

**DECISION OF THE ESTONIAN QUALITY AGENCY FOR EDUCATION (HAKA) ON THE APPEAL  
SUBMITTED BY THE TAJIK NATIONAL UNIVERSITY ON 30.04.2022**

<b>The decision-maker:</b>	The Higher Education Assessment Council of the Estonian Quality Agency for Education (hereinafter referred to as the HAKA Assessment Council; <i>until 11.06.2022 EKKK Assessment Council</i> )
<b>Date and place of decision:</b>	14.06.2022, online meeting
<b>Date of the Appeal:</b>	30.04.2022
<b>The Applicant:</b>	Tajik National University (hereinafter referred to <i>as the TNU</i> )

**I. The resolution**

**On the basis of Section 85(4) of the Administrative Procedure Act, not to satisfy the Appeal.**

Ten members of the Assessment Council participated in the adoption of this decision. Ten voted in favor, 0 against.

**II. The facts**

On 27 January 2021, the EKKK Assessment Council adopted the decision to accredit the TNU for a period of three years with a secondary condition. The secondary condition was worded as follows:

1. The Council decided on its session on 27.01.2021 to accredit Tajik National University (TNU) for three years with the following secondary conditions:
  - 1) TNU should develop its strategy so that it is clearly based on an in-depth and evidence-based analysis; it should include specific targets to ensure that priorities are clearly identified and that goals are measurable so that their achievement can be clearly demonstrated. TNU should develop strategic plans for key areas of activity such as teaching and learning, research, internationalization, and service to society.
  - 2) TNU should design assessment methods and criteria that address and support the intended learning outcomes. Assessment outcomes should focus only on the level of academic achievement and should not reflect non-academic matters. TNU should cease the practice of awarding grade points for non-academic matters of student conduct. If it is not within TNU's responsibility to change the student assessment system, proposals should be made to the Tajik Ministry of Education and Research to change it.
2. The Council decided that TNU should submit a report in English by 27.01.2022 at the latest about eliminating the shortcomings described in point 14 of the accreditation decision.
3. TNU did not submit a report about eliminating the shortcomings by the set deadline. The university did not submit the report even after the EKKK Secretariat reminded them of the deadline and emphasized that without the report the accreditation decision adopted by the EKKK Assessment Council could be repealed.

27.01.2022 was the deadline for the submission of a report on the fulfilment of the secondary condition.

On 28 January 2022 EKKA sent to TNU a reminder to submit the report necessary for assessing the fulfilment of the secondary condition.

On 28.01.2022 TNU sent to EKKA the following two documents:



2021.15.08 New  
Strategy (эрдэхи Эс:



Solution of Scientific  
and Methodological C

The document “New Strategy” contained comments that were inserted into it in May 2021, while the date of adoption in the header of the strategy was 26.02.2021.

On 28 January 2022 EKKA sent a new letter to TNU explaining that the submitted documents were not sufficient and that it was necessary to submit a report on the elimination of the shortcomings. In response to the letter from EKKA, the Applicant submitted a request for an extension of the deadline for the submission of documents necessary for assessing the fulfilment of the secondary condition.

On 28.01.2022 EKKA extended the deadline for submission of documents until mid-February 2022.

On 21 February 2022 and 14 March 2012, EKKA sent to TNU e-mails indicating that the documents necessary for the fulfilment of the secondary condition had not been received, meaning that at the meeting of 31 March 22 the Assessment Council would be unable to assess the fulfilment of the secondary condition, which in turn would lead to the institutional accreditation decision being repealed.

On 31.03.2022 the EKKA Assessment Council revoked the accreditation of TNU because the latter did not submit the documents necessary for the assessment of the fulfilment of the secondary condition within the set deadline and it was impossible to deem the secondary condition to have been fulfilled.

On 30 April 2022, the Applicant filed an Appeal calling for a decision to deem the documents necessary for assessing the fulfilment of the secondary condition to have been submitted by the Applicant within the set deadline; for the EKKA Assessment Council to repeal the decision of 31 March 2022 repealing the TNU accreditation decision; and to continue with the assessment of the fulfilment of the secondary condition on the basis of the submitted documents. The Appeal can be found here



Letter to Director of  
EKKA.pdf

On 16.05.2022 the EKKA Assessment Council examined the Appeal at an extraordinary session and decided to forward it to the Appeals Committee.

On 25.05.2022 the Director of EKKA formed the Appeals Committee on the basis of clause 17 of the *Procedure for the formation of the Quality Assessment Council for Higher Education and the*

*Appeals Committee* of 15 December 2020 and taking into account the members selected to the Appeals Committee by the Supervisory Board on 04.05.2022 on the basis of Section 24(3)(2) of Regulation No 19 of the Minister of Education and Research of 16 June 2020 on the Statutes of the Education and Youth Board, in the following composition:

- 1) Tõnis Karki (Member nominated by the Estonian Conference of Rectors).
- 2) Liina Lumiste (Member nominated by the Estonian Federation of Student Unions).
- 3) Jüri Jõema (Member nominated by the Estonian Employers' Confederation).
- 4) Eneken Titov (Member nominated by the Estonian Conference of Rectors of Universities of Applied Sciences).

On 26.05.2022 EKKA sent the Appeal and the related documents to the Appeals Committee for an opinion.

On 02.06.2022, the Appeals Committee forwarded its opinion to the EKKA Assessment Council.

The HAKA Assessment Council discussed the Appeal and the opinion of the Appeals Committee at an extraordinary session on 14 June 2022.

### **III. Reasoning and the motion of the Applicant**

TNU bases its Appeal on the following statements:

1. TNU sent to EKKA the Development Plan on 28 January 2022 (adopted on 27.02.2021) and a decision of the Scientific and Methodological Committee amending the assessment regulation. TNU assumed that those documents were sufficient to assess the fulfilment of the secondary condition and that the Applicant was unaware of the need to submit a report.
2. It was not possible for TNU to sign an Annex to the contract setting out the cost of assessing the fulfilment of the secondary condition and to transfer the fee for assessing the fulfilment of the secondary condition, since the bank account of the university was blocked until 28 March 2022.
3. TNU's official Google e-mail account tnu.int.re@gmail.com had been disabled from the end of February, thus disrupting the email exchange and TNU not being aware of the circumstances related to the fulfilment of the secondary condition and the decision of the EKKA Assessment Council of 31.03.2022.

### **IV. The position and reasons of the HAKA Assessment Council**

Having examined the reasoning and positions of TNU set out in the Appeal and the assessment carried out by the Appeals Committee, the HAKA Assessment Council considers that the Appeal should not be satisfied.

In particular, the argument set out in point III.1 above, which pertains to whether, according to the information provided to TNU, the documents proving the fulfilment of the secondary condition had been duly submitted, was decisive for the outcome of the Appeal.

The HAKA Assessment Council considers that the obligation to submit a report allowing assessment of the fulfilment of the secondary condition is clearly set out in paragraph 14 of its decision of 27 January 2021. In addition, EKKA repeatedly explained to TNU the requirements related to the renewal of the Development Plan and the fulfilment of the secondary conditions.

The e-mail exchange attached to the documents for processing the Appeal reveals repeated mentions by EKKA about the need to eliminate the shortcomings and an explanation that the submitted documents are not sufficient for considering the secondary condition to have been fulfilled.

By mid-February 2022, TNU had submitted a version of the Development Plan with the characteristics of a working document (the text included comments of the drafters as well as the EKKA Assessment Coordinator) and the decision of the Scientific and Methodological Committee amending the assessment criteria. Whereas an adopted Development Plan was submitted together with the Appeal of 30 April 2022, to date no report has been submitted, which should primarily demonstrate whether the secondary condition can be considered fulfilled.

The claim by the TNU that the university was unaware of the deficiencies in the documents submitted cannot be regarded as proven. It is apparent from the correspondence of 28 January 2022 that the TNU was aware of the inadequacy of the submitted documents for the secondary condition to be considered satisfied. In this connection, the TNU could not have been unaware of the fact that the EKKA Assessment Council would not have a basis on which to consider the secondary condition to be satisfied, which in turn could lead to the revocation of the accreditation. EKKA referred to this possibility in the e-mails of 21.02.2022 and 14.03.2022.

The arguments set out in III.2 and III.3 were not decisive for the outcome of the Appeal since they had no effect on the fulfilment of the secondary condition. The conditions for the fulfilment of the secondary condition had to be met by 27 January 2022 and the deadline was extended until mid-February at the request of the Applicant. The email account disruption from the end of February does not in any way explain the previous non-compliance with the requirements. Thus, failure of the e-mail account may have had an impact on the delivery of the decision of the Assessment Council of 31 March 2022 but could not have affected the submission of the documents necessary for the assessment of the fulfilment of the secondary condition.

The HAKA Assessment Council acknowledges that the decision to repeal the institutional accreditation decision, as it stands, does not set out with sufficient clarity the considerations for the adoption of the decision, which is why the Board decided to supplement the reasons for the decision of 31 March 2022.

## **V. Disputes**

A person whose Appeal was dismissed or whose rights were violated in the Appeal proceedings has the right to bring an action before the administrative court under the conditions and pursuant to the procedure provided for in the Code of Administrative Court Procedure.

Eve Eisenschmidt  
Chairman of the Council

Hillar Bauman  
Secretary of the Council