

# Ministry of Higher Education

## Bye Laws for Quality Assurance and Accreditation

### **Introduction**

The Constitution of Afghanistan mandates that the Government “establish and administer higher, general and specialized education institutions.”<sup>1</sup> The constitution calls for the development of education programs that are “effective” and “balanced.” To achieve that effectiveness and balance the Ministry of Higher Education (MoHE) must establish mechanisms to assess and improve the quality of higher education. To that end, the *Afghanistan National Development Strategy* (ANDS) emphasizes the importance of “quality education” for all Afghans. It calls for “an increase in the quality and independence of the Higher Education system” among its “priority policies.”<sup>2</sup> In that vein, the *National Higher Education Strategic Plan: 2010-2014*<sup>3</sup> (NHESP) spells out a vision for higher education as a “high quality public and private higher education system that responds to Afghanistan’s growth and development needs.”<sup>4</sup> The NHESP includes plans to establish a quality assurance and accreditation agency.<sup>5</sup> The MoHE gives quality improvement and quality assurance a very high priority placing them at the heart of the five year plan.<sup>6</sup>

### **Chapter I: General**

**Article 1: Legal Framework:** These byelaws are prepared based on the 3<sup>rd</sup> and 4<sup>th</sup> items of Article 3 of the Higher Education Institutions' Law for the purpose of quality assurance and accreditation of higher education institutions and universities as well as to improve and maintain the quality of higher education in a balanced and effective manner.

### **Article 2: Definitions**

1. ***Accreditation:***<sup>7</sup> Accreditation is a process of internal and external quality review and assessment of higher education institutions, programs and semi higher institutions for quality assurance and quality improvement to insure that they meet existing *standards* of quality and effectiveness in terms of faculty members, teaching, research, and service, as well as infrastructure, financial viability, sustainability, outcomes, and compliance with existing laws.

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<sup>1</sup> Government of Afghanistan, *Constitution of Afghanistan*: 2004. Articles 43-47.

<sup>2</sup> Government of Afghanistan, *Afghanistan National Development Strategy: 2008-2013*, April 2008, p. 114.

<sup>3</sup> Ministry of Higher Education, *National Higher Education Strategic Plan: 2010-2014*, November 2009.

<sup>4</sup> Strategic Plan, *ibid.* p. 3.

<sup>5</sup> Strategic Plan, *ibid.* p. 23.

<sup>6</sup> See: Prof. Mohammad Osman Babury and Fred M. Hayward, *Concept Paper: Establishing a Quality Assurance and Improvement Program in Afghanistan*, 28 April 2009.

<sup>7</sup> For definitions of quality assurance and accreditation terminology see: Council for Higher Education Accreditation, *Glossary of Terms for Accreditation and Quality Assurance*. February 12, 2001. [http://www.chea.org/international/inter\\_glossary01.html](http://www.chea.org/international/inter_glossary01.html)

2. **Candidacy for accreditation:** A two stage process of requirements which must be met prior to an application for accreditation. Each level has higher requirements for the higher education institution (see Article 9).
3. **Criteria.** The requirements to improve and promote quality set by the accreditation agency for *candidacy for accreditation*. The criteria spell out the conditions that must be met for each level of candidacy (level one or level two).
4. **Institutional Accreditation:** The focus of accreditation is on the institution as a whole (see accreditation above) for quality assurance and improvement to insure that it meets existing *institutional standards* of quality and effectiveness in terms of faculty members, teaching, research and service as well as infrastructure, financial viability, sustainability, outcomes and compliance with existing law.
5. **Program Accreditation:** External quality review and assessment of higher education programs/professions for quality assurance and quality improvement to insure that they meet existing *standards* of quality and effectiveness for that profession in terms of faculty members, teaching, research, and service, as well as infrastructure, financial viability, sustainability, outcomes, and compliance with existing laws. Program Accreditation focus on specific programs or faculties such as teacher education (approved by the MoHE in 2008), law, medicine, engineering, and health professional programs.
6. **Standards:** The requirements and conditions that must be met by institutions or programs to be *accredited* by the Accreditation Agency. These involve expectations about quality effectiveness, outcomes and sustainability
7. **Indicators:** Indicators are tools for the measurement and performance of criteria that provides transparency and accountability in educational systems. Indicators provides for quality education and makes it achievable. In other words, indicators are characteristics which are used to gather statistics to make judgements about expected standards.
8. **Higher Education Institutions:** includes universities and higher education institutions.

**Article 3: Accreditation of Public and Private Higher Education Institutions.** All higher education institutions, public and private, are subject to accreditation, including distance education.

**Article 4: Foreign Higher Education Institutions.** Foreign higher education institutions operating in Afghanistan are subject to accreditation following the same criteria and standards as public and private institutions. This includes foreign institutions operating campuses in Afghanistan, those with offices in Afghanistan, those offering distance education by mail or on the Internet which have a presence in Afghanistan, and those which license, franchise, or authorize others operating in Afghanistan to utilize their material, name, certificates, degrees, and or any other higher education material or recognition. Failure to follow these rules will lead to closure and could also result in fines or other penalties. Existing bye-laws, rules and regulations of the MoHE will continue to be in force regarding recognition and authorization to open.

## Chapter II

### The Quality Assurance and Accreditation Agency

**Article 5: Agency.** The Quality Assurance and Accreditation Directorate, hereafter called the Agency, is responsible for quality assurance and accreditation of public and private higher education institutions. The Agency will work with the and higher education institutions to encourage quality improvement. The Agency will operate under the mantle of the Ministry of Higher Education as an independent entity at the outset, and will gain total autonomy after two to five years of operation and will emerge as a national independent quality assurance and accreditation body of higher education institutions. The Agency will have an independent Council which will oversee the Agency and make decisions on *candidacy for accreditation* and about *accreditation*. The day to day operation of the agency will be run by a Director assisted by professional and support staff. Functions of the Agency include to:

1. Encourage, promote, and enhance quality improvement in the nation's public and private higher education institutions with the goal of meeting international standards in all areas.
2. Oversee the accreditation process of all public and private higher education institutions including foreign providers of courses, distance education, training, degrees, certification, and other activities at the higher education level.
3. Inform and educate higher education institutions and the public about accreditation requirements, the process, procedures, and benefits.
4. Organize the selection and training of peer reviewers following policies prepared by the Council of the Agency. Selection of peer reviewers will be made by the Council of the Agency.
5. Advise institutions about the quality assurance process and assist them as they set up quality assurance committees on their campuses, prepare for their self-assessments, site visits, and other aspects of the process.
6. Protect the quality of higher education including use of the terms: *university, academic ranks (professor, associate professor, dean, rector, chancellor, president) and academic degrees*.
7. Keep records of those institutions *admitted to candidacy, accredited, denied accreditation, put on probation, or closed*, and make their names available to the public.
8. Respond to public enquiries about accreditation, quality assurance and quality improvement.
9. Liaise with foreign accreditors and quality assurance organizations and keep up to date on the latest quality assurance activities internationally.

**Article 6: Council of the Quality Assurance and Accreditation.** The Council of Quality Assurance and Accreditation is made up of seven to nine members selected from among the lists of faculty members by the Council and approved by MoHE.

1. *Nomination of candidates.* Candidates shall be nominated by the Academic Councils of higher education institutions. Each institution may nominate one

member for 100 faculty members (100/1 ratio). Candidates should agree to be nominated. The candidates' profiles should include a letter of nomination, a complete vita with list of publications, employment history, and educational record which will be sent to the Council officially.

2. Member of the Council shall have the following qualifications:
  - 1) Candidates must be distinguished academics or professionals<sup>8</sup> with at least ten years of university experience
  - 2) At least have a Master's degree and be at the rank of Assistant Professor
  - 3) Be familiar with a major international language
  - 4) Be able to promote and encourage participation in the quality assurance process
  - 5) Ability to make decisions in critical situations
  - 6) Be impartial and honest as well as have good reputation.
  - 7) Should be familiar with quality assurance and accreditation process as well as have experience in working with commissions such those on Academic Promotion and Evaluation of Academic Documents of the Directorate of Academic Affairs Coordination at the MoHE.
3. *Terms:* The term of office for Council of Quality Assurance and Accreditation is for five years and may be renewed once,
4. *Chairman of the Council:* The chairman of the Council is chosen by the members, and may serve for one year with no extension.
5. *Duties of the Council.* The Council of Quality Assurance and Accreditation has oversight over the activities of the Quality Assurance and Accreditation Directorate, the selection of *Peer Reviewers*, and makes decisions about *candidacy for accreditation, accreditation, denial of accreditation, and probation.*
6. The director of Quality Assurance and Accreditation Agency will be selected by the members of Council and introduced to MoHE for approval.
7. *Meetings.* The Council must meet regularly on a bi-monthly basis. Extraordinary meetings may be held based on the recommendation of the Director and approval of the members.
8. *Day to day operations.* The Quality Assurance and Accreditation Council will monitor and oversee all academic affairs of higher education institutions.

### **Article 7. Director of the Quality Assurance and Accreditation Council**

1. The Director of the quality assurance and accreditation shall have the following qualifications:
  - 1) The director must come from an academic background, have at least ten years of experience in higher education institutions as a teacher.
  - 2) Should have a Ph.D. or at least a Master's degree and be at the rank of Associate Professor or Full Professor
  - 3) Ability to work well with other people
  - 4) Be familiar with a major international language
  - 5) Capacity to mobilize and encourage participation in the quality assurance process.

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<sup>8</sup> Distinguished nominees should have strong evidence of outstanding work in their field or profession such as articles published in refereed journals, refereed books published by reputable publishers, the rank of associate or full professor or equivalent administrative positions such as dean, vice chancellor, or chancellor, membership in a scientific council, head of a major department or head of a major professional organization.

- 6) Ability to make tough decisions in a crisis.
  - 7) Demonstrated capacity to be impartial and even handed and must have unquestioned integrity.
  - 8) Be impartial and honest as well as have good reputation.
  - 9) Should be familiar with quality assurance and accreditation process as well as have experience in working with commissions such those on Academic Promotion and Evaluation of Academic Documents of the Directorate of Academic Affairs Coordination at the MoHE.
2. The director of Quality Assurance and Accreditation will be working under the supervision of the Council as it is formed. The Director of the Quality Assurance and Accreditation Council will be working within the Deputy Ministers for Academic Affairs Office until it becomes an independent Agency.

### **Duties of the director of Quality Assurance and Accreditation Council**

includes:

- 1) Promote and encourage quality improvement in public and private higher education institutions in Afghanistan.
- 2) Supervise the Quality Assurance and Accreditation Council's professional and support staff.
- 3) Encourage the development of a "culture of quality" in higher education.
- 4) Oversee, in keeping with policies of the Council, the accreditation process including: permission to apply for candidacy, candidacy for accreditation and accreditation. Decisions about candidacy and accreditation are made by the Council (see Article 6).
- 5) Attend all meetings of the Council as an ex-officio.
- 6) Inform the public about the accreditation process and the meaning of accreditation in terms of the quality of institutions.
- 7) Work to eliminate diploma mills and bogus or sub-standard higher education institutions.
- 8) Represent the Quality Assurance and Accreditation Agency to the public.
- 9) Carry out policies of the Council of the Agency.
- 10) Oversee the training of peer reviewers.
- 11) Work with higher education institutions to improve quality.
- 12) Publicize the decisions of the Council about candidacy for accreditation and accreditation including insuring that this information is available to the public on the Agency website and in published material detailing those institutions admitted to candidacy (level one and level two), those which are accredited, those which are on probation, and those which have been denied accreditation. A list should also be published of institutions closed by the Agency following decisions of the Council or because they were diploma mills, fraudulent, or sub-standard.

### **Article 8: Autonomy of the Quality Assurance and Accreditation Agency**

The Agency will initially be housed in the Ministry of Higher Education and be under the general supervision of the Deputy Minister for Academic Affairs although it will be an independent body with total control over accreditation decisions as specified in Articles 9 through 13. Its budget will be provided and monitored through the MoHE during this period though it will control its day to day expenditures based on the financial procedure of the Government. At the end of an initial period of two to five

years the Agency, if it is ready to operate autonomously, will become totally autonomous with its own budget provided through the Ministry of Finance following normal government procedures for autonomous agencies. It will continue to work closely with the MoHE.

### Chapter 3: The Accreditation Process

**Article 9: Stages in the Accreditation Process.** The process of accreditation has four stages:

1. ***Permission to apply for accreditation and begin a self assessment:*** The higher education institution requests *permission to apply for candidacy*. It must demonstrate that it is properly registered with the MoHE to operate, provide basic information about its organization, structure, academic focus, infrastructure, and financing. Once permission is obtained the institution may begin its self-assessment for *candidacy* or will enter the Accreditation process according to article 20.
2. ***Candidacy for accreditation level one.*** This process is completed within two years. The first stage in the process of quality assurance in which the institution demonstrates that it meets the criteria for level one candidacy should be successfully completed within two years.
  - The process includes a self-assessment, peer review, peer review report and recommendation, and a decision by the Council of the Quality Assurance and Accreditation and compliance with the Bye laws and other legal documents.
  - If higher education institutions achieved *Candidacy for Accreditation Level 1* status in the first year, they are required, based on their self-assessments, to implement their action plan and other programs in the second year that are aimed at improving the quality.
3. ***Candidacy for accreditation level two:*** This is the second stage of the process of quality assurance in which the institution demonstrates that it meets the criteria for level two candidacy. An institution may achieve level two in its first consideration if it demonstrates that it meets the criteria for this higher level. Two year at level two must elapse before an institution can apply for *accreditation*. The process includes:
  - A self-assessment by the institution to demonstrate that it meets the standards for accreditation, a site visit by a team of peer reviewers, their positive recommendation to the Council of the Accreditation Agency, and a decision on accreditation by the Council.
4. ***Consideration for accreditation:*** After achieving *candidacy level two* an institution may apply for accreditation. The process consists of a self-assessment by the institution to demonstrate that it meets the standards for accreditation, a site visit by a team of peer reviewers, their positive recommendation to the Council of the Accreditation Agency, and a decision on accreditation by the Council.

**Article 10: Accreditation decisions.** Accreditation decisions results in one of three outcomes: an institutions is:

- 1) accredited, which will be for five years;
  - 2) extended to candidacy to meet the standards; or *not* accredited
2. Failure to meet *standards* means that an institution is *not accredited*. It may be put on probation for up to eighteen months if the site visit review team believes it can meet standards within that period of time. In egregious cases, the institution may be closed immediately. An institution placed on probation will be closed or put under the authority of an accredited institution if it fails to meet standards within eighteen months. Decisions about accreditation are made by the *Council* of the Accreditation Agency based on the recommendations of a peer review committee which makes them following an examination of the institution's self-assessment report and a site visit to the institution. The report and recommendations of the site visit team are reviewed by the Council which makes the final decision.

Note: standards and criteria are parts of the Quality Assurance and Accreditation Directorate which should be prepared and approved by the Quality Assurance and Accreditation Council.

**Article 11: Revocation of Accreditation.** If the Agency believes an accredited institution no longer meets the standards prior to the end of the five year period for which it is accredited, it may recommend to the Council that a site visit team be sent to the institution to undertake a review of the situation. If the institution no longer meets the *standards* accreditation can be revoked, the institution put on probation for nine months, or closed in egregious cases.

**Article 12: Reaccreditation.** Accreditation is granted for a period of five years. An institution must be reviewed for renewal of accreditation at the end of the fifth year. The process is the same as the initial review (see Article 9). That decision could result in reaccreditation, probation for up to eighteen months, or loss of accreditation (which would result in closure).

**Article 13: Appeal of a decision by the Council of the Accreditation Agency.**

The decisions of the Council about *candidacy for accreditation* and *accreditation* are appealable according to the law.

**Article 14: Peer review:** Peer review is an external review and evaluation of the quality and effectiveness of an institution's academic programs, staff, structure, and outcomes, by a team of external evaluators who are specialists in their fields and knowledgeable about higher education in general

1. *Site Visit.* A team of peer reviewers selected by the Agency conducts a site visit at a higher education institution. The peer review team (usually 3 to 5 members based on the size of the institution) visits the institution to evaluate it and review its self-assessment. Peer reviewers prepare a *Site Visit Report* based on their assessment of the institutional self-assessment, discussion with faculty, administrators, staff, and students during the site visit which reflects their

conclusions about whether or not the institutions meet the *criteria for candidacy for accreditation* or *accreditation standards*.

2. *Recommendation in the Site Visit Report.* The peer review team makes a recommendation to the Council of the Accreditation Agency regarding *candidacy for accreditation*, achievement or denial of *accreditation*, *probation*, or *reaccreditation* (see Articles 10, 11, and 12). Normally the *Site Visit Report* is confidential with only the Council decision being released to the public.
3. *Selection of Peer Reviewers.* Peer reviewers are selected on the basis of their expertise in their fields, experience, and reputation for impartiality and honesty.
4. *Training of Peer Reviewers.* All peer reviewers must successfully undergo training prior to being sent on a site visit. That training usually involves a workshop of one or two days including familiarity with criteria and standards for candidacy and accreditation, deportment during the site visit, confidentiality, and ethical standards relating to quality assurance. Peer reviewers will be held to a strict conflict of interest policy. A peer review may not be used at his or her own institution or at one which provided the nomination. They must be graduates of another institution and have no personal or material interest in the institutions (such as a spouse, relative or child at the institution or a contract or financial relationship with it).

**Article 15: Self-assessment.** After requesting and receiving permission from the Quality Assurance and Accreditation Agency, each institution will carry out an *institutional self-assessment* of its faculties, programs, and infrastructure prior to consideration for *candidacy for accreditation* and *accreditation*. This review is an evaluation of the quality and effectiveness of the institution's own academic programs, staffing, structure, and outcomes, designed to assess whether or not the institution meets the *criteria* or *standards* (see definitions above) set by the Accreditation Agency. The *Self-assessment* is carried out by the institution in preparation for a quality assurance site visit by an outside team of specialist peer reviewers (see Article 14). The Self-assessment results in a *Self-assessment Report* which lays out its findings in terms of each of the criteria or standards set by the Accreditation Agency.

**Article 16: Site visit.** When the institution has completed its *Self-assessment Report*, the Agency will arrange for a visit to the institution by a team of peer reviewers who will review the institution's *Self-assessment Report*, interview faculty members, students, staff, and administrators as well as examine the structure and effectiveness of the institution and its academic programs following procedures established by the Agency Council and the MoHE. The site visit results in a *Site Visit Report* with recommendation by the Peer Review Team to the Council of the Accreditation Agency about *candidacy for accreditation*, *accreditation*, or *reaccreditation*.

**Article 17: Fees.** The Agency has the authority to charge fees on private higher education institutions to cover the cost of site visits in accordance with appropriate rules and procedures. A specific procedure is established for charging fees on private institutions.



## Chapter IV: Miscellaneous Provisions

**Article 18. Institutional Quality Assurance Committees.** All higher education institutions should have a *Quality Assurance Committee* to monitor and facilitate quality improvement on campus. The Committee should be chaired by the Vice Chancellor for Academic Affairs. The committee should consist of five to nine members representing the major faculties and programs at the institution selected by the Academic Council. It may delegate responsibility for drafting faculty and departmental quality self-assessments to sub-committees but remains the authoritative entity for the overall institutional self-assessment report. All members should be productive scholars noted for excellence in teaching, research, and service. Most members should have advanced academic ranks.

**Article 19. Interim Arrangements.** Until legislation has been approved setting up an accreditation process, The Minister of Higher Education may appoint a Quality Assurance and Accreditation Committee to work with the universities and other higher education institutions to lay the groundwork for quality assurance including institutional and program self-assessment and other processes associated with quality assurance. This could include development of protocols, manuals for self-assessment, criteria and standards of quality expected of higher education institutions. Members of this Committee may become members of the Council of the Accreditation Agency after the legislation is approved.

**Article 20. Initiation of the Process.** All institutions that have graduated at least a first group of students should enter to the mandatory process of Accreditation.

**Article 21 Enforcement.** These byelaws are prepared in four chapters and twenty one articles which were amended with the majority of vote on 1392/9/4 by the Quality Assurance and Accreditation Commission and will be effective after approval of the Minister of Higher Education.