

Support to strengthening the higher education system in Azerbaijan



Twinning project ENI/2018/395-401

Mission Report

Short-Term Mission on Activity 4.3 Review the legal and regulatory framework for recognition and, if required, submit recommendations to comply with European best practices

(January 27-31, 2020)

1. Name and Function of the Expert:

Full name of expert

Ms. Marie-Odile Ott, France

Signature



2. Objective and Tasks of the Mission:

The mission is carried out within the framework of:

COMPONENT 4: RECOMMENDATIONS ON AMENDMENTS OF LEGISLATIVE AND REGULATIVE FRAMEWORK DEVELOPED

Activity 4.3 Review the legal and regulatory framework for recognition (a general framework for higher education will be considered in this mission) and, if required, submit recommendations to comply with European best practices

Remark: Given the fact that a new Law on Higher Education was developed in August – November 2019, this mission will be focused on the review of the Law to make sure that it is in line with best EU practices. The revised version of state standards in higher education will also be reviewed.

Benchmarks for this activity are:

- A proposal for the amendment of key legal regulations in the higher education sector (state standards for higher education and a new Law on Higher Education)

3. Time schedule of mission:

Date and Time	Activity
Monday, 27 th of January 2020	<ul style="list-style-type: none">- Meeting with RTA Ms. Elizaveta Bydanova.- Meeting with Component Leader IV Nargiz Garakhanova, Senior Advisor at Higher Education and Research Department of MoE.
Tuesday, 28 th of January 2020	<ul style="list-style-type: none">- Meeting with Yagub Piriyeu, Acting Head of Higher Education and Research Department of MoE, Yashar Omarov, Head of Higher Education Unit at Higher Education and Research Department of MoE and Afghan Abdullayev, Head of Research Unit at Higher Education and Research Department.
Wednesday, 29 th of January 2020	<ul style="list-style-type: none">- Deskwork on the draft Law “On Higher Education” and other documents
Thursday, 30 th of January 2020	<ul style="list-style-type: none">- Meeting with Mr. Gasim Mammadov, Vice Rector of Azerbaijan Oil and Industry University- Deskwork on the draft Law “On Higher Education” and “state standards”
Friday, 31 st of January 2020	<ul style="list-style-type: none">- Deskwork with Samir Hamidov, Leading Advisor at Higher Education and Research Department, on the draft Law “On Higher Education”.- Report writing

4. Relevant Background Information/State of Affairs regarding the mission

The overall objective of the current Twinning project is to enhance Azerbaijan's higher education through closer integration with the European Higher Education Area (EHEA). The expert understands there is a national concern and action going on the development and modernization of HE.

The expert was made aware of the project of a law on Higher education (hereafter called LHE) which is the first and also a new draft of the State Standards in Higher education.

Such a law marks the importance of higher education for a country and the will to develop its human capital and dynamics of socio-economic life.

The expert understands this is a significant step in strengthening the strategy of development of the higher education system.

Through exchanges with staff of the MoE in charge of such issues, the expert was made aware that this will have an impact on different regulatory texts which already exist or were waiting for revision of validation. Works on such texts will be complementary or concomitant with the finalization of the LHE.

The expert was informed that in the past 3 years, 4 universities were transformed into public legal entities and this change constitutes a transitory phase possibly leading to a strategy the government is thinking to pursue.

The expert had also access to several documents of importance for the topic of the mission

- Laws on "Education" (2013) and on "Science" (2016)

- Decree of creation of accreditation agency (2018)

- Azerbaijan Qualification framework adopted in 2018.

- A national strategy for "Increasing international competitiveness of the HE system in the Republic of Azerbaijan for 2019-2023"

- "The Action Plan on the implementation of the national strategy for the development of education in the Republic of Azerbaijan" approved by the order of the President 19/11/2018.

This document encompasses primary and secondary education and also focuses on some HE topics and the importance of life-long learning.

Based on these elements, the expert observes a favorable momentum at the national level with such initiatives and also with an international background as the involvement of the ministry of Education in different European programmes targeting both higher education system and research and development. Azerbaijan entered the European higher education area (EHEA) while joining the Bologna process in 2005 already; this also indicates awareness of the wider context as Higher education in Azerbaijan is regulated with due account for obligations the country took with respect to European Higher Education Area (hereinafter - EHEA) and 2030 Sustainable Development Goals of the United Nations. Azerbaijan also signed the Lisbon recognition convention back in 1997.

5. Achievement of the Expected Results

While considering proposing a LHE to the examination of the parliament assembly, the different elements of this context should be kept in mind.

The expert was made aware of the project of a new law of higher education by the way of an English translation and took note that the work on this law is susceptible to progress. The expert

was also made aware of the new proposal of State standards of higher education in due line with the recommendations of the mission 4.1 (December 2018).

The available version “States standards in HE” is a very clear and comprehensive up to date document which was made in line with the Law on Education, as in the previous years, before the proposal of a new law of HE.

-The expert recommends that a reflection should take place about the timing of those two texts. The LHE is still a project which will have to be presented at some point at the Parliament.

-The remaining work on the State Standards should take into account the preparation of the new LHE.

The project of the new law, as available in English translation, raises a series of comments.

- Generic comments

Such a law will be a milestone and should encompass the most important issues of organization and management of HE including roles, missions and responsibilities of the key components/stakeholders of the field. This law will probably be completed and accompanied by a corpus of texts and regulatory documents which aims will be to define in more details the regulations of the multiple and different topics. Some of such documents already exist as they were examined in the mission in December 2018, they have to be taken into account.

This project should also take into consideration the role of the ministry of education without forgetting the recently created Accreditation agency.

In respect with the perspective of the future law specific to HE, the first recommendation will consist in suggesting coordination of work done on the LHE proposal with work to be done on the present State standards (SSHE).

Considering the present draft of the law, the section on general provisions could take on board some of the items present in the general provisions of the SSHE and could also include the mention of the main stakeholders of higher education (structures, institutions or agencies) involved at the national level for exemple in a generic way.).

- Terminology, definitions and key concepts:

Concerning the whole document, and especially the “general provisions “and the part on “key definitions” in chapter 1 we recommend to use to the terminology adopted since many years in the European higher education area dialogue and documents (and beyond).

Therefore, as a project of a law, the text needs to clearly refer whenever possible to the definitions and concepts in the field of higher education which are currently in use towards the EHEA. This will be useful for a better understanding from professional of HE from foreign countries and from foreign students in the respect of the concern of mobility of the EHEA.

We strongly recommend to use definitions already agreed at the national level such as the Azerbaijan Quality framework and at the international level such as in Lisbon Recognition Convention. In this respect, the key definitions of the present SSHE could also be useful.

This draft LHE indicates that it refers to other definitions already present in the Law on Education, and do not repeat them.

In this line, the same should apply to related or common topics, as articles of the Law Education could also be of appropriate use in the LHE.

Furthermore, the same recommendation could be applied to definitions and articles already present in the Law of Science. For example there is a definition of “Research University” among definitions of the Law of Science and there is also a description of the responsibilities of Research universities (articles 12.7 and 12.8).

The expert recommends to make connections with the existing law on Science whenever possible and pertinent (see Law on science, articles 10 and 12 for example).

As an efficient and high quality teaching is based on research, students should have the opportunity to be exposed to research as early as possible (Paris Communiqué 2018, EHEA) and this would gain to be better explained in the law.

➤ In terms of contents and organization

The present draft LHE is quite exhaustive and encompasses the topics of HE organization and in some cases it could be less exhaustive and leave the most detailed items to secondary legislations such as decrees. Such a (new) law is understood as a new overarching document defining main topics and regulations issues and as such once adopted; it will lead to modifications in secondary regulatory documents such as decrees or to new secondary documents. Such an overarching law and accompanying secondary regulatory documents will constitute a regulatory framework of HE which will be able to evolve and allow regulations of further developments when needed.

The expert understands there a “format” to write a law which is supposed to be respected. Nevertheless the expert recommends reconsidering the distribution of some topics in order to gain in clarity. For example, in Chapter 1, articles 3, 5 and 6 are all targeting issues relevant to the role and tasks of the state, the expert suggests to proofread these articles in order to maybe sort these issues by priority, and check there is no further repetitions of them in the whole draft

The expert also suggest to undertake some reorganizations between the chapters and their respective articles in order to check on redundancies, focus to the main messages but also to take into account the international key concepts of EHEA developed to enhance the quality and relevance of learning and teaching (such as student-centered and competences-based approach).

- Chapter 2 entitled “Organisation of Higher education “

This chapter focus on the organization of Higher education, and the expert suggests it include all transversal questions of structuration and organization of HE in order to give clear definitions and directions.

It should include a section on the structure of HE, present the 3 cycles (bachelor, master and doctorate), as well as the short cycle and the development of a flexible access to HE with the development of lifelong learning. Requirements for the content and quality of higher education, student admission to institutions offering higher and short-term higher education and awards of degree, qualifications, diploma and diploma supplement.

If appropriate, the LHE should/could refer to existent articles of the Law of Education and may take inspiration or follow the same kind of organization as the Chapter 2 of this law.

- Internationalisation of higher education:

Due to the progress of the internationalization of the Higher education and research with the mobility of students and academic staff, and also the development of branches of foreign

institutions or joint programmes with a foreign institution, this topic should be taken into account in this LHE.

This raises issues of recognition and also of accreditation and implies to develop the question of recognition of qualifications and diplomas as well as study period abroad according to EHEA standards (recognized already by Azerbaijan) in this chapter and also to include a section about the Diploma statement issued by universities or other HEIs.

Quality assurance and quality assurance mechanisms play a central role in the processes of transformation of higher education. In this respect, the role and respective missions of the Ministry of education and the newly created accreditation agency should be integrated in this chapter. The expert recommends a cross reading together with the head and/or the staff of this Agency.

The expert recommends that the draft LHE includes some provisions to facilitate interactions between universities and the economic sector. HEIs need to develop strong interactions with their socio-economic environment and the local industry as the main vocation of HE is to train students to enable them to tackle with their professional life and enter the labor market. Such interactions can start with the participation (of personalities from such sector) to the construction of study programmes, to contribution to some training sessions, and will also help to establish an efficient internship culture.

Definition of key missions of HEIs as well as foundation and licensing issues could be included in this chapter (or in the following).

- Chapter III entitled “Management of higher education system, rights, duties, and social protection of education subjects”

This chapter could then be devoted to develop the issues relevant and applicable to HEIs from foundation to licensing (existing articles), including governance and management issues, rights, duties and responsibilities. In this context the expert insists on the participation of representatives of students and staff to the governance of HEIs.

The expert strongly recommends that HEIs commit themselves to the elaboration of their strategy, under the form of a Strategic Development Plan “SDP” that would encompass their missions, and first of all to ensure a high quality learning and teaching of students, but should also include a plan for human resources, for infrastructures among others, with a set of indicators. The issue of development of a Strategic plan by HEIs has been the topic of a previous mission during this Twinnig project.

With the transformation of HE and in line with the national strategy and action plan already adopted (listed above), the HEIs need to develop a close relation with the economic sector of the local industries. In this aim, the expert recommends to include in HEIs mission to invite representatives of the economic sector to take part to some instances of the governance of HEI.

Planned action was *achieved/not achieved/achieved partially. Add any relevant comments.*

The mission could have gained probably with an interaction with responsible of the Accreditation agency.

It was quite appreciable to meet the vice-rector of Azerbaijan Oil and Industry University, to listen to his experience and vision.

The discussion both with him and with the acting Head of Higher Education and Research Department (M. Piriyeu) of MoE allowed to appreciate their interests for current evolution of the HE and for the model the UFAZ (French-Azeri University) represents.

7. Issues Left Open After the Mission

The expert and RTA propose that further works include to take knowledge of HE legislation developed by Baltic countries for example Estonia and Lithuania.

The expert will contribute with examples coming from the “Education code” in France and other relevant legislation.

State if any issues were left open. Add any relevant comments.

8. Recommendations (including recommendation for future missions)

The main recommendation of this mission is to undertake a more collective working approach on this draft LHE now that there is a draft completed, may be with the form of a small steering group, including staff in charge of the Accreditation agency and others members of the MoE. This will allow a collective appropriation of the concerns of the LHE but also ensure that all necessary issues will be tackled in this document, even if a more detailed regulation as to be produced later on.

This will also have the advantage to be more reactive when there will be amendments to make to this LHE.

The expert wants to underline the recommendation of considering issues of quality assurance, and to include them as well.

This section shall be 2.5 pages at maximum. All other relevant information shall be attached as annex.

9. Acknowledgments (if any)

The expert wants to acknowledge M. Piriyeu, Mr. Omarov, M. Hamidov and other staff from the MoE met during the mission for their time and discussions.

The expert also thanks the Twinning team, M. Arzumanov and Ms Atakishiyeva for their help and Ms Bydanova for her time and discussions.

Annexes

(If any)