



Ensuring Quality Education in BiH: Quality Teaching in Higher Education - University Sector

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Summary

Since the introduction of deep reforms in the education sector, particularly within the university system - namely the Bologna reforms, Bosnian universities have had to face two challenges. The first one was to adapt to the market regulated by an offer/demand polarity, on which the education sector has become gradually dependent. The second challenge was to provide quality education, and to survive among other similar institutions, its survivals resting on the basis of positive results (the achievements of its alumni and eventually, achievements in scientific and other research - although funds for research are extremely scarce). The question of quality, introduced by the Bologna reform, has been seen as problematic, because it is estimated that an elaboration of programs 'a la carte' by students can sometimes result in oversimplified academic programs. Furthermore, the influence exerted by economic and political factors on academic programs through the financing of research, can indeed prove to be complex for the future of the universities. Without delving too deeply into the problems resulting from the Bologna reform in BiH, its consequences in terms of the ability of universities to apply it fully, and the role of universities as centres of research and excellence, which they should be, we will, in the paragraphs to follow, consider the different aspects of quality teaching and quality assessment at universities in BiH, taking as our case study the example of the University of Sarajevo, for practical reasons. In the past two years, given the growing number of privately financed universities and the complexity of the socio-economic situation, controlling the quality of teaching and setting standards in higher education have become crucial.

INTRODUCTION

¹ Within the state, there is also the District of Brčko (BD), declared a district upon a decision by the Arbitrary Council for the Brčko District of 1999. In 2009, an amendment to the Constitution of Bosnia and Herzegovina was passed, ensuring that Brčko's status, as defined by the Arbitrary Council for Brčko, is recognized and protected in the Constitution, and thus falls under the direct jurisdiction of the Constitutional Court of Bosnia and Herzegovina. *Comment by Jasmina Gavrankapetanović;*

² The Ministry of Civil Affairs of Bosnia and Herzegovina is responsible for citizenship matters, registration of citizens, protection of personal data, registration of the habitual residency, identification documents, travel documents, the procedure of vehicle registration and de-mining. Furthermore, the Ministry has competence for duties and activities which are in the jurisdiction of Bosnia and Herzegovina and are related to coordinating activities, harmonizing plans between different entity agencies, and defining strategies on an international scale in the following areas: health and social protection, pensions, science and education, labour and employment, culture and sport, geodesic, geological and meteorological affairs. *www.mcp.gov.ba, official presentation of the Ministry of Civil Affairs of Bosnia and Herzegovina, accessed on 15 March 2010;*

³ The Framework Law on Higher Education in BiH is founded on the principles of: academic freedom, openness for public, inseparability of teaching and scientific research, respect of European humanistic and democratic values, respect for human rights, lifelong learning and interaction with the community. *TOR, European Commission project: Reform of Higher Education, Reference: EuropeAid/128399/C/SER/BA, Published: 11/04/2009;*

⁴ The Bologna Process is a European reform process aimed at establishing a European Higher Education Area by 2010. It is an unusual process, in that it is loosely structured and driven by the 46 countries participating in it, in cooperation with a number of international organisations, including the Council of Europe. At the Berlin Ministerial Conference in September 2003, 7 new countries were accepted into the process (Albania, Andorra, Bosnia and Herzegovina, the Holy See, Russia, Serbia and Montenegro and "the former Yugoslav Republic of Macedonia"). *Official internet presentation of Council of Europe, www.coe.int, accessed on 16th April 2010;*

According to the Constitution of Bosnia and Herzegovina i.e. Annex 4 of the Dayton Peace Agreement, the country is comprised of two entities: the Federation of Bosnia and Herzegovina (FBiH) and the Republic of Srpska (RS), with the Federation further subdivided into ten Cantons, each having its own government.¹ At the level of the state i.e. Bosnia and Herzegovina, there is a Council of Ministers, which acts as a state government, which coexists with fully-fledged entity governments, in the Federation and RS respectively.

As a result of this highly complex organisation of the state, competences and responsibilities are broadly distributed. The majority of governmental powers rest with the entities, including competence over education, science, and culture. The existence of many administrative divisions in BiH has created a situation in which policy development and decision-making are fragmented. In addition, there are a total of 14 ministries of education in Bosnia and Herzegovina, but no ministry of education formally established at the state level. There is a state Ministry for Civil Affairs² (MoCA), which is responsible for the coordination of education programs and policies between related ministries and institutions at lower levels of administrative structure. Technically, in order to reach a decision, MoCA has to obtain written confirmation i.e. consent from the Ministry of Education and Culture of Republic of Srpska, the Department of Education of the Brčko District, from the ten cantonal ministries of education, and from the Ministry of Education and Science of the Federation of Bosnia and Herzegovina, which acts as a coordinating body cantonal ministries of education. Moreover, the overall structure of the education system is further aggrandized by eight pedagogical institutes, tasked with the professional monitoring of educational institutions, and by Standards and Assessment Agencies with both entities. Finally, an official Rectors Conference in Bosnia and Herzegovina was established in April 2006, following the previous establishment of similar consultative bodies in the entities.

In the aforementioned legal and administrative context, the Framework Law on Higher Education in Bosnia and Herzegovina was adopted in 2007, providing a legal basis for the establishment of an Agency for Higher Education Development and Quality Assurance, as well as a Centre for Information and Recognition of Documents in the area of higher education (CIP)³. The Framework Law is the first "umbrella legislation" for education in Bosnia and Herzegovina at the state level, within which the main Bologna principles⁴ are implemented. In accordance with Bologna principles, the Law foresees and introduces an integrated university model in Bosnia and Herzegovina. It specifies the issuing of diploma supplements, as well as principles and regulations foreseen in the Lisbon Recognition Convention⁵. However, although the passing of the Law and the establishment of the Agency for Higher Education Development and Quality Assurance, as well as CIP, are clear steps forward in reducing the fragmentation of the education system in Bosnia and Herzegovina, even a superficial analysis of the legal accords that govern and mandate the Agency and CIP makes it clear that their main competencies are to "coordinate" and "determine general criteria", while the factual competence for education remains at entity level. (This shall be elaborated later in the section "Assessment of the Legal Framework")

⁵ The Convention on the Recognition of Qualifications concerning Higher Education in the European Region was developed by the Council of Europe and UNESCO, and adopted at a meeting of national representatives in Lisbon, held 8 to 11 April 1997. The Convention stipulates that degrees and periods of study must be recognised unless the institution that is charged with recognition can prove substantial differences. Students and graduates are guaranteed fair procedures under the Convention. *Official internet presentation of Council of Europe, www.coe.int, accessed 16th April 2010;*



According to official sources, there are currently 10 public universities and 22 private higher education institutions in Bosnia and Herzegovina⁶. Like in other “transitional” countries, the potential of higher education to engage in the social recreation and the economic regeneration of Bosnia and Herzegovina has been widely recognised. Presently, BiH is a potential candidate for EU membership. The stabilisation and accession of Bosnia and Herzegovina to the EU require permanent efforts in the improvement of institutional settings and capacities. Following the example of other former Yugoslav countries that are already official candidates for the accession to the EU (primarily Croatia and FYR Macedonia), it is expected that, in the forthcoming period, Bosnia and Herzegovina will have to adopt and enact a significant number of legal acts, or amend and adjust existing ones, in order to align its legal system with the EU *acquis*. Accordingly, educational, as well as a great number of other contemporary developments in Bosnia and Herzegovina, are highly influenced by the current and extensive requirements placed before the country on the road to EU integration, while, on the other hand, BiH, as a constitutional and administrative “mastodon”, is highly burdened by its internal set-up.

Educational developments in Bosnia and Herzegovina are influenced, on one side, by the internal constitutional setting and economic situation in the country and, on the other, by processes that emerge in the context of EU integrations and global changes⁷.

Projects in support of the higher education sector

As a result of contemporary development, there is a significant institutional presence of the international community in Bosnia and Herzegovina. Many organisations have been involved in processes and projects in the domain of assistance to improving the education system in Bosnia and Herzegovina, with profoundly different levels of success. As this study focuses on higher education, activities related to other levels of education (primary, elementary, secondary, vocational, etc. shall not be elaborated).

The Organisation for Security and Cooperation in Europe (OSCE) i.e. its Mission to Bosnia and Herzegovina is to a large extent involved in the processes of supporting the development of higher education. In 2002, the OSCE assumed a leading role in this process⁸. Furthermore, the European Union Delegation to Bosnia and Herzegovina (previously the Delegation of the European Commission), and the Council of Europe, jointly implemented three projects aimed at strengthening higher education in BiH.

In the first phase of implementation of these projects i.e. SHE I (2003-2005), the focus was on modernising university governance and management. The outcomes of the project were two publications: Prototype Statute for Integrated Universities, and Priorities for Integrated University Management. In addition, an assessment of seven of the ten public universities (the three remaining had not been established at that time) was conducted by the EUA (European University Association), and the assessment reports were sent to the universities in question. Based on available information, the second phase (SHE II) of the project (2006-2008) resulted in the development of a set of documents:

1. *National Action Plan for the Recognition of Qualifications in BiH;*
2. *The Framework for HE Qualifications in BiH;*
3. *Implementing a framework for HE qualifications in BiH;*

⁶ Bosnia and Herzegovina, Agency for Development of Higher Education and Quality Assurance, Accreditation Kit - documents for Accreditation of Higher Education Institutions, Banja Luka, September 2009, Page 2;

⁷ TOR, European Commission project: Reform of Higher Education, Reference: EuropeAid/128399/C/SER/BA, Published: 11/04/2009, pp1;

⁸ The OSCE Mission has played an active role in education reform in BiH since July 2002, when, at the request of the High Representative, and as agreed by the decision of the OSCE Permanent Council, the Mission assumed a key role in the co-ordination and facilitation of the work of the International Community in the BiH education sector. As reforms have continued, this role has evolved into one based on consensus-building, information-sharing, monitoring and reporting on reform implementation, and encouraging the BiH authorities to uphold their domestic and international commitments. <http://www.oscebih.org/education> accessed on 17 March 2010;

4. *Standards and Guidelines for Quality Assurance in Higher Education in BiH;*
5. *Recommendations for Implementing Quality Assurance in HE in BiH;*
6. *Users' Manual Diploma Supplement Model for BiH;*
7. *Diploma Supplement Model for BiH.*

All these documents were officially adopted at the 32nd session of the Council of Ministers of Bosnia and Herzegovina on 27 December 2007⁹. The third phase i.e. a joint project entitled "Strengthening Higher Education in Bosnia and Herzegovina III", or SHE III, which will be implemented from 2009 to 2011, will focus on the implementation of four of the aforementioned seven key strategies and guidelines to implement the Bologna Process in BiH, developed under the previous project, SHE II (2006-2008).

⁹ TOR, European Commission Project: Reform of Higher Education, Reference: EuropeAid/128399/C/SER/BA, Published: 11/04/2009, pp3;

¹⁰ "Support to Reform of Higher Education in Bosnia and Herzegovina" has the objective to advance the reform of the higher education system in order to be able to respond to the needs of the labour market, to combat the unemployment, and to support the development of the economy and society. Official internet presentation of EU Delegation to BiH, accessed on 21 March 2010;

On 16 December 2009, the European Union Delegation to Bosnia and Herzegovina publicly announced the commencement of the project "Reform of Higher Education in Bosnia and Herzegovina"¹⁰, a technical assistance venture worth 1.1 million EUR, which is expected to last for two years. An international consortium led by GOPA Consultants, from Germany, is implementing the project.

Furthermore, the WUS Austria (World University Service, or SUS - *Svjetski Univerzitetski Servis* in Bosnian) has contributed significantly to the higher education development in BiH, by implementing various assistance programmes, focusing on the mobility of students and professors (*an academic mobility grant enabled the attendance of students and professors at international events*), and the improvement of teaching and research at universities (*Centres of Excellence Projects - CEP*), with the aim of assisting, financially and logistically, university units all over Bosnia and Herzegovina by means of outstanding and long-lasting development projects with an important impact on both research and teaching processes. Furthermore, SUS has until quite recently been involved in the implementation of a project entitled "Strengthening the BiH Quality Assurance Agency for the Development of Higher Education and Quality Assurance - Creating Assumptions for the Membership of the BiH QA Agency in ENQA", which resulted in the Agency for Development of Higher Education and Quality Assurance being granted the status of Associate Member of the European Association for Quality Assurance (ENQA). This was decided by the ENQA Board at its session held in Helsinki on 5 February 2010).

Lastly, the Austrian Development Agency (ADA), via its office in BiH, provided significant support to the Ministry of Civil Affairs (Sector for Education) in the area of higher education. A recent project that was implemented in the period between 2005 and 2007 supported the efforts of the Ministry of Civil Affairs in providing information on higher education and the procedures for recognition of foreign higher education qualifications. An even more recent project has aimed to support MoCA in the field of higher education, focusing on activities in the Central European Exchange Programme for University Studies (CEEPUS). The most recent activity, the implementation of which started in 2010, is a project entitled "Support to Establishment and Functioning of the Agency for Development of Higher Education and Quality Assurance".¹¹ The project is funded by ADA, and fully implemented by the Agency for the Development of Higher Education and Quality Assurance (the structure, legal provisions and position of this Agency within the administrative i.e. governmental structure in BiH shall be subsequently elaborated in more detail in the section on the Assessment of the Legal Framework). It is expected that through the successful implementation of this project, a functional and efficient system for the development of quality assurance policies in higher education will be established.

¹¹ The foreseen duration of the project is two years, i.e. to 1 November 2011. The total cost of the project is 709.670,00 BAM, wherein the donation of the Austrian Development Cooperation will cover BAM 606.307,00, while the Agency's contribution is BAM 103.363,00. Official presentation of Agency for Development of Higher Education and Quality Assurance www.heg.gov.ba, Accessed on 02nd April 2010;



The Context and Definition of the Policy Problem

If we reflect on the (non) existence of systematic models for the development of pedagogic and other scholastic competencies of university teaching staff, we can conclude, based on several examples, that these competencies are highly neglected in Bosnia and Herzegovina's educational systems. Although there are some policies embodied within relevant entity-level legislations, that seem relevant, useful and practically applicable, in reality, there are either none or very few models for improving the competencies of teaching staff. Very often, teachers lack relevant contemporary competencies that would allow them to successfully participate in education processes. Similarly, while interviewing several professors (some of them with academic and teaching careers spanning 30 years), we found that the problem of quality teaching and its assessment appeared to be multilayered. Fragmentation has been mentioned as one important aspect of this problem, given the lack of a possibility to establish effective control over the quality of the teaching process. But what appeared clear during this research is that education, and in this particular case, quality teaching at university level, is an area wherein almost all the problems of Bosnian post-war society, with its political, economic and social difficulties, are concentrated. Speaking of systematic models for the further development of teaching staff competencies, these do not only lack financial support, but also need systematic regulations for quality control. Therefore, in order to analyse the different aspects of quality teaching dilemmas, we shall mention just the most relevant issues that came up during the surveys:

1. Corruption (social or financial)¹²
2. Nepotism (abuse of power of faculty management)
3. Plagiarism (not sanctioned due to weak control mechanisms)
4. Absence of control of teaching provided (at different administrative levels)
5. Lack of support for further academic/scientific development of the teaching staff (absence of budget and legal or administrative mechanisms).

¹² Here, social corruption refers to social benefits earned illegally through a network of services and returns on these same services. Financial benefit is not necessarily included, although its importance should not be minimized.

Two recent affairs involving the Faculty of Law and the Faculty of Architecture, both faculties of the University of Sarajevo, exemplify the propensity that this problem has reached. In the first case, several professors of the Faculty of Law were involved in sexual and money trade-offs for exam questions. Although a police investigation, conducted by State Police Agency, is underway, and relevant ministerial¹³ inspectors have reported on the matter, these professors still maintain their teaching positions.

¹³ Referring to Ministry of Education and Science of Sarajevo Canton (Comment: J.Gavrankapetanovic)

The second affair, at the Faculty of Architecture, concerned a defence of a doctoral thesis, and violations of administrative procedures. The committee in charge of academic supervising a doctoral thesis, as well as the legal procedure, is usually composed of three members. In this particular case, as a result of severe pressure on the part of the candidate, and other problems regarding the quality of the proposed topic and thesis, two members decided to leave the committee. Members of the Faculty decided to take this problem to a higher instance, presenting it to the Rector's Office of the University. However, the communication between the Rector and the Dean of the Faculty of Architecture failed to include some relevant information. A solution was reached during a weekend to replace the former committee members who had left (including the thesis supervisor!). The core problem – the fact that thesis application procedures were not respected, and the mentorship of doctoral theses, remained unsolved. This peculiar situation illustrates the inability, not only of the University, but also of the cantonal inspector-

ate, to deal efficiently with problems of respecting relevant procedures and controlling the quality of student output i.e. in this case, a doctoral thesis.

Consequently, in order to develop a clear and complete picture of the (existing) structure of quality assessment and quality teaching, with its advantages and obstacles, all stakeholders involved in processes of higher education, both at the horizontal and at the vertical level, were consulted in this study in a suitable and (for them) acceptable manner. Although it is not likely that this direct and unswerving approach resulted with an overall objectivity and self-criticism on the part of the stakeholders interviewed, the procedure was nevertheless essential so as to allow us to “hear the voice(s)” of those concerned and involved in higher education, with the aim of helping us achieve a desired standard of quality, accurateness and correctness in this study. Therefore, depending on availability, willingness and inclination to cooperate in the development of this assessment and the subsequent policy proposals, the study consulted relevant stakeholders at educational organisations and institutions, respective government bodies (at different administrative levels), and last but not least, students, as final “recipients of education”. The instruments used in these interviews are elaborated on more extensively elaborated in the following paragraph.

Methodology

In the course of the study, and the policy development process, a quantitative and qualitative analysis of the collected data was carried out. Our first starting point was a careful analysis of existing documents (laws, bylaws and other legal regulations, reports, policy and scientific papers). The second data collection method applied was a series of interviews and/or queries, conducted using a prepared questionnaire. The focus in the interviewing process was placed on carefully selected representatives of educational authorities at all levels, technical and academic staff at public and private educational institutions, which were consulted or asked to complete the questionnaire. Nevertheless, the main goal of the interviews was to determine what was considered as the most important factor in ensuring quality of teaching, from the point of view of the ‘producers’ of teaching (i.e. teaching staff), from the point of view of the final recipients or ‘consumers’ of the teaching process (the students), and from the perspective of the ‘controllers’ (the government bodies and institutions with jurisdiction over the higher education system, primarily the Agency for Development of Higher Education and Quality Assurance). Furthermore, and as it was mentioned above, the complex problem of ensuring quality teaching and quality assurance in higher education includes several other interrelated aspects, which are sometimes difficult to clearly separate. One aspect that has not been taken into account was the one of the labour market (employers). Getting their feedback would require massive surveys that would be difficult to include in this study. For that reason, during the interviews with the mentioned stakeholders, and during the design and administering of the questionnaires, attention was given to the core aspects relevant to the theme of this research.

Thus, fieldwork was carried out during the period of a month and a half at a number of public and private higher education institutions, standalone faculties and training colleges in both entities, as well as in the Brčko District¹⁴. Our initial list of educational institutions to be consulted in the framework of this research, was modified to include the complete register of higher education institutions, provided by the Agency for the Development of Higher Education

¹⁴ University of Sarajevo; University of East Sarajevo; University of Banja Luka; University of Mostar; “Džemal Bijedić” University (Mostar); University of Zenica; University of Bihać; University of Tuzla; International University of Sarajevo; Sarajevo School of Science and Technology; International University “Philip Noel Baker”; Faculty of Public Administration; American University in Bosnia and Herzegovina; Pan-European University Apeiron; Banja Luka College; Kappa Phi College of Communication, Banja Luka; “Prometej” College for Applied and Legal Sciences, and Slobomir P. University; Janjoš College of Computer Science and Management; Sinergija University; Apeiron Open University; Primus College for Business Management (J.G)



and Quality Assurance¹⁵. Academic and technical chief executives at these universities were interviewed or consulted by means of questionnaires, as were officers at these education institutions responsible for academic standards and quality assurance. Furthermore, relevant government officials at state, entity and cantonal level were also consulted¹⁶.

Also participating in the survey were the recently appointed Director of the Agency for the Development of Higher Education, Professor Nihad Fejzić, and the representatives of the Rectors' Conference in Bosnia and Herzegovina and of the Centre for Information and Recognition of Documents¹⁷. Moreover, in order to produce wide-ranging and all-inclusive results, additional fieldwork was carried out to include the opinions of students from some of the mentioned educational institutions. A substantial number of randomly selected students were consulted. In order to rationalise on the time and effort required, the study decided to employ available three models i.e. instruments to acquiring information. 1) A printed or emailed comprehensive questionnaire (used extensively to consult educational institutions); 2) Interviews carried out by telephone with the help of WebCATI technology (Web-based Computer Assisted Telephone Interviewing), or 3) Face-to-face (F2F) methodology¹⁸. All three models included a set of standardized questions, with a slight compositional difference in the interviews conducted with students – where the interviewees were asked to provide an opinion on the accessibility of and equality within the higher education system, and the quality and operational transparency of the teachers and institutions.

Taking into account the complexity of the education system in Bosnia and Herzegovina, and especially bearing in mind the strongly fragmented education system in the Federation, following an assessment of relevant legislatives adopted at the level of Republic of Srpska, the relevant legal provisions at the cantonal level, including education-related legislatives, were also assessed. We took as a case study the existing legal framework in the Sarajevo Canton. Furthermore, relevant literature, previous research and past policies proposed in the field of building teacher competencies were taken into consideration. All the aforementioned methods were used with the objective of collecting the most relevant and reliable data that would allow us to answer and reflect on the following dilemmas:

1. What are the main structural and systemic obstacles for the measurement, control and development of the competencies of professors and teaching assistants i.e. teachers, and what is the current level of the involvement of relevant actors (educational authorities at all levels, public and private educational institutions, international organizations and academic staff) in competency development processes?
2. What models for the improvement of the current situation are available – i.e. what are the possible policy choices, and how and to what extent can these policy choices be accommodated to the existing legal and administrative frameworks, having in mind the overall social constellation in Bosnia and Herzegovina?
3. How do cantonal, entity and state education authorities and international organizations, active in the reform of the education system (such as the OSCE, and to some extent, EC and UNICEF) perceive their role in facilitating the development of a viable system of quality assessment, monitoring processes and professional development i.e. the improvement of the quality of teaching, in the multileveled education system and administrative context of BiH?

¹⁵ www.heg.gov.ba - Accessed on 3 March 2010

¹⁶ Namely, the Minister of Civil Affairs of Bosnia and Herzegovina, Ministers of Education in the Republic of Srpska and the Federation, including Ministers of Education at the cantonal levels and the staff responsible for control and standardization in higher education at all levels. (Comment - J. Gavrankapetanovic)

¹⁷ For more information on the Rectors' Conference in Bosnia and Herzegovina and the Centre for Information and Recognition of Documents, please consult Articles 43 and 44 of "Framework Law on Higher Education in Bosnia and Herzegovina", *Official Gazette of Bosnia and Herzegovina* No. 57/07." (Comment - J. Gavrankapetanovic)

¹⁸ The second and third models i.e. instruments of information acquisition were extensively used when consulting government officials and students of higher education institutions in Bosnia and Herzegovina.

PROBLEM DESCRIPTION

As previously mentioned, there is no Ministry of Education as such at the level of the state of Bosnia and Herzegovina, and while the Ministry of Civil Affairs of Bosnia and Herzegovina has been entrusted with predominantly cooperative and promotional competence in education, it has no direct institutional impact and competence in education, science, and cultural issues. As a consequence, the education system is deeply institutionally fragmented, and accordingly, subjected to a lack of viable monitoring, transparency and a single, unified development policy. Furthermore, educational systems are deeply divided along ethnic lines (with Serb dominance in Republic of Srpska and “power-share” status between Bosniaks and Croats in FBiH), which create additional obstacles for continuous cooperation in development.

In such a fragmented Bosnian higher education system, universities, and faculties as their lower constituents, function as almost independent (although related and interdependent) entities, and select and appoint their own academic staff, professors, teachers, lecturers and assistants (for example, in accordance with the Law on Higher Education of the Sarajevo Canton, *Official Gazette of Sarajevo Canton, 22/05*), as well as external associates through the faculty council procedure. Although this process is assumed to be “transparent”, several factors, especially the relational ones, carry the most weight. Due to financial constraints, the faculties function with a constant need of additional teaching staff, and very often have to hire part-time associates for courses where there is a deficit of lecturers. At the University of Sarajevo, the selection criteria, appointments, re-appointments (re-nominations) of scholars or subsequent promotions are the same as they were before the war. To receive the position of teaching assistant, one needs to have a Bachelor’s Degree. In order to become a ‘higher assistant’, a candidate needs a Master’s Degree, along with references (experience in the field, published articles in relevant scientific papers, books, participation at relevant seminars/symposiums, exhibitions in the case of Visual Arts, film and theatre, awards and prizes etc.). Three years have to pass between one nomination and the next. In addition, in order to be promoted, evidence of academic “aptness” is required: regular work with students, fair assessment of student examinations/papers, and commitment to pedagogic work.

Universities in BiH are a weak association of higher education institutions i.e. faculties with a strong legal position, with exception of just a few. Such a legal and institutional set-up causes a dissolution of resources (financial, personnel and technical), and questionable quality.

Between 1992 and 1995, the University of Sarajevo lost hundreds of its employees - 150 lost their lives during the siege of the city, while great numbers left. The Rector of the University, Dr. Faruk Čaklović, estimated at the last Bologna Process Counselling on 25 April 2009, that the University would need an additional 800 professors and teaching assistants in order to perform properly.

As mentioned in the foreword, Bosnia and Herzegovina has started to implement several laws and bylaws that will eventually lead to the accession of the country to the EU. In 2005, the European Commission proposed Common European Principles for Teachers Competences and Qualifications, defining the continuous education of teachers as a priority in the further development of the EU towards the status of the highest performing knowledge-driven economy in the world by 2010. The most relevant goal of Bosnia’s foreign policy, which we hear at least declaratively in the rhetoric of local political elites, is accession to the European Union.¹⁹ As one of the laws

¹⁹ “Bosnia and Herzegovina is a potential candidate for EU membership. The Stabilization and Association Agreement (SAA) between Bosnia and Herzegovina and the EU was signed in June 2008”. *Progress Report for BiH, Brussels, 05.11.200, SEC(2008) 2693 final, page 4.*



relevant for the EU future of Bosnia and Herzegovina, in the context of a wider education reform required by the Bologna process, the Parliamentary Assembly of Bosnia and Herzegovina in 2007 adopted, after strong and continuous pressure from international community representatives and domestic stakeholders, what was to be the first legal act on education at the state level after the Dayton Agreement. This legal provision, passed under the name of the “Framework Law on Higher Education in Bosnia and Herzegovina”²⁰ (hereafter: FLHE) is highly relevant for this research in many aspects, and we will examine it more carefully.

²⁰ Official Gazette of Bosnia and Herzegovina”, no. 57/07

MAJOR POLICIES ON QUALITY ASSURANCE IN HIGHER EDUCATION (Assessment of Legal Framework)

In Bosnia and Herzegovina, the majority of legislatives adopted at the state level, if not imposed by the High Representative of the International Community to Bosnia and Herzegovina,²¹ are product of gargantuan compromises between opposing political actors and are therefore, in the process of adoption, heavily “weakened” by numerous interventions and amendments by confronted political options-. Thus, Bosnia’s state legislatives are almost as a rule vague and lack articulateness. The Framework Law on Higher Education in Bosnia and Herzegovina suffers from same calamity. If compared with a similar legislative, for instance, that of neighbouring Croatia²², it is clear that BiH’s FLHE, as a result of to the politically difficult process it was adopted through, misses precision and leaves a majority of relevant issues undefined or vaguely defined. If we dedicate more attention to the most relevant points of FLHE, we shall see that, due to the reasons stated, which are the consequences of the state’s complex post-Dayton organization, a multitude of relevant matters in education still remain under entity jurisdiction. Nevertheless, the Framework Law foresees the establishment of the Agency for the Development of Higher Education and Quality Assurance at the state level, and this should be understood as a relevant step forward. For that reason, in development of this study, time and space will be dedicated to assessing the institutional framework provided by this first state-level, education-relevant body in the modern constitutional history of BiH. According to Article 48 of FLHE, the Agency very ambitiously, sets “*quality standards, analyses quality, gives recommendations for the removal of shortcomings in the quality of studies and higher education institutions*”. In practice, however, this body lacks the basic instruments and professional capacities for implementing the legal provisions stipulated by the Law. Although it was established towards the end of 2008, today this Agency is still not fully staffed. It is clear that its present capacities are obviously not sufficient enough to monitor the quality or assess the respect of education standards at eight public and fourteen private universities in BiH. The Agency itself is classified as an independent entity, clearly separated from the different ministries of education, fourteen in total.

²¹ The Office of the High Representative (OHR) is an *ad hoc* international institution responsible for overseeing the implementation of civilian aspects of the agreement that brought an end to the war in Bosnia and Herzegovina. The position of the High Representative was created under the General Framework Agreement for Peace in Bosnia and Herzegovina, usually referred to as the Dayton Peace Accords. Elaborating on Annex 10 of the Dayton Peace Accords, the PIC requested the High Representative to remove from office those public officials who violate legal commitments and the Dayton Peace Agreement, and to impose laws as he sees fit, if Bosnia and Herzegovina’s legislative bodies fail to do so. www.ohr.int, accessed on 21 June 2009.

²² Zakon o znanstvenoj djelatnosti i visokom obrazovanju (Science and Higher Education Act), Hrvatski sabor, Broj: 01-081-03-2660/2, Zagreb, 23 July 2003.

However, in comparison with a similar Agency established in Croatia, according to provisions of Croatia’s Science and Higher Education Act, Official Gazette 123/03 and 105/04 (Zakon o znanstvenoj djelatnosti i visokom obrazovanju, Hrvatski sabor, Broj: 01-081-03-2660/2) adopted in Zagreb, 23 July 2003, it is evident to what extent the competences of the Bosnian Agency for the Development of Higher Education and Quality Assurance have been narrowed and restricted. As a direct consequence of the complex organization of state administration, and consequently, its education system (or, more appropriately, systems) in Bosnia and Herzegovina, the BiH Agency has primarily been mandated to coordinate and “determine the general criteria”, while true competences, *de iure* and *de facto*, remain at the level of the entities.

In contrast, the Agency for Science and Higher Education (ASHE) in Republic of Croatia had, to start with, 49 employees in 6 departments (compared with just few civil servants who are currently permanently employed by BiH Agency), as well as a broad mandate in the Croatian higher education system, and strong instruments derived from the respective legislative – principally the ASHE (*Official Gazette*, 123/03 and 105/04), and the Act on the Recognition of Foreign Educational Qualifications (*Official Gazette*, 158/03 and 198/03). While the BiH Agency, according to Article 48 of FLHE, has competences to “give recommendations... provide advice and information... and propose general guidelines and criteria²³” to entity ministries of education, Croatia’s ASHE has been tasked with “professional and administrative support in the procedures of evaluating scientific organizations and higher education institutions, approving new academic programmes and evaluating quality assurance systems at higher education institutions²⁴”. Furthermore, ASHE, according to the Science and Higher Education Act, represents just one part of a well-developed system for the protection of “public interest in maintaining the standards of higher-education qualifications and working on the improvement of quality in science and higher education²⁵”. The other relevant state body in the Republic of Croatia, in charge of higher education, is the National Council for Higher Education (NCHE). This body consists of a chairperson and twelve members directly appointed by the Parliament of the Republic of Croatia, upon a recommendation by the Government of the Republic of Croatia. According to information published on NCHE’s official Internet presentation, this body is strongly dedicated to strengthening quality assurance at education institutions in Croatia, especially taken into consideration that extensive evaluations of higher education institution are planned for the period 2008-2010, and that, according to same source, in the very next evaluation cycle, “special attention will be given to the quality of teaching, quality of personnel, premises and equipment, and the establishment of efficient quality assurance systems in these institutions²⁶”. By comparison, a general, thorough and all-embracing evaluation of higher education system(s) in BiH led by state institution(s), due to several reasons already mentioned related to the bifocal entity fragmentation of education in Bosnia and Herzegovina, seems, from the current perspective, quite desirable, but not more than a fantasy.

The Framework Law on Higher Education in Bosnia and Herzegovina (FLHE BiH) came into force in 2007, and provided a legal ground for the establishment of the Agency for the Development of Higher Education and Quality Assurance, as well as the Centre for Information and Recognition of Documents in the area of higher education (CIP). In BiH, the majority of laws and bylaws adopted at the state level are a product of huge compromises between opposing ethnic and political factions, and therefore, in the process of adoption, are profoundly “watered-down” by the numerous amendments and interventions. BiH state legislatures are therefore regularly vague, and lack articulateness - and unfortunately, the Framework Law on Higher Education in Bosnia and Herzegovina shares the same fate. For the purpose of this study, we shall meticulously analyse all the articles of the Law that are relevant to the development of quality standards in higher education institutions in Bosnia and Herzegovina.

To start with, the provisions of Article 1²⁷ suggest a transfer (allocation) of significant competences. However, in practice, due to the highly complex and deeply fragmented education system, there are many legal and political constraints and institutional obstacles for a practical implementation of this transfer. In other words, although, according to this Article, all responsible and competent authorities in the domain of higher education in Bosnia and Herzegovina shall be appointed through the Law, the Article is at the same time in opposition (or overlaps) with respective legislatures at entity or cantonal levels. However, as a positive development,

²³ Article 48 of “Framework Law on Higher Education in Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina”, No. 57/07”

²⁴ Official Internet presentation of the Agency for Science and Higher Education (ASHE) in Republic of Croatia, “About the Agency”, <http://www.azvo.hr>, accessed 10 July 2009.

²⁵ IBID

²⁶ Official Internet presentation of the National Council for Higher Education (NCHE) of the Republic of Croatia, <http://www.nvvo.hr>, accessed 10 July 2009.

²⁷ ARTICLE 1 - “The Law on Higher Education in Bosnia and Herzegovina (hereinafter, the Law) shall set: the organization of higher education in Bosnia and Herzegovina and the responsibility of competent authorities in this area, shall establish bodies for the implementation of the Law and international commitments of Bosnia and Herzegovina, and set the methods of quality assurance in the area of higher education.” The Framework Law on Higher Education in Bosnia and Herzegovina (FLHE BiH), (“Official Gazette of Bosnia and Herzegovina”, No. 57/07),



Article I provides general remarks on the establishment of methods of quality assurance in the area of higher education.

Article II is equally pertinent, as it offers references to the most relevant (international) standards and recommendations, namely to *the Council of Europe Committee of Ministers' Recommendations on the Recognition and Quality Assessment of Private Institutions of Higher Education, [R(97)1]*, which stipulates the methods, of the highest standards, in the area of quality identification and the appraisal of institutions of higher education. In addition, the article is even more significant if we take into consideration that it provides the initial declaration (for the first time entered into a legislative in BiH), of the acceptance of European strategic goals in higher education.

Correspondingly, Article XXXIX takes a pioneer approach to the role of the students in the assessment of the quality of education in their educational institutions. So far, legislatives previously adopted at some other levels of governance in Bosnia and Herzegovina included similar provisions (e.g. the Law on Education of the Canton Sarajevo). However, with the FLHE, the students have for the first time been granted an explicit right to influence the quality of teaching by expressing their views, and, more importantly, to challenge any final decision or action of a higher education institution "before a court of competent jurisdiction". However, it should be mentioned that these provisions will be useful (solely) when more detailed bylaws and relevant procedures are developed. We will now look further at Article XLII. Due to its complex system of governmental organisation, which emerged from the Dayton Peace Agreement, only a limited number of sectors are under the jurisdiction of the state. The Ministry of Civil Affairs of Bosnia and Herzegovina is the highest body at the state level responsible for the "education portfolio" (along with the sports and science portfolios). Although the role of the Ministry was previously described in the Law on the Council of Ministers²⁸, the value of Article XLII of FLHE BiH lies in the fact that, for the first time, the position, function and responsibility of the Ministry in the area of education has been codified by a separate Law. Furthermore, from an institutional, or a "capacity existence and capacity building" perspective, probably the most important clause of FLHE is Article XLVII²⁹. It is decidedly relevant as it foresees the establishment of the Agency for the Development of Higher Education and Quality Assurance. As stipulated, the Agency should be an autonomous administrative organization with competences (for more details, please consult Article XLVIII of FLHE BiH) to "*set clear, transparent and accessible criteria for the accreditation of higher education institutions, and the adoption of norms in the setting of minimum standards in the field of higher education*" and to "*give recommendations to the Ministry of Education of Republika Srpska, cantonal ministries and the Brčko District on the criteria and standards for the establishment or the termination of activities of higher education institutions, as well as for restructuring study programmes.*" The mentioned article proceeds with a closer definition of other competences of the Agency. Yet, after even a superficial qualitative analysis, it becomes clear that the Agency has predominantly received an authority to only "recommend, advise and propose". In other words, its actual impact is questionable, as, in the organization of the state of BiH, significant jurisdiction lies with entity authorities. Nevertheless, the establishment of a state Agency, with such competences as are described afore, certainly represents a significant push forward in developing a proper system of management and quality assessment in higher education in BiH.

We shall conclude with an assessment of Article XLIX, which regulates the competencies of the Agency for the Development of Higher Education and Quality Assurance in the area of accreditation. This section of the Law essentially deals with administrative, procedural and

²⁸ „Official Gazette of Bosnia and Herzegovina, Nos 30/ 03 and 42/03,

²⁹ Article XLVII – "An Agency for Development of Higher Education and Quality Assurance (hereinafter: the Agency) shall be established by this Law. The Agency is an autonomous administrative organization." Framework Law on Higher Education in Bosnia and Herzegovina (FLHE BiH), Official Gazette of Bosnia and Herzegovina", No. 57/07.

technical issues, such as the *“the issuing of a public call for the appointment of domestic and international experts for quality assessment”*, *“the establishment of evaluation committees for the appointment of experts”* and *“the submission of a list of appointed experts to all the ministries of education in BiH and the relevant institution at the Brčko District, for their adoption”*. After evaluating the content of this article, it is obvious that the Agency has been awarded with some instruments in the area of recommendation, registration and maintenance of the system of quality assurance. However, it seems that factual decision-making and managerial potential has still remained at the level of entity ministries of education. In addition, another aspect that needs to be underlined is that fact that 90% of European agencies dealing with the same issues are politically independent bodies. This status enables them to act without governmental or political pressure. In the particular case of Bosnia’s Agency, even the issuing of lists of experts will be done in accordance with authorities, albeit lower level ones.³⁰ That means that, in reality, the Agency shall have limited autonomy, very often violated by lower echelons of state administration and government. We should not forget that the Framework Law on Higher Education, on the basis of which the Agency for the Development of Higher Education and Quality Assurance has been established, is the result of weighty political compromises.

³⁰ The first call for application of four types of experts (national, international, representatives of economic sectors and representatives of student body) has been launched at the end of 2009. As we have been informed by Prof. dr. Nihad Fejzić, director of the Agency, 400 applications were received. Of these, 60 were of international experts. In accordance to the Law (Article XXXXVIII, paragraph 2), these applications were examined by a commission composed of 5 members: one representative of the RS, one of the FBiH, one of Brčko District, one of the Agency and one representative of cantonal ministries. Once the list is established, it has to received approval of lower bodies (entities). This marks the core of the problem with the political and administrative interferences the Agency has to deal in its basic functioning.

³¹ Official Gazette of Republic of Srpska, No 85/06;

³² Council for development of higher education and quality assurance has been established almost two years after Law on Higher Education of Republic of Srpska. (Comment J.Gavrankapetanovic)

In the Republic of Srpska entity, a Law on Higher Education was passed in 2006³¹. It stipulates a wide set of competences of the Ministry of Education of the Republic of Srpska, and covers an overwhelming number of relevant issues of the higher education system, including jurisdiction over the processes of the development of higher education and quality assurance. Pursuant to Article 16 of this Law, a Council for the Development of Higher Education and Quality Assurance³² was established as an “independent, advisory body” in the Republic of Srpska. However, in very next line, it is stated that the Ministry of Education shall conduct “the expert and administratively technical functions” of the Council. If we then add to this that the Council, according to Article 117 of the Law, is financed directly from the budget of the Ministry of Education, its autonomy and impartiality become, to a significant extent, questionable. Furthermore, according to same Article, the Council is comprised of 11 members from various scientific disciplines, representatives of the higher education institutions in the Republic of Srpska. Although the Federation of Bosnia and Herzegovina and Republic of Srpska are constituent entities of the state of Bosnia and Herzegovina, academics i.e. university professors from the Federation, cannot be appointed as members of this Council in Republic of Srpska. Furthermore, although candidates for membership to the Council, before official appointment, have to be approved by the Government of Republic of Srpska, the fact that they are delegated by and from the educational institutions, the operational and teaching quality of which they are expected to assure and control, leads us to question with reason the independence and objectivity of the Council. Furthermore, according to Article 119 of the Republic of Srpska Law on Higher Education, the Council is responsible for (among other authorities) “establishing criteria for the institution, merging and closing of institutions of higher education”, and, according to article 120 for a) “establishing rules, criteria and instructions for licensing, accreditation and quality assurance” and b) “producing norms which are related to the licensing of the institutions of higher education”. The obvious overlapping and parallelism of state and entity legislatives on higher education, especially in the area of accreditation of educational institutions and quality assurance, once more confirms the profound fragmentation of the system of higher education in Bosnia and Herzegovina. As mentioned before in the Article XLVIII of FLHE BiH, the mandate of the Agency for the Development of Higher Education and Quality Assurance is to *“set clear, transparent and accessible criteria for the accreditation of higher education institutions and adoption of norms setting minimum standards in the field of higher*



education” and “give recommendations on criteria and standards to the ministry of Republika Srpska, cantonal ministries and the Brčko District BIH, for the establishment or termination of higher education institutions and for restructuring study programmes”. Although the criteria for the accreditation of higher education institutions will be proposed by the state Agency, and forwarded in the form of a recommendation to the ministries of education at “lower” levels of government, the actual official legal proceedings of accreditation shall take place at entity level. In practice, it means that an institution of higher education from any of the entities of Bosnia and Herzegovina can seek to be accredited by the Ministry of Education of its entity e.g. an entity governmental agency such as the Council for the Development of Higher Education and Quality Assurance, only. Technically, any higher education institution will have the possibility to seek accreditation and registration (and inclusion in a relevant register of higher education institutions) by the state (BIH) Agency and/or by a corresponding body at entity level. Although, according to FLHA, “clear, transparent and accessible criteria for accreditation of higher education institutions and norms setting minimum standards in the field of higher education” shall be established, viable differentiation remains in the fact that quality assessment (and accordingly, registration) may be actually implemented by diverse bodies. Furthermore, before we conclude this overview of entity legislature, it should be mentioned that according to Article 108 of the Law on Higher Education of the Republic of Srpska, oversight and inspection of the implementation of the Law is in the domain of the Educational Inspectorate, which, according to the Article, possesses wide and effective competencies. As a consequence, along with other powers, according to point b) of the same article, “an education inspector has the obligation and authority to prohibit the operation of any higher education institution which does not fulfil the criteria for the performance of activities in the domain of higher education, and to submit an official request for the removal of such an institution from the (entity) register of institutions of higher education”. Furthermore, the Inspectorate is authorised, according to point e) of the same Article, “to take all other measures and actions according to Law and other regulations.”

Two conclusions can be drawn from this: the state Agency for the Development of Higher Education and Quality Assurance does not have such powerful authorities i.e. it does not have any method or instrument to enforce the legislation or penalise the institutions of higher education which do not fulfil the criteria for carrying out activities in the domain of higher education. This implies and confirms the statement that factual authorities, even after adoption of FLHE, still largely remain at entity level. Furthermore, by looking into the Official Gazette of the Republic of Srpska, in which all official decisions on prohibiting the operation of higher education institution are and should be published, it becomes clear that strict measures are rarely applied by the educational inspectors, and that accordingly, all institutions of higher education fully and totally respect the prescribed regulations and norms, or that some other forms of “cooperation”, not so transparent due to their possible ethical and legal questionability, are at work.

In 2005, the Assembly of the Sarajevo Canton passed the Law on Higher Education of the Sarajevo Canton – LHECS (*Official Gazette of the Sarajevo Canton*, 22/05). According to the law, it is the Ministry of Education and Science of the Sarajevo Canton that retains jurisdiction over all institutions of higher education established on the territory of the Canton, including the University of Sarajevo, which is the principal university, and the education institution with the longest tradition in Bosnia and Herzegovina. Therefore, in order to save time and not elaborate too thoroughly on the institutional and legal framework for quality (assurance) within institutions of higher education, we shall use the Sarajevo Canton as a case study.

According to above-mentioned Law, the establishment of public and private higher education institutions is permitted in the Canton. Interestingly, any such request to establish an institution of this format will, according to Article 4 of the Law, be finally decided on by the Assembly of the Sarajevo Canton, the Canton's highest legislative body. The legal proceedings for the establishment of higher education institutions lie with the Cantonal Ministry of Education and Science, and before any request for the establishment of an institution of higher education is sent to the Cantonal Assembly, the Government of the Sarajevo Canton has to endorse it (Article 12). We can, at this point, conclude that even the very establishment of an institution of higher education in the Canton is highly bureaucratized, burdened with unnecessary procedures and administratively over-regulated, especially if we take into consideration that the highest legislative body of the Canton is directly involved in the processes of approving the establishment of higher education institutions. Furthermore, the possible politicization of issues of higher education is consequently augmented. Similarly to the abovementioned state FLHE and Law on Higher Education of Republic of Srpska, the LHECS foresees the establishment of a registry of institutions of higher education (Article 15). Interestingly enough, the entire text of the LHECS does not make even a single mention of the word "quality". However, LHECS frequently refers to another document, Standards and Norms for the Performance of Activities in Higher Education on the Territory of the Sarajevo Canton (No: 02-05-33200-21/05, adopted by the Government of the Sarajevo Canton on 29 December 2005). The Standards describe in detail the required academic, professional, technical and spatial i.e. infrastructural capacities for institutions of higher education in the Canton. In terms of these capacities, the prescribed standards do not lag behind internationally established standards - on the contrary, sometimes. But what can be identified as a serious impediment in the Standards is the considerably long period of time given to already existing institutions of higher education to align their operational capacities with the prescribed standards. For example, the set professional, academic standards have to be reached within a period of three years following the adoption of the Standards; for equipment conditions to be met, institutions are granted five years, while spatial i.e. infrastructural conditions have to be fulfilled within a period of seven years. What creates favoritism is that, while considerable time is offered to existing institutions, newly established institutions of higher education have to fulfill the defined criteria even before they start operation, and their available capacities are strictly evaluated in the process of their official registration.

Control over the correct and legal implementation of the aforementioned Cantonal regulations in the area of higher education lies, according to Law on the Educational Inspectorate (*Official Gazette of the Sarajevo Canton*, No. 09/00) with the Cantonal Inspectorate. For this study, from the perspective of the assurance of quality and supervision of operation of institutions of higher education, Articles 4 and 5 of aforementioned Law on the Educational Inspectorate are highly relevant. According to Article 4, a cantonal educational inspector has the authority to "order an respective educational institution to begin an immediate implementation of laws, regulations, and other documents, to prohibit the implementation of unlawful decisions, and to temporarily close down the operation of an educational institution" in the cases of serious wrongdoings. According to Article 5, the cantonal inspectorate i.e. the inspector has an obligation "to conduct at least one executive inspectional visit to every educational institution in the Sarajevo Canton, and to produce an official record, which is to be submitted to the educational institution inspected, as well as to the Ministry of Education and Science of the Canton.

Although, as we have seen, the Sarajevo Canton has, as a branch of governance in Bosnia and Herzegovina, developed, adopted and implemented a considerable number of legal regulations,



and accordingly, the conclusion that could be reached is that the system of higher education is, overall, functioning smoothly and fully in accordance with the laws. But two recent affairs involving the Faculty of Law and the Faculty of Architecture, both parts of the University of Sarajevo, prove otherwise. Several professors of the Faculty of Law, including the Dean were (and still are) under criminal investigation conducted by the BiH State Police Agency, under allegations of involvement in the exchange of examination questions for sexual and money favours. It was only when pressure from the public with respect to the case threatened to create potential harm for officials in the Government of the Sarajevo Canton (i.e. the Cantonal Prime Minister and the Minister of Education and Science), that the Canton's Education Inspectorate showed any interest in this case. Although the inspectors sent unfavourable reports on the matter, these professors in question still occupy their teaching positions at the Faculty of Law in Sarajevo.

The conclusion that can be reached is that, although Bosnia and Herzegovina, has, during the last 20 years since the breakdown of the Socialist Federative Republic of Yugoslavia, become a democratic, pluralistic country - at least technically, public education still takes precedence over the private sector. Authorities tend to be stricter on private educational institutions than on public ones. This is a question of mentality - public educational institutions and government and administrative bodies belong to the same system, while private educational institutions are the result of profit-making and profit-seeking entrepreneurial initiatives, which allegedly diminish the institution's factual educational purposes. Widely known is the case of the Philip Noel Baker International University in Sarajevo, which went through administrative "cavalry" before it was finally, after a considerable period of time, officially registered with the Ministry of Education and Science of the Sarajevo Canton. At the same time, as a result and only after strong public pressure, the responsible authorities took an interest in a case involving sexual and money trade-offs.

MAIN THEMES AND ISSUES RELATED TO QUALITY ASSURANCE

In order to clarify the main issues of quality assurance within HE institutions, 31 universities/institutions were contacted to take part in the survey (cf. Annex A). Responses were received from five private and five public universities (34%). Several professors and associates of the University of Sarajevo (UNSA) and the Director of the Agency for Development of Higher Education and Quality Assurance agreed to be interviewed.

Four public universities (University Dzemal Bijedic, Mostar; University of East Sarajevo; University of Zenica and Mostar University) have offices in charge of quality assurance (University Dzemal Bijedic) or are participating in a programme that seeks promotion of quality standards (Mostar University with "*Quality Management Procedure for Promoting University-Enterprise Cooperation*"). Since 2007, the University of Sarajevo has been organizing annual two-day counselling sessions on the Bologna Process. This year's theme is the Reform of Higher Education: Development of Quality Assurance Systems. For a huge institution such as the University of Sarajevo, it is highly questionable if this approach alone will be sufficient to promote quality standards within individual faculties as no instruments of control and assurance exist for University structures to be applied at and imposed on the respective faculties.

Furthermore, it should be noted that educational institutions i.e. respective representatives that were consulted in the framework of survey are generally informed about the work and activities of the Agency for the Development of Higher Education and Quality Assurance in BiH

(80 per cent are Very Well informed, while 10 per cent Fairly i.e. Poorly informed, each). Regarding implementation of (some) system of controlling teaching quality, all respondents from higher education institutions replied affirmative, except one of the affiliating faculties of the University of Sarajevo, which explicitly stated that such scheme does not exist. Respondents, referring to existing systems of controlling teaching quality at their respective institutions, frequently mentioned: "self-assessment and analyses of successfulness, student-surveying and evaluation of teachers at the end of each semester" as a tools of quality control and assurance. Nevertheless, majority of respondents replied that at their respective education institutions staff is not sanctioned in the case of inadequate/insufficient results and the only two positive replies came from (public) Universities of which one pointed out that at the moment, *Rulebook on sanctioning of inadequate results in teaching* is in preparation, while other one mentioned system in which academic staff member, whose work has been evaluated as inadequate, is "obligated to prepare official report including the improvement plan, and submit it to a managing council of the educational institution". It is clear, that although are existent, instruments of controlling teaching quality are insufficiently developed especially in the sense of their true applicability and functionality. For instance, and drawing a conclusion from the afore-stated models, although, according to opinion of students, obtained trough opinion poll, effort of respective teacher and/or academic staff member is assessed as inadequate/insufficient, potential for imposing sanctions that shall eventually lead to a improvement and quality enhancement are quite limited. Based on information obtained from conducted survey, possibilities for applying sanctions for inadequate/insufficient quality of teaching are more narrowed at public education institutions (than at private) due to their (imbalanced) status characterised by financial autonomy (i.e. opportunity to offer their services on the market, just like private institutions) and at the same time, by particular economic security that originates from persistent existence of a rudimentary but vigorous system inherited from previous political system in which all functioning costs (salaries, infrastructure, consumables, etc) of institutions of higher education were financed from state (currently Entity or Cantonal budgets).

Additionally, in order to get a complete overview over the limitations of existing schemes of quality teaching in the higher education system, we should reflect (more) on existing structures and a potential for further enhancement and assurance of quality teaching in the context of institutional support to the academic development of professors/associates/assistants. Each and every one of the consulted educational institutions responded affirmatively to this matter, stating that schemes for further professional and academic improvement of staff are officially established and carried out. However, nature of institutional assistance is highly diversified as it stretches from the direct financial support to implementation of the more "manageable" teaching timetables and lecturing obligations for staff members involved in some form of academic and/or professional improvement. Furthermore, predominantly at private educational institutions, teaching staffs are motivated to participate in short-term educational courses and seminars while, (based on their responses) public universities tend to support longer-term professional development of professors/associates/assistants by facilitating their attendance to postdoctoral, PhD and Master level courses of study. This disparity, although initially peculiar, is quite logical as there is a significant difference in the nature and conditions of the employment of teaching staff at public and private higher education institutions. Latter are more business oriented and primarily motivated by profit, and therefore not willing to make additional, long-term investment in teaching staff which could, doubtlessly, engage in search for another, more lucrative employment with other educational institution. In case of publically owned educational institutions, case is somewhat different as usually covenants



concluded between educational institutions and professors/associates/assistants are of unlimited duration, which on one side creates highly attractive employment conditions from the perspective of job-security, income stability and other social benefits, while on the other side effects negatively to the motivation and readiness of teaching staff at the public universities to enthusiastically engage in further professional development. Finally, we should mention that according to responses received from some affiliates, academic and professional management of public educational institutions sometimes tends to be highly selective in offering of assistance for further development of competences of teaching staff, by basing its provision on their individual (personal) likes or dislikes. In this way, odd, inter-institutional type of discrimination of teaching staff is created.

To conclude, we shall present the main weaknesses responsible for the unsatisfactory functioning of higher education institutions, according to opinion(s) of higher education institutions. On this issue, educational institutions i.e. their representatives tend to have significant difference in opinions based on 1) Nature of ownership (i.e. private or public) and 2) Geographical i.e. Entity location of the respective educational institutions (Federation of BiH or Republic of Srpska). While at public institutions there is a belief that insufficiency of financial and economic assets, strategies of development and lack of research funds are posing the most significant weakness responsible for the unsatisfactory functioning of higher education institutions, private institutions tend to recognise it in "the absence of quality cadres and 'overburdening' of teaching staff." In addition "quality of teaching and insufficient adjustment of the university curricula to the demands of the industry and economy" have been recognised as a grave obstacles. While educational institutions from Federation of Bosnia and Herzegovina recognise weaknesses responsible for the unsatisfactory functioning of higher education institutions in "1) inadequate legislative, 2) unsolved issues of financing and legal and administrative responsibility for functioning of educational institutions, 3) legal fragmentation and disintegration and 4) relatively poor infrastructure", their respective colleagues from smaller Entity of Bosnia and Herzegovina do not share opinion on "legal fragmentation" as a significant impediment and predominantly tend to identify "weak financial support of the political structures" as a main weaknesses responsible for the unsatisfactory functioning of higher education institutions.

Problems and Obstacles

Two problems have been identified during and with the research. The first is the low response rate from private universities and the second problem is, in my personal opinion, the discrepancy between responses concerning transparency of procedures (PhD thesis defenses and academic nominations, for example) obtained out from questionnaires and during interviews.

In the questionnaires, the interviewees responded that their respective universities have mechanisms for promotion (in case of positive returns) and penalties (for negative results or inadequately performed duties). But, at public universities dismissal of academic employees due to unethical/criminal behaviour is nonexistent. The previously mentioned case of the Law School at the University of Sarajevo is very illustrative.

At this point it is necessary to mention several other aspects that have been revealed during the research. The first one is the problem of (1) non-integration of certain universities (*faculties function as independent administrative units*), the second (2) the inability of (cantonal)

inspectors (for the Federation of BH) to see their decisions implemented, the third one is that (3) teaching staff tend to work/give lectures at several institutions at the same time (*lowers quality of received information*). It must be noted that similarities exist between the functioning of the Agency for Development of Higher Education and cantonal inspectors for higher education. They are both under political control that can be easily abused.³³

³³<http://www.oscebih.org/documents/9493-bos.pdf>

Through the interviews and surveys it has been clearly established that the existing quality control mechanisms are ineffective and insufficient. The universities i.e. faculties have modest tools to control the work of their staff, while the most of the time mechanisms are ineffective because faculty members cannot impartially control their yearlong colleagues. Consequently, when problems of different types arise (such as recurrent absences of associate professors, inappropriate behaviour at work or outside it, plagiarism, etc.) the faculty members are inept to cope with such issues as they are in close relation to each other. Another fact that must be noted is the very liberal interpretation and application of legal regulations in the faculties. Unless clearly advised by entity/cantonal educational inspectors on the necessity and obligation to apply legal procedures (in case of promotion for example), faculties act as independent bodies sometimes forgetting their duties as public institutions. The application of inspectorial "advice" remains the free will of the faculty council.

The second aspect that has been underlined in the problem is fragmentation between different levels of administration (ministries) and within the University itself (this was repeatedly mentioned in conversation with representatives of the government bodies). Furthermore, it is difficult for the Rector's office to intervene appropriately when communication with the faculty management is below the expected quality (i.e., the management consciously hides elements that could compromise its position). Although an Ethical Committee exists at the University of Sarajevo (just to give an example), its efficiency is highly dependent on truthful information it receives in order to be able to come to clear conclusions.

The third aspect is related to the cantonal education inspectorate that is poorly equipped and with inspectors that are outnumbered when compared to the size of Sarajevo University. Apart from this problem, certain persons interviewed during this research mentioned that inspectors are sometimes in direct communication with those that they are supposed to inspect. To put it in simple words, not only do they not fulfil their role but they sometimes actually do the opposite. Also, even when the cantonal inspectors prepare a report on abuse of power or unethical behaviour of academic staff, its application is not sanctioned and thus recommendations are poorly applied.

The fourth aspect is the institutional and legislative "weakness" of the Agency for Development of Higher Education and Quality Assurance described above. Its political dependency has been from the very beginning, legally enacted. The Agency cannot act outside the legal framework within which it has been defined. This clearly marks the continuation of pre-war tentative of control over the university sector.³⁴ Its primary goals to recommend, advise, and last but not least, to establish the Registry of accredited higher education institutions is nevertheless a tentative to establish quality criteria. The possibility for an institution to fail receiving accreditation of quality from the Agency legally exists. However it is not likely that such "radical" steps will be taken by the Agency, due to a "structural" influence of Entity ministries of education, that are, almost as a rule, on good terms with the Universities (private and public) established in territory under their jurisdiction. Often, members of government administration are hired by respective universities as lecturers or external consultants.

³⁴ In former Yugoslavia, the University was dislocated and this fact undermined every plausible tentative to oppose centres of political power. By continuing to interfere with the work of the Agency, as the law permits lower administrative bodies to maintain control over the process of control. This is a paradox that not only slows the procedures but can also have negative repercussions in case it meets political opposition, which it eventually will.



The fifth aspect concerns a problem that surpasses in proportion the framework of this policy research, but needs to be mentioned. The European standard for support of scientific research and technological development has been defined as ideally reaching 3% of the total GDP in 2010.³⁵ In that context, the public-private partnerships are also highly recommended.

³⁵ http://europa.eu/legislation_summaries/research_innovation/general_framework/i23021_en.htm Accessed on March 13th 2010.

Comparing this number to the call for applications for scientific and educational projects of the Federal Ministry of Education and Science that was published on February 18, 2010, we come to very interesting conclusion. This year's call total budget represents 6.350.000 KM. Of this sum, 3.150.000 KM is aimed to support scientific projects.³⁶ This sum is then divided among several sections. Bosnia's GDP for 2009 has been estimated to 29.25 billion US\$.³⁷ We can then estimate that the total support for scientific research and development on state level represents around 0.0014% of our GDP.

³⁶ <http://www.fmon.gov.ba/images/obavje%20tenje%20javni%20poziv%202010.pdf> Accessed on March 13th 2010.

³⁷ CIA, the World Factbook.

POLICY OPTIONS

First policy option: Increasing quality through international cooperation.

This first option inscribes itself in the logic of the orientation currently undertaken by the Agency for Development of Higher Education and Quality Assurance. It is important here to mention the work of the Agency's staff during its first year of functioning. Indeed, as defined by Bosnian Law, any call for application has to be published in Bosnian daily newspapers and on websites. If applied narrowly, very few international experts would have responded to this call, because they would simply not know about it. Thanks to the fact that the Agency, during 2009, worked on promoting itself abroad as a newborn agency and establishing useful contacts with colleagues in European agencies, they could promote this call. The result was a number of 60 international applicants on a total of 400, as mentioned previously. Bosnia's situation is of course unique, even when compared to her direct neighbours, Croatia and Serbia. But elements of their path can be used in order to augment quality of education at the University level. Other countries such as Great Britain, encountered these problems 20 years ago. Their experience could be a valuable tool, especially in the first days of the implementation of self-assessment and external evaluations at Bosnian Universities.

This option presupposes that the Agency continues working in this direction with the full support of governmental bodies on which it depends, without political interferences in the selection of these experts. The Agency's current staff of 15 employees is insufficient and requires further development/capacity building.

Second policy option: Even-handed quality self-assessment

In 2005, the European Association for Quality Assurance in Higher Education (ENQA) published a report on "Standards and Guidelines for Quality Assurance in the European Higher Education Area". This report was designed as a tool in the process of establishing good practices and quality assurance. Although the segment related to European standards and guidelines for internal quality assurance within higher education institutions is well developed, it is quite broad. For example, on page 15, paragraph 1.1 it states that: "*Institutions should have a policy and associated procedures for the assurance of the quality and standards of their programs*

and awards. They should also commit themselves explicitly to the development of a culture that recognizes the importance of quality, and quality assurance, in their work. To achieve this, institutions should develop and implement a strategy for the continuous enhancement of quality. The strategy, policy and procedures should have a formal status and be publicly available. They should also include a role for students and other stakeholders.”

The key problem would be to sketch and finally implement these procedures, as they would most probably be an innovation in the faculties' functioning. To do so, faculties' managements will need training in order to enable them to articulate different segments needed to establish functional self-evaluation procedures. The question is also if it should be left to faculties to define these procedures. Most probably this would not be the best solution, as quality assurance must imply established general criteria, and in the case of Bosnia means the state level.

Third policy option: Two-folded centralization!

The university system in BIH is facing a major problem, experienced by most of the Central and South East European countries where socialist regimes ruled. In order to weaken the universities, which could easily become centres of discontent, the authorities gave much power to the faculties, which were the constituting parts of the universities. The funds were transferred directly to the faculties and the deans had a central role in defining the policy of their faculty. The resulting structure for the University was an aggregate of autonomous bodies, over which the Rector had almost no power. Today, in most of the former Yugoslav countries, this remains a problem,³⁸ and in BIH the situation seems even more complicated, as the university network is more divided and diverse, and the lack of funds hinders the ability of the higher education institutions to be innovative. Also, the country has a significantly high number of public universities (8 universities for a population of about 4 million inhabitants; in comparison to Croatia with 7 public universities for more than 4 million people, Slovenia with 4 public universities and Serbia with 6). These circumstances make it difficult for the country to coordinate a coherent higher education policy, and accordingly overall quality assurance system. Furthermore, the set-up of the political system in BIH does not help to ensure progress in the reform of higher education. At the national level, the Ministry of Civil Affairs (MoCA) and Agency for Development of Higher Education and Quality Assurance have limited influence on what happens at the entity level. The RS, with its centralized institutions, manages, with one Ministry of Education, to determine clear objectives. At the level of the Federation, no HE policy can really be implemented because each canton has its own policy, which meets different objectives. And very often, as it is the case in many education systems, the policies of the municipalities are very influential.

Therefore, to insure establishment of a viable, functional system of management in higher education and quality assurance, two-folded centralisation should be promoted. Powers of university rectors should be increased through decreasing influence of individual faculties, and at the same time, cantonal ministries should devolve into minor public, coordination agencies, that will have significantly less staff and influence. However, although economical, as it will reduce budgetary spending due to a reduction in administrative costs on cantonal levels, this issue, in respect to complex administrative and socio-ethnic construction of Bosnia and Herzegovina, could have potential to provoke political crises, predominantly in Federation of BIH, between Bosniak and Croat political actors. Ideally, on state level, there should be sole body responsible for education portfolio (with expert contribution of already established agencies).

³⁸ Croatia has been trying for almost 10 years to introduce a law giving more power to the Rector. The law has been voted but unfortunately the text, after months of discussion in Parliament, was not agreed upon, and only the recently created universities (Zadar, Dubrovnik) have reached a good level of integration, where the rector has real control over the departments (equivalents to the faculties for these integrated universities) of the university.



The next level should be ministries on entity level, and instead of currently existing Ministries of Education in every Cantonal Government, there should be number of lightly staffed agencies that will have task of coordination and local implementation of systematic policies and decision emerging from state or entity level.

RECOMMENDATIONS

Given the overall difficulties that education in Bosnia and Herzegovina is facing, the issues concerning the boom of private universities, and recent problems at the Faculties of Law and Architecture at the University of Sarajevo are mere symptoms of the current state of things. Although the situation is complicated, there are several recommendations that can be made in line with the proposed policy options:

1. Higher education institutions whose work is not transparent (in terms of employment procedures, organisation of lectures, and presence of academic staff) should be the first instance to start with. This bottom-up approach will simplify the establishment of quality assurance procedures at university level, and minimize opposition to their introduction. If necessary, unethical/amoral behaviour should be punished by severe sanctions (dismissal). Age limits (relative to pension requirements) should be respected, and the appointment of younger staff very closely planned.
2. The Agency for the Development of Higher Education should be legally strengthened so as to take over some of the legal competences from cantonal and entity ministries of education.
3. The powers of university rectors should be increased, through the decrease of the influence of individual faculties.
4. The work of the Agency, of the universities (faculties), the Ministry of Civil Affairs (Department for Higher Education) should be subject to regular reports to the public. These reports should include objectives and programmes, financial reports of the faculties, opinions of former and current students (alumni and student surveys).

CONCLUSION

The private and public sectors in higher education face different types of problems regarding the process of quality assurance, but as private universities rely on academics from the public sector, it is only a matter of time when obligations at one institution (public) would be hindered by overwhelming obligations at other (private) institutions. The fact is that the university sector in BiH needs tremendous changes, but cannot achieve them overnight. The processes of quality control, self-evaluation and external evaluation will be painful. Universities in the public sector are facing a generation shift, which is a step that will lead them to future development. This must be taken into account when we think of the current state of things at, for example, the University of Sarajevo.

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ANNEX A: List of contacted universities

Public:

1. University of Banja Luka
2. University of Bihać
3. University "Džemal Bijedić" Mostar
4. University of Eastern Sarajevo
5. University of Mostar
6. University of Sarajevo
7. University of Tuzla
8. University of Zenica

Private:

1. University for Business Studies Banja Luka
2. University for Business Engineering and Management, Banja Luka
3. Banja Luka Independent University
4. Pan European University "Apeiron", Banja Luka
5. "Apeiron" Open University, Travnik
6. University of Travnik
7. Sarajevo School of Science and Technology
8. International University of Sarajevo
9. International Burch University, Sarajevo
10. "Slobomir (P) University", Bijeljina
11. International University "Philip Noel Baker"
12. American University in BiH
13. "Sinergija" University, Bijeljina
14. Faculty for Public Administration, Sarajevo
15. "Banja Luka College", Banja Luka
16. "Prometej" College for Applied and Legal Sciences, Banja Luka
17. "Primus" College for Business Management, Gradiška
18. College for Hospitality Business, Sokolac
19. "College for Health Care", Bijeljina
20. College of Communication "KAPA FI", Banja Luka
21. "College for Industrial and Business Management", Bosanska Krupa
22. "Janjoš" College for Computer Sciences and Management, Prijedor
23. „College of International Law“, Banja Luka



ANNEX B: Questionnaire

1. Are you informed about the work and activities of the Agency for the Development of Higher Education and Quality Assurance in BiH?
2. If the answer is Yes, how well are you informed? A. Very well B. Fairly Well C. Poorly
3. Is your institution implementing some system of controlling teaching quality?
4. If the answer is Yes, could you tell us what kind of assessment the institution uses?
5. Does your institution have systemized regulations for the control of the quality of its academic staff?
6. If the answer is Yes, could you briefly describe the characteristics of the applied system?
7. Does your institution proceed to reward its staff for outstanding fulfilment of duties?
8. Does your institution proceed to sanction its staff in the case of inadequate/insufficient results?
9. In cases where the faculty/department is unable to cope with a certain problem, is there a higher administrative level capable of resolving the problem?
10. Do you think that students are discriminated against with respect to admission requirements and entrance examinations?
11. Do you think that your students are discriminated against in the teaching process/lectures/examinations? Could you explain how?
12. Does your institution support the academic development of its professors/associates/assistants?
13. How does it support them?
14. Do you think that professors/associates/assistants are discriminated against in the process of their further academic development?
15. Is the answer is Yes, please clarify how.
16. How would you rate the extra-curricular activities of your colleagues (publications in relevant academic journals, participation at international symposia, exchanges/collaborations with foreign universities, additional education/development) ?
A. Very successful (the majority of the academic staff is fulfilling the abovementioned criteria)
B. Good (about half of the academic staff is fulfilling the abovementioned criteria)
C. Insufficient (less than half of academic staff is fulfilling the abovementioned criteria)
D. Very poor (a very small percentage of the academic staff is fulfilling the abovementioned criteria)
17. How would you describe the procedures for academic promotion at your institution? A. transparent B. not transparent
18. How would you describe procedures for the defence of master and doctoral thesis? A. transparent B. non-transparent
19. What are, in your opinion, the main weaknesses responsible for the unsatisfactory functioning of higher education institutions?
20. The name of your academic institution (optional).



Born in Sarajevo in 1980, **Jasmina Gavrankapetanovic** completed her primary and secondary education in Belgium. She graduated at the Department of Painting of the Academy of Fine Arts, University of Sarajevo in 2002. Upon graduation, she was awarded Monbukagakusho Scholarship and from 2003 till 2006 lived in Okinawa, Japan where she obtained her master degree at Okinawa Prefectural University of Arts, Painting Department. In 2007, Jasmina completed her second master at the University of Turin, Italy. Since 2007 she is working as teaching assistant at the Academy of Fine Arts (Drawing classes, Department for Visual Arts Education). Currently, Jasmina is enrolled as 1st year PhD student of Theory of Arts and Media, Centre for Interdisciplinary Doctoral Studies of the University of Arts, Belgrade.



A "Policy Development Fellowship Program" has been launched by the Open Society Fund BiH in early 2004 with the aim to improve BiH policy research and dialogue and to contribute to the development of a sound policy-making culture based on informative and empirically grounded policy options. The program provides an opportunity for selected fellows to collaborate with the Open Society Fund in conducting policy research and writing a policy study with the support of mentors and trainers during the whole process. Sixty three fellowships have been granted in three cycles since the starting of the Program.