students on accredited programmes | | | | |
|---|----------------------------|-----------------------------------|---------|---------|---------|--------|
| | | 2004-05 | 2005-06 | 2006-07 | 2007-08 | Totals |
| AAB-Riinvest | College | 116 | 768 | 1437 | 1993 | 4314 |
| Fama | College | 367 | 1017 | 1359 | 1543 | 4286 |
| Iliria | College | 306 | 651 | 481 | 1049 | 2487 |
| Dardania | College | 91 | 647 | 323 | 192 | 1253 |
| UBT | College | 127 | 135 | 90 | 280 | 632 |
| Pjetër Budi | Institute | 0 | 56 | 57 | 133 | 246 |
| Biznesi | Institute | 0 | 0 | 42 | 144 | 186 |
| ISMI | College | 0 | 0 | 0 | 152 | 152 |
| Tempulli | Higher Professional School | 34 | 37 | 23 | 53 | 147 |
| Victory | College | 0 | 0 | 62 | 70 | 132 |
| Universum | Institute | 0 | 0 | 74 | 44 | 118 |
| Akademie Evolucion | Higher Professional School | 0 | 9 | 3 | 44 | 56 |
| Design Factory | Higher Technical School | 0 | 28 | 7 | 4 | 39 |
| INSTITUTIONS NOT IN 2008-09 KAA PROCESS | | | | | | |
| American University of Kosovo | | n/a | n/a | n/a | n/a | 365 |
| Grand totals | | 1041 | 3348 | 3958 | 5701 | 14413 |

TABLE 3. PBHE Programmes accredited by KAA NCQ for 2009 – 2010 Academic Session

| Institution | Accredited as | Programmes accredited from 1 October 2009 to 30 September 2010 |
|--------------------|----------------------------|--|
| AAB-Riinvest | College | BSc Business Economics; BSc Banking, Finance and Accounting; BSc Marketing and Business Administration; BSc Computer Science (Software Engineering); BSc General Law; BSc Mass Communication (Production); BSc and MSc Management and Informatics; BSc and MSc Mass Communication (Journalism); BSc and MSc Physical Culture and Sport; MSc Financial Development; MSc Finance, Markets and Banks; MSc Civil Law |
| Fama | College | BA Banking, Finance and Accounting (Prishtina, Gjilan and Prizren); BA Management (Prishtina, Gjilan and Prizren); BA Political Science and Public Administration (Prishtina); BA Law (Prishtina, Gjilan and Prizren); BA Criminology (Prishtina); MA Security Sciences Studies (Prishtina); MA International Relations and Diplomacy (Prishtina); MA Banking, Finance and Accounting (Prishtina); MA Management (Prishtina) |
| Iliria | College | BSc Law (Prishtina and Gjilan); BSc Applied Informatics (Peja); BA Diagnostic Radiology (Veternik); BA Physical Culture, Sport and Recreation (Bardhosh); BSc Economics – Banking Finance and Accounting (Prishtina and Gjilan); BSc Management and Informatics (Prishtina and Peja); MSc Civil Law (Prishtina); MSc Management and Informatics (Prishtina); MSc Economics – Banking Finance and Accounting (Prishtina) |
| Dardania | College | BA Law; BA Banking, Finance and Accounting; BA and MA Business Administration; BA and MA Public Administration |
| UBT | College | BSc Business Management and Economics; BSc and MSc Computer Science and Engineering; BSc and MSc Mechatronics Management |
| Pjetër Budi | Institute | BA Customs and Freight Forwarding; BA Tourism and Hospitality Management |
| Biznesi | Institute | BA in Banking and Finance for Business; Diploma and Certificate in Emergency Management |
| KSMI | College | BA and MA International General Management; BSc and MSc Management Accounting and International Finance |
| Tempulli | Higher Professional School | Diplomas and Certificates in Road Traffic and Transport; Postal Communications and Telecommunications; Rail Traffic and Transport |
| Victory | College | BSc Business Economics – Foreign Trade; BSc and MSc International Politics and Diplomacy |
| Universum | Institute | BA Business and Management (Prishtina and Ferizaj) |
| Akademie Evolucion | Higher Professional School | Diplomas and Certificates in Fashion and Costume Design; Interior and Stage Design; Communications Design; Certificate in Painting |
| Design Factory | Higher Technical School | Certificate in Fashion, Modelling and Styling |
| | | |

The Outcome of the 2008-09 Accreditation and Licensing Process for Existing Students

As noted earlier (Table 1), prior to the start of the 2008-09 KAA accreditation process, there were some 20,128 students in PBHEs in Kosovo (*BAC Accreditation Project Report, July 2008*). 18,217 of these were on fully licensed programmes, representing 91% of all students enrolled since 2004.

As Table 2 (above) shows, 14,413 students (72%) were on programmes which KAA has accredited during 2009. 4,072 (20%) were on programmes which have not been accredited. 1,643 (8%) were on programmes which have not been within the 2008-09 KAA process.

The statistical outcome of the 2008-09 KAA process is thus to “validate” the awards of around three-quarters of the students who are, or who have been, taking programmes in Kosovo’s PBHEs since 2004.

In accrediting institutions and programmes, KAA set quantitative maxima for new student recruitment, based on their Expert Teams’ assessment of institutional capacity and full debate in the NCO. These appear to have been generally observed, although there are some indications that one institution wishes to challenge these. This should be monitored closely, as over-recruitment is likely to damage the quality of programmes in that institution, and would set an obvious marker for even more rigorous scrutiny by KAA in the next round of accreditation.

Diploma verification

A new approach to Diploma verification for those programmes which have been accredited by KAA has been introduced. Diplomas (which will carry the KAA logo and will be supported by a Diploma Supplement) will be securely produced by the Agency and will thus not require further verification by MEST. All other Diplomas will remain the responsibility of the PBHEs and will need to be verified. As no new students will be permitted enrolment on an unaccredited programme from July 2009 onwards, this is a historical problem which should disappear over time. From 2009 onwards, any deliberate offer of an unaccredited programme will open the institution to the very real risk of withdrawal of its institutional accreditation and, thus, the loss of its Licence to operate.

These Diplomas fall into two groups: Diplomas from unaccredited though licensed programmes and those from unaccredited and unlicensed programmes. In both cases, the verification process will need to be assured that the student was enrolled on the programme for the full period of study.

There are 1911 students overall. 976 are on unlicensed programmes which were

subsequently licensed and accredited. In fairness to these students, it is recommended that these be treated as others who are now on fully accredited programmes. It is therefore recommended that students who have studied a full programme which has been licensed but is now unaccredited should have their Diploma verified by MEST without further question. This Diploma will not carry the KAA logo.

Much greater difficulty is posed by the programmes which have never been licensed and which have also not been accredited in the current KAA round (or, in a small number of cases may have been licensed at some point but were not accredited in 2008-09). These are listed in Table 4.

Table 4. Unlicensed and unaccredited programmes.

| | | |
|-----------------|--|---------------------|
| AAB | English Language | 2005-06 |
| AAB | Pedagogic Theory | 2005-06 |
| AAB | Photography | 2007-08 |
| AAB | Make-up | 2007-08 |
| Academy of Arts | Film Directing | 2004-05 to 2006-07 |
| European Vision | Faculty of Education | 2006-07 and 2007-08 |
| Fama | Psychology | 2007-08 |
| Ferizaj | Faculty of Education | 2007-08 |
| Gjilani | Faculty of Education | 2006-07 and 2007-08 |
| Iliria | International Relations | 2007-08 |
| Iliria | International Relations (Masters) | 2007-08 |
| Pjetër Budi | Customs and Freight forwarding (Masters) | 2005-06 and 2007-08 |
| Pjetër Budi | Human Resources (Masters) | 2006-07 and 2007-08 |
| Pjetër Budi | Insurance (Masters) | 2006-07 and 2007-08 |
| Pjetër Budi | Tourism & Hotel Management (Masters) | 2007-08 |
| Rezonanca | Stomatology | 2004-05 to 2007-08 |

| | | |
|---------------------|-----------------------|---------|
| Universum - Ferizaj | Faculty of Education | 2007-08 |
| Universum - Ferizaj | Public Administration | 2007-08 |

An estimated 935 students have been enrolled on these programmes which have never been licensed or accredited. All will have been studying for at least two years, probably believing their programmes to be valid. The principal cost of a decision not to recognise their Diplomas in any way will be to the students, who will have forfeited considerable time and money in pursuing a worthless programme.

However, post-hoc recognition of their Diplomas would be a tacit acceptance by MEST of an illegal act on the part of these PBHEs and might be seen as a weakening of the Government's resolve to ensure compliance with the Law on Higher Education and the Administrative Instructions made under it.

As there has been some ambiguity about some of these Licences, it may be sensible for MEST to issue a paper which proposes to take action on these unlicensed programmes (without specifying what that action might be) and to invite the Colleges identified within it to explain fully the circumstances in which they offered these programmes. This would then allow them to produce valid Licences (if such exist, although there is no good reason to believe that they do). It would also require them to set out a justification which may or may not be accepted by MEST as mitigation.

In the absence of such mitigation, MEST appears to have two options:

- To refuse to recognise - and, thus, verify - such Diplomas.
- To turn a blind eye to these historical irregularities and verify the Diplomas, merely as an "attendance certificate".

The latter option is recommended, even though the verified Diploma will have no recognised status whatsoever and, in the case of "professional" awards, will grant no right of entry to that profession.

Institutional disobedience

Finally, there remains the question of the small number of institutions which appear to have disobeyed the Government's decision not to admit new students in 2008-09.

In two cases a small number of students (3 and 2 respectively) were permitted to transfer in from other PBHEs. These transfers should be accepted as part of the normal business of institutions.

More difficult were other cases where a significant number of new students appear to have started in 2008-09. Unless these institutions can show good reason why these new students started in 2008-09, the Government would be well within its

rights to penalise them in some appropriate way for their wilful disobedience of a legitimate Governmental instruction.

The same would also hold true for any institution which deliberately exceeded its admissions maximum limit for 2009–10.

Completion of the licensing process for 2008-09

The accreditation and licensing processes for 2008-09 are now complete in every respect other than one – the issuance of Licence Certificates for 2009-10. It appears that there have been some administrative difficulties which have prevented this and, at the time of writing, no Licences or Licence Certificates have been issued.

It is imperative that those responsible within MEST complete this task as soon as possible so that a clear red line can be drawn under the 2008-09 licensing and accreditation processes and that work on the 2009-10 process, which KAA has already begun, may proceed without any possible ambiguity or challenge.

It should be reiterated that this is not a matter of Government or Ministerial decision but rather one of delay in administrative process, for which no clear explanation is apparent.

Conclusions

Prior to 2008, the Provisional Institutions of Self-Government in Kosovo appeared to have no active desire to implement the provisions of the Law on Higher Education 2002/03 which would give public assurance of the quality of education at the University of Prishtina and in the burgeoning and uncontrolled private HE sector. Indeed, the situation can best be described as connivance between Ministers, Ministry officials, Professors of the University of Prishtina and private entrepreneurs in a PBHE Licence lottery, whose rules were unclear and substantially ignored.

Whilst the Law itself may have contained robust arrangements which could lead to an internationally acceptable system of higher education characterised by multiple providers in both the public and private sectors, the principal Administrative Instruction which flowed from it (AI 14/2003 *Administrative Instruction on Licensing Private Providers of Higher Education in Kosovo*) has proved imprecise and inadequate in drafting and easily side-stepped. This Administrative Instruction should be comprehensively reviewed and revised.

Subsequent Administrative Instructions (AI 11/2004 *The Establishment of the Kosovo Accreditation Agency*; AI 2/2009 *Administrative Instruction for Accreditation of Higher Education Institutions in Kosovo* and AI 12/2009 *Criteria and procedures for the accreditation of Higher Professional Schools and Higher Technical Schools in Kosovo*) have been more precisely drafted but could probably benefit from a further close review, not least to ensure that they relate seamlessly to one another.

There may be merit in bringing the substance of all four Administrative Instructions within a revised Law on Higher Education. This would ensure that their provisions would be statutorily enshrined.

Although necessarily a fore-shortened version of its normal inspection process, the BAC inspections of June-July 2008 were very effective both in confirming the concerns of previous commentators and in enabling the Government to insist that PBHEs take self-evaluation, quality assurance and international standards benchmarking seriously.

The Government itself is to be commended on its principled refusal to allow all but one PBHE to recruit new students in 2008-09. This has given the institutions time and opportunity to re-think their purposes, strategies and alliances and to prepare for the first full round of accreditation by Kosovo's own national agency, the KAA.

KAA has operated very effectively in this first round of accreditation. Its staff have shouldered a huge burden of responsibility to match the huge workload which they have had during their first full year of operation. They have ensured that the Agency has discharged its functions with integrity, transparency and a high degree of externality. The judgments made by the National Council have been clearly based on evidence supplied by PBHEs and peer review by international subject specialists.

Yet compromises have been made. It is apparent from the External Panels' reports that some accredited institutions have barely reached the threshold of international comparability in research, scholarship, pedagogy or resources. Some of these deficiencies have been "nodded through" in the hope and expectation of future improvement. This improvement is more likely to be seen in those institutions which have demonstrated, following the BAC Report, that they have the capacity and determination to seek continuous improvement. There remain institutions, even following this round of accreditation, which give the impression of being more interested in market share than in academic or professional reputation.

And, despite the mergers which have taken place since 2008, there are still too many small institutions. Where these are niche providers (especially in the higher professional areas) there may be merit in remaining relatively small and specialist. Where they simply replicate the programmes of larger, better resourced, institutions it is difficult to see the case for their separate existence. It is, therefore, recommended that the smaller accredited Colleges and Institutes give urgent consideration to the merits of joining together to strengthen their operations and reduce the risk inherent in being a small, generalist provider.

The issuance of Licences and Licence Certificates for 2009-10 by MEST remains incomplete at the time of writing. It is essential that the relevant officers complete this task as soon as possible so that a clear red line can be drawn under the 2008-09 licensing and accreditation processes and that work on the 2009-10 process may proceed without any possible ambiguity or challenge.

One key concern of the BAC Report was the responsibility for making degree awards. Grave reputational dangers faced institutions and the country alike in permitting some thirty institutions (of various sizes, experience and competence) to award 'degrees' in their own name without any form of regulation.

Because KAA was still in its infancy, the BAC Report recommended the establishment of a second agency – *the Kosovo Council for Academic Awards* – which would control all degree-level awards not offered by Universities. Given the arrangements outlined above by which KAA will produce PBHEs' Diplomas (which will carry the KAA logo and will be supported by a Diploma Supplement) on the basis that the student's registration and examination performance has been confirmed and that the degree or diploma to be awarded is properly and fully accredited, the functions proposed for the KCAA may be fully subsumed within those of KAA.

This will have the merit, as noted earlier, of giving life to that part of the Law on National Qualifications which deals with higher level qualifications. It will allow the PBHEs to award "their own" degrees and higher professional diplomas but under close control by KAA. It will be through KAA that such awards will be recognized.

However, the 2008-09 process was not able to establish and apply consistent regulations for the specification and naming of awards (so, for example, virtually identical programmes in different institutions may lead to an award of Bachelor of

Arts in the one and Bachelor of Science in the other).

It is therefore recommended that KAA give high priority during the 2009-10 session to the establishment of an agreed set of award specifications and approvable degree award titles and that these be enshrined in statutory or regulatory form.

It is further recommended that KAA's staffing be augmented by the appointment of a Registrar with expertise in the area of private higher education to maintain a student database and oversee the award of KAA-recognised Diplomas to qualified students on accredited programmes at licensed institutions.

It is also recommended that KAA's organisational and Board structures be reviewed to ensure that they are fully aligned with the responsibilities for continuing scrutiny of accreditation and quality assurance matters in both the public and private sectors.

There is a substantial agenda for the Agency to pursue in 2009-10, even without the additional responsibilities for Diploma production/recognition. As accreditation and licensing from October 2009 will have just one year's validity, there will be a need for a substantial re-accreditation exercise, based on self-evaluations which should be more self-critical than hitherto. There will also be need for an on-going monitoring programme, to ensure that accredited institutions do not drift away from the standards expected of them at the point of accreditation.

There will be a continuing programme of review of the Faculties of the University of Prishtina, together with a developing and deepening engagement with the University's Quality Assurance Office and the Senate. A priority will be to consider at what point it may be appropriate to involve suitably experienced staff from the University as members of Expert Panels reviewing Faculties other than their own.

Those institutions and programmes which have not been accredited following the 2008-09 exercise will doubtless wish to re-submit and there are likely to be new proposals for accreditation of programmes in different fields as institutions respond to Governmental, market and social priorities. The Agency will wish to reflect (constructively but self-critically) on its work during 2008-09 and will wish to engage actively with international quality assurance agencies and new Governmental agencies (such as the National Qualifications Authority), once fully operational. This will lay new responsibilities on Board members and officers alike and should be anticipated so far as possible ahead of time.

But all the signs are encouraging that clear and transparent processes of external quality assurance are now operating within Kosovo and these are being mirrored - to a greater or lesser extent - in newly accredited institutions. Much more will need to be done to embed the culture of quality assurance through self-evaluation and independent external scrutiny throughout the accredited institutions, but a significant and impressive start has been made on this new journey.