

by Resolution of the Cabinet of Ministers of Ukraine

dated 15 April 2015 No. 244

(as amended by Resolution of the Cabinet of Ministers of Ukraine

dated 21 August 2019 No. 761)

CHARTER

of the National Agency for Higher Education Quality Assurance

General provisions

1. The National Agency for Higher Education Quality Assurance (hereinafter NAQA) is a permanent collegial body authorised by the Law of Ukraine 'On Higher Education' to implement state policy in the field of higher education quality assurance.

2. NAQA shall be guided in its activities by the Constitution and laws of Ukraine, decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, other legislative acts and this Statute.

3. In implementing state policy in the field of quality assurance in higher education, NAQA shall interact with the Cabinet of Ministers of Ukraine, the Ministry of Education and Science, other central and local executive bodies, the National Academy of Sciences and national branch academies of sciences, local self-government bodies, public associations, enterprises, institutions and organisations, scientific institutions and higher education institutions of foreign countries, as well as international organisations in the field of higher education.

4. The National Agency is a non-profit organisation.

5. The National Agency is a legal entity under public law, founded by the state.

The National Agency acquires the status of a legal entity from the date of its state registration, has an independent balance sheet, registration accounts with the Treasury, currency accounts with banks, and a seal with its name.

6. The budget estimate, the plan of appropriations of the general fund of the National Agency for the relevant year and amendments thereto shall be approved by the Ministry of Education and Science.

7. The National Agency shall have the right, in accordance with the procedure established by law, to conclude contracts, perform other legal acts, acquire property and personal non-property rights, bear obligations, and be a plaintiff and defendant in court.

8. Full name of the National Agency:

in Ukrainian — Національне агентство із забезпечення якості вищої освіти;

in English — National Agency for Higher Education Quality Assurance.

Powers of NAQA

9. NAQA:

develops requirements for the higher education quality assurance system, drafts regulations on the accreditation of education programmes and submits them to the Ministry of Education and Science for approval;

develops the procedure for institutional accreditation of higher education institutions and submits it to the Ministry of Education and Science for approval;

analyses the quality of education activities of higher education institutions;

conducts licensing examinations, prepares expert opinions on the possibility of issuing licences for education activities in the field of higher education;

forms sectoral expert councils consisting of nine to fifteen members for a term of no more than three years from among persons who have a scientific degree in the relevant field of knowledge or at least five years of professional experience in the field, except for representatives of student self-government bodies;

forms, upon the submission of higher education institutions and scientific institutions engaged in education activities in the field of higher education, proposals, in particular with a view to introducing interdisciplinary training, on the list of specialities for which higher education is provided at the relevant levels of higher education, and submits it to the Ministry of Education and Science;

approves the standards of educational activity and higher education standards for each speciality developed by the Ministry of Education and Science;

creates a unified database of specialisations introduced by higher education institutions, in which higher education is provided at each level of higher education;

decides on the accreditation or refusal of accreditation of the relevant education programme based on the results of the accreditation review of the education programme;

decides on the accreditation of the relevant education programme in accordance with a written application from the higher education institution that has the relevant institutional accreditation certificate;

in accordance with the procedure approved by the Ministry of Education and Science, makes decisions on the accreditation or refusal of institutional accreditation of the relevant higher education institution;

cancels the decision of the specialised academic council on the award of a scientific degree in the event of academic plagiarism being detected, upon the recommendation

of the Ethics Committee in accordance with the procedure established by the Cabinet of Ministers of Ukraine;

cancels the decision of the specialised academic council on the basis of a submission by the Appeals Committee following consideration of an appeal, statement or complaint regarding the activities and decisions of specialised academic councils in accordance with the procedure established by the Cabinet of Ministers of Ukraine;

develops criteria for assessing the quality of educational activities, including scientific achievements, of higher education institutions, which may be used to rank higher education institutions;

submits proposals on granting a higher education institution the status of national in accordance with the procedure and criteria established by the Cabinet of Ministers of Ukraine;

once every seven years, establishes the compliance of the activities of a national higher education institution with the criteria established by the Cabinet of Ministers of Ukraine to confirm or revoke its status;

submits to the Cabinet of Ministers of Ukraine proposals on granting national higher education institutions the status of research institutions based on the results of a competitive selection process, if they meet the criteria established by the Cabinet of Ministers of Ukraine;

establishes once every seven years the compliance of the activities of a research higher education institution with the criteria determined by the Cabinet of Ministers of Ukraine to confirm or revoke its status;

develops requirements for the level of scientific qualification of persons obtaining scientific degrees;

submits to the Ministry of Education and Science for approval the procedure for awarding academic degrees by specialised academic councils of higher education institutions (research institutions) for submission to the Cabinet of Ministers of Ukraine in accordance with the established procedure;

approves the procedure developed by the Ministry of Education and Science for the recognition of higher education degrees and academic degrees obtained in foreign higher education institutions;

develops regulations on the accreditation of specialised academic councils (specialised councils for awarding the degree of Doctor of Arts) and submits them to the Ministry of Education and Science for approval, accredits specialised academic councils (specialised councils for awarding the degree of Doctor of Arts) and monitors their activities;

accredits independent institutions for the assessment and quality assurance of higher education and maintains a register of such institutions;

participates, in accordance with the procedure established by law, in the formation of indicators for state orders for the training of specialists with higher education by levels of higher education and specialities, taking into account the medium-term forecast of the demand for specialists in the labour market;

prepares and publishes an annual report on the quality of higher education in Ukraine and its compliance with the tasks of sustainable innovative development of society, a report on its activities, formulates proposals on legislative measures to ensure the quality of higher education and submits these documents to the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine and higher education institutions for discussion and appropriate response;

approves the regulations on the committees of NAQA;

approves and publishes the procedure for appealing against decisions of the National Agency;

approves the procedure for nominating candidates and electing members of sectoral expert councils and the regulations on them;

exercises other powers provided for by law.

10. In order to organise its activities, NAQA:

ensures the implementation of measures to prevent corruption in NAQA and monitors their implementation in accordance with the law;

ensures, within the powers provided by law, the implementation of state policy on state secrets and monitors their preservation;

takes measures to establish dialogue with the public and create conditions for citizen participation in the implementation of state policy in the field of higher education quality assurance;

publishes on its official website issues related to the development and functioning of the higher education quality assurance system;

publishes on its official website regulatory documents relating to its activities, as well as information on the structure and composition of NAQA, the management of the secretariat, the results of its activities (including decisions and minutes of meetings), estimates and financial reports on the receipt and use of all funds received, and other information provided for by law.

11. NAQA shall have the right to:

involve independent institutions for the assessment and quality assurance of higher education accredited by it in the accreditation procedure for education programmes;

obtain, in accordance with the procedure established by law, from state bodies, local self-government bodies, higher education institutions, scientific institutions,

information, documents and materials necessary for the exercise of the powers vested in NAQA;

obtain, in accordance with the procedure established by law, during the licensing examination, accreditation of educational programmes, institutional accreditation of higher education institutions, accreditation of specialised academic councils (specialised councils for awarding the degree of Doctor of Arts), accreditation of independent institutions for the assessment and quality assurance of higher education from higher education institutions, scientific institutions and independent institutions for the assessment and quality assurance of higher education, documents specified by law;

involve specialists from central and local executive bodies, enterprises, institutions and organisations, experts, as well as international experts, representatives of leading foreign higher education institutions and/or experts from institutions that ensure the quality of higher education in other countries, in the consideration of issues within the competence of the National Agency;

use the information databases of the Ministry of Education and Science in accordance with the established procedure;

engage in publishing activities;

organise and hold congresses, conferences, symposiums, seminars, meetings, training sessions, and consultations, including international ones, on issues within its competence, as well as participate in such events at the expense of the special fund.

Composition and structure of NAQA

12. NAQA consists of 23 persons appointed by the Cabinet of Ministers of Ukraine on the basis of a decision of the Competition Commission for the Selection of Members of the National Agency for Higher Education Quality Assurance (hereinafter the Competition Commission) following a competitive selection process conducted in accordance with the principles of gender balance and sectoral representation.

The composition of NAQA shall be formed with the representation of no more than one person from each field of knowledge and shall include:

three persons elected from among representatives of all-Ukrainian associations of employers' organisations;

two persons from among first or second level higher education graduates;

at least one representative from among persons whose main place of work is in:

- the National Academy of Sciences;
- a national industry academy of sciences (one representative from each academy);
- a state-owned higher education institution;

- a municipal higher education institution;
- a private higher education institution.

A person may be nominated as a candidate for membership of NAQA by the entities specified in this paragraph or by self-nomination.

13. The powers of a member of NAQA shall be terminated in the event of:

- 1) expiry of the term for which he or she was appointed;
- 2) submission by him or her of a personal statement of resignation;
- 3) a conviction against them becomes final;
- 4) they renounce their Ukrainian citizenship;
- 5) they are declared missing or presumed dead;
- 6) they die;
- 7) restrictions provided for in Article 19 of the Law of Ukraine ‘On Higher Education’ are discovered;
- 8) in other cases provided for by law.

14. The term of office of members of NAQA shall be three years. The same person may not be a member of NAQA for more than two terms.

15. The following persons may not be members of NAQA:

- 1) persons who have been declared legally incompetent or whose legal capacity has been restricted by a court decision;
- 2) has a criminal record for committing a crime, if such a criminal record has not been expunged or removed in accordance with the procedure established by law;
- 3) has been deprived of the right to hold a certain position or engage in certain activities by a court decision;
- 4) who has been found guilty by a court decision of committing a corruption offence within one year from the date of the relevant court decision becoming final;
- 5) who has been subject to administrative penalties for offences related to corruption within one year from the date of the relevant court decision becoming final;
- 6) who fall under the scope of part three or four of Article 1 of the Law of Ukraine ‘On Purification of Government’;
- 7) information about whom has been entered into the Unified State Register of Persons to whom the provisions of the Law of Ukraine ‘On Purification of Government’ apply.

NAQA may not include members of the Competition Commission, heads and deputy heads of the National Academy of Sciences and national branch academies of sciences,

higher education institutions, scientific institutions, founders of private higher education institutions, or civil servants.

16. Members of NAQA shall perform their duties on the basis of civil law contracts concluded with them, except for the Chair and Deputy Chairs of NAQA, who work on a permanent basis.

Members of NAQA and members of sectoral expert councils may be released (fully or partially) from their professional duties at their main place of work while performing the duties assigned to them by the Law of Ukraine 'On Higher Education', with their salaries remaining unchanged.

The sectoral expert councils of NAQA do not have legal personality and operate on the basis of their regulations.

17. Members of NAQA shall act on the principles of openness and transparency.

18. A meeting of NAQA shall be valid if at least two-thirds of its members are present.

Decisions on all issues shall be taken by a majority of the members of NAQA.

In the event of a conflict of interest, a member of NAQA shall abstain from voting.

Voting during a meeting may be closed or open, in accordance with the decision of NAQA.

In addition to members of NAQA, employees of the secretariat of NAQA, representatives of the Ministry of Education and Science, heads and representatives of higher education institutions, public associations, and the media may attend meetings of NAQA, subject to prior registration and/or invitation.

Participants in meetings of NAQA shall be registered on a mandatory basis.

19. The decision of NAQA may be appealed by a higher education institution or scientific institution.

20. NAQA shall establish an Ethics Committee, an Appeals Committee, and other committees formed from among the members of NAQA.

21. The Ethics Committee shall consider issues of academic plagiarism and submit relevant proposals to NAQA, as well as exercise other powers vested in it by the NAQA.

22. The Appeals Committee shall consider appeals, statements and complaints regarding the activities and decisions of specialised academic councils and submit relevant proposals to NAQA, as well as exercise other powers vested in it by NAQA.

Management bodies of NAQA

23. The activities of NAQA shall be managed by its Chair and Deputy Chairs within the powers defined by this Statut.

The Chair and Deputy Chairs of NAQA shall be elected at the first meeting of NAQA for a term of three years.

The Chair and Deputy Chairs of NAQA shall be appointed and dismissed by the Cabinet of Ministers of Ukraine upon the recommendation of NAQA and shall serve on a permanent basis.

24. The Chair and Deputy Chairs of NAQA shall be elected by secret ballot of the members of NAQA.

Decisions on the election of the Chair and Deputy Chairs of NAQA shall be taken by a majority of the members of NAQA.

25. Meetings of NAQA shall be held as necessary, but at least once a month.

26. The Chair of NAQA shall:

organise the preparation of the work plan of NAQA;

chaire the meetings of NAQA;

signs the acts adopted by NAQA and the minutes of the meetings of NAQA;

organises the implementation of the decisions of NAQA and informs the members of NAQA about the progress of their implementation;

organises the preparation of the report on the work of NAQA;

convenes a meeting of NAQA at the reasoned request of at least one third of the members of NAQA;

acts without a power of attorney on behalf of NAQA within the powers provided for by law and this Statute;

convenes and conducts meetings of NAQA, submits issues for consideration at its meetings, draws up the draft agenda of NAQA meeting and informs all members of NAQA of the meeting at least one day in advance;

represents NAQA in relations with other bodies, enterprises, institutions and organisations in Ukraine and abroad, in particular with state bodies of foreign states on issues of quality assurance in higher education and with international organisations;

submits proposals to NAQA meeting on the distribution of duties among his deputies;

decides on business trips, including abroad, of the Chair, Deputy Chairs and the head of NAQA Secretariat without the approval of the Cabinet of Ministers of Ukraine, the Ministry of Education and Science and other central executive bodies;

performs other functions to ensure the organisation of the activities of NAQA.

27. In the absence of the Head of NAQA or if he is unable to perform his duties for other valid reasons, his duties shall be performed by the Deputy Head of NAQA in accordance with the distribution of duties established by the Head.

The Deputy Head of NAQA shall be responsible for matters delegated to him/her by order of the Head of NAQA within the limits of his/her competence or by decision of NAQA. The Deputy Head of NAQA shall have the right to sign documents of NAQA in accordance with his/her powers.

NAQA Secretariat

28. NAQA Secretariat shall provide organisational, financial, economic, material, technical, information, reference and other support for the activities of NAQA.

The regulations on the Secretariat, its structure and staffing shall be approved by NAQA.

29. NAQA Secretariat shall be headed by a director.

The director of NAQA Secretariat shall be appointed by the Head of NAQA on the basis of a decision of NAQA for a term of five years with the right of reappointment.

The same person may not serve as director of NAQA Secretariat more than two terms.

NAQA may, by a two-thirds vote of its approved membership, decide to dismiss the head of NAQA Secretariat in accordance with labour legislation.

The head of NAQA Secretariat shall be accountable and subordinate to NAQA.

Deputy heads of the secretariat of NAQA shall be appointed and dismissed by the head of the secretariat in agreement with NAQA.

30. The head of NAQA Secretariat shall:

on behalf of NAQA, concludes contracts, performs other legal acts, represents interests in civil law relations, in court and other state authorities, institutions, organisations;

takes measures for state registration of NAQA in accordance with the Law of Ukraine 'On State Registration of Legal Entities, Individuals - Entrepreneurs and Public Formations';

convenes meetings of NAQA at the reasoned request of at least one third of its members, provided that the meeting has not been convened by the Head and his deputies within seven calendar days in accordance with the requirements of this Statute;

organises and controls the implementation by NAQA secretariat of the Constitution and laws of Ukraine, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, and other legislative acts;

hires and dismisses employees of the secretariat of NAQA on the terms of a fixed-term employment contract and in accordance with the procedure provided for by labour legislation, and makes decisions on their promotion and disciplinary action;

issues orders and instructions on matters within its competence that are binding on the employees of NAQA Secretariat;

decides on business trips, including abroad, for the deputy heads of the secretariat and employees of NAQA;

performs other functions related to ensuring the activities of the secretariat of NAQA.

31. Structural units may be formed within NAQA Secretariat in accordance with the structure and staffing table approved by NAQA.

The regulations on the structural units of the secretariat and the job descriptions of their employees shall be approved by the head of the secretariat of NAQA in agreement with NAQA Chair.

32. The head and employees of the secretariat of NAQA shall work on a permanent basis.

A person who is a member of NAQA may not be the head of the secretariat, deputy head of the secretariat or an employee of the secretariat.

The terms of remuneration of NAQA Head, his deputies and employees of the secretariat shall be determined by the Cabinet of Ministers of Ukraine.

33. The tasks of the secretariat of NAQA are:

organising the work of NAQA to ensure strict compliance with the requirements of the law;

providing information and reference support for the activities of the Head, Deputy Heads and members of NAQA;

ensuring the preparation and conduct of meetings of NAQA;

organising record keeping and archiving in accordance with established rules;

providing financial, economic, material and technical support for the activities of NAQA;

performing other tasks provided for in the regulations on the secretariat.

34. In accordance with the tasks defined in paragraph 33 of this Statute, NAQA Secretariat:

creates appropriate conditions and facilitates the effective exercise by the Chair, Deputy Chairs and members of NAQA of the powers vested in them;

obtains, in accordance with the procedure established by law, information, documents and materials necessary for the exercise of the powers vested in NAQA and its secretariat;

keeps the minutes of the meetings of NAQA;

provides organisational support and technical services for the meetings of NAQA;

organises personal meetings between citizens and the Chair and Deputy Chairs of NAQA;

accredits representatives of the media during meetings of NAQA and ensures the organisation and holding of press conferences, meetings and other events;

publishes the decisions of NAQA and highlights current issues related to the activities of NAQA on its official website and in the media;

draws up a budget of income and expenditure and organises its implementation;

plans expenditures for the implementation of measures related to the administrative activities and material and technical support of NAQA and determines the directions for the use of budget funds within the framework of the relevant budget programme;

prepares detailed calculations and justifications for the need for funds to implement the relevant budget programme, the use of material, including financial, resources in accordance with the approved estimates;

performs other functions related to ensuring the activities of NAQA.

Property and funds of NAQA

35. The activities of NAQA shall be financed from the state budget, funds received as payment for accreditation and licensing expertise, as well as funds received for the provision of other services related to ensuring the quality of higher education, in amounts determined by NAQA, grants provided for the purpose of improving the quality of higher education in Ukraine, including those provided for the improvement of the higher education quality assessment system, and other sources not prohibited by law.

36. The amount of appropriations from the state budget for the maintenance of NAQA, including the amount of expenditure on the remuneration of its employees, shall be established annually by the Verkhovna Rada of Ukraine in a separate line when approving the State Budget of Ukraine for the relevant year.

37. In order to ensure the activities of NAQA as provided for in this Statute, buildings, structures, premises, equipment, computer and other technical equipment, means of transport, means of communication, as well as other necessary property may be assigned to NAQA on the right of operational management in accordance with the law.

38. The property of NAQA is state property and belongs to it on the right of operational management.

The property may not be alienated, seized or transferred to the authorised capital of economic organisations. No actions may be taken with regard to such property that could result in its alienation.

The property and funds shall be used in accordance with the statutory purposes and objectives in the manner prescribed by law.

NAQA, in accordance with the law and this Statute, shall use the fixed assets assigned to it on the right of operational management without the right to change the form of ownership, as well as working capital and land plots provided to it for permanent use or lease in accordance with land legislation.

Accounting and reporting of NAQA

39. NAQA shall keep accounting records and submit financial and statistical reports in accordance with the procedure established by law, and shall report annually on the results of its activities.

Procedure for approval and amendment of the Statute

40. Amendments to this Statute shall be made by decision of the Cabinet of Ministers of Ukraine.

Amendments to the Statute shall be subject to state registration in accordance with the procedure provided for by law.

Termination of NAQA

41. NAQA shall be terminated as a result of reorganisation (through merger, consolidation, division, transformation) or liquidation in accordance with the law. The termination of NAQA shall be carried out in accordance with the procedure provided for by law.

In the event of termination of NAQA as a result of its liquidation, merger, division, consolidation or transformation, the assets of NAQA shall be credited to the budget.

NAQA shall be deemed terminated from the date of entry of the record of termination of its activities in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations.