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# Modernization of administrative procedures for licensing and accreditation in the field of higher education in Ukraine

# Модернізація адміністративних процедур ліцензування та акредитації у сфері вищої освіти в Україні

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#### **Abstract**

The purpose of the article is to identify the main directions of modernization for licensing and accreditation procedures in the field of higher education in Ukraine. To achieve this goal, the following tasks are set: 1) to define the concepts of licensing and accreditation as administrative procedures; 2) to identify existing shortcomings for practical implementation of these procedures; 3) to outline the ways to improve the licensing and accreditation process in higher education.

The following methods of scientific cognition were used while working on the article: structural and functional, comparative and legal, formal and logical, modeling, analysis and synthesis.

Guarantee and quality assurance of higher education in Ukraine is impossible without the introduction of independent and effective administrative licensing and accreditation procedures. The content of licensing and accreditation as administrative procedures has been defined. The current state of regulatory procedures resolution for licensing educational activities and accreditation of educational programs has been considered. The main directions of the licensing and accreditation

#### Анотація

Метою статті є визначення основних напрямів модернізації процедур ліцензування та акредитації у сфері вищої освіти в Україні. Для досягнення означеної мети поставлені такі завдання: 1) з'ясувати поняття ліцензування і акредитації як адміністративних процедур; 2) встановити існуючі недоліки практичної реалізації вказаних процедур; 3) окреслити шляхи вдосконалення ліцензійноакредитаційного процесу в сфері вищої освіти. Під час написання статті використовувались наукового наступні методи пізнання: структурно-функціональний, порівняльноправовий, формально-логічний, моделювання, аналізу та синтезу.

Гарантування і забезпечення якості вищої освіти в Україні не можливе без запровадження належних та ефективних адміністративних процедур ліцензування та акредитації у цій сфері. Визначено зміст ліцензування та акредитації як адміністративних процедур. сучасний стан нормативно-Розглянуто правового регулювання процедур ліцензування освітньої діяльності та акредитації освітніх Вилілено основні програм. напрямки модернізації системи ліцензування акредитації у сфері вищої освіти в Україні.

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system modernization in the field of higher education in Ukraine have been highlighted. It has been emphasized that the solution of this problem requires the implementation of a number of measures to improve the licensing and accreditation procedures as components of the Ukrainian higher education control system. The study concluded that the main task in this field should be the optimization of the procedures by simplifying them, ensuring objectivity, transparency, anti-corruption; reviewing and simplifying licensing and accreditation procedures by reducing phasing and duplication of functions; possible reduction of some existing terms of case trying; introduction of a single electronic document flow during licensing or accreditation, etc.

**Key words:** administrative procedure, licensing, accreditation, higher education, modernization.

#### Introduction

Among the most important aspects of improving the system of administrative procedures in higher education the need for modernization of licensing and accreditation procedures should be noted. Because this is the licensing and accreditation aimed at garanteeing the quality of graduate training, strengthening the autonomy of educational institution, increasing responsibility for the activity results, ensuring the state control over adherence to the state educational standards. The state has already taken a number of measures in this direction. From our point of view, the establishment of such an independent body as the National Agency for Higher Education Quality Assurance should be recognized as one of the most progressive. This body is implementing a new accreditation system for educational programs, based on European standards and best practices. At present, a key element of the educational programs accreditation is the evaluation of higher educational institution activities under this program by an independent visiting expert group. In order to provide qualitative expertise and evaluation of educational programs, the National Agency has already approved 1,423 experts from the teaching staff and 383 experts from higher education applicants. We are convinced that the functioning of such a body is indeed a necessary condition for the further successful development of educational activity in Ukraine and bringing it to the European level. In addition, it is worth remembering that higher education fulfills an important social order of the state, namely, it

Наголошено, що вирішення цього завдання вимагає реалізації цілої низки заходів щодо вдосконалення процедур ліцензування та акредитації як складових системи контролю у сфері вищої освіти в Україні.

результатами дослідження висновок про те, що основним завданням у цій сфері має бути: оптимізація даних процедур шляхом ïx спрощення; забезпечення об'єктивності, прозорості, антикорумпованості; перегляд і спрощення процедур ліцензування та акредитації за рахунок зменшення етапності і дублювання функцій; можливе скорочення окремих існуючих термінів розгляду справ; запровадження єдиного електронного документообігу здійснення під час ліцензування чи акредитування та ін.

Ключові слова: адміністративна процедура, ліцензування, акредитація, вища модернізація.

shapes the intellectual potential of Ukraine, provides highly qualified specialists in the national economy, science, culture and other branches. Today, such institutions of quality assurance in higher education have been successfully operating in a number of foreign countries, for example, the National Agency for Quality Assurance has been functioning in Bulgaria since 1995 (Nikiforenko, Sikorska, 2018, p. 134). According to I. I. Babin, most national accreditation bodies (agencies, bureaus) rely on the following principles in their activities: 1) independence from the state and higher educational institutions and involvement of external experts, 2) initial evaluation is carried out by the higher educational institutions themselves or programs 3) external evaluation involves attending higher education institutions and joint expertise; 4) publication of reports. Therefore, a gradual and voluntary transition to uniform rules seems better (and seems to be the most popular) way of developing accreditation and quality assurance agencies. Of course, the development of common international standards will be a delicate matter requiring a comprehensive consideration of the cultural and regulatory specificities of each country (Babin, 2011).

Moreover, education representatives have long emphasized that the introduction of independent bodies capable of conducting accreditation procedures at the proper level will be an additional mechanism for overcoming corruption manifestations in higher education in Ukraine (Stetar, Panych, Cheng, 2005) as «Corruption, rampant in Ukrainian higher education institutions, undermines the quality of education and its status in the educational services market» (Osipian, Ararat L., 2009).

The purpose of this article is to analyze the main directions of modernization of licensing and accreditation procedures in the field of higher education in Ukraine, which involves defining the concepts of licensing and accreditation as administrative procedures, identifying existing shortcomings in the practice of their implementation at the current stage of development of administrative and procedural relations in higher education and description of the main directions of improvement of the licensing and accreditation process in accordance with the general tendencies of development of educational relations.

# Theoretical framework

Issues connected to the analysis of administrative procedures in modern domestic and foreign science have been considered in the works of such scientists as I. I. Babin (Quality assurance of higher education: European, national and institutional levels, 2011), V. A. Bugrov, A. P. Gozhik, D. V. Shcheglyuk (Accreditation of educational programs, 2018). O. V. Gorpinich, V. O. Salov (The evolution of procedures for licensing and accreditation of specialties, 2012), N. D. Hanh (Review Some Issues of Quality Assurance, Accreditation for Higher Education Institutions and Reality of Vietnam, 2019), F. Harcleroad (Accreditation: History, Process, and Problems, 1980), M. N. Kurko. (Administrative and legal regulation of higher education in Ukraine, 2010), N. O. Nikiforenko, I. M. Sikorska (Modernization of the system of quality assessment of higher education in Ukraine: possibilities of using the experience of Bulgaria, 2018), V. I. Palchikov (Legal problems of improving the organization of activity and management in the field of education, 2005), N. Popova (Formation of the professional position of the future medical worker in professional preparation in medical higher education I-II accreditation levels, 2018), N. A. Seleznyova (Vocabulary of agreed terms and definitions in the field of education of the CIS member states: about 100 terms, 2004), T. Serdyuk (On the problem of improving the accreditation system of higher education institutions, 2018), J. Stetar, O. Panych,

B. Cheng (Confronting Corruption: Ukrainian Private Higher Education, 2005) and others.

However, despite the fact that the control, accreditation and licensing system in the field of higher education in Ukraine is currently sufficiently regulated, work in this area requires significant improvement, which is, first of all, caused by the changes that are taking place today in the national higher education system and the national administrative system as well as the general tendencies of democratization of public relations and decentralization of state power in Ukraine.

The legal framework governing the procedure for licensing and accreditation in higher education in Ukraine is composed of:

#### I. Laws of Ukraine:

"On Education" dated from 05.09.2017 No. 2145-VIII (Law of Ukraine, 2017); "On Higher Education" (Law of Ukraine, 2015); "On Licensing of Economic Activities" from 02.03.2015 No. 222-VIII (Resolution of the CMU, 2015), etc.

II. Resolutions of the Cabinet of Ministers of Ukraine:

"On Approval of Licensing Conditions for Carrying Out Educational Activities" from 30.12.2015 No. 1187 (Resolution of the CMU, 12.2015);

"On Approval of the Regulations on Accreditation of Higher Educational Institutions and Specialties in Higher Educational Institutions and Higher Professional Schools" from 09.08.2001 No. 978 (Resolution of the CMU, 2001), etc.

III. Orders of the Ministry of Education and Science of Ukraine:

"On Approval of the State Requirements for Accreditation in the Field of Training, Specialty and Higher Education" dated from 13.06.2012 No. 68 (Order of the Ministry, 2012);

"On the creation of the Unified State Electronic Base on Education" from 08.06.2018 No. 620 (Resolution of the Ministry, 2018), etc.

# Methodology

Today it is well known that the methodology of scientific knowledge of the processes and phenomena of social life, legal and social



phenomena, public administration in various fields is multilevel. In most cases, current methodological approaches have been sufficiently thoroughly researched and described in the legal literature

Methodological basis was formed by the general scientific and special methods of cognition, the use of which allowed to make scientifically sound conclusions. Using the structural and functional method, the content of licensing and accreditation as administrative procedures has been determined, as well as the main directions of modernization of their system. The comparative legal and formal logical methods were applied in the examination of the current state of legal regulation and interpretation of legal norms concerning the procedures of of educational activities licensing accreditation of educational programs. Modeling, analysis and synthesis techniques have been used to develop ways to improve licensing and accreditation as administrative procedures in higher education. The complex application of the above methods has made it possible to achieve the goal.

# Results and discussion

The modernization of higher professional education that takes place in our country has become a prerequisite for bringing the practice of professional training of students to a new level. The main indicator of educational activity is the quality of providing educational services, the formation of educational institutions, which, in their turn, are aimed at the education of competitive graduates (Popova, 2018).

Administrative licensing and accreditation procedures have a special place in the overall array of higher education procedures aimed at streamlining administrative, regulatory, control and other administrative activities in the educational field, forming the basis of the regulatory framework for higher education institutions and the quality assurance system in Ukraine. According to T. Serdyuk, one of the manifestations of the administrative principle of functioning of national educational management is the system of state accreditation, which has a control and punitory orientation. Administrative pressure on higher education institutions, rigid requirements for their compliance with the quality criteria of educational activity create grounds for forming an biased picture of the higher education system functioning: according to reports and documents it is declared the sufficient or high level of education of the

overwhelming number of students, but the real level of higher education quality in Ukraine remains on the level that does not meet modern world standards (Serdyuk, 2018, p. 138).

Exploring the current issues of licensing and accreditation in higher education it can be found out what is inherent in the concept. For example, in modern science licensing is seen as a necessary procedure for the formal recognition of the right of higher education institutions to start and carry out educational activities related to higher education and qualification. In its turn, accreditation is generally understood to mean a procedure whereby a specially authorized public authority documents the legality and competence (ability) of a subject (legal or natural person) to carry out a particular type of activity. A glossary of agreed terms and definitions in the field of education of the CIS member states interprets these concepts in the following way:

- a) licensing in education is a procedure of state recognition of the possibility of an educational institution to educational activity on certain educational programs on the basis of compliance establishment of with the conditions of the educational process to officially established requirements proposed by the educational institution being licensed;
- accreditation in education is a periodic assessment and recognition by the state of the level of activity of an educational institution, which implements the relevant educational programs, as such, which meets the established criteria, requirements. standards norms. (Seleznyova, 2004, p. 9, 17).

The legal definition of the content of the administrative procedures for licensing and accreditation in higher education is enshrined in the Law of Ukraine "On Higher Education". Thus, according to paragraph 15 Art. 1 of this Law, the procedure for licensing educational activities is a procedure for recognizing the ability of a legal entity to carry out educational activity for a particular specialty at a certain level of higher education in accordance with the standards of educational activity, and the administrative procedure for accreditation of the educational program is defined as established by the state procedure for the evaluation of educational programs (educational activity of a higher education institution under this program) compliance with the standard of higher education, the ability to meet the requirements of standard as well as to achieve the stated program learning outcomes and the stated program learning outcomes.

According to the Law of Ukraine "On Licensing of Economic Activities", licensing is a means of state regulation of economic activities aimed at ensuring the safety and protection of economic and social interests of the state, society, rights and legitimate interests, human life and health, environmental safety and environmental protection.

It should also be noted that the "Regulation on Accreditation of Higher Educational Institutions in Higher Specialties Educational Institutions and Higher Professional Schools" is provided for accreditation of higher education institution as well as accreditation of the field of study, specialty in the educational institution (separate subdivision) at a certain educational level. In particular, the first concept is interpreted as state recognition of its status (level of accreditation), and the second, as state recognition of compliance of the level of training (retraining) of specialists with the state requirements for the direction of training, specialty and higher education institution approved by the Ministry of Education and Science.

Accreditation of the educational program is an evaluation of the educational program and / or educational activity of a higher education institution under this program for: a) compliance with the standard of higher education, which includes compliance with the license conditions in addition to the requirements of the standard in the relevant specialty; b) the ability of the educational institution to meet the requirements of the standard and to ensure that the educational results achieved by the recipients of the education program, including through the functioning of the internal quality assurance system; c) achievement of the stated learning outcomes in the program (compliance with the defined credit dimension of educational components, chosen teaching and assessment methods, etc.). The accreditation process should be applied by the higher education institution for the development and improvement of the system of quality assurance of educational activity and quality of higher education (Bugrov, Gozhik, Shcheglyuk, 2018, p. 10).

Studying the historical perspectives concerning accreditation in postsecondary education, Fred F. Harcleroad noted that accreditation and its

development have been based on four distinct but closely-related factors:

- state government responsibilities and activities;
- specialized academic disciplines and their, voluntary national associations;
- diverse educational institutions and their voluntary regional and national associations;
- 4) the federal government and its "listing" or statistical responsibilities. An understanding of the interplay, of these four groups provides much of the background needed to make an estimate of the possible future in the-field of accreditation (Harcleroad, 1980).

Nowadays, accreditation is the best way to check the quality of provided educational services. It is also the way to be recognized in university rankings at the local, regional, and global levels (Hanh, 2019, p. 529). Analyzing the evolution of administrative licensing and accreditation procedures in higher education in Ukraine, current researchers have noted that, despite the continuous process of improving the regulatory framework for licensing and accreditation, a number of significant contradictions and shortcomings of the institutions' procedures remain unaddressed (Kurko, 2010, p. 21; Palchikov, 2005, p. 93).

# Thus, O. Gorpinich and V. Salov point out that:

- the components of this group of administrative procedures and their results are not integrated into a single system;
- evaluating the performance of higher education institutions does not always ensure the accuracy of performance based on transparency and compliance with pan-European principles due to the lack of public and market components;
- results of licensing and accreditation are not always adequate to the real potential of universities and dynamics of their development (Gorpinich, Salov, 2012, p. 38].

The existing shortcomings in the practice of implementing the administrative procedures for licensing and accreditation in higher education should also be supplement with: the inability of the licensing conditions realization for staffing according to legal factors, the lack of control over the quality of the provision of educational services during the validity of the license, the



imperfection of educational criteria compulsory component, etc. (Gorpinich, Salov, 2012, p. 40). The main directions of modernization of the system of licensing and accreditation in higher education in Ukraine include:

- 1) bringing the system in line with standards and recommendations for quality assurance in the European and world higher education space;
- improvement of mechanisms of activity of state bodies of control over higher educational institutions;
- balancing the needs of the domestic labor market and educational services;
- introduction of clear criteria for evaluation of the quality of educational activity of higher education institutions, improvement of qualification requirements for teachers and their working conditions.

These tasks require a number of steps to be taken to improve the licensing and accreditation procedures as part of the control system in higher education in Ukraine, in particular:

- streamlining benchmarks and indicators of higher education institutions;
- creation of a unified information base assessing the capacity and performance of higher education institutions:
- improvement of the mechanisms of professional expertise in licensing and accreditation;
- review the existing criteria and requirements for licensing and accreditation:
- introduction of a labor market monitoring system in higher education institutions;
- involvement of employers in the accreditation procedure in the field of higher education;
- promulgation of the information base of higher education institutions activity indicators and ensuring their control by the state bodies of higher education management and independent agencies;
- creating opportunities for the activities of public bodies to assess the quality of the provision of educational services by higher education institutions;
- consolidation of the mandatory research and innovation components at all levels of higher education in the licensing and accreditation requirements.

To determine the main directions of qualitative changes in the licensing and accreditation process and to establish a general algorithm for transformation the system of higher education institutions activity regulation, the development of the Draft Reform Concept the system of licensing and accreditation in higher education of Ukraine is aimed (The concept of reforming, 2014). The document defines the following basic principles of transformation of the licensing and accreditation system in higher education of Ukraine:

- 1) the simplicity, logic, clarity transparency of the licensing and accreditation system, which is achieved by minimizing procedures, avoiding duplication, limiting the duration and number of participants;
- adequacy, objectivity, measurability and verification of the standards and requirements provided for in the Educational Activity Standard;
- 3) orientation of baselines to a positive assessment of the dynamics of development of a higher education institution as a necessary sign of its competitiveness and adaptability;
- the focus of the licensing accreditation system (indicators, procedures processes) and stimulating the development of the national higher education institution (this system should encourage the advance development of higher education institutions in the most promising directions for social progress);
- the focus of licensing and accreditation management in Ukraine on the accelerated integration of the national education system into the European Higher Education and Research Area, which involves the development and implementation of agreed standards, procedures and recommendations that will ensure the proper quality of the educational process and educational outcomes;
- recognizing the priority of licensing and accreditation requirements over higher education standards in the case of their non-compliance, since licensing and accreditation requirements are more dynamic than education standards, and their priority is a tool for real reform of the higher education system and the impetus to renewal of outdated standards:

- increasing the role and participation of the professional community in licensing and accreditation procedures, broadening public control over it, introducing the practice of independent and international accreditation of educational programs;
- 8) directing the licensing and accreditation system to the internal and external quality assurance of higher education (internal quality assurance of higher education implies the implementation of local quality management systems of higher education institutions, and external compliance with the established national and European standards and recommendations for quality assurance of higher education) (The concept of reforming, 2014).

Thus, the licensing and accreditation system should become one of the main factors of the transition from fragmentary coordination to effective cooperation of higher education, the labor market, self-governing professional communities, other civil society institutions, which will allow to harmonize the content of educational programs with the needs of the labor market, the structure of specialists' training with national economy requirements and to attract additional business resources to higher education funding.

# **Conclusions**

Therefore, according to the general principles of transformation of the system of licensing and accreditation in higher education in Ukraine, the main task should be:

- a) optimization of these procedures by simplifying them, ensuring objectivity, transparency, anti-corruption, which, first of all, implies the implementation of the following basic measures: bringing the procedure for realization of licensing and accreditation in higher education in compliance with the requirements of the Law on Higher Education;
- revision and simplification of licensing and accreditation procedures by reducing phasing and duplication of functions;
- analysis of the possibilities of reducing certain existing terms of case consideration, etc.

The proposed measures, which outline the contours of the desired state of the mechanism of implementation of licensing and accreditation in the field of higher education in Ukraine, contain the necessary benchmarks for improving the existing regulatory documents on these procedures based on the rules of the Law of Ukraine "On Higher Education" and in accordance with the general public relations and decentralization of state power.

In addition, in the context of the development of information and innovation technologies, we must move away from the established bureaucratic procedure of filling a pile of unnecessary papers, and go to electronic workflows and submit the necessary documentation for licensing and accreditation.

Attention should be paid to the recommendations made by Nguyen Duc Hanh, in particular, as regarding the following: 1) a culture of overall quality should be disseminated deeply and broadly among all leaders and employees of higher education institutions through training and retraining in TQM programs; 2) continuous improvement is the basis for achieving high levels of independence, stability, and trust in educational institutions; 3) developing a strategic plan with a clear and transparent vision of Quality Assurance and Quality Accreditation that really shows the strengths and weaknesses educational institutions is an important task of higher education institutions, especially in the period in progress of gradual transition according to the current trend of international integration (Hanh, 2019, p. 529).

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