

Report on the application by the Swiss Agency of Accreditation and Quality Assurance for accreditation and for verification of compliance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)

Statement

The Accreditation Council has invited us in its letter from the 12 May 2016 to give a statement on the draft of the report stated in the subject. We are very grateful for this opportunity!

The Swiss Federal Act on the Funding and Coordination of the Higher Education Sector (HEdA), which entered into force on 1 January 2015, changed the structure of the Swiss accreditation landscape, which at the time of the assessment is still new and therefore not been tested much. At the same time AAQ is active in three countries (Switzerland, Germany, Austria) and five legal frameworks (Swiss Federal Act on Funding and Coordination of the Higher Education Sector, Medical Professions Act, Psychology Professions Act, Rules of the German Accreditation Council and the Austrian HS-QSG). We are therefore pleased to see that we can recognise ourselves in the considerations (documentation and evaluations) of the expert group. We have been glad to take note of many positive findings and comments about the AAQ.

In accordance with the rules for accreditation of agencies, the report which we have received does not contain the recommended resolutions of the expert group, i.e. the passages under “Recommendations” are empty for each standard/criterion. The summary at the end of “6. Recommendations from the expert group” is also missing.

Drafting a statement on this basis will involve certain challenges. However, as far as we can anticipate the recommendations of the expert group from their considerations (documentation and evaluation), we expect valuable suggestions for the further development of the agency. We are convinced that the final version of the report will make an evaluation of the agency both with regards to the accreditation by the Accreditation Council and the renewal of membership of ENQA and EQAR, which we can share fully and the recommendations will lead us into the coming five years.

However, we see a need for clarification for two aspects of the Swiss accreditation landscape that are relevant to several standards and criteria:

- Proposal for accreditation of the AAQ
- Relationship between AAQ and Swiss Accreditation Council

We will dedicate the first part of our statement to these two points. In the second part we will make a statement on the considerations of certain standards and/or criteria.

Proposal for accreditation of the AAQ

In all procedures which lead to a decision, the AAQ, based on the self-evaluation report and the outside evaluation report, places a proposal for accreditation, which may differ from the accreditation recommendation of the expert group which performed the external assessment. For procedures in Switzerland, this step is laid out in the respective legal foundations: Article 14 of the Accreditation

guidelines for accreditation according to HEdA, Article 27 Paragraph 5 of MedPA for the accreditation of further education in medicine and Article 15 Para. 4 PsyPA for accreditation according to the Psychology Professions Act.

This stage of the procedure is described in the guidelines of all the procedure formats.

In the procedures according to HEdA and in the procedures in Germany and Austria, the proposal for accreditation is equivalent with the proposal for a decision prepared for the decision-making committee. The accreditation authority (Swiss Accreditation Council) has the final say, meaning it may deviate from the proposed decision. However the accreditation authority may not formulate a new resolution ad hoc; it must return the matter to the agency to be edited.

In the procedures according to MedPA and PsyPA, the proposal for accreditation is the basis for the proposal for a decision, which is formulated by the responsible federal office and may differ from the proposal of the agency. The Swiss Accreditation Council adopts the proposal for a decision for the attention of the federal office, meaning that as a supervisory body over the AAQ it ensures the internal quality assurance.

The AAQ has (since the period of OAQ) been reshaping the reports based on a recommendation from the latest ENQA review in such a way that the cascade of recommendation for accreditation, proposal for accreditation and accreditation decision is depicted and deviations are transparently shown. If the proposal for accreditation (i.e. the proposal for a decision) goes to a decision-making body outside of the agency (procedure according to HEdA, accreditations according to MedPA and PsyPA), the AAQ shall make it transparent in the report: The proposal of the AAQ for accreditation is documented first. After the responsible ministry has issued the order (decision), this shall also be included in the report.

The AAQ has made use of the possibility to deviate from the recommendation of the expert group/expert commission in their application only in very few cases to date. The AAQ accompanies the expert group / expert commission very closely and therefore has the chance to clear up any misunderstandings early on and ensure consistency in the conditions before the revisions to the report are completed.

Relationship between AAQ and Swiss Accreditation Council

The draft of the HEdA submitted to the parliament was based on the assumption, that the accreditation agency and Accreditation Council build a union. In the parliamentary debate accreditation was liberalised, meaning that licensing of additional agencies was allowed without adjustments being made regarding the relationship between the accreditation agency and Accreditation Council.

In the context of the preparation of the decrees, particularly the organisational regulations of the Swiss Accreditation Council (OReg-SAR), the AAQ advocated for the explicit creation of their own committee structure. Since no other agencies were licensed at that time, the fiscal considerations had much more weight than the hypothetical question of good governance.

Together with the Accreditation Council, the AAQ developed a structure which takes account of both the fiscal politics and good governance: The Accreditation Council acts on the one hand as an accreditation body according to Article 21 of the HEdA (Article 14 OReg-SAR). On the other hand the

Accreditation Council acts as a supervisory body over the AAQ (Article 15 OReg-SAR) and takes responsibility for tasks, which usually are carried out by the board, accreditation commissions or/and programme committees in German agencies.

With regard to the premise of the expert group formulated in the introduction (“As a quality assurance agency in the European Higher Education Area, the AAQ is ... only feasible with the SAR as its decision-making committee.”), we emphatically state, that:

- The Swiss Accreditation Council is the regulator and decision-making body for procedures according to HEdA. This role clearly separates the SAR from the accreditation agencies role (conducting the procedures) – whether that be the AAQ or another licensed agency.
- The Swiss Accreditation Council as the supervisory body over the AAQ shall assume the role of the committees of the AAQ. In this function it is – similarly to the board, the accreditation commission or the programme committees of a German agency – a part of the AAQ; the Swiss Accreditation Council is the committee structure of the AAQ.

Both functions are clearly isolated from one another in the organisational regulations. The organisational regulations allow the Swiss Accreditation Council to delegate the role of the committee structure to an accreditation commission yet to be founded. It has however decided to currently exercise this role itself. However, even if the same people attend to both areas of responsibility, they shall in each case sit at the table in separate capacities.

The AAQ in turn is first and foremost accreditation agency within the meaning of Article 22 HEdA. For fiscal reasons it ensures the task of the head office of the Accreditation Council, for which it is compensated at a fixed rate. With regard to good governance, the AAQ has taken organisational and technical measures to distinguish between the accreditation operation and the head office of the SAR.

Comments on the standards / criteria in detail

ESG 2.3:

Documentation / decision-making procedure: see above, Relationship between AAQ and Swiss Accreditation Council. The Accreditation Council as the supervisory body (i.e.: accreditation commission) of AAQ takes the final decision in procedures for system accreditation and in quality audits. This is also shown by the fact that the certificate bears the logo of the agency and is signed by both the President of the SAR and the Director of the AAQ.

Evaluation / decision-making procedure: see above, Relationship between AAQ and Swiss Accreditation Council. The AAQ proposes a decision, i.e. the draft for a decision. The proposal of the AAQ may differ from the recommendation of the expert group.

ESG 2.6:

Documentation: The AAQ places great value on the higher education institutions not just being able to give a statement on the factual accuracy of the report of the expert group, but being able to make a statement on the draft decision (due process).

Criterion 2.2.1:

Evaluation: see above, Relationship between AAQ and Swiss Accreditation Council. The AAQ has its own committee structure, in which the Swiss Accreditation Council as the supervisory body of AAQ performs the tasks of a board, an accreditation commission and programme committee.

Certification for programme accreditation: For the AAQ, the “Rules of the Accreditation Council for the Accreditation of Agencies” from 8 December 2009, as amended on 10 December 2010, were not the only reason to apply for certification for system and programme accreditation. The AAQ wants to enter into a comprehensive partnership with higher education institutions which have been awarded with the system accreditation; this partnership shall also include the possibility of carrying out programme accreditations. The AAQ explicitly confirms its application to be able to implement programme accreditation in Germany. The corresponding guideline and, as described by the expert group, the necessary professional expertise as well are available.

Criterion 2.3.1

Evaluation: see above, Relationship between AAQ and Swiss Accreditation Council. In the current structure, i.e. without the Accreditation Council delegating its task as a supervisory body to an accreditation commission (as per Art. 15 Para. 1 Item D OReg-SAR), the Accreditation Council takes decisions in the procedures on behalf of third parties not as an accreditation body in accordance with HEdA, but rather as the supervisory body of the AAQ. With regards to revisions to accreditation decisions, the AAQ would submit a justified demand of the (German) Accreditation Council to the Swiss Accreditation Council as a proposal for decision. As the supervisory body of the AAQ, it must take a decision on the submission.

The Swiss Accreditation Council has made it clear that as the regulator for the accreditation landscape of Switzerland, it cannot endorse the agreement of an agency operating in Switzerland with the Accreditation Council (Germany). It is however prepared to change its organisational regulations so that the task of deciding on the procedures on behalf of third parties in terms of an accreditation commission is explicitly laid out in the regulations (in Article 15).

Based on the considerations (documentation and evaluation) of the expert group, we anticipate recommendations or conditions that are aimed at the Swiss Conference of Higher Education Institutions (SHK) (composition of and method of selecting the members of the Accreditation Council) and the Accreditation Council. The AAQ will of course inform both bodies of any possible recommendations. The AAQ may not however implement any options, recommendations or conditions for the attention of the SHK, nor influence their implementation. Recommendations and conditions for the attention of the Accreditation Council likewise may only be implemented by the Accreditation Council. However the AAQ has the possibility of advocating and justifying any possible recommendations and conditions at the meetings of the Accreditation Council .

Thank you in advance for kindly reviewing our arguments and deliberations.

Yours faithfully,

Dr. Christoph Grolimund

Director