Agency for the Assessment and Accreditation of Higher Education

Regulation no. 392/2013

Regimen for the assessment and accreditation procedures of higher education institutions and their study programmes

During the X legislature, a set of legal diplomas was passed aiming at creating higher education quality assurance mechanisms or at improving already existing mechanisms, with a major focus on the assessment and accreditation of higher education institutions.

Therefore, the Decree-Law no. 74/2006, of 24 of March (in the meantime altered by Decree-Law no. 107/2008, of 25 of June), that has enacted the juridical regime of degrees and diplomas, has also established the general principles for the accreditation of higher education institutions and their study programmes. Building up on the fundamental options contained in that diploma, Law no. 38/2007, of 16 August, has approved the juridical regime of the assessment of higher education institutions and Law no. 62/2007, of 10 September, has approved the juridical regime of higher education institutions. At last, Decree-Law no. 369/2007, of 5 of November, has created the Assessment and Accreditation Agency for Higher Education, which was conferred the responsibility for the procedures relative to higher education quality assurance, namely those of assessment and accreditation.

The Management Board of the Agency for the Assessment and Accreditation of Higher Education, using the competences conferred under number 5 of article 7 of Decree-Law no. 369/2007, of 5 November, passed Regulation no. 504/2009 (published in *Diário da República*, 2. nd series, no. 244, of 18 December 2009), defining the regimen of the assessment and accreditation procedures of higher education institutions and of their study programmes.

The results of the application of Regulation no. 504/2009 were extremely positive, thus corroborating the fundamental correctness of the options made and which do not need to be changed. However, three years passed over the application of the regimen of the assessment and accreditation procedures of higher education institutions and their study programmes, it is recognised that its clarity may be improved by some minor changes and a new systematization.

This is the scope of the new regimen of the assessment and accreditation procedures of higher education institutions and their study programmes defined in this present regulation. In particular, there has been a better systematic framing of the relations between the assessment and accreditation of higher education institutions and their study programmes. There was a clear assumption for setting up the accreditation

procedures as a subtype of the assessment procedures, along with the procedures for the assessment of the quality of the performance of higher education institutions, establishing a distinction as clear as possible between what are the common normative provisions and those that are inherent to each of those procedures. Moreover there are some minor changes that the revision of Decree-Law no. 74/2006 of 24 March by Decree-Law no. 115/2013 of 7 August has made necessary.

The spirit and the fundamental features of the assessment system defined in Regulation no. 504/2009 and the literal formulation of most of its provisions are not changed. In substance, this is not a new regulation but a revision of Regulation no. 504/2009, and is not presented as a revision for practical considerations.

The present regulation has been submitted to public discussion.

Therefore:

Under the terms of no. 5 of article 7 of Decree-Law no. 369/2007, of 5 of November, and of item e) of number 2 of article 11 of the Statutes of the Assessment and Accreditation Agency for Higher Education, approved by Decree-Law 369/2007, of 5 of November, the Management Board of the Assessment and Accreditation Agency for Higher Education determines:

Chapter I General arrangements

Article 1

Object

The present regulation determines the assessment and accreditation procedures of higher education institutions and their study programmes, as well as the decisions relative to their accreditation.

Article 2

Object of assessment

- 1 The assessment procedures have as its object to assess:
 - a) The quality of the performance of higher education institutions and their organic units;
 - b) The quality of the study programmes leading to a degree of *licenciado*, master and doctor aiming at accreditation decisions.
- 2 The assessment procedures evaluate the efficacy of the internal quality assurance procedures of higher education institutions.
- 3 The assessment may deal with relevant cross performance parameters of sets of higher education institutions or of study programmes.

Chapter II Assessment procedures

Section I

General arrangements applicable to the assessment procedures

Article 3

Assessment obligation

The assessment is obligatory for all higher education institutions.

Article 4

Assessment periodicity

- 1 The assessment of the performance quality of higher education institution must occur every six years.
- 2 Without detriment to the previous number, it may take place at any moment:
 - a) The assessment of the performance quality of higher education institutions, following a justified demand of the interested higher education institution or by initiative of the Management Board.
 - b) The assessment of the quality of study programmes, following an accreditation demand or an accreditation renewal formulated by an interested higher education institution or by initiative of the Management Board, under the scope of an accreditation re-appreciation.
- 3 The Management Board may refuse to perform the assessment of the performance quality of the higher education institution at the institution's request when, after examining the justification of the request, it considers that there is not enough reason to review the assessment schedules in force.

Article 5

Proportionality of assessment procedures

Quality assessment procedures should be designed in such a way that they are appropriate to the aims and objectives of assessment and take in consideration the specificities of the higher education institutions and of the type of education provided.

Article 6

Participation of interested parties

In the assessment and accreditation procedures, the contributions of all interested parties are openly asked for and taken into consideration in the decisions to be drawn.

Internal quality assurance systems

- 1 All higher education institutions must establish their internal quality assurance systems on its performance and of their study programmes, aiming to promote an internal quality assurance culture leading to an improvement of the services they offer to the community.
- 2 Each higher education institution should define its own quality policy and establish an internal quality assurance system that better fits its specificities, phase of development and needs, while complying with the relevant legislation and regulations and taking into account the international good practices and the guidelines defined by the Management Board.
- 3 The Management Board, supported on a previous audit, may certify the internal quality assurance systems.

Article 8

Computer based procedures and virtual administrative process

- 1 All the acts and formalities performed in the assessment and accreditation procedures will be registered in the Agency's electronic platform, as well as all the written documents relative to those procedures, allowing every process to be complete in electronic format.
- 2 The virtual administrative process may be examined by the interested higher education institutions.
- 3 The use of the electronic platform referred under number 1 assumes the previous acquisition by the interested institutions of a user name and a password.
- 4 All the communications between the bodies and services of the Agency and the institution interested are made through electronic mail whenever there are no appropriate forms in the electronic platform referred under no. 1.

Article 9

Initiative

When the initiative is not taken by the Agency, the accreditation procedure starts with a submission signed by the head of the interested higher education institution or, when the institution is not public, of the respective founding body.

Article 10

Project Coordinator

1 – Each accreditation procedure has a Project Coordinator, appointed by the Management Board either through an individual or a generic decision.

- 2 The Project Coordinator is responsible for instructing the accreditation procedure, unless the Management Board decides to retain the instruction.
- 3 Without detriment of the previous number, the Management Board may:
 - a) Without retaining the management of the instruction, it may retain the competency for realising specific instruction acts or formalities.
 - b) While retaining the management of the instruction, it may ask the Project Coordinator to undertake some specific instruction acts or formalities.

External assessment teams

- 1 The assessment is performed by external assessment teams composed of independent experts with qualifications relevant for the scientific areas of the study programmes to be assessed.
- 2 Each external assessment team is composed of three to five members, depending on the complexity of the assessment tasks to perform, and must integrate the participation of experts from foreign or international institutions.
- 3 The Management Board has the legal authority to appoint the external assessment teams for each assessment procedure, as well as their president, by means of individual or generic decisions.

Article 12

Impartiality, fairness and confidentiality

- 1 Only those who in the two previous years had no relation with the higher education institution to be assessed can integrate the external assessment teams.
- 2 The members of the external assessment teams should adopt a conduct that will safeguard the independence, fairness and impartiality of the assessment.
- 3 Any interested higher education institution may point to occasional cases of default of the incompatibilities and duties referred in the previous numbers.
- 4 The members of the external assessment teams must preserve the confidentiality of the information relative to the assessment.

Article 13

Assessment tools

- 1 The external assessment teams following the orientations defined by the Management Board will perform the activities that are necessary for the assessment, including, namely:
 - a) Visits to the education institution;
 - b) Listening to representatives of the bodies of the higher education institution;
 - c) Listening to the self-evaluation team of the higher education institution;

- d) Listening to former students, directly or through their representative associations;
- e) Interviewing academics and employees;
- f) Listening to professional associations, labour unions and trade unions, as well as with ministries with attributions in the area of the education institution or study programme to be assessed;
- g) Listening to employers in the areas of activity of the study programme to be assessed;
- h) Listening to any relevant scientific, cultural and economic bodies.

2 – It is obligatory to listen to:

- a) Students, directly or through their representative associations;
- b) In the case of an assessment procedure incidental in relation to an accreditation procedure, the bodies most representative of the professions for which the study programmes aim to train, namely those referred in item f) of number 1.
- 3 With due regard to the proportionality principle and the scientific and pedagogic autonomy of higher education institutions, the members of the external assessment team have the right to access to every installation of the higher education institution and to consult all the relevant documents for the assessment procedure.

Article 14

Results of assessments performed by other entities

Without detriment to article 23, in the scope of the assessment are to be taken into consideration:

- a) The internal quality assurance systems of the interested higher education institution;
- b) the results of assessments performed by national, foreign or international institutions that develop assessment activities complying with the principles adopted by the European system of higher education quality assurance.

Article 15

Preliminary report

- 1 Once the evaluation tasks are completed, the external assessment team will draft a preliminary report containing:
 - a) The given qualitative qualification, both as to each of the parameters considered in the assessment, as well as in relation with the global assessment, using the classifications satisfies, satisfies partly or does not satisfy;
 - b) Recommendations concerning specific aspects of the higher education institution or study programme whose adoption is considered indispensable for its satisfactory functioning. In this case the actions, or the action plan, to adopt for

- its fulfilment should be proposed, as well as the terms of an accompanying process of its materialization;
- c) The recommendations relative to concrete aspects of the higher education institution or of the study programme, aiming at improving its quality.
- 2 The report is written in Portuguese and English.

Previous hearing

The interested higher education institution will be listened to about the preliminary report.

Article 17

Final report

- 1 Once the previous hearing of the interested higher education institution is completed, the external assessment team drafts the final report.
- 2 The final report must contain the elements defined in article 15, and needs also to consider the response of the interested higher education institution.
- 3 If the final report has contents or elements about which the interested higher education institution was unable to express its opinion, then it must be listened to about the final report.

Article 18

Decision on the assessment procedures

- 1 The decision about assessment falls under the legal capacity of the Management Board.
- 2 The decision of the Management Board may consist in an expression of total or partial agreement with the proposals of the evaluation report.

Article 19

Deadlines

The adoption of the decisions and the exercise of actions and procedural formalities are subordinated to the general deadlines established in the Code of Administrative Procedures, as well as to the Code's rules on how periods are counted.

Article 20

Communications and publicity

1 – Every decision with external consequences that is passed in the assessment procedures must be communicated to the interested higher education institutions using the electronic platform referred in article 8.

- 2 The Internet sites of the Agency and of the interested higher education institutions must publish:
 - a) The final decisions of the Management Board and of the Appeals Council in all matters of assessment, as well as the date and period of validity of the accreditation.
 - b) The evaluation reports and the responses of the interested higher education institutions presented under the procedures referred in the previous number.

Taxes

- 1 For every procedure of performance assessment, assessment for accreditation, reappreciation, renewal and revision, as well as for the audit procedures of internal quality assurance systems taxes are due.
- 2 The taxes referred to under number 1 are determined by a deliberation of the Management Board that takes into consideration the average costs of the services provided, following criteria of economy, efficiency and efficacy, as well as the best international practices in these matters.
- 3 When the initiative of the procedure lies with the interested higher education institution, the submission must be accompanied by proof that the taxes due were paid.

Article 22

Institutional collaboration

The Agency may ask for the collaboration of any institution, public or private, national, foreign or international, within the scope of assessment procedures.

Article 23

Simplified assessment procedures

The Management Board may establish, by means of regulations, simplified assessment procedures to be used when there are results of assessments performed by national, foreign or international institutions that develop assessment activity complying with the principles adopted by the European system of higher education quality assurance, as well as to education establishments or their units with internal quality assurance systems already certified and with indicators of excellence relative to the academic staff qualification and to the research produced.

Section II Performance assessment

Article 24

Scope

- 1 The assessment of the performance quality of higher education institutions or their units implies the previous assessment of all their study programmes.
- 2 The assessment of the study programmes referred in the previous number is based on the assessment for accreditation without detriment of new elements gathered in the assessment of the performance quality procedures.

Article 25

Assessment criteria

The aspects to be considered in the assessment are materialized, by taking into account the nature of the higher education institution and of the study programme, from among the following thematic areas:

- a) Objectives of the study programme;
- b) Internal organisation and quality assurance mechanisms;
- c) Material resources and partnerships;
- d) Qualification and allocation of the academic and non-academic staffs;
- e) Characterization of the students;
- f) Teaching and learning environment;
- g) Teaching objectives, curricular structure and syllabus;
- h) Organization of the curricular units;
- i) Teaching and learning methodologies;
- j) Results of academic, scientific, technological and artistic and other activities;
- k) Proposals for performance improvement actions.

Article 26

Decision about the assessment

- 1 The assessment decision consists of a grounded qualitative rating based on relevant aspects of the performance of higher education institution or the study programme, which were considered in the assessment.
- 2 The qualitative rating may be satisfy, partly satisfy or does not satisfy.

Section III Assessment aiming at accreditation

Article 27

The need for accreditation

- 1 The coming into force or the maintenance in operation of study programmes leading to degrees of *licenciado*, master or doctor depends on their accreditation.
- 2 The accreditation is conferred aiming at the operation of one or more specific study programmes, and each higher education institution must be accredited for all the study programmes it operates.

Article 28

Submission of accreditation

- 1 The submission of accreditation must contain the following elements:
 - a) Identification of the interested higher education institution;
 - b) Identification of the (organic) unit in charge of the programme to be accredited;
 - c) Characterisation of the educative, scientific and cultural project where the study programme to be accredited is integrated;
 - d) Identification of the study programme to be accredited and of the academic degree it confers;
 - e) Characterisation of the objectives of the study programme to be accredited;
 - f) Indication of the main scientific area of the study programme to be accredited;
 - g) Indication of the number of ECTS credits necessary for a degree;
 - h) Indication of the normal duration of the study programme;
 - i) Indication of the curricular structure and syllabus;
 - j) Indication of options, branches or other organisational forms of alternative routes that eventually are available through the study programme;
 - k) Identification of academic staff members allocated to the study programme;
 - l) Synthetic curricula of the academic staff members allocated to the study programme;
 - m) Identification of the facilities where the study programme operates;
 - n) Description and evidence of other material and human resources indispensable for assuring the level and quality or education in the study programme to be accredited, considering the academic degree it confers;
 - o) Concise critical analysis of weaknesses and strengths, opportunities and threats of the study programme to be accredited;
 - p) If the submission refers to a study programme leading to a masters' degree, evidence that there are high level education or research or development activities in the scientific areas that integrate the study programme's speciality;
 - q) If the submission refers to a study programme leading to a doctor degree:

- i) Description and evidence of the human and organisational resources necessary for carrying out research;
- ii) Evidence that the interested higher education institution detains by itself or through its participation and collaboration, or of their academics and researchers, of an accumulated research experience, duly evaluated and realized in relevant academic and scientific production in the scientific areas integrating the knowledge area or the speciality being considered.
- 2 The Management Board adopts the electronic forms for submission of accreditation demands that materialise and specify the elements referred to in the previous items, and defines which elements the interested higher education institution must provide in English.
- 3 At any moment, the Management Board, the Project Coordinator or the external assessment team may demand that the interested higher education institution provides the original documents certifying the elements referred in number 1, giving the institution a reasonable period to do so.

Identification number of the process

After the submission of the accreditation the interested higher education institution receives the identification number of the process.

Article 30

Preliminary appreciation

- 1 If the submission is not in agreement with the requirements established in article 28, the interested higher education institution is invited to overcome the detected deficiencies within a period of ten days.
- 2 The submission is turned down at once if the detected deficiencies are not overcome or if the lack of requirements for accreditation is evident.
- 3 In the case of the later part of the previous number, the interested higher education institution is always listened to before the refusal is made.

Article 31

Proposal of the accreditation decision

The evaluation reports should contain the elements referred in articles 15 and 17, as well as a proposal of an accreditation decision. This proposal must be submitted to a previous hearing under article 16 and number 3 of article 17.

Waiving of the preliminary hearing

In case of an unconditional accreditation decision the preliminary hearing of the interested higher education institution may be waived.

Article 33

Legal capacity for decision about the accreditation submission

The decision on the accreditation submission falls within the legal capacity of the Management Board.

Article 34

Contents of the decision about the accreditation submission

- 1– The decision about the accreditation is supported by the assessment report and comprises the decision on the assessment referred under number 1 of article 18.
- 2 The decision on the accreditation submission may be favourable or unfavourable.
- 3 The favourable decision may be conditioned to the adoption by the interested higher education institution of determined quality assurance measures, within a reasonable period of time.
- 4 The decision about the accreditation submission may be any one of those mentioned in the previous numbers for any of the study programmes under accreditation demand.

Article 35

Effects of the favourable decisions

- 1 A favourable accreditation decision implies the authorisation to initiate the operation of the accredited study programme in a higher education institution and the recognition of the degree it leads to.
- 2 A conditional accreditation decision produces the effects mentioned under the previous number until the decision mentioned in article 44.

Article 36

Assessment sequence in the case of conditional accreditation

- 1 When a judgment of conditional accreditation is passed, the Management Board will check the fulfilment of the conditions imposed by the accreditation.
- 2 Without detriment of the previous number, the Management Board may appoint an external assessment team to follow the activity promoted by the interested education institution aiming at the adoption of the demanded quality assurance measures.
- 3 The external assessment team may use all the tools listed in article 13.

- 4 Once the period of conditional accreditation is over, the external assessment team should draft a well-grounded report with a proposal for transforming that decision into another of unconditional favourable accreditation or an unfavourable decision.
- 5 To the report referred in the previous number the determinations of articles 15 to 17, 31 and 32 are usable, with the necessary adaptations.

Validity of the accreditation period

- 1 The accreditation is valid for a six years period, without detriment to the provisions of items b) and c) of number 4 of article 41, number 2 of article 42, article 43 and article 44.
- 2 The Management Board may determine a shorter or longer period until the limit of eight years, for the validity of the accreditation of study programmes integrating some scientific areas, allowing that the eventual renewal procedure takes place in the academic year defined under article 46.
- 3 In case the conditional accreditation is transformed into full accreditation, the period of conditional accreditation is taken into account when calculating the period established in the previous number.

Article 38

End of accreditation effects

- 1 The effects of accreditation may end by:
 - a) Expiration due to the passing of its validity period;
 - b) Transformation of a conditional accreditation decision into an unfavourable decision;
 - c) Repeal.
- 2 The provisions of item a) of the previous number will not take place if the submission for an accreditation renewal has been duly formulated within the period established under article 26 and the procedure has not been stopped by reasons ascribable to the interested higher education institution.
- 3 Without detriment to the provisions of number 2 of article 43, the end of the accreditation effects implies the immediate prohibition of keeping in operation the study programme in discussion and the loss of the recognition of the corresponding academic degrees.

Article 39

Accreditation of new study programmes

1 – The submission for the accreditation of new study programmes must be proposed within the deadline annually determined by the Management Board and published

- in the Agency's Web site.
- 2 In the assessment procedures for accreditation, the assessment aims exclusively at checking compliance with the legal accreditation requirements established under article 57 of Decree-law no. 74/2006, of 24 March. The assessment tools fixed by article 13 may be waived, with the exception of those foreseen in item b) of number 2 of that same article.

Renewal of accreditation

If the interested higher education institution wants to keep in operation the accredited study programmes, it should submit an accreditation renewal until the end of the academic year that precedes that when the accreditation will end.

Chapter III Re-appreciation of the accreditation

Article 41

Re-appreciation of the accreditation

- 1 If there are indications that the assumptions that supported the accreditation decision were altered, the Management Board may at any time decide to open a reappreciation of the accreditation procedure.
- 2 The re-appreciation of the accreditation procedure is ruled by the arrangements applicable to the accreditation procedure with the necessary adaptations.
- 3 The assessment procedure originated by the re-appreciation of the accreditation procedure may be limited to specific aspects of the operation of the study programme under discussion, to be determined by the Management Board.
- 4 As a result of the assessment procedure, the Management Board may decide:
 - a) To maintain the accreditation as it was issued and keeping its validity period;
 - b) To maintain the accreditation as it was issued, but conditioned to the adoption, by the interested higher education institution, of quality assurance measures to be determined for a reasonable period of time, under the terms of article 42.
 - c) To repeal the accreditation, under the terms of article 43.

Article 42

Supervening conditioning of accreditation

1 – The supervening conditioning of accreditation is ruled by the provisions of numbers 3 and 4 of article 34, of number 2 of article 35 and article 36, with the necessary modifications.

2 – Once the period defined in the supervening accreditation conditioning is over, the Management Board decides, based on the report determined on number 3 of article 39, to maintain the accreditation as it was issued and keeping its validity period, or to repeal the accreditation under the terms of article 43.

Article 43

Repeal of accreditation

- 1 The accreditation can only be repealed in case of lack of fulfilment of legal requirements or of statutory determinations, or in case of lack of satisfaction of the scientific and pedagogic criteria that supported the accreditation.
- 2 The decision that determines the repeal of the accreditation defines the period when the study programme will cease its operation and the measures to safeguard the expectations of the enrolled students.

Article 44

Re-appreciation of a conditional accreditation decision

- 1 Once the period mentioned in the conditional accreditation decision is over, the Management Board decides, based on the report determined on number 4 of article 36, its transformation.
- 2 When there are sufficient signs that the established conditions will be fulfilled within a reasonable period of time, the Management Board may extend the validity of the conditional accreditation decision, and next the contents of article 36 and the initial part of the previous number will be applied.

Chapter IV

Appeal of decisions on assessment and accreditation

Article 45

Appeals to the Appeals Council

From the conclusive decisions made by the Management Board on assessment and accreditation procedures there is appeal to the Appeals Council, as defined in its regulations.

Chapter V

Final and transitory dispositions

Article 46

Planning of the accreditation of study programmes in operation

1 – In each academic year the accreditation processes of the study programmes in operation will exclusively focus on the scientific areas defined by the Management

Board in consultation with the institutions and their founding entities.

- 2 The planning of the accreditation procedures will grant that the study programmes in operation, in all the scientific areas, will be accredited within a period of five years.
- 3 Considering the previous number, the Management Board will advertise, until the end of January of each year, the scientific areas whose study programmes will be accredited in the coming academic year.

Article 47

Procedures for the exceptional re-appreciation of accreditation

- 1 When the term of validity of a previous accreditation of a study programme expires in a year where there are no accreditation procedures in the relevant scientific area, the Management Board determines its exceptional re-appreciation relative to the year when the renewal of accreditation should take place as planed under article 46.
- 2 The procedures for exceptional re-appreciation of accreditation are carried out as defined in the numbers 2 and 3 of article 41.
- 3 If the assumptions that have grounded the previous accreditation are still valid, the Management Board will issue a new accreditation which will be valid until the end of the academic year when, according to the planning foreseen in the number 1 of article 46, the accreditation of the relevant scientific area of the study programme will take place.
- 4 If the procedures referred in the previous numbers there are indications that the assumptions that have grounded the previous accreditation have changed, the Management Board will determine the initiation of a procedure for the reappreciation of accreditation under articles 41 to 44.

Article 48

Accreditation of higher education institutions

The accreditation of higher education institutions to provide study programmes in one or more educational areas and leading to the award of one or more academic degrees is defined in a particular regulation.

Article 49

Preliminary accreditation regime

1 – Articles 44 to 47 of the Regulation no. 504/2000 of the Management Board regulate the accreditation of the study programmes in operation when the Agency started its operation.

2 – The preliminary accreditation expires if the interested higher education institution does not apply for its renewal until the end of the academic year that precedes that when the accreditation was given under article 46.

Article 50

Assessment of performance quality

The assessment of the quality of the performance of higher education institutions will be initiated once the accreditation of all the study programmes in operation is completed, as planned under article 46.

Article 51

Extension of the term of validity of accreditations

The term of validity of the accreditation established in the first part of number 1 of article 37 will apply to all the study programmes accredited before this present regulation became into force.

Agência de Avaliação e Acreditação do Ensino Superior, October 1st, 2013