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Agência de Avaliação
e Acreditação
do Ensino Superior
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# ASSESSMENT HANDBOOK

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# 1. INTRODUCTION

In recent decades, Portuguese higher education has faced a variety of difficulties, notably the poor regulatory capacity of the State, an excess of installed capacity, the lack of an assessment system able to take measures to eliminate cases of poor quality, the lack of clarity regarding the missions of the institutions (university/polytechnic), problems concerning financing and poor international competitiveness.

At an international level, in recent years there have also been changes in the relations between higher education, the state and society: neoliberal politics and the emergence of New Public Management (NPM), blame policies which, by attacking professional autonomy, the public sector and those who work within it, opened up the path for privatisation of state activities, the defence of the idea that private management is superior and a loss of confidence in institutions.

The first higher education quality assessment system in Portugal was put in motion by the Council of Rectors of Portuguese Universities (CRUP) which led to the implementation of a model based on a system in use at the time in the Netherlands, in which those responsible for assessment are linked to the higher education institutions.

The national assessment system was established by Law 38/94, 21st November, and initially applied only to public universities. Decree-Law 205/98, 11th July, extended the system to cover all higher education, and created the National Council for Assessment of Higher Education (CNAVES) to guarantee the smooth running, cohesion and credibility of whole process of accreditation. This Decree-Law also established the general rules for the creation of the system of assessment and monitoring of higher education and the principles to be respected in the creation of bodies representing the public and private higher education institutions, both universities and polytechnics.

More recently, Law 1/2003, 6th January, introduced an "academic accreditation" system, although the relationship between this system and the accreditation awarded by some Professional Associations/Orders, to whom the State had delegated this responsibility, was not clear. This system of accreditation was, however, never implemented.

In 2005, European ministers approved the European Standards and Guidelines (ESG), which called into question the Portuguese model by determining that assessment agencies recognised in Europe should be independent, both of the government and of the institutions. What is more, the national assessment system, which was totally financed by the Ministry responsible for higher education, had not produced one single visible negative result by closing study programmes, which did not demonstrate acceptable quality.

It was in this context that in 2005 the government requested international assessments, which would form the basis of new laws aiming to reform the sector. These included evaluation of the national quality system by ENQA and evaluation of the system of Portuguese higher education by the OECD.

According to the report by ENQA, the main shortcomings of the system of assessment by CNAVES were the inability to produce results (during the whole period in which the

system was in force not one study programme was closed due to poor quality), lack of independence of the bodies coordinating the assessment with regard to those they were assessing, and the poor professionalization of the processes. Factors such as the establishment of European criteria for assessment agencies, which the system did not comply with, reduction of confidence in the institutions due to the emergence of New Public Management and the lack of social relevance of the system (the media rarely mentioned the results of assessment) contributed to the rather negative final assessment of the system which had been created by the 1994 assessment law.

The ENQA recommended the creation of a new, highly professional agency, which was independent both of institutions and the State, with effective training for the assessors and teams, which should include international experts. The results of accreditation were to be clear and the consequences for the institutions undergoing assessment to be made explicit. The system was to put an end to accreditation by Professional Orders, who would nonetheless be consulted regarding the establishment of standards for accreditation. The introduction of institutional auditing, the possibility of making use of institutional accreditation to regulate the quality of the institutions themselves, an appeals system and the creation of an appeals body would be the characteristics of the new agency.

For its part, taking into account the low average educational level of the Portuguese population, the OECD recommended a rationalization of the network of higher education institutions with possible conversion or fusion of some institutions, but not their closure, arguing the need for a future expansion of the system to bring it in line with the rest of Europe. This was perhaps one of the proposals least anticipated by a public expecting drastic measures to correct the flaws in the system and the poor quality of some educational provision. There is only one reference to the need to assure the quality of the educational offer in the private sector and the proposal for a clear separation between the university and polytechnic systems, making vocational training the responsibility of polytechnics rather than universities and giving polytechnics the monopoly on study programmes offering technological education.

The OECD criticised the poor level of efficiency of the Portuguese higher education system: the poor pedagogical efficiency associated with high drop-out and failure rates, the duplication of offer by a large number of institutions running the same study programmes, some with a very low number of students, lack of cooperation among institutions, poor mobility within the system and what they considered to be the very generous student/teacher ratios.

However, the OECD admitted that improved efficiency alone would not guarantee the survival of the system: its expansion would require more financing, which the OECD hoped would come from private contributions: the effort to obtain contributions of a philanthropic nature (considered by us to be over-optimistic) and an increase (far more feasible) in contributions from students and/or their families. The reason given for the increase in the latter source of revenue is based on the benefits for the individual resulting from higher education, and a proposal was made for a system of income contingent loans for students.

Other measures pointed to the need to implement a new accreditation system (which was forwarded to ENQA), the increase of employability of graduates from study programmes on offer, and closer links to the labour market, increased participation of society in governance of institutions and increased internationalisation of the system.

As a result of these reports, the government produced abundant legislation, namely measures concerning quality assurance systems (Law 38/2007 and Decree-Law 369/2007), on degrees and diplomas and adaptation to the Bologna Process (Decree-Law 74/2006, amended by Decree-Law 107/2008), the legal regime of higher education institutions - RJIES (Law 62/2007) and teaching careers (Decree-Law 205/2009 and Decree-Law 207/2009).

In this Assessment Handbook, our main concern will obviously be quality assurance systems.

## 2. SOME QUESTIONS REGARDING QUALITY ASSESSMENT

### 2.1. INTRODUCTION

The foundations for State Regulation of Higher Education (Neave and Van Vaught, 1994) were established during the 150 years that preceded the French Revolution, especially during the period known as Enlightened Despotism, and the first examples of State intervention to define "useful knowledge" appeared at this time (Neave, 1997). Indeed, the State sought to define local standards of knowledge to be acquired (territorialisation of knowledge), as a necessary condition to obtain work in the governance of the kingdom, and in general, public service remained reserved for those who obtained their qualifications within the country.

For instance, in Austria, the educational reforms of Maria Theresa and her son, Joseph II (Gruber, 1982) came as a response to the needs of a highly centralised State, which was in the process of being consolidated:

> *The three guiding principles of educational reform were uniformity, universality and utility... a stable, universal and uniform system of education should safeguard in all subjects a uniform frame of mind (civic virtues and true national spirit), and the education system should be placed under the firm control of the state* (Gruber 1982: 260).

The advent of what became known as the "Modern University" occurred with von Humboldt's reforms in Prussia and the creation of the French Imperial University by Napoleon (Neave, 1997), and it is intimately connected to the appearance of the Nation-State. According to Neave and van Vught (1994), in the pre-industrial period, the main driver for modernisation and stability was the creation of a professional bureaucracy, associated to the university as its pool of employees; the great university reforms of the 19th century, which mark the advent of the modern university, were associated to the idea of the university as an agent of national reconstruction, together with the reform of recruitment for the State workforce.

In operational terms, the rationalisation for State Regulation arises from the principle of legal homogeneity, that is, from the need for some similarity in the product (graduates) of different higher education institutions, as a way to ensure equality of opportunities for all individuals, and equality in competing for State jobs; in other words:

> *Against traditional local employment markets, legal homogeneity created one that was not merely national, but also modern. The university as an emanation of the modernizing state, acted as a species of supranational entity.* (Neave and Van Vught, 1994: 270)

It is interesting to note that, in the Model of State Regulation, the changes in the system are not the result of actions from industry and, even less, those of the private sector of the work market, but of demands for more specialised or technical knowledge within the State services, to accompany the development of the technical functions assumed by the

central government. These reforms, infrequent as they were, were negotiated between the academic oligarchy and the state administration.

This situation has changed in recent decades due to the inability of this model to generate within the institutions the capacity for self-reform and to create diverse and flexible solutions needed for rapid adaptation to a world in constant transformation - a possibility which was virtually excluded by the principle of legal homogeneity. In most developed countries, there was an evolution in the Model of State Regulation towards a model of institutional autonomy and self-regulation (State Supervision).

A very interesting discussion on autonomy can be found in the book *Government and Higher Education Across Three Continents: The Winds of Change*, edited by Guy Neave and Frans van Vught. According to these authors, *"the history of the university and with it the emergence of varying models of "autonomy" can be presented as part of that secular and enduring struggle between the claim of the university to belong to a Republic of Letters, to be part of the universe of learning and the insistence of governments that if it serve learning, it also serve the Prince or, at least, that it not overly undermine his rule" (Neave and van Vught 1994: 266)*.

During recent decades, State Regulation models have been confronted with growing difficulty in adapting rapidly enough to the changes imposed by the new dominant activity sector, the market sector. The motivation for the development of education went from being political and administrative modernisation, driven by the administrative public sector, to being one driven by the development of the private sector of trade, of industry and of services, paid for by the individual consumers and not by the community, at the same time as the public sector ceased to be the main employer of graduates from higher education.

The awareness that the principle of legal homogeneity, adapted to the demands of administrative modernisation, was an obstacle to the search for diversified and constantly adapting solutions, which were necessary for innovation and for generation of new knowledge in an industrial economy, led to the progressive abandonment of the model in favour of conceding autonomy to the institutions, and of the establishment of the principles of self-regulation. In sum, in favour of the model of Supervision by the State.

As a result of this, the government's strategy changed to one based on the principles of autonomy and self-regulation. It is essential to mention a typical example of this - the HOAK policy paper (Higher Education: Autonomy and Quality) by the Dutch Government. There is, also, the "Saint-Ann Plan" in Belgium, the "University Reform Law" in Spain and the "Autonomy Law" (Law 108/88) for Portugal. The same type of reforms also took place in Finland and Sweden and, even in France, which is traditionally so centralised, the "Groupe d'Étude pour la Renovation de l'Université Française" proposed extending autonomy (Amaral, 1994).

In other words, as governments realised that attempts to control every detail of the system were counter-productive, they drafted autonomy laws which, to a greater or lesser degree, transferred to the institutions the minutiae of applying the educational policies, as well as their everyday management. Indeed, the government only remained in control of

some of the variables of the system which were considered important, such as cost per student, number of students admitted, failure rates, number of graduates leaving the institutions and gave the institutions envelope budgets. Self-regulation became the responsibility of the institutions, providing they functioned within the parameters accepted by the government.

Ben Jongbloed (2004) used a metaphor of traffic to clarify the difference between a system of centralised command and regulation (State Regulation Model), similar to that of traffic lights, to coordinate the higher education systems, and the adoption of market based politics, similar to that of roundabouts. According to Jongbloed the behaviour of drivers is conditioned too rigidly by traffic lights (they may be stopped even if there is no traffic), in the same way that State regulation conditions the functioning of institutions.
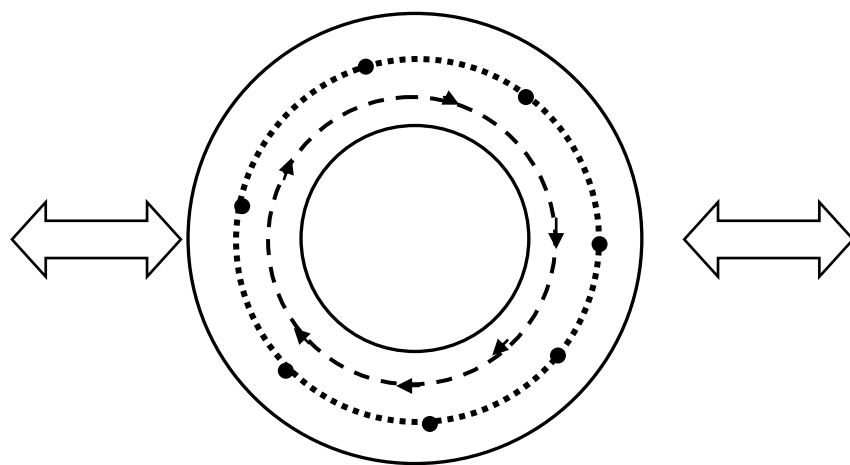


With roundabouts, however, drivers have more freedom to move (increase of autonomy) than when traffic is controlled by traffic lights. In this case, drivers must coordinate their movements by adapting to each other (self-regulation) to avoid accidents, but the traffic runs more smoothly.

Through the natural evolution of this process a new figure emerged, that of assessment, which arose from the need for universities to be accountable to society, which insistently demanded proof of good management of the increasing amounts of money being spent by higher education at a time where other sectors, such as health and social security, were also showing signs of breakdown due to permanently growing needs for funding. Guy Neave (1988) aptly referred to this new attitude by the government as "The Rise of The Evaluative State".

Apart from autonomy there were other factors, which contributed to the appearance of assessment systems; some were the result of a greater connection between Universities and Companies, and concepts such as quality control and TQM (Total Quality Management) from the business world were imported into the public sector.

To some extent, governments were also suffering from a bad conscience since in most industrialised countries the massification of higher education systems brought funding

difficulties and to contain these expenses the cost per student was progressively reduced. It was necessary to show that this reduction in cost per unit was due to increased efficiency of the institutions, with the maintenance of the same quality. In other words, assessment was instituted to demonstrate that the system was still functioning with acceptable quality parameters.

## 2.2. LOSS OF CONFIDENCE

Any discussion on higher education management must be framed within the wider context of New Public Management and related concepts, such "managerialism" and the reinvention of government (Osborne and Gaebler, 1992), which have dominated public sector reform in the last few decades. As Denhardt and Denhardt (2000: 1) mention, "*the New Public Management has championed a vision of public managers as the entrepreneurs of a new, leaner, and increasingly privatised government, emulating not only the practices, but also the values of business*".

Under NPM the public become clients of the government and the administration must aim to provide satisfactory services to its clients. In higher education the students are also now referred to as customers or clients and, in most higher education systems, the mechanisms of quality assurance and accountability measures have been implemented to assure that the education supplied matches the clients' needs and expectations.

One of the consequences of NPM was a strong attack on professions, including the academic profession. Reed (2002) argues:

> *By imposing market competition through political dictate and administrative fiat, the ideology of 'new managerialism' attempted to destroy, or at least weaken, the regulatory structures that had protected unaccountable professional elites and their monopolistic labour market and work practices across the full range of public sector service provision throughout the 1980's and 1990's. (Reed, 2002: 166).*

Traditional university governance also became a target for fierce criticism, and the ancient academic tradition of collegial governance is seen today as inefficient and corporative, making many governments succumb to the temptation to improve, top-down, university governance. Management models were imported from the world of corporations in an attempt to replace the slow and inefficient decision-making processes within academic collegiality by the "*fast, adventurous, carefree, gung-ho, open-plan, computerised, individualism of choice, autonomous enterprises and sudden opportunity*" (Ball, 1998: 124). The increased presence of external *stakeholders* in university governance aims to promote their capacity to respond to the "outside world" (Magalhães and Amaral, 2000), while at the same time Directors with strong management CVs are nominated to replace the elected academics to take the rudder of the university ship.

The values and attitudes of entrepreneurship are imposed on academics while permanent posts are eliminated, on the grounds that they inhibit a business spirit (Torres and Schugurensky, 2002). The development of academic capitalism (Slaughter and Leslie,

1999) and the introduction of marketplace competition mechanisms force teachers, departments and faculties into a growing involvement *"in competitive behaviour similar to the one prevailing in the marketplace for funding, grants, contracts, and student selection and funding"* (Torres and Schugurensky, 2002: 446).

The Academy no longer enjoys sufficient prestige to make a claim for political autonomy (Scott, 1989). Academics are no longer seen as disinterested professionals, totally dedicated to the production of new knowledge, but rather as suppliers of services to clients - the students - and as such no longer deserve the unlimited trust of society. In a way, they were transformed from professionals into service providers, for students, for employers, for society. Academic capitalism (Slaughter and Leslie, 1999) also made academics more similar to other workers - less like university professionals and more like company professionals whose discoveries are considered paid-for work, company property and not the professional's. This transformation of academics from professionals into mere employees, led to them being seen as *"expected to respond to penalties and incentives devised by the funding agency, required like any other employee of the state to account for themselves and their behaviour to a bureaucracy"* (Trow, 1996).

The emergence of NPM and the attacks on the efficiency of public services, including higher education, resulted in a loss of trust in institutions and professionals and in the gradual proletarianisation of the academic profession - an erosion of its relative advantages regarding status and class (Halsey, 1992). For Martin Trow (1996) any institution is connected to its environment by means of a combination of accountability, market and trust. Accountability consists of the obligation to report to others, to explain, to justify and to answer questions about the way the resources were used and for what purposes (Martin Trow, 1996); the connection of higher education with society is visible when a college or university is financed in exchange for the immediate supply of goods and services; trust is visible in the support, given by public or private entities, without the institutions being required either to supply goods and services in exchange, or to provide a detailed account of the use of funds received. Autonomy laws or envelope budgets are examples of trust. For Martin Trow (1996) accountability is an alternative to trust, and the efforts to increase the latter generally imply parallel efforts to weaken trust; and Trow adds that accountability and cynicism regarding human behaviour go hand in hand.

It is true that the loss of confidence was not only the result of public policies resulting from NPM. The massification of higher education systems was followed by a great increase in student and teacher heterogeneity and by the emergence of new types of institution, which were very different from elite universities. All this led to a decrease in confidence in higher education systems, in its institutions and its professionals and opened up the way for quality assessment mechanisms (Trow, 1996).

In Europe, the impact of loss of confidence in institutions had visible effects on quality systems. In countries where higher education institutions were responsible for the national assessment system (Holland, Flanders and Portugal) the governments have already replaced

them with accreditation agencies which are independent of the institutions, because they considered that the former system did not produce the necessary effects. In Flanders:

> *In the second half of the 1990s, criticisms started to be heard about VLIR quality assurance system. Some politicians, employers and journalists questioned the vagueness of the evaluation reports and the lack of a clear overall conclusion. (Van Damme, 2004: 144).*

and, in Portugal:

> *… final reports … very seldom offer clear bases for drastic decisions ... the Minister has publicly complained on several occasions that the conclusions of the reports of quality assessment agencies were quite obscure... (Amaral and Rosa, 2004: 415-416).*

Therefore, in many countries there was a tendency to replace quality assessment systems by accreditation systems, where the component of quality enhancement tends to be toned down due to a greater emphasis on regulation and on monitoring compliance with centrally defined standards. In the USA, Judith Eaton, Chair of the Council for Higher Education Accreditation, draws attention to the fact that "*The government [federal] has been taking action that could result in its assuming unprecedented direct control over standards of quality and the academic offerings of higher education"* (2007: 16). Also in the European Union, the definition of quality assurance standards was promoted in the European Higher Education Area, where the "European Quality Assurance Register for Higher Education" has recently been created, listing all assessment and accreditation agencies, recognised by the European Union.

## 2.3. THE MARKETS AS INSTRUMENTS OF PUBLIC REGULATION

In recent decades, led by the English-speaking world, there has been a profound change in the way the State relates to the public sector, as a consequence of the emergence of neoliberal politics, which turned New Public Management and the markets into instruments of public policies (*Dill* et al. 2004). The governments faced the utilization of the markets as a way to establish competition between public services in order to reform their traditional sclerotic behaviour and increase their efficiency (Ball, 1998). Even the Bologna declaration can be seen as "*transforming what were once state monopolies over academic degrees into competitive international markets*" (Dill *et al.,* 2004: 330).

According to David Dill, (...) "*a market is a means of organising the exchange of goods and services based upon price, rather than upon other considerations such as tradition or political choice*" (1997: 168). However, the efficient regulation by the market presents problems, which are difficult to solve since, according to Leslie and Johnson (1994), a market will have to be perfectly competitive to have optimal efficiency for society.

The question of information is particularly important for the good functioning of markets. In order for a market to be perfectly competitive, that is, for it to have optimal efficiency, it is fundamental that both suppliers and buyers have perfect information on

some characteristics of the goods and services they are buying, such as price, quality and market conditions. Unfortunately, in most cases, that relevant information either does not exist (imperfect information) or the producer has better knowledge than the buyer (asymmetric information) – an example of the latter would be the purchase of used cars.

The problem of information is particularly acute in the case of higher education due to the simultaneous convergence of three characteristics: it is an "experience good", it is a rare purchase and the costs of change of product are very high. Higher education is considered an experience good because the student only realises the real quality of the teaching when he/she starts to attend classes; it is a rare purchase because the attainment of more than one degree in a lifetime of work is not common; and the costs of changing study programme or institution, after attending them for some time, are generally quite high.

The confluence of these three characteristics is a strong justification for State intervention in regulation, in order to protect students and their families. Consequently, governments have established mechanisms for quality assessment and accreditation, both as a means of consumer protection and as a means of providing information to higher education "clients", to allow them to make choices within the higher education market. The dissemination of the results of assessment of study programmes and/or institutions by governments aims to provide students and families with the necessary information to enable them to make economically rational choices. A typical example of this type of behaviour was given by Brazil with the implementation of the "Provão". We are thus faced with a change in the traditional aims of assessment mechanisms in terms of quality enhancement and/or accountability, in order to promote market regulation mechanisms.

### 2.3.1 The quasi-markets

Governments have, in many cases, created "quasi-markets" in order to promote competition between public institutions, with the purpose of promoting the efficiency of their services and a prompter response to the needs of society (Ball, 1998). According to Cave and Kogan (1990: 183), a quasi-market exists when goods and services are not purchased directly by the final consumer, but rather by an agency (usually a public agency) that purchases these goods and services in order to supply them to the final consumers.

In the new neoliberal system, the State ceases to be a provider of social services, becoming a buyer in a competitive market. According to Luís António Cunha (1999), this neoliberal system, with the exception of functions that are necessarily the State's responsibility – legislative, judicial, fiscal and security –, all other functions must be attributed to social organisations (non-governmental public organisations) which will perform them alone or in partnerships with the private sector. For example, in the UK, Margaret Thatcher's government transformed regional health authorities from health service providers into service buyers, in a competitive market where public, private or public/private partnership hospitals compete. Le Grand and Bartlett (1993) also consider that in a quasi-market the State becomes a purchaser of services from suppliers who compete in an internal market.

The use of quasi-markets is justified by the fact that the public agency, which purchases on behalf of end users, not only has more and better information than the individual customer but also has a greater power to negotiate larger purchases with the suppliers. So it is that agency which negotiates, for instance, the prices of several surgical interventions, instead of the individual client.

In the case of higher education it is considered that the justification for the use for quasi-markets is strengthened by the fact that the students are viewed as "immature clients" (Dill, 1997). Dill believes that, in general, students do not have enough information about the quality of the institutions and their study programmes to make informed choices (1997: 180). According to Dill, to make an economically rational choice, students should know what the prospective future earnings (salary) associated to the various alternative study programmes are and not just the results of *"peer review evaluation of teaching processes, nor subjective judgements of the quality of a curriculum" (ibid).* However, Dill argues that even if this information existed, not many students would use it, which undermines the principle of rational economic choice. This is what Dill calls the problem of the immature client. Vossensteyn and de Jong have clarified this question:

> *Because (potential) students are uncertain about the actual contents of the study, getting a degree and finding a proper job after graduation, the decision to attend higher education and to select a particular programme is surrounded by a lot of uncertainty… these psychological phenomena form a 'filter' or a mental framework through which students judge financial incentives in relation to their study choices. (Vossensteyn and de Jong, 2005: 226)*

### 2.3.2. The principal-agent relationship

Government agencies which purchase on behalf of end users are faced with the so called principal and agent dilemma: *"how the principal [government] can best motivate the agent [university] to perform as the principal would prefer, taking into account the difficulties in monitoring the agent's activities"* (Sappington, 1991: 45 quoted in Dill and Soo, 2004: 58). The difficulty in monitoring has a lot to do with information asymmetry problems, in other words, the agent knows what he is doing much better than the principal, which explains many of the problems that the "neoliberal" State faces when delegating production of goods and services. According to Kassim and Menon:

> *In place of the neoclassical theories of perfect competition, where information is freely available, and of the firm, centred on the actions of a hypothetical entrepreneur, the new economics proceeded on the assumption that information is imperfect, and used the concept of transactions costs to capture the efforts expended by market actors, previously assumed to be costless. (Moe, 1984: 740, citado por Kassim and Menon, 2002: 1)*

Also according to Kassim and Menon:

> *Agency relationships are created when one party, the principal, enters into a contractual agreement with a second party, the agent, and delegates to the*

*latter responsibility for carrying out a function or set of tasks on the principal's behalf. In the classic representation, the principal is the shareholder of a company that contracts an executive to manage the business on a day-to-day basis… the principal can be any individual or organisation that delegates responsibility to another in order to economise on transactions costs, pursue goals that would otherwise be too costly, or secure expertise. (Kassim and Menon, 2002: 3)*

The principal and agent dilemma creates interesting public regulation problems and has led the State to use a set of control mechanisms, among which are the systems of quality assessment, now as compliance mechanisms, the use of a huge range of performance indicators and the use of performance-based contracts for funding.

According to this neoliberal position the State must reduce its activity as a service provider and reduce its intervention, in favour of market regulation, in the hope that the competition between service-providing institutions, public and private, will translate into more efficiency and more attention paid to the needs and requests of the clients (Amaral and Magalhães, 2007). However, in order for institutions to be able to compete within a market they must have a minimum of autonomy (Jongbloed, 2004; Teixeira, Rosa and Amaral, 2004) to manage their everyday life and to take the necessary decisions in order to rapidly adapt to a competitive environment. However, when in competition within a market the institutions that enjoy autonomy may pursue strategies aimed at "institutional wellbeing", which might not coincide with the "public good" or even with government objectives, which leads the government to intervene in order to force institutions to act in such a way that they fulfil the government's objectives. This is, in essence, the neoliberal contradiction: on the one hand the virtues of the market and of non-interference are promoted but the State is ultimately forced to strongly intervene so that its goals are met. It is also another way to face up to the principal and agent dilemma.

Bill Massy, who developed the economic theory of non-profit organisations, argues that there is a danger in *"the way institutions answer to markets and look for internal efficiencies, if left without control, it is very unlikely to serve the public good"* (Massy, 2004), and that this danger increases considerably when there is too much competition or a decrease in public funding. What Massy demonstrates with the economic theory of non-profit organisations is that when there is a decrease in the capacity of the institutions to spend funds on non-profit activities related to their stated mission, these non-profit institutions then behave as profit institutions, ignoring the public good which is inherent to their mission and to the obligations that come with their status of publicly-funded institutions. This leads the State to intervene by adjusting the market rules to ensure the fulfilment of their political goals.

### 2.3.3. The Evaluative State

Neave (1988:7) believes that the emergence of the "Evaluative State" happened in the late 1980s, with the rise of institutional autonomy and the growing importance given by the public to assessment. Several factors contributed to this change, including the massification of higher education (Trow, 1996); the growing role of the private sector as the main

employer of university graduates; the increasing use of market regulation as an instrument of public policy; the emergence of the "new theology" of government (Neave, 1988:7) celebrated by Margaret Thatcher as the 3 Es of public management – economy, efficiency and effectiveness (Sizer, 1990).

The massification of education systems and their diversification (as opposed to the days of legal homogeneity) made them too complex to be centrally, and efficiently, regulated in the traditional way, based on approval of laws, dispatches and regulations by the Ministry. Legal homogeneity ceased to make sense when most of the employment university graduates obtained was no longer public, and as the introduction of market mechanisms is incompatible with detailed and centralised regulation – institutions need some autonomy in order to react to market challenges. For Neave, the emergence of the Evaluative State comes as an "alternative to regulation by bureaucratic fiat" (1988: 11), in which there is a search for more flexible regulation mechanisms, adapted to a private, volatile and rapidly changing work market. For Neave, the new regulation mechanisms seek to "accelerate what we might call "administrative" time" (1998: 273), which does not imply a loss of control by the State:

> *… it involves the state withdrawing from the murky plain of overwhelming detail, the better to take refuge in the clear and commanding heights of effective strategic 'profiling'. (Neave 1988: 12)*

The emergence of the evaluative State – the other aspect of conceding institutional autonomy – is, therefore, associated with a new form of control, which is more suitable for complex systems. Institutions were provided with the means to respond more quickly to a changing environment, and the evaluative State maintained the right to monitor the behaviour of institutions through an "*a posteriori*" assessment that replaces the "*a priori*" authorisation method that became ineffective.

The dice were thus cast for the use of assessment systems as regulation instruments, as instruments of compliance. In some countries and systems this transformation was not immediately visible. For instance (Amaral, 2007), in France and in Sweden universities were considered a public service where institutions, at least in the official rhetoric, did not compete in a market. In both countries evaluation met the need to improve the quality of higher education without any attempt to promote the replacement of the State by the market as regulator of the education system (Neave, 2004: 275). In Portugal, the Netherlands and Flanders, the trust that existed between the institutions and the government made it possible for the responsibility for the national evaluation system to be given to the institutions themselves, changing the focus of evaluation to quality enhancement, instead of accountability. However, as mentioned before, these situations have changed considerably, associated with a loss of confidence in public institutions, as a result of the emergence of the New Public Management.

## 2.4 SOME QUESTIONS CONCERNING EVALUATION

Thus, systems of quality assessment were born of the conjugation of several factors. But after all, what is quality? According to Vroeijenstijn (1995) "*...it's a waste of time to try and find a definition*", since the notion of quality depends on the observer; a researcher will associate the notion of quality to a study programme with high standard of academic exigency and with a research component, while a student will look at pedagogical aspects and at future employment prospects, and a future employer will look for the ability to perform a function in the company with little concern for the candidate's training as a researcher, and the government will probably tell you that quality is teaching as many students as possible at the lowest possible cost, as long as it is compatible with the quality accepted by the labour market.

On the other hand, assessment may have diverse and not always compatible objectives. For instance, assessment can be used to improve the quality of a degree (how does it work? what are its weak and strong points? what needs to be changed?); it can be used to assess an institution (we will analyse an institution with regard to its multiple aspects of teaching, research, services and management to see what needs to be transformed); it can be used by an institution to show society it has quality, that its products are good (which might be necessary in a competitive environment); it can be used by the Ministry to allocate resources (when it is necessary to cut budgets the institutions are assessed, and the better ones benefit in relation to the others), etc.

The aims are therefore very varied and goals can sometimes conflict. But the criteria used in assessment can also be different; in general, there are three criteria that can be used in isolation or in several combinations (Amaral, 1995):

a) the degree of compliance (Ball, 1985) with pre-set goals, based on the definition of the institution's mission and monitoring to what degree this is being fulfilled;

b) the degree of compliance with external requirements, for instance those defined by a professional association;

c) performance evaluation, i.e. comparing the mode of functioning in relation to normative situations.

The first criterion is essentially internal, after verifying if its mission is compatible with higher education and the evaluation of a study programme or institution consists of analysing the extent to which these intentions are fulfilled. According to Vroeijenstijn (1995: 16), this criterion distinguishes between level, standards and quality:

*In striving for quality we will say: "We will do what we promise to do". McDonald's, for example, will strive for quality, and when we take a fast food dinner we will probably get quality. However, this is not the same level of quality, as we will get when we have dinner in a restaurant with one or two stars in the Guide de Michelin. So we cannot assess the quality of McDonald's against the same criteria as those with which we assess a star restaurant. Every*

*level of quality has its price. The only common feature is that we may ask, "Will we get what we expect?"*

In the same sense, the mission of a regional institution may be, for example, to prepare technicians for local industries, while the mission of another institution may be the advanced training of researchers; an assessment will have to take into account the different statements of objectives of the programmes or institutions. The application of this criterion is not without criticism; for example, Elaine El-Khawas (1993) states that, when taken to the extreme, one can even consider that a school of thieves has quality if it meets its goals of teaching how to steal efficiently.

The second criterion is essentially external and assessment consists of verifying the level of compliance with externally set standards; for instance, will the Medicine degree meet the standards set by the Medical Association, by giving graduates the knowledge and set of skills and attitudes that will enable them to exercise the medical profession?

The last criterion is used when the government want to classify programmes or institutions (as happens, for instance, in England). The performance of a study programme (or of an institution) is compared, factor by factor, with the performance of other study programmes (or institutions). This has nothing to do with the enhancement of quality and can lead to what is called the anti-Robin Hood effect (Westling, 1990) or even the St. Matthew effect (Neave, 1997): *"For unto every one that hath shall be given, and he shall have abundance: but from him that hath not shall be taken away even that which he hath"*, since the rewards will be given to the rich and successful, at the expense of the poor and humble.

When an assessment system is set up, it is absolutely essential for the assessment mechanisms to adapt to the goals; serious problems have been caused to some education systems, namely in South America, due to the fact that the system was not thought out properly (Van Vught, 1985; Kells, 1989, 1990; El-Khawas, 1983).

But let us look at three examples: if the main purpose is to improve quality, self-assessment is essential. In other words, it is essential that the institution knows itself, practices self-critique and that it tries to discover its weak points and difficulties, but attention is not given to government standards nor is there any public classification with comparison between institutions; on the other hand, if the goal is to demonstrate the quality of the institution to society, then external assessment is essential to ensure the credibility of the exercise, and internal assessment is not sufficient. However, if the purpose of the assessment is to allow the government to make budget cuts, then the use of government standards is important, and it is obvious that the publication of the results and public classification will aid the government to justify its decisions.

It is important to clarify some concepts that are often used in relation to quality, using the definitions by David Dill et al (1996):

- **Accreditation** – *The accreditation process determines whether an institution or a program meets threshold quality criteria and therefore certifies to the public the existence of minimum educational standards.*

  *Accreditation is criterion-referenced: that is, it compares observed performance against preset standards usually determined by the accrediting agency... and generally involves a combination of performance indicators, self-study, and peer review.*

  *The final result of accreditation – whether the institution meets threshold quality standards – is always published: such publication is necessary for accreditation to perform its certification function. However, details may be withheld to avoid adversarial relationships and, thus, to protect data acquisition and enhance accreditation's improvement agenda. (Dill et al., 1996: 21)*

Accreditation has been widely used in the United States – the first American Accreditation Agency dates from the late nineteenth century – at institutional as well as at programme level. In the former communist countries of Eastern Europe accreditation systems were also implemented as a way to control private higher education, which had developed in an explosive and uncontrolled way, creating huge problems due to the appearance of institutions of very dubious quality. Accreditation has also been used in some countries by professional associations (for instance engineering, medicine or law associations) to certify the ability to exercise the profession. However, a change has recently been seen away from assessment systems and towards accreditation systems, possibly as a result of the lack of confidence in institutions (Schwarz and Westerheijden, 2004).

- **Assessment** – *the assessment process evaluates the quality of specific activities – such as educational or research quality – within academic units. Assessment goes beyond accreditation to make graded judgments about academic quality levels rather than binary judgments relative to threshold standards.*

  *Assessments generally are directed at the subject or program level, evaluating their delivered performance and [in general] uses a combination of performance indicators, self-study, and external peer review.*

  *Assessment defines quality relative to an institution's mission, not according to some universal standard of academic excellence to which only elite institutions can aspire.*

  *Assessment results generally are public and often are published in a way that permits comparison of institutions. (Dill et al., 1996: 21)*

National systems of quality assessment were, until recently, very popular in European countries. The UK, France and the Netherlands, followed by Denmark, were the first

European countries to develop these systems, which were subsequently imitated by other countries such as Finland, Sweden and Portugal.

- *Academic Audit – academic audit is an externally driven peer review of international quality-assurance, assessment and improvement systems. Unlike assessment, audit does not evaluate quality: it focuses on the processes that are believed to produce quality and the methods by which academics assume themselves that quality has been attained. And, unlike accreditation, it does not determine whether an institution or a programme meets threshold quality criteria and therefore does not certify to the public the existence of minimum educational standards.*

  *Audits do not address academic standards, or determine the quality of teaching and learning outcomes, but evaluate how an institution satisfies itself that its chosen standards are being achieved.*

  *Audit reports, similar to financial audits, are always made public (Dill et al., 1996: 22).*

The quality system developed by the European University Association (formerly CRE) is a good example of an audit system. In 1993, following two major conferences on quality and evaluation, the Standing Committee of the Association of European Universities (CRE) decided to offer its partner universities the possibility of being audited. The goal of the CRE was to offer audited institutions an assessment of their strengths and weaknesses in the field of quality management, by means of an external diagnosis carried out by experienced university leaders from various European higher education systems. This diagnosis was supposed to explain problems relating to quality, and identify the main actors in everyday decision-making processes. It was supposed to be an instrument to help academic leaders face change (Sursock and Amaral, 2007). The CRE did not intend to give each university a formula for its development; on the contrary, the audit process is a consultation process, or, in Martin Trow's terminology (1994), it is an external supportive review.

In most European higher education quality assessment systems two fundamental, and perhaps contradictory, objectives are combined:

- Quality improvement
- Accountability

but the interest of higher education institution lies mainly in the first objective, while the government will, in principle, be more focused on the second.

The main problem consists of optimising at the same time the quality enhancement and accountability functions, taking into account the fact that optimisation of one of these functions may result in a decrease of the effectiveness of the other function. It is curious to note that studies on this subject show significant evidence that assessment systems fulfil the quality enhancement function reasonably well, but are considered unsatisfactory from the point of view of accountability.

In Portugal, for instance, the initial evaluation system (CNAVES) was, like that of the Netherlands, carried out by entities associated with the higher education institutions themselves. Thus, it was not surprising that the quality enhancement objective took precedence over accountability and the latter was almost reduced to simply publishing the assessment reports. It is, however, essential that the assessment reports produce an effect, that they contribute to effective measures in quality enhancement, in short, that there is an effective "follow-up" process.

The question of follow-up has been debated in many European countries (Scheele et al. 1998), and it is true that it is usually an unresolved problem that, in most cases, was left to the sole discretion of the higher education institutions, in accordance with full acceptance of the self-regulation principles, and the number of countries where there existed external monitoring of follow-up was low.

According to Westerheijden and Maassen, "the term follow-up suggests that external evaluations result in recommendations, which have to be implemented. Implemented, that is, by the higher education institutions to attain improvement of quality, and/or implemented by governments (or other agencies) to affect higher education policy" (Westerheijden and Maassen, 1998: 34). The authors recognise, however, that universities are complex institutions where experts predominate (the so called professional bureaucracies, according to Mintzberg (1979)), so that, as a rule, they will not have such a linear response, and will not fully or directly implement the recommendations made.

From the point of view of public interest the government will have to ensure, either alone or in collaboration with the higher education institutions, at least three conditions:

1) They must assure the public that they can trust the information resulting from the assessment processes and also the validity and accuracy of the decisions by the experts or external teams – which implies a system of meta-evaluation.
2) They must assure the public that the assessments produce effects and that the institutions take the assessment results seriously – which implies a follow-up system.
3) They must ensure that the assessment results are effectively made known to the general public, particularly to students and candidates for higher education institutions.

Nowadays, there is reasonable consensus regarding the characteristics of a quality assessment system. We will, however, point out three of these characteristics, which we believe to be fundamental:

- Independence;
- Transparency;
- Effectiveness.

## 2.4.1. The independence of assessment

The credibility of the assessment system is closely linked to its independence, both in relation to the State and to higher education institutions. This principle is an integral part of

the European Standards and Guidelines (ESG). It is essential, in particular, that the nature and composition of the expert teams, responsible for the external assessment, guarantee their independence in relation to those being assessed, as, without this, it would be difficult to convince public opinion and the various stakeholders in higher education (including, naturally, the State) of the fairness of the decisions made by the experts or by the external teams.

For this reason it is not sensible or acceptable for experts related to the institutions being assessed to participate in the assessment teams, in particular when it comes to using institutional leaders as experts. On the other hand, it is advisable to internationalise the assessment, which will act as a trust factor in relation to our European partners, while at the same time contributing to the independence of the process.

### 2.4.2. The transparency of assessment

Ensuring transparency in the assessment processes is critical to ensure its credibility with the public opinion and in order for it to become a useful instrument for the stakeholders of the system, in particular for students who seek information in order to choose the study programme best suited to their professional future. Clarity in the reports, early definition of the evaluation criteria, elimination of conflicts of interest and effective public disclosure of results are crucial ingredients for assessment.

### 2.4.2.1. Self-assessment

The key document for the assessment process is the self-assessment report, prepared by the entity (university, department, study programme, etc.) to be assessed, which must correspond to a critical analysis of the situation and be the result of ample internal debate, involving all the actors of the educational process (teachers, students,...)

The preparation of the document should be a moment of collective critical analysis; it is not at all acceptable that the self-assessment report should correspond to the work of an individual or of a small committee, ignored by, or not discussed with, the actors of the study programme/department. Thus, the report should be formally approved by the relevant collegiate bodies, and it is advisable for them to receive training before the preparation of the self-assessment reports, in order to avoid some of the more frequent mistakes which could compromise the success of the process. A decisive intervention in this matter is crucial, both from the entities responsible for the assessment system and those in positions of authority within the institutions.

In fact, the problem is neither new nor unknown in other countries. Even in the U.S., where this kind of methodology has a long tradition, this issue is subject to much discussion (Amaral, 1998). For instance, Elaine El-Khawas (1993) speaks of the poor quality of reports presented by institutions in accreditation processes: "... *self-studies are not very analytical; they describe, but they do little to evaluate, compare or judge a programme*". And Kells (1988) considers self-studies as "... *burdensome, descriptive, mechanical efforts, largely unrelated both to the real problems and to the major successes and opportunities of the institution or programme in question*". Other authors also refer to this problem, speaking,

for instance, of the need for self-assessment reports not to be mere exercises in public relations (Vroeijenstijn, 1995), or of "window-dressing" (Kalkwijk, 1998). The latter author also mentions that it is necessary to ensure that the self-assessment reports are complete and that they respect the demands for critical self-assessment and honesty.

This is an important issue, which should be appropriately dealt with before the start of each cycle of assessment, and it is also recommended that the entities responsible for the assessment system and the institutions prepare these new actions appropriately.

### 2.4.2.2. The external assessment reports

Another critical aspect of the assessment system is the subject of the quality and balance of external reports. The Portuguese system has also faced some problems regarding this issue but it should be noted that this is not a problem found only in Portugal. According to Kalkwijk, "eliciting an optimal response strongly depends on the quality of the evaluation report. Experience in the Netherlands has shown that the quality of the reports is very unequal and sometimes even unsatisfactory. I draw this conclusion from the meta-evaluations carried out by the Inspectorate of Higher Education" (1998: 26)

This shows that there must be more care in the selection and training of experts, in the production of more detailed guidelines, namely in the instructions given to the experts on the way they should act, and better definition of the contents and format of external assessment reports. Equally important is the definition of evaluation criteria, which must be known and made public before the start of the expert teams' visits. Also relevant is the existence of correspondence between the structure of the self-assessment and the external assessment guidelines.

### 2.4.2.3. Conflicts of interest

The elimination of conflicts of interest is essential to ensure the transparency of the process. In the case of the U.S. institutional accreditation system this matter is clearly regulated in order to prevent experts from having, now or in the future, (for a stipulated period of time) contractual or paid relations with the assessed institutions.

### 2.4.3 The effectiveness of the assessment system

After the assessment process is completed it is expected to have consequences (for the study programme, the faculty, the university...). In Portugal the initial assessment system aimed, primarily, at enhancing the quality of education and did not include any direct punitive components. As the ultimate goal is the improvement of quality, self-assessment was the most important element of the process and, in order for the self-assessment report to be drafted in a free and critical way, it was important that there was no immediate and direct penalty, in order to avoid the tendency to transform this report into a public relations document. On the other hand, an immediate penalty, for example in the form of a budget reduction, could be the most direct way to prevent the improvement of institutions with shortcomings, which would not be in the public's best interest.

To avoid creating an over-complex system it is proposed in the current system that the self-assessment report should contain a SWOT analysis and a set of improvement proposals that must be meticulously analysed and commented on by the External Assessment Team (EAT). If it sees fit, the External Assessment Team may draft conditional recommendations and establish an accreditation period, inferior to the maximum, by awarding conditional accreditation for X number of years, thus allowing assessment of the degree of compliance with the recommendations in that period. The EAT must however ponder if the recommendations should lead to conditional accreditation, or if the recommendations allow verification of compliance to be deferred to a new accreditation cycle.

## 2.5. CONCLUSION

There has been a major change in the way universities and the State relate, as a result of a set of factors which include the massification of higher education systems, the emergence of neoliberal policies, the implementation of new public management policies and the increasing use of markets as public policy instruments.

For institutions to be able to compete within a market they must be allowed some autonomy. Nothing guarantees, however, that autonomous institutions competing in a market will follow strategies that promote the public good, or which are compatible with government policy goals. This creates what we call the fatal contradiction of neoliberalism: on one hand there is defence of the primacy of the market and the reduction of State intervention, on the other hand the State is forced to intervene to correct the behaviour of the autonomous institutions competing according to market rules.

This is why governments have been introducing a growing number of mechanisms to ensure that institutions behave the way governments want them to behave, and the methods applied depend on the level of sophistication of the government. According to Richardson and Fielden (1997), governments increasingly use more sophisticated control systems which include planning mechanisms, buffer bodies, funding mechanisms, sets of performance indicators and academic quality measurements. Therefore, the quality assessment systems can be viewed as a compliance mechanism. In other words, improving quality and providing accountability, traditionally accepted as quality assessment goals, are being replaced by the aim of providing information to the clients of a market and by the aim of ensuring that institutions, despite their autonomy and competition in a market, do not deviate from the goal of pursuing the public good and convergence with government policies.

Conversely, new public management promoted increasing demand for methods to measure academic work, aiming at the "*achievement of continuous internal and external monitoring and accountability or professional academic and the resources it consumes*" (Reed, 2002, p. 176). In other words, the pressure exercised on institutions by new public management policies was reflected in the loss of individual autonomy or academic freedom, in exchange for a much proclaimed increase in institutional autonomy. However, governments try to ensure that the new institutional autonomy is not going to create problems in the relations between the principal (State) and its agents (Higher Education

Institutions). According to Mahony (1994) the new autonomy is, therefore, a paradox: it is the freedom to do what the government wants. And accountability, in the form of quality assessment, is the Trojan horse of New Public Management within the academy.

To conclude, we would like to refer to a recent OECD study that unequivocally shows concern regarding the aforementioned contradiction regarding neo-liberal policies. The OECD implemented a project entitled "*Thematic Assessment of Tertiary Education*", in which a comparative analysis was made of the teaching systems in 24 countries, most of which were European, but also including, for example, Australia, China, South Korea, Japan, Chile, Mexico and New Zealand. The results of this project were presented at a conference held in Lisbon on the 3rd and 4th of April, 2008. Some of the final recommendations made by the OECD (2008) provide interesting reading:

1. Establish secure instruments to steer (manage) tertiary education.

2. Reinforce the capacity of the institutions to align themselves with other national tertiary teaching institutions.

3. Develop a funding strategy that enables the tertiary education system to make its contribution to society and to the economy.

4. Design a structure that guarantees quality and which is consistent with the strategic goals of tertiary education.

5. Give institutions ample autonomy over the management of human resources.

6. Balance academic freedom with the contributions of the institutions to society.

7. Increase the ability of institutions to respond to demand.

In the words of Mirlena Chauí (1999), in this way we will see the transformation of the university as a social institution that is inseparable from the ideas of education, reflection, creation and criticism, into a social organisation or managed entity that is a mere service provider: "(…) *governed by management contracts, assessed by productivity indices, calculated to be flexible (flexible work contracts, eliminating contracts of exclusivity with the institutions, separation between teaching and research*…)", which is based on strategies and organisational efficiency programmes, and therefore on the particularity and instability of the means and the goals. Defined and structured by regulations and standards entirely outside the scope of knowledge and intellectual training… "*it has reached the stage of being a true social organisation*"!

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# 3. THE PORTUGUESE ASSESSMENT AND ACCREDITATION SYSTEM

## 3.1. STRUCTURE OF THE AGENCY AND GOVERNING BODIES

Established by the State through Decree-Law 369/2007, 5th November, the A3ES agency (Agency for the Assessment and Accreditation of Higher Education) is a private-law foundation established for an indeterminate length of time, as a legal entity, which is recognised as being a public benefit organisation. It is independent in the exercise of its competences notwithstanding the guiding principles legally established by the state.

The mission of A3ES is to assure the quality of higher education in Portugal through assessment and accreditation of higher education institutions and their study programmes, and also to perform functions inherent to Portugal's inclusion in the European Quality Assurance System for Higher Education.

The primary aim of the Agency is to assure enhanced performance of higher education institutions and their study programmes, and assure the fulfilment of basic requirements for their official recognition. The aims of the Agency are pursued through assessment and accreditation of institutions of higher education and their study programmes, thus promoting an internal culture of quality assurance within institutions. The aims of the Agency are therefore the following:

- To put into effect the assessment criteria in order to translate the results into enhanced quality;
- To define how the consequences of assessment undertaken will affect the functioning of both the institutions and their study programmes;
- To promote the quality assessment of the performance of institutions of higher education and their study programmes;
- To promote accreditation of study programmes and institutions, guaranteeing respect for the legal requirements for such accreditation;
- To promote the public divulgation of evidence-based information on the quality of the performance of institutions of higher education;
- To promote the internationalisation of the assessment process.

The functions of the A3ES in the fulfilment of its mission are:

- To define and assure the quality standards of the system;
- To assess and accredit study programmes and higher education institutions;
- To make public the results of assessment and accreditation;
- To promote the internationalisation of the Portuguese higher education system.

Other functions of the Agency are:

- Advising the government on the subject of quality assurance in higher education;
- The undertaking of studies and giving expert opinions, both at the request of the government and on the initiative of the Agency;
- Participating in the European system of quality assurance in higher education;

- Coordinating assessment and accreditation activities in Portugal with international assessment bodies and mechanisms.

The organisational structure and composition of the Agency's bodies are as follows:
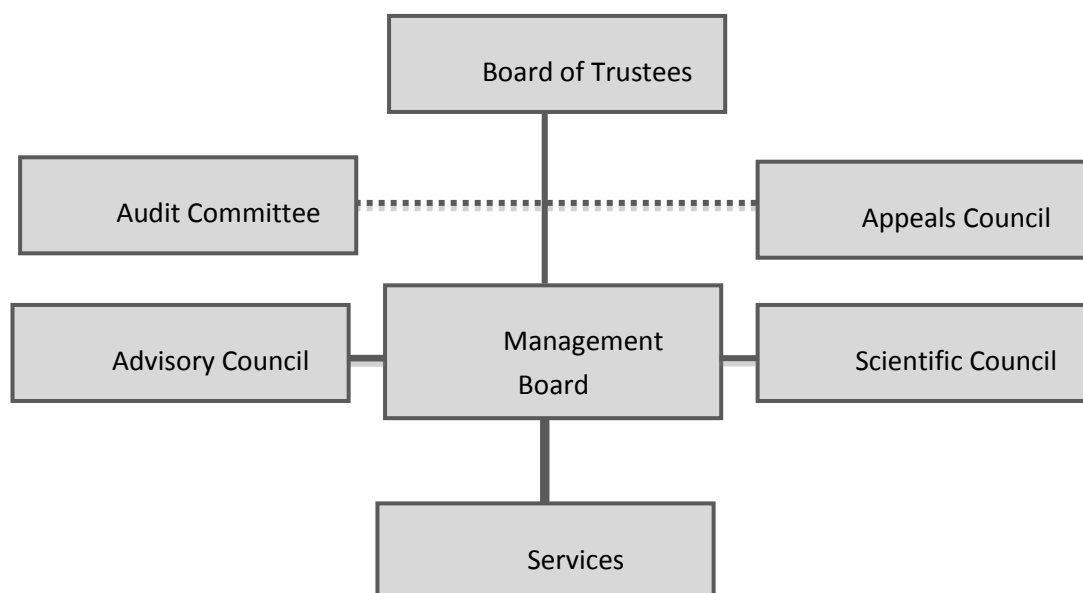


Figure 1 – Organisational Chart of the Agency

### 3.1.1. Board of Trustees

The Board of Trustees is made up of five members, nominated by the Council of Ministers, following proposal by the Minister responsible for the area of higher education, from among persons of recognised merit and experience. Their mandate is for five years, which is not renewable, but which in exceptional cases may be extended for a further year. The competences of the Board of Trustees are, among others:

- To nominate members of the Management Board and the Appeals Council;
- To make a general assessment of the performance of the Management Board and to give their opinions and make general recommendations on their management orientation;
- To give their opinion on the current activities plan and the budget of the Agency;
- To give their opinion on the Agency's management and accounts reports.

The Board of Trustees is composed of the following members:

- Professor Dr. Joaquim Gomes Canotilho – President;
- Professor Dr. João Lobo Antunes;
- Professor Dr. Alfredo Jorge Silva;
- Professor Dr. Irene Fonseca;
- Professor Dr. António Almeida Costa.

### 3.1.2. Management Board

The Management Board is composed of a maximum of seven members nominated by the Board of Trustees, from among persons of recognised academic and professional merit whose experience is relevant to the functions of the Agency. The number of executive members must not exceed four and the number of non-executive members three. Their mandate is for four years, which is renewable.

All acts deemed necessary for the fulfilment of the aims of the Agency are the responsibility of the Management Board, with the exception of those that the Statutes of the Agency attribute to other organs. The Board has wide-ranging powers of representation and management. In order to assure the quality of higher education, it is the responsibility of the Management Board:

- To initiate any assessment and accreditation procedures;
- To take the final decision concerning the above mentioned procedures, whether they were instigated by the agency or by the interested institutions;
- To approve reports resulting from all assessment and accreditation processes;
- To potentially adopt results of assessment or accreditation undertaken by other national or foreign quality assurance organisms;
- To approve norms within the framework of the higher education quality assurance system, subject to the terms of reference contained within the legal assessment regime.

The members of the Management Board are as follows:

- Professor Dr. Alberto M.S.C. Amaral – President;
- Professor Dr. Jacinto Jorge Carvalhal – Executive member;
- Professor Eng.º João Duarte Silva – Executive member;
- Professor Dr. Sérgio Machado dos Santos – Executive member;
- Dr. Paulo Santiago – Non-executive member.

### 3.1.3. Audit Committee

The Audit Committee is made up of three members nominated by order of the member of government responsible for the area of finance, one of the members necessarily being a certified auditor. The competences of the Audit Committee are the customary competences for this type of organ:

- Control the legality and regularity of the Agency's management actions;
- Control the financial and asset management, through supervision and monitoring of the Agency's accounting tools.

In accordance with the respective Dispatch from the Ministry of Finance and Public Administration nº 22714/2009, published in the *Diário da República* (Official Government Journal) 2nd Series, 15th October, 2009-, the Audit Committee is composed as follows:

- Dr. Vítor Manuel Batista de Almeida, representing SROC Vítor Almeida &

Associates, President;

- Dr. Ernesto Mendes Batista Ribeiro, ordinary member;
- Drª. Mafalda Eugénia de Araújo da Costa Ferreira, ordinary member.

**3.1.4. Advisory Council**

The Advisory Council is a body, which provides guidance in the area of quality assurance in higher education, and support with regard to the decisions of the Management Board. It is the responsibility of the Advisory Council to provide expert opinions on the Agency's annual activity plan and on the main lines of action and strategic orientation. The following table indicates the composition of the Advisory Council:

| Institution | Representative(s) |
| --- | --- |
| President of Advisory Council – Order of Economists | Adriano Lopes Gomes Pimpão |
| Council of Rectors of Portuguese Universities | António Manuel da Cruz Serra |
| | João Pinto Guerreiro |
| Portuguese Polytechnics Coordinating Council | Rui Alberto Martins Teixeira |
| | Rui Jorge da Silva Antunes |
| Portuguese Association of Private Higher Education Institutions | Miguel Faria |
| | António Ferrão Filipe |
| Order of Technical Engineers– ANET | Hélder Jorge Pinheiro Pita |
| Chamber of Forwarding Agents | Mário António Matos Oliveira |
| Chamber of Certified Accountants | Ezequiel António Nunes Fernandes |
| Confederation of Portuguese Industry | Daniel Marinho Soares de Oliveira |
| Confederation of Portuguese Commerce and Services | Vérter Augusto da Silva Gomes |
| Confederation of Portuguese Farmers | Luís Correia Mira |

| | |
|---|---|
| General Confederation of Portuguese Workers | João Avelino Passos da Cunha Serra |
| Confederation of Associated Laboratories | Alexandre Quintanilha |
| Order of Nurses | Manuel Alberto Morais Brás |
| Order of Engineers | José Manuel Pereira Vieira |
| Order of Pharmacists | Carlos Maurício Barbosa |
| Order of Medical Doctors | José Manuel Silva |
| Order of Medical Dentists | Ricardo M. Casaleiro Lobo de Faria e Almeida |
| Order of Veterinary Surgeons | Laurentina Pedroso |
| General Union of Workers | João António Gomes Proença |
| Student Representative of Polytechnic Education | Filipe Alexandre Gaspar |
| Student Representative of University Education | Hélder Manuel Oliveira de Castro |
| Order of Attorneys | António Pereira de Almeida |
| Order of Architects | Vitor Manuel de Matos Carvalho Araújo |
| Order of Biologists | Gabriel António Amaro Monteiro |
| Order of Psychologists | Telmo Baptista |
| Order of Notaries | Maria José Andrade Coutinho |
| Order of Nutritionists | Alexandra Gabriela de Almeida Bento Pinto |

### 3.1.5. Appeals Council

The Appeals Council is the body that deals with appeals against the decisions of the Management Board regarding assessment and accreditation. The Appeals Council is composed of five members with relevant professional experience with no permanent tie to Portuguese higher education institutions. The Council must include members with

experience of foreign counterpart institutions, nominated by the Board of Trustees. The Appeals Council is made up of the following members:

- Supreme Administrative Court Judge Manuel Fernando dos Santos Serra (President);
- Professor João Alcindo Pereira Martins e Silva;
- Professor Dionísio Afonso Gonçalves;
- Dr. Andrée Sursock;
- Dr. Padraig Walsh.

### 3.1.6. Scientific Council

In order to respond to the focus of the government on internationalisation, it was decided to create a Scientific Council composed of experts with recognised international competence, who at the end of each year will promote discussion on the annual progress and will present a report including critical comments and suggestions to improve procedures. The composition of the Council is as follows:

- David Dill, Emeritus Professor of Public Policy, University of North Carolina, Chapel Hill, U.S. ;
- Don Westerheijden, Senior Researcher, CHEPS, Holland;
- Bjorn Stensaker, Professor at the Faculty of Educational Sciences, University of Oslo, and Research Professor at the Norwegian Institute of Educational Research and Higher Education, NIFU-STEP;
- Mary Henkel, Associate Professor, Brunel University, UK; Visiting Professor, King's College, London and Visiting Professorial Fellow, Institute of Education, University of London;
- Guy Neave, Scientific Director of CIPES, ex-professor of Comparative Education, Institute of Education, University of London, Emeritus Professor of CHEPS, Holland and Foreign Associate, U.S. National Academy of Education;
- José Ginés-Mora, Visiting Professor Centre for Higher Education Studies, Institute of Education, University of London and ex coordinator Program of Accreditation for National Agency for Assessment and Accreditation of Spain (ANECA).

### 3.2. THE OPERATIONAL STRATEGY OF THE AGENCY

The Agency for Assessment and Accreditation of Higher Education (A3ES) came into being in January, 2009. In order to respect legal requirements, it adopted a strategy based on the following essential points:

a) Computerization of the whole process;
b) Implementation of a system of prior-accreditation of all proposals for new study programmes to begin in 2010/2011;

c) Implementation of a system of preliminary accreditation to respect legal requirements to have all study programmes in operation at the time the Agency began operations accredited by the end of the academic year 2010/2011;

d) Develop a system of accreditation running smoothly as from 2011, and to begin to implement it experimentally in October, 2010;

e) To discuss with the institutions the standards and procedures regarding accreditation;

f) To foster the implementation of internal quality assurance systems;

g) To internationalise the Agency.

## 3.2.1. Computerization

The Agency decided to computerize and put on the Internet all the procedures pertaining to assessment and accreditation, determining that all operations and formalities were to be conducted through the electronic platform available on the Agency's Internet site. Thus, proposals for new study programmes, self-assessment and external reports, documents pertaining to accreditation, the guidelines and documents defining the standards required for accreditation are all dealt with electronically. According to foreign experts who periodically evaluate the Agency, Portugal was the first country to adopt this type of electronic procedure for assessment of higher education. The Agency wishes to thank the *Fundação para o Cálculo Científico Nacional* for all the support received, and also for hosting the Agency 's Internet platform, providing the necessary technical support to keep it running efficiently, even at times when the high number of simultaneous users and the amount of information in transit could reduce its efficiency.

## 3.2.2. Prior Accreditation

According to the relevant legislation – Decree-Law 74/2006, 24th March, amended by Decree-Law 107/2008, 25th June – the prior accreditation of all new study programmes, which institutions propose to run is the responsibility of the Agency. This prior accreditation is only based on analysis, by an external assessment team (EAT), of the reports presented by the institutions.  Visits from EAT only occur in exceptional circumstances (e.g. medical study programmes or those associated to the creation of a new institution).

The results of prior accreditation for the first three years the Agency was in operation are indicated in the table below.

| Prior accreditation of new study programmes | | |
|---|---|---|
| New study programmes submitted for accreditation | 1.049 | 100% |
| Study programmes accredited | 664 | 63,3% |
| Study programmes not accredited | 385 | 36,7% |

### 3.2.3. Preliminary accreditation

According to article 83 of Decree-Law 74/2006, 24th March, amended by Decree-Law 107/2008, 25th June, study programmes already in operation at the time the Agency began its operations had to undergo accreditation procedures by the end of academic year 2010/2011. As there were 5.262 study programmes operating at that time, it was not feasible to use the traditional system of assessment/accreditation within the deadline stipulated. It was therefore decided to introduce a preliminary form of accreditation, which made it possible to eliminate the cases of failure to respect the minimum standards, after which a more traditional assessment/accreditation system will be implemented.

Accreditation based on the minimum (acceptable) standards of quality was therefore put in motion (as would be expected in a traditional accreditation system), following a triage, which made it possible to concentrate efforts on a more detailed analysis of study programmes and scientific areas in which there was no clear evidence that these minimum standards were being respected. Basically, institutions were asked to reorganise the study programmes offered, indicating the study programmes in operation (registered with the Higher Education Directorate) which they hoped to maintain in the future. They were asked to demonstrate that sufficient resources were available for the minimum legal requirements to be respected. Thus, within the scope of their autonomy, each institution was given responsibility to make the first decision concerning the match between their educational provision and the available resources, and the development strategy of the institution.

When the period for submission of data was over, it was realised that institutions submitted a lower number of study programmes than those registered with the General Directorate of Higher Education. Subsequent analysis revealed that there had been a reduction of 883 study programmes, which demonstrated a considerable effort on the part of institutions to reorganise their educational offer.

***Variation between the number of study programmes proposed for accreditation and the number of study programmes registered with the DGES***

|  | 1st cycle | Integ. Masters | 2nd cycle | 3rd cycle | Total |
|---|---|---|---|---|---|
| *Public Un.* | -52 | -4 | -274 | -110 | -440 |
| *Private Un.* | -92 | 1 2 | -153 | -16 | -249 |
| *Total Univ.* | -144 | 8 | -427 | -126 | -689 |
| *Public Polit.* | -109 | - | -49 | - | -158 |
| *Private Polit.* | -25 | - | -11 | - | -36 |
| *Total Polit.* | - |  | - |  | - 194 |
| *Total* | -144 | 8 | -427 | 126 | - 883 |

A second outcome of this exercise was the creation of an up-to-date database of the whole system of higher education, which was used to analyse the system and to justify decisions on preliminary accreditation. A third outcome was the comparison between the study programmes submitted for accreditation and the list of study programmes registered with the General Directorate of Higher Education and to eliminate discrepancies and errors.

The data base was used to produce a set of performance indicators, which facilitated the triage, and it became clear that of the 4.379 study programmes submitted there were 3.623 which should receive preliminary accreditation and 776 which apparently did not fulfil the minimum standards for accreditation. These results were discussed individually with each institution and as a consequence a further 335 study programmes in operation were voluntarily closed by the institutions and 421 underwent the assessment/accreditation process through a visit to the institution by a team of experts. This resulted in the accreditation of 307 study programmes and in the non-accreditation of 114. The table below shows these results.

### *Study programmes in operation submitted for accreditation by A3ES*

| | | 1st cycle | Integrated Masters | 2nd cycle | 3rd cycle | Total |
|---|---|---|---|---|---|---|
| **Initial list of study programmes** | Total | 1 669 | 138 | 2 004 | 568 | 4 379 |
| **Discontinued study programmes** | Uni. | 76 | 1 | 146 | 36 | 259 |
| | Poly. | 38 | - | 38 | - | 76 |
| | Total | 114 | 1 | 184 | 36 | 335 |
| **Study programmes for accreditation** | Uni. | 125 | 8 | 90 | 59 | 282 |
| | Poly. | 85 | - | 54 | - | 139 |
| | Total | 210 | 8 | 144 | 59 | 421* |
| **Study programmes with preliminary accreditation** | Total | 1 345 | 129 | 1 676 | 473 | 3 623 |

*Of these, 307 were accredited and 114 were not.*

The accreditation process of the 421 study programmes mentioned also resulted in some minor alterations (and improvements) to the guidelines for self-assessment and for assessment for the regular cycle of accreditation (with a view to improving them).

### 3.2.4. The normal cycle of accreditation

As foreseen, between 2012 and 2016 the first cycle of regular assessments of all study programmes with preliminary accreditation is being undertaken, according to the distribution in the following table. This will be done by area of training in order to include all the study programmes belonging to a particular area of training in one visit to each

institution, which will make it possible to reduce the costs of the operation and will also give the EAT teams a global vision of the situation of each area or department.

***Annual Distribution of Normal Accreditation of*** *Study programmes**

| Year | 1st cycle | Integrated Masters | 2nd cycle | 3rd cycle | Total |
|------|-----------|--------------------|-----------|-----------|-------|
| 2012 | 260 | 10 | 229 | 34 | 533 |
| 2013 | 267 | 26 | 278 | 94 | 665 |
| 2014 | 216 | 34 | 383 | 134 | 767 |
| 2015 | 360 | 6 | 364 | 71 | 801 |
| 2016 | 179 | 50 | 272 | 117 | 618 |
| Total | 1 282 | 126 | 1 526 | 450 | 3 384 |

\* Data refers to 31st January, 2013.

It is interesting to note that in the course of this planning, which included a phase of verification by institutions, some of the 3.623 study programmes, which had obtained preliminary accreditation were discontinued, and on 31st January, 2013, only 3.384 remained. The conclusion drawn from this is that the institutions have been reorganising their educational provision in order to correct the excesses resulting from the phase of adaptation to the Bologna Process, which in Portugal happened in a very short period of time, obliging the institutions to present proposals which were not very well thought out. Apart from this, the effects of the economic crisis must be taken into account as it has led to a reduction in demand for higher education, namely at post-graduate level. The following table summarises the main results of the accreditation process and, as can be seen, the vast majority of the study programmes cancelled were the decision of the institutions and not non-accreditation by the Agency. This shows that the strategy adopted by the Agency was the correct one – to discuss the results of its analysis of the situation of the study programme with each institution.

***Summary of the Accreditation of Study Programmes***

| Study programmes in February, 2013 | | |
|---------------------------------------------------------|--------|-------|
| **Study programmes in operation that were accredited** | **3 691** | **70,1%** |
| Study programmes with preliminary accreditation | 3 384 | 64,3% |
| Study programmes accredited after visit from EAT | 307 | 5,8% |
| **Study programmes in operation that were cancelled** | **1 571** | **29,9%** |
| Cancelled by institutions themselves | 1457 | 27,7% |
| Cancelled after visit from EAC | 114 | 2,2% |

### 3.2.5. Internal quality assurance systems

As has often been emphasised in its operational plans, the Agency upholds the principle that the ultimate responsibility for the quality of its teaching lies, above all, with the institutions themselves, who should therefore create suitable internal structures and procedures to promote and assure this quality. It is the responsibility of the Agency to carry out audits with a view to certification of the institutions' internal quality assurance procedures.

Following widespread public discussion, the Agency adopted a set of reference points for internal quality assurance systems, formulated as non-prescriptive proposals, which describe the main characteristics of a properly developed and consolidated system of quality assurance. These reference points essentially aim to provide guidelines to aid institutions in the design and development of the internal quality assurance systems, preferably based on the structures and procedures they already have at their disposal and according to the profile and requirements of each institution.

Based on this, the structure of a model of audits for internal quality assurance systems was developed with a view to their certification and the Agency developed and adopted a Manual for the Audit Process, Guidelines for Self Assessment and Guidelines for Audit Report Writing, which can be found on the Agency's Internet page.

Towards the end of 2011 higher education institutions were invited to express their interest in participating in a first experimental exercise of the application of the audit model, to be undertaken in 2012. Fourteen such expressions of interest were received, from which five were selected, as they were the only ones that had a formally approved quality manual or comparable document, which had been in effective use for at least one year.

In February, 2012, the five participating institutions took part in a Workshop in preparation for the audit process. Internal Seminars also took place in four of the institutions, at their request, in order to motivate the academic communities regarding issues related to quality and more specifically with regard to the auditing process. The period for submitting the self-assessment report was between 1$^{st}$ March and 31$^{st}$ May.

The audits, which involved visits to each of the institutions, took place between July and November of 2012, and the preliminary reports were available from the beginning of December. This experimental exercise was completed in January, 2013, including a critical appreciation report on how the process had gone and the corresponding adoption of adjustment measures, namely based on feedback from a meeting of the External Assessment Team and other information obtained, through surveys, from participating institutions and the Team's members.

### 3.2.6. Student participation in accreditation

In 2010, the Agency promoted discussion of the Report *Participation of Students in the Assessment of Portuguese Institutions of Higher Education: a contribution for its definition*, which was also analysed by the Advisory Council. As a result of this discussion, in 2010 the Agency decided to experiment including students in the External Assessment Team based on

the voluntary participation of institutions. In 2011 the Agency launched a call for recruitment of students for the external assessment teams. From among the candidates, students were chosen who had training in the area of the study programmes being assessed/accredited in 2012 and 2013. The students were given training (two training sessions took place, one in Porto and one in Lisbon). These students became part of the external assessment teams, which began their work in May 2012.

The results of this experimental exercise were assessed through a survey addressed to the leadership of the higher education institutions, EAT coordinators, Project Coordinators and students involved in the exercise. The conclusions of the report on this assessment validate the process, revealing approval from the various groups taking part, and in particular from the institutions. It was therefore decided that the process of integrating students in the EAT should not only continue but should be progressively broadened to a larger number of assessment visits.

In the meantime, in 2012, the Agency launched a new call for recruitment of students with a view to renewing the group of students and taking into account the new areas to be accredited in the coming years. Students are undergoing the relevant training.

## 3.3. REGULATIONS OF THE AGENCY AND RELEVANT LEGISLATION

The action of the Agency for Assessment and Accreditation of Higher Education is delimited by a set of legal diplomas, including:

a) Law 38/2007, 16th August, which defines the general principles to be adopted in the procedures of quality assurance of higher education.
b) Decree-Law 369/2007, 5th November, which created the A3ES and approved its statutes.
c) Decree-Law 74/2006, 24th March, amended by Decree-Law 107/208, 25th June, which establishes the conditions for accreditation of study programmes.
d) Law 62/2007, 10th September, which establishes the new legal regime of institutions of higher education and contains norms relating to its teaching staff.
e) Decree-Law 206/2009, 31st August, which establishes the conditions for awarding the title of specialist in polytechnic institutions.
f) Decree-Law 205/2009, 31st August, which alters the Statutes governing the Teaching Career in University Higher Education.
g) Decree-Law 2007/2009, 31st August, which alters the Statutes governing the Teaching Career in Polytechnic Higher Education.
h) Decree Law 43/2007, 22nd February and Decree-Law 220/2009, 8th September, which establishes the legal regime for professional qualifications for teaching in non-higher education.

The following regulations and decisions of the Agency's Management Board are also of relevance:

a) A3ES *Regulation 504/2009,* (initially publicised as *Regulation 1/2009*), published in the DR, 2nd series, 18th December, which approves the Regime for Assessment and

Accreditation Procedures for Higher Education Institutions and their Study Programmes.

b) A3ES *Regulation 869/2010,* published in the DR, 2nd series, 2nd December, 2010, which approves the regime governing the organisation and functioning of the Appeals Council, and also the regime governing procedures for review of decisions relating to assessment and accreditation of higher education institutions and their study programmes.

## 3.4. NORMS AND GUIDELINES FOR ASSESSMENT

All procedures for the assessment/accreditation processes, both of new study programmes and of study programmes which are already in operation, as well as of the process of certification of internal quality assurance systems, are run on the Agency's electronic platform. The guidelines for self-assessment and assessment of polytechnic and university study programmes, as well as all pertinent regulations, are available on the Agency's site.

Training is given in the use of the electronic platform to all those concerned, in particular the members of the External Assessment Teams, and permanent support is available from the Project Coordinators allocated to each individual process.

# 4. ASSESSMENT OF STUDY PROGRAMMES IN OPERATION

## 4.1. INTRODUCTION

This chapter describes the procedures for the assessment/accreditation of study programmes in operation, which include a visit by the External Assessment Team. With the appropriate modifications, these procedures are adaptable to prior accreditation of proposed new study programmes, in which the main difference is the absence of this visit. Finally, the certification procedures for internal quality assurance systems are described in a separate manual.

## 4.2. INTERNAL ASSESSMENT

### 4.2.1. Preparation of the institution for internal assessment

The internal assessment focuses on the processes deemed critical to ensure both the quality of teaching and methodologies to control/improve it, based on the assumption that institutions assess the quality of their teaching and research. One of the main purposes of the assessment process is to verify the effectiveness of assessment procedures in place in institutions.

The following results should be expected from an internal assessment process:

- They should help to establish and improve quality assurance systems.
- They should place processes for the improvement of teaching/learning on the institutional agenda.
- At an individual and Faculty/School /Department level, they should help to clarify responsibilities for the enhancement of teaching/learning.
- They should support those responsible in their efforts to develop a culture of quality within the institution.
- They should facilitate discussion and cooperation within the academic community in order to find ways to enhance performance.
- They should disseminate transversally information both on best practices and on common problematic areas.
- They should provide objective evidence (visible to the outside world) that attention is being paid to quality assurance.

### 4.2.2. Drafting of self-assessment report

It is recommended that the self-assessment process should:

- Create the opportunity to internally promote deep and fruitful reflection and debate.
- Create a stimulus for the review of processes and mechanisms which ensure and enhance quality.
- Identify areas for improvement.

In order to carry out the self-assessment processes, a Self-Assessment Committee should be appointed, responsible for:

a) Carrying out a SWOT analysis of the study programme, namely:

- Review/reflect on the mission and strategic goals of the institution;
- Analyse its strengths and weaknesses (factors intrinsic to the institution which enable or hinder the achievement of strategic goals);
- Identify opportunities and threats (external factors which can positively or negatively affect main goals).

b) Specify an improvement plan for the study programme which answers the following questions:

- How does the institution react to opportunities and threats?
- What changes are planned in order to achieve the main objectives?
- Do the improvement proposals address the weaknesses?
- Are such proposals supported by the strengths?

c) Draft the self-assessment report, which should include:

- Characterisation of the Study Programme;
- Curriculum Structure;
- Study Plan;
- Regime of functioning;
- Internships and periods of in-service training;
- Goals of the study programme;
- Internal organisation and quality mechanisms;
- Material resources and partnerships;
- Teaching and non-teaching staff;
- Students;
- Processes;
- Results (academic, employability, scientific, technological and artistic activities...);
- SWOT analysis of the study programme;
- Proposals for the improvement of:
  - ✓ Mission and Objectives;
  - ✓ Internal organisation and quality assurance mechanisms;
  - ✓ Material resources and partnerships;
  - ✓ Teaching and non-teaching staff;
  - ✓ Students;
  - ✓ Processes;
  - ✓ Results.

### 4.2.3. Participation of students in assessment

Student participation in the assessment process is relatively well defined in most assessment systems of various European countries, and it takes various forms, both at the

level of internal implementation (HEI), and at the level of external implementation (System) of assessment. The participation of students can be seen in several ways, for example:

a) As partners or key players, offering a unique perspective on the situation of higher education and its institutions, due to their particular vision and privileged knowledge of quality.

b) As stakeholders, constituting a group (social and institutional) specifically targeted and therefore interested in the quality of higher education, insofar as their participation helps to make assessment more democratic and inclusive.

c) As customers or consumers, when they reveal their interest in relevant factors, which transform education into a good investment, including quality, therefore becoming valuable sources of information about their experience as customers and the results of that experience.

The following points summarize the possible ways of involving students in the assessment process. For example, students can participate in the internal implementation of the assessment process:

- As one of the groups responsible for the development of self-assessment;
- Collaborating in the drafting of the self-assessment reports;
- Responding to pedagogical surveys;
- Participating in institutional initiatives designed to collect information (seminars, discussion sessions, etc...);
- Being consulted during meetings with panels/external assessment teams.

Students can also participate in the implementation of external assessment processes, namely:

- By participating in the definition and planning of the assessment process: by being represented in decision-making bodies of assessment agencies and in meetings held between agencies and student associations;
- Acting as external assessors (team members);
- Participating in the drafting of the external assessment report;
- Participating in follow-up actions.

### 4.2.4. Some recommendations from the Agency

Given their autonomy, HEIs must decide on ways to promote student participation in the development of self-assessment. However, based on experience acquired and taking into account experiences in other countries, A3ES recommends that HEIs clarify which procedures should be followed, in order to promote student participation (e.g. in the self-assessment report), guided by the following suggestions:

a) Students of pedagogic councils and student associations:

✓ Must be included in institutional groups responsible for the development of self-assessment, following criteria defined by the HEI;

✓ Should collaborate in drafting the self-assessment report (with a more 'consultative' or 'effective' participation);

✓ The institution must develop institutional strategies to mobilise students: mechanisms (symbolic) of recognition and reward (certificates); disseminate information and create awareness about self-assessment (discussions).

b) When responding to pedagogical surveys, it is recommended they include:

✓ Definition of institutional strategies to minimize the negative effects of often low response rate from students;

✓ Definition of alternative ways of collecting information: consultation of study programme committees (or similar bodies) by self-assessment groups; joint discussion of the self-assessment report; inclusion of specific topics in the self-assessment guidelines;

✓ Initiatives aimed at discussing, informing and creating awareness among students concerning self-assessment.

c) Student participation in meetings with the External Assessment Teams:

✓ Students with no specific function in the institution/study programme management bodies should be prepared to answer questions on the following topics:

   o Integration in the study programme /higher education institution;
   o The process of teaching/learning;
   o The functioning of the study programme;
   o Involvement in pedagogical structures;
   o Assessment goals and self-assessment report;

✓ Students with functions in the management bodies may also comment on the institution's teaching strategy.

d) Duration and timing of meetings with students: meetings should last one hour and usually be held after meetings with some of the other institutional groups – those responsible for the HEI, self-assessment committee, team responsible for the programme/department management, teachers – allowing for data comparison.

e) Groups of students selected for the EAT hearing:

✓ Students from the study programme: typically students from all academic years, who do not belong to any governing bodies or student/academic association (suggestion for separate consultation with 1st year students is not feasible);

✓ Students with different participation experiences in the management bodies and in the academic/student association (usually the first group interviewed separately, in order to guarantee freedom of expression).

f) Topics/contents of meetings with students: besides those mentioned above depending on the group of students (with or without participation in management bodies), the following topics should be approached:

- ✓ The motivation for choice of study programme;
- ✓ Social support of students;
- ✓ Expectations about future employability;
- ✓ Aspirations, with regard to the purpose of the study programme /HEI assessment;
- ✓ Policy issues related to the role of assessment and the participation of students in defining strategies for institutional enhancement and quality assurance of the study programmes.

g) Student selection:

- ✓ Student selection is the sole responsibility of the HEI, which, before the visit, must present the list of people belonging to each of the institutional groups who will be attending each meeting;
- ✓ The number of students tends to vary between a minimum of 6 and a maximum of 12, although sometimes in the case of students with participation in governing bodies, the minimum number is not respected;
- ✓ The criteria regarding representation of students is not always observed in terms of age, gender, academic years attended, present situation in terms of study programme attendance ('regular', working student) or in terms of presence on institutional bodies and in student associations.

h) Other aspects of selection, recruitment, training and 'recognition':

- ✓ There is no evidence on the ideal advance warning students selected by the HEI should be given about their future participation in the meeting with the EAT, or how early they should have access the self-assessment report in order to prepare their participation (suggestion: up to 2 weeks before the meeting);
- ✓ To date, there is no evidence that HEIs reward student participation in the meeting with EAT (e.g., through a certificate of attendance).

## 4.3. EXTERNAL ASSESSMENT

### 4.3.1. Introduction

Using as reference the legal framework for the assessment and accreditation of higher education, namely Law 38/2007, 16th August, which also includes provisions present in other pieces of legislation, namely Decree-Law 74/2006, 24th March, amended by Decree-Law 107/2008, 25th June, and Decree-Law 230/2009, 14th September, Law 62/2007, 10th September, and Decree-Law 369/2007, 5th November, the focus of **quality assessment and accreditation of Higher Education** is the performance of higher education institutions, measuring the degree of fulfilment of their mission through performance indicators related to their respective operations and consequent results.

Therefore, the main goals of quality assessment are:

- ✓ To enhance the quality of higher education institutions.
- ✓ To provide society with well documented information regarding the performance of higher education institutions.
- ✓ To develop an institutional culture of quality assurance.
- ✓ To ensure the compliance with the requirements for official recognition of higher education institutions and its study programmes.

The pursuit of the main goals of quality assessment and accreditation can be obtained through:

- ✓ **INTERNAL QUALITY ASSURANCE**, operationalised through the implementation, by higher education institutions, of policies which assure the quality of their study programmes, as well as appropriate procedures for its implementation, namely the adoption of internal quality assurance systems together with a strategy for continuous improvement.

- ✓ **SELF-ASSESSMENT** is the process developed by higher education institutions, based on the systematic collection and analysis of data concerning its operations, on consultation with teachers and other members of their staff as well as the questioning of students and graduates, with the primary purpose of promoting an internal collective reflection on the institution and its activities. The self-assessment process necessarily precedes the external assessment of the educational establishment or its study programmes and must function as an opportunity to improve the quality of its performance.

- ✓ **EXTERNAL ASSESSMENT,** the processes of which are carried out by assessment panels comprising independent experts, without any previous connection to the educational institution in question, including visits to the educational establishment and listening to representatives of their bodies, as well as external entities, including professional and other associations. Such processes are the responsibility of the Agency for Assessment and Accreditation of Higher Education (A3ES), which appoints these assessment panels (External Assessment Teams) whose activities involve the analysis of the self-assessment report, the visit to the educational establishment and collection and analysis of data and information needed for the assessment of the institution or of one of its core activities, with a view to issuing a statement on its quality.

- ✓ **ACCREDITATION** is the procedure whereby the Agency for Assessment and Accreditation of Higher Education formally verifies and recognises that certain study programmes, or a particular institution of higher education, fulfils the organisational conditions and presents the standards of quality required for this accreditation.

- ✓ **INSTITUTIONAL AUDIT** is the external assessment process which aims at verifying that the system of internal quality assurance of the institution

complies with the objectives set out, and whether it is effective and fit for purpose. The audit does not address goals or operating results as such, but evaluates the procedures used by the institution to manage and improve the quality of its teaching and other activities.

With the aim of clarifying the context in which the EXTERNAL ASSESSMENT takes place, this handbook seeks to achieve the following purposes:

- ✓ Define the steps to be followed by the External Assessment Team in order to carry out the assessment process.
- ✓ Support and facilitate the work of the External Assessment Team.
- ✓ Provide guidelines for the External Assessment Team, clarifying how these must be prepared and what should be their behaviour during the external assessment visits.
- ✓ Contribute to the homogeneity of the assessment process, in order to build and enhance criteria and parameters of a global or specific nature, inherent to various fields of scientific knowledge.

### 4.3.2. The External Assessment Team

The External Assessment Team is composed of a set of experts selected by the Agency based on experience and training held in the area of the external assessment. Each team will evaluate a study programme or a set of study programmes, in the same field of knowledge, and is supported by an employee of the Agency, who acts as the coordinator of this process.

#### 4.3.2.1. Composition of Team

Members of the External Assessment Team are selected and appointed by the Agency. This is a fully transparent and objective procedure, based on the relevance of the curriculum and suitability of the profile of those appointed to perform the functions required. The independence of the selected experts in relation to the study programmes assessed should be ensured.

The External Assessment Team consists of three to five members, one of whom must be appointed President, with at least one of members recruited internationally from among recognised experts in the relevant academic/scientific/professional field.

#### 4.3.2.2. Code of Ethics

In performing their functions and activities, members of the External Assessment Team must respect a set of rules relating to conflicts of interest, confidentiality and personal conduct. The standards of conduct for employees of the Agency constitute the Code of Ethics, included in the Quality Manual, as well as the Norms for the Appointment and Conduct of External Assessment Teams, presented as Appendix 1.

#### 4.3.2.3. Functions of the External Assessment Team

The following functions are common to all members of the External Assessment Team:

- ✓ Read and analyse the rules contained in this Assessment Handbook, the Guidelines for Assessment /Accreditation of Study Programmes in Operation, and the self-assessment reports produced by the HEI.
- ✓ Discuss the dates for the visit to the HEI/study programmes and participate in the drafting of its planning, if a visit is foreseen.
- ✓ Conduct the assessment of the study programmes, following the Guidelines for Assessment/Accreditation of Study Programmes in Operation and other relevant norms.
- ✓ In accordance with guidance from the President, conduct meetings with academic authorities, the self-assessment committee, institutional and extra-institutional members.
- ✓ Provide a general view of the study programmes being assessed, from an academic, scientific and professional point of view.
- ✓ Carry out assessments of all areas related to the study programmes assessed, which are part of the Guidelines for Assessment/ Accreditation of Study Programmes in Operation.
- ✓ Discuss the results of the external assessment, making recommendations and suggestions for improvements to be incorporated in the drafting of the Final External Assessment Report.
- ✓ Assist in the preparation and approval of the External Assessment Reports, both the oral and written versions, both provisional and final versions.

Specific tasks of the President of the External Assessment Team include:

- ✓ Representing and leading the External Assessment Team, coordinating its activities and taking responsibility for external assessment.
- ✓ Defining the External Assessment Team plan of activities and distributing tasks among its members.
- ✓ Defining dates and agenda of the visit with the HEI responsible for the study programmes with the help of the Project Coordinator.
- ✓ Conducting meetings with academic authorities, institutional actors (teachers, students, non-teaching staff) and extra-institutional partners (graduates of study programmes evaluated, employers, community representatives, etc.).
- ✓ Conducting internal discussions and debates of the External Assessment Team, in particular, on the results of the assessment.
- ✓ Coordinating the final meeting with academic authorities and orally presenting to them the interim external assessment reports.
- ✓ Coordinating the revision of the draft version of External Assessment Reports, as well as drafting their final versions.
- ✓ Validating (Final) External Assessment Reports with the responsibility of it being sent to the Agency.

All visits by the External Assessment Teams are accompanied by an Agency official who works as a Project Coordinator, whose specific responsibilities are:

- ✓ To assist the President in coordinating activities of the External Assessment Team.
- ✓ To define, under the guidance of the President, dates and agenda of the visit with the HEI responsible for the study programme.
- ✓ To provide logistical, methodological, technical and advisory support to members of the External Assessment Team.
- ✓ To report to the Agency any incidents or unforeseen events occurring during the external assessment processes as well as drafting critical reports, with a view to future improvement.

### *4.3.2.4. Preparation of the Team and stages of their activity*

Once selected, members of the External Assessment Team attend a training programme specifically designed and developed by the Agency. Besides attending this training programme, members of the External Assessment Team must individually prepare for the performance of their functions by analysing and studying documents such as this Assessment Handbook, as well as the Guidelines for Assessment/Accreditation of Study Programmes in Operation and in particular the Self-Assessment Reports relevant to the study programme being assessed.

The table on the following page shows the various stages of the activity of an External Assessment Team, from its set up until the final act of delivery of the final report to the Management Board of the Agency. In cases where a visit to the HEI is not necessary, moment 3 consists of a joint discussion of the self-assessment reports.
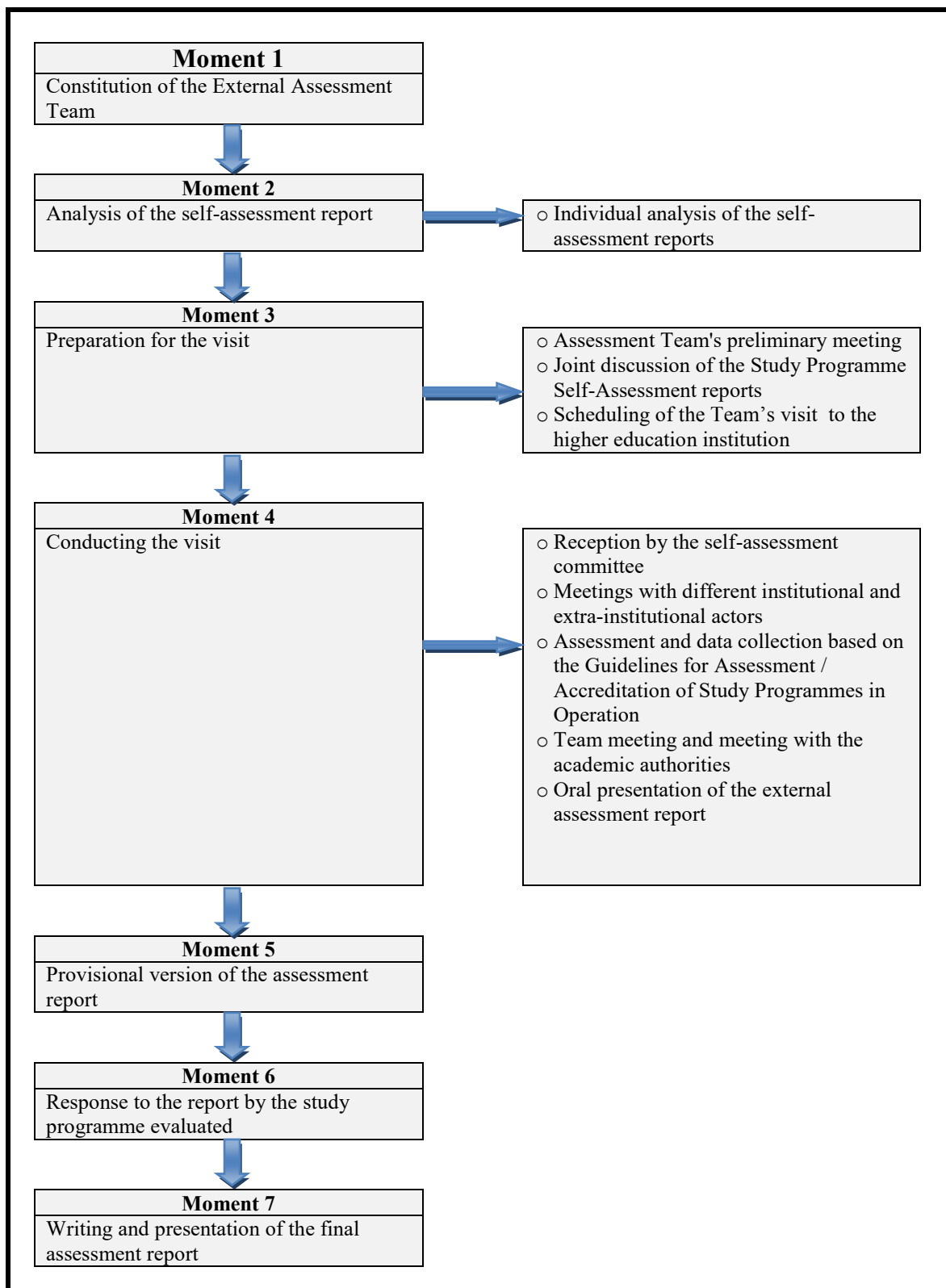
### *4.3.2.5. Preparation for Visit*

After the formation of the External Assessment Team, the Agency must notify the HEI of its composition. Through its academic leadership the HEI may comment on the composition of the External Assessment Team prior to the visit and eventually oppose the inclusion of some of its members, based on the existence of any incompatibility. In the latter case, the Agency must examine the reasons underlying this opposition and, if warranted, should replace the member(s) of the Team who have been justifiably opposed.

Once the composition of the Team is definitive, the Agency will inform its members and the Team will start its activity, with the Self-Assessment Reports being sent to each of its members. They will proceed, individually, to read and analyse the reports, as well as to the overall assessment of the self-assessment procedure. From this analysis, in accordance with the Guidelines for Assessment/Accreditation of Study Programmes in Operation, each of the members of the Team must decide on:

- ✓ The sufficiency of the information contained in the self-assessment reports.
- ✓ The need to clarify some aspects of self-assessment reports.
- ✓ The need to obtain additional information during the visit.
- ✓ The main guidelines of the meetings with different actors (institutional and extra-institutional) to take place during the visit.

**Work Organization for the External Assessment Team**

Adapted from ANECA, 2007.

| **Moment 1** |
| --- |
| Constitution of the External Assessment Team |

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| **Moment 2** |  | o Individual analysis of the self-assessment reports |
| --- | --- | --- |
| Analysis of the self-assessment report | → | |

↓

| **Moment 3** |  | o Assessment Team's preliminary meeting |
| --- | --- | --- |
| Preparation for the visit | → | o Joint discussion of the Study Programme Self-Assessment reports<br>o Scheduling of the Team's visit to the higher education institution |

↓

| **Moment 4** |  | o Reception by the self-assessment committee |
| --- | --- | --- |
| Conducting the visit | → | o Meetings with different institutional and extra-institutional actors<br>o Assessment and data collection based on the Guidelines for Assessment / Accreditation of Study Programmes in Operation<br>o Team meeting and meeting with the academic authorities<br>o Oral presentation of the external assessment report |

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| **Moment 5** |
| --- |
| Provisional version of the assessment report |

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| **Moment 6** |
| --- |
| Response to the report by the study programme evaluated |

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| **Moment 7** |
| --- |
| Writing and presentation of the final assessment report |

Immediately prior to the visit, a preparatory meeting of the Team will be held, in order to discuss the main impressions and conclusions drawn from the individual analysis of the Self-Assessment Reports. Specific goals of this meeting are also:

- ✓ To identify if further information is needed to clarify, support or supplement the evidence present in the self-assessment reports.
- ✓ To identify, albeit preliminarily, the main strengths and weaknesses of the study programme being assessed.
- ✓ To make an overall appreciation of the work of the self-assessment committee.
- ✓ To define the major activities to be undertaken during the visit, organise them (see proposed schedule below) and assign them to different members of the Team, namely based on the nature of their duties and responsibilities.

### 4.3.2.6. General Information

The visit will be organised by the Agency, namely by the Project Coordinator under the guidance of the President of the External Assessment Team. The expenses incurred by the members of the Team, including any expense incurred for travelling, food and accommodation are naturally the responsibility of the Agency.

**Emergency Situations.** It is to the responsibility of the Project Coordinator, under the guidance of the President of the External Assessment Team, to resolve any unforeseen or urgent situations. For this purpose the Agency's services can be contacted.

**Agency website**: publications and other useful resources for the External Assessment Team and the HEI are available on the Agency's website: www.a3es.pt

### 4.3.3. The Visit

The visit to the Higher Education Institution is organized as follows:

| Meetings with different interlocutors | |
|---|---|
| Interlocutors at the meeting | Contents of the meeting |
| Top leader of institution or designated representative | Presentation. Discussion of self-assessment process and the institution's strategy. |
| Team responsible for self-assessment | Discussion of self-assessment process and results thereof. |
| Team responsible for the management of the study programmes being assessed and of the relevant department. | Views on strengths and weaknesses, opportunities and threats, identified in self-assessment report. Analysis and discussion of proposals for improvement. |
| Teachers | Analysis of study programmes, aims and objectives of the study programmes, student evaluation methods, of pedagogical work of teachers and research projects with relevance to teaching. |

| Students | Note taken of students' views on their integration in study programmes/IES (1st year), the teaching/learning process, the functioning of study programmes and their involvement in the pedagogical organs; discussion of the aims of evaluation and collection of their opinions of self-assessment reports. |
|---|---|
| Non-teaching staff | Discussion on their contribution to the functioning of study programmes; co-ordination with teaching activities; the existing and necessary resources for smooth running of teaching activities. |
| Graduates | Note taken of views of graduates on their entry into the labour market; the match between competences acquired during the study programme and the demands of the market; the requirements of the labour market in the scientific area of their study programmes. |
| Employers, representatives of the local community, partners, etc. | Note taken of views on match between competences of graduates and the requirements of the labour market; the contribution of the study programme to the development of the local area/community and solution to its problems; articulation between study programme and potential employers. |

Adapted from ANECA, 2007; CNAVES, 2000; EUA, 2008.

### 4.3.3.1. Visit to Facilities

The External Assessment Team must visit the facilities and other infrastructures used in connection with the study programmes being assessed (buildings, laboratories and libraries, study rooms, etc.). It is important to investigate if these installations and other infrastructures correspond to the location legally authorised for the operation of the respective institution, and relevant information must be noted.

### 4.3.3.2. Meeting of External Assessment Team

Before the end of the visit, the Team meets to discuss their conclusions regarding the results of assessment and to organise items for inclusion in the external assessment report to be presented orally. During this meeting, the Team should come to an agreement regarding the main conclusions, based on their assessment, to be included in the external assessment report to be presented orally.

All conclusions and activities of the Team must obligatorily be based on the following:

- ✓ **On analysis of information and available data.** Findings by the Team must be based on information made available regarding study programmes undergoing

assessment (i.e. Self-Assessment reports), or which has been collected by them through meetings with different groups of interlocutors.

- ✓ **On personal observation.** This is one of the main duties of the Team and should be based on the Guidelines for Assessment/Accreditation of Study Programmes and aims to gather additional information which would otherwise be inaccessible.

- ✓ **On additional document analysis** (whenever necessary), the aim of which is to obtain supplementary data in order to facilitate the forming of opinions on the various aspects of the assessment. The Team should obtain this additional documentation whenever this is deemed necessary, with a view to complementing the existing information.

### 4.3.3.3. Final Meeting

This meeting should be held with the Academic Leader and, in the case of private institutions, with the presence of the administrative body of the Founding Entity.

In this meeting there should be discussion with the leaders of the institution of the main conclusions of assessment and the main items that make up the external assessment report to be presented orally. The aim of this meeting is to eliminate potential misunderstandings.

### 4.3.3.4. Presentation of Oral Report

After this final meeting the oral presentation of the report should be made to the academic authorities and persons invited by them to be present. The responsibility for this presentation lies with the President of the External Assessment Team. As the final decision on accreditation lies with the Management Board of the Agency, the External Assessment Team should not reveal the nature of its recommendation to the Board, and should only discuss the results of its analysis in terms of shortcomings, positive aspects, proposals for improvement, etc.

### 4.3.4. Standards and guidelines for accreditation

Due to a long period of time with no effective regulation, which made it possible the existence of study programmes on offer which did not respect the minimum legal requirements, the Portuguese system of higher education probably offers an excessive number of study programmes. There is, therefore, no reason to accredit proposals for new study programmes which do not strictly fulfil the minimum legal requirements. This means that the results of the prior accreditation process may be positive or negative, and conditional accreditations should only represent a small percentage of recommendations. Indeed, in 2009 and 2010, conditional accreditations only represented 11% of the total number. However, in 2011 this percentage rose to 21%, which would appear excessive and which was probably the result of prior accreditation and accreditation of study programmes in operation being undertaken in parallel. It is to be hoped that in forthcoming years there will be a return to initial level of exigency, with a reduction in the number of new study programmes awarded conditional accreditation.

In the case of study programmes in operation, the attitude of the Teams should be more flexible, due to the fact that there are generally students attending these study programmes: in these cases, the assessment team are asked to determine whether the study programme cannot be salvaged and should be closed, or whether it may be salvaged providing a set of recommendations are implemented within a fixed period of time. To ensure consistency regarding recommendations, the Agency has systematically awarded conditional accreditation for one year whenever recommendations include correcting the composition of teaching staff, and for three years when the measures refer to improvement of scientific research. However, the level of exigency should rise from 1$^{st}$ degree to Doctoral degree. For example, if there is no proof of high quality scientific research duly confirmed with publications, there is no justification for accrediting a doctoral programme, even if it is already in operation.

The standards for accreditation are defined in the relevant legislation, which can be found throughout a number of legal decrees, (see § 3.3) and they are also indicated in the assessment guidelines. In particular, it is imperative to define the teaching staff of the institutions and their research practice. With regard to this, the Agency has drawn up a detailed document (see Appendix 2).

### 4.3.5. Norms for the visit and decision on assessment

In the case of assessment and accreditation of study programmes already in operation, the External Assessment Team always pays a visit to the institution. The visit is always accompanied by a Project Coordinator from the Agency. This coordinator is not the secretary of the team; he/she is a highly trained professional in assessment methodologies, and a full member of the team. It is the responsibility of the President of the Team to define how the Team will carry out its mission, allocating tasks when necessary, and coordinating the activities of the Team, defining its work plan and presiding over meetings.

The first duty of the Team is to evaluate the quality of the self-assessment report, requesting additional information whenever it is considered that the information is incomplete. This phase may be the responsibility of the President. Apart from this, the Team should meet before the visit to exchange impressions on the self-assessment report and to prepare the themes to be discussed with the institution.

During the visit the Team must always bear in mind that they are dealing with colleagues and for this reason *should never cite the example of their own institution*; they should avoid inappropriate behaviour including commiseration or authoritarianism; they should avoid both excessive familiarity and imparting the idea that they are in a superior position. The assessors are at the meetings rather to listen and ask questions than to talk. They should avoid lecturing on the way in which they see the study programme or how it should be taught, but they should attempt to verify and complete the information in the self-assessment report through appropriate questions. Meetings with students must not be used to test their knowledge. If the Team wishes to assess the level of the study programme, they may ask students about reading lists used or ask for samples of tests and Masters or Doctoral theses.

The Team must carefully follow the guidelines and respect the visit plan, being careful to separate isolated criticisms coming from members of the institutions assessed from problems of a more general nature – separating the wheat from the chaff is fundamental; it is normal in many institutions for someone to appear with a personal problem (promotion, timetable, etc.) as though it were a general problem of the institution. It is advisable to ask the same set of questions to people at different levels of the institution, drawing conclusions from the consistency of the replies. For example asking the Director, teachers, and the students whether the students' opinions were heard in the definition of ECTS. Or questions concerning the criteria for selection and promotion of teachers. Or the selection criteria for new students. Or how student progress is monitored. How (or whether) the level of knowledge of the students is assessed on entrance to the institution and whether this implies compensatory measures. How they are sure that the classification level is suitable. How high student failure and drop-out rates can be explained. How the employability of the graduates from the study programme is analysed.

The Team should analyse the appropriateness of the definition of the mission of the institution, assess external and internal limitations and confirm the SWOT analysis. Other questions have to do with the existence, or not, of a strategic plan and the way it was produced (with or without the participation of students, teachers and other staff).

The Team must verify if an internal quality assurance system exists, its characteristics, and the level of efficiency of this system. They must confirm whether there is a member of staff in the institution responsible for quality. They must determine the nature of the attitude (participative or not) of the students, teachers and other members of staff. They must find out how study plans are periodically renewed and brought up to date. They must determine how the proposal for creation of new study programmes is processed.

On the last day the Team should present an oral report on its conclusions to the institution, without revealing whether the final result will be accreditation or not. The conclusions should be presented serenely and objectively, indicating the strong and weak points detected and the recommendations for improvement, avoiding either a show of superiority or an over-light treatment of the data.

### 4.3.6. The need for attention to detail and consistency

The reports must be drafted with great care. Throughout the text the rules of cordiality among colleague must be observed, and an aggressive tone must be avoided. The language of the reports must be clear and precise, and it must not be forgotten that it is a dialogue between colleagues and thus an authoritarian tone or one of commiseration should be avoided. Conclusions should be presented in a serene, objective, but strong manner with sufficient clarity to help the institutions assessed to change and improve.

In the writing of the reports it is necessary to ensure their consistency and internal coherence and to justify statements made, particularly those that are negative. For example, praise should not initially be poured on to the study programme, only to propose non-accreditation at the end of the report. Or, for example, at the beginning of the report it should not be said that the teaching staff fulfil or partially fulfil legal requirements, only to

say in the conclusions that they do not do so. Or when scientific research is considered insufficient this should be justified by the amount of scientific output indicated in the CV of the teaching staff, etc., etc.

Finally, the teams should always be sufficiently, (but not over-) demanding and ensure the equity of their decisions when assessing study programmes from various institutions.

### 4.3.7. Provisional external assessment reports

Using the notes taken at the meeting of the External Assessment Team, and also the relevant electronic form (Guidelines for External Assessment/Accreditation of Study Programmes), the Team prepares the provisional version of the Reports online. These reports should be formally approved by all the members of the Team and subsequently sent to the Agency by the President of the External Assessment Team.

The aim of the assessment in progress should be borne in mind during the different phases of the drafting of the External Assessment Reports: accreditation, according to the law, of the study programmes being assessed and consequent enhancement of the conditions of its functioning and its quality. The writing of the Reports should respect the following rules:

- ✓ Accordance with the version presented orally to those responsible for the HEI.
- ✓ Confidentiality must be respected:

  - ➢ there should be no reference to people, institutions and/or study programmes except those being directly assessed;
  - ➢ legal requirements regarding protection of personal data must be respected, and anonymity of those taking part in the assessment process must be assured.

- ✓ A clear unequivocal evidence-based conclusion must be presented on the quality of the study programme.
- ✓ Final recommendations should:

  - ➢ be based on, and in accordance with, the data and evidence collected during the process  and should refer clearly and objectively to those aspects assessed;
  - ➢ avoid any comparison with any other study programmes/HEI;
  - ➢ be clear and coherent.

- ✓ The reports should include a comment on the proposals for improvement formulated by the HEI responsible for the study programme, offering alternative or complementary proposals when such is possible and justifiable. Alternative proposals should:

  - ➢ be based on clear and objective data and, where possible, indicate ways of overcoming the problems detected, making it possible for measures for improvement  to be implemented;
  - ➢ be in accordance with the parameters of assessment;

> ➢ be oriented towards the overcoming of shortcomings and the reinforcement of positive aspects identified;
> ➢ take into consideration the specific context of the HEI/study programmes being assessed.

## 4.3.8. Final external assessment reports

### *4.3.8.1. Presentation of external assessment reports to Agency*

The provisional version of the each of the reports is written by the President of the External Assessment Team, or under his/her supervision, within the established deadline, and should be based on the views expressed in the oral report and on the notes compiled by the members of the Team, which have been discussed and approved at a meeting of the Team.

Each report is then sent to the HE Institution for their appreciation and possible statement/pronouncement within the established deadline. In view of the statement made by the institution, if it so determines, the Team may review each of the provisional reports, and it is then their responsibility to approve the final version and send it to the Agency, who will then forward it to the Institution of Higher Education.

### *4.3.8.2. Cessation of responsibility of External Assessment Team and appraisal of the assessment work*

The intervention and responsibility of the External Assessment Team terminates both in relation to the Higher Education Institution/study programmes assessed and with relation to the Agency, with the presentation to the Agency of the Final External Assessment Report. It is the responsibility of the Management Board of the Agency to proffer the final decision on accreditation of the HEI/study programmes in question, and in accordance with the law, this decision may, or may not, follow the recommendations in the report.

At a later date, each member of the Team is informed about the conclusion of the process and about any actions undertaken by the Agency regarding the results of assessment/accreditation. Any questions or doubts, which may appear in this context, as well as any requests from the media, should be referred to the Agency.

After cessation of responsibility, the members of the External Assessment Team are requested to make a critical appreciation of the work undertaken, through a questionnaire, which they will receive from the Agency.

## 4.4. ACCREDITATION

### 4.4.1. Decision of the Management Board

The final decision on accreditation is the responsibility of the Management Board. In reaching this decision, the Management Board will take into account the final report of the External Assessment Team, and if there are relevant professional Orders/Associations, there opinion will be considered.

The Management Board may, however, reach decisions, which are not in accordance with those of the External Assessment Team. It is the responsibility of the Management Board to ensure the equity and balance of final decisions, and their divergence of opinion may be favourable for the institution (they may be less demanding than the Team) or unfavourable for the institution (they may be more demanding than the Team) with regard to the recommendation of the External Assessment Team.

### 4.4.2. The Appeals Council

The Appeals Council is a body through which appeals may be lodged against the decision of the Management Board. Interested parties have the right to a review of the decisions of the Management Board regarding assessment and accreditation of HE institutions and their study programmes and also of the omission of the due decisions relevant to the same subject, through an appeal made to the Appeals Council, as follows.

Appeals against the final decision of the Management Board, or omissions by them, may be lodged on the subject of processes relating to assessment and accreditation of Higher Education Institutions and their study programmes. No appeal will be heard against any other act or omission than those mentioned above, namely preparatory, interlocutory or executive acts performed by the Management Board or by any other body or agent of the Higher Education Assessment and Accreditation Agency, nor against omissions of acts by them. Appeals may be based on the illegal or unacceptable nature of the Board's decision or on the illegality of its omission.

Only the HE institution which applied for the assessment procedure resulting in the contested decision or omission, and which considers itself penalised, may lodge an appeal. Any HE institution, which has either explicitly or tacitly unreservedly accepted the decision of the Board can no longer legally appeal.

The lodging of the appeal does not result in suspension of the contested decision, nor does it, even provisionally, rectify the omission of a due decision, and while the appeal is pending, except in cases of evident, substantiated urgency, no acts may be performed which are likely to conflict with the decision which may be proffered in the appeal or affect its validity.

In the appeal decision, the Appeals Council may confirm or revoke, partially or completely, the decision of the Management Board. When it considers that during the assessment or accreditation procedure in which the contested decision or omission took place  undue acts or formalities occurred, or when there was omission of due acts or formalities, the Appeals Council may, totally or partially, annul the procedure and establish that it must be repeated or that complementary measures must be taken, as legally foreseen in the regime governing the process of assessment and accreditation of HE institutions and their study programmes. In this case new preliminary and final reports are written.

### 4.4.3. Publication of the results

In accordance with article 16 of Law 38/2007, 16th August, results of assessment are public. Thus when the external assessment reports are written, it should be borne in mind that these results must be widely published, namely on the Agency's Internet site and on those of the HEI/study programmes assessed. Any contestation (statement) from the Institution concerning the reports on external assessment must also be made public, together with the final version of the reports.

Apart from this, the pertinent legislation (nº 2 of article nº 16, Law 38/2007, 16th August) determines that HE institutions must make self-assessment reports and external assessment reports public.