International legal regulation of the education quality

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Abstract.

The category of education quality in the system of higher professional education acts as providing high competitiveness, optimal organization and management of the educational process, as well as access to the world market of educational services. We can talk about the international legal regulation of the quality of education relatively arbitrarily, bearing in mind the practical absence of normative legal acts regulating the relations of subjects of international educational law in the field of regulating the quality of education. We can talk about the international component of assessing the quality of education in the context of the Bologna Declaration, because the Bologna process strengthens the European emphasis on assessment and quality control, accreditation, takes a course towards convergence of standards and assessment procedures. Among the most important reforms proclaimed by the Bologna Declaration, the development of European cooperation based on developed comparable criteria and methods is named. In a resolution of the Congress of European Rectors of Universities (Salamanca, March 29–30, 2001), quality is defined as the "cornerstone", the "fundamental condition" of trust, relevance, mobility, compatibility, and attractiveness. Rectors reaffirmed their intentions to seek mutually recognized mechanisms for assessing, controlling and certifying quality.

Keywords: *education, quality, Bologna Declaration, educational strategy, law.*

1. Introduction

In the Berlin Communiqué (2003), the Ministers of Education clearly articulated the idea that “the quality of higher education lies at the heart of building the European Higher Education Area”. They also emphasized that “the main responsibility for ensuring quality lies with each university, creating the basis for achieving the responsibility of the academic system for quality in the country.” The European Higher Education Area, in which students and teachers are free to move around, involves a basic level of knowledge and trust in a variety of educational, teaching and research environments.

2. The quality of education and the Bologna reforms

Institutes' attempts to improve the quality of education, research and the services provided go far beyond the actual internal quality of the process and procedures. Many other institutional processes — such as the selection of staff and students, staff development, resource allocation, and infrastructure

management — combined with an efficiently built quality culture, have a significant impact on the quality of the university's core functions.

Here, the Bologna reforms themselves are a good example: the basic structural and curriculum reforms in universities have had an additional impact on other aspects, in particular, on improving the quality of teaching. It should be emphasized that most universities consider Bologna reforms as an opportunity to analyse and revise their own educational services, and also believe that they led to internal reforms of curricula and teaching. This has led to more rational planning of the set of courses - elimination of unnecessary and repetitive courses - and even a complete change in the curriculum associated with the introduction of a student-centred and competency-based approach.

3. Internal processes of quality assurance in European universities

While the level of activity concerning internal quality assurance in universities has increased markedly, the spectrum of this activity is mostly limited to the areas of teaching and learning. All universities have a certain internal system for ensuring the quality of teaching. However, only a third of universities carry out activities to ensure the quality of research activities (external research evaluations are the most frequently used tool here). External assessments of the work of administrative staff and the quality of additional services are even more rarely used. In the category of administrative staff and additional services, only services to students, which are evaluated a little more often.

4. Students' participation in teaching assessment

In the study of methods for conducting internal assessments of teaching, it becomes obvious that in different universities of different countries they noticeably differ in type of organization, feedback, student participation and perceived effectiveness.

Student assessment questionnaires are a common tool, but there are many ways to use them. In some universities, the faculties and even individual professors can decide whether to conduct a student survey and analysis results, and whether the results of the assessment will be taken into account and if yes - in which form it will be done.

However, in other universities, the systematic use of student surveys is a mandatory procedure throughout the university, and the responsibility for the use of the information lies entirely with the competent authorities - such as quality advice and program advice at the faculty, unit or at the institutional level. Approximately in every fourth university, such bodies exist. Moreover, in some universities in Belgium, France, Ireland, Holland, Switzerland and the UK, training units play an important role in the development of quality. These units

are responsible for analysing the results of the assessment, as well as for the implementation of continuous training of teachers, support for teachers and assistance with training based on information technology.

In every fourth university, students not only fill out assessment questionnaires but also take an active part in their use. This can be organized in several ways, including regular meetings of students and teachers, the organization of joint committees of students and teachers, the task of which is to discuss teaching and learning. Such experience exists in universities in Austria, Belgium, Denmark, and Finland. Germany, Lithuania, Holland, Slovenia, Switzerland and the UK (<https://www.hse.ru>). In some universities, an introductory course can be taught to students aimed at developing their understanding of quality assurance processes and their own role in the development of the institutional quality system.

5. Monitoring of successful and unsuccessful learning

In practice, with great attention paid to the internal development of quality, very few universities systematically monitor the basic data on the success of student learning, as well as cases of expulsion. If universities are going to develop strategies to improve teaching and learning, then such data, which are currently lacking, are undoubtedly the main requirement for strategic management and development.

In some quite rare cases information is collected at the university level about the career elections of graduates. In other universities, such information is collected by individual departments or faculties, but is not considered entirely at the university level. It seems that the increased understanding of the importance of taking into account the views of all interested parties, as well as the problems associated with the employment of graduates, should have an impact on the institutional monitoring processes.

6. Research: Using peer ratings

Practice shows that only one of the three universities implements activities related to ensuring the quality of research, while most universities rely on the results of external evaluations. However, the connection between internal and external procedures is not so obvious and poses new questions for universities. The central and most frequently occurring element of all procedures - peer review - can be initiated both by the university and from the outside - by national authorities, and often includes both internal and external evaluations. Only an assessment by colleagues related to the acceptance of articles for publication in scientific journals or the submission of grant applications does not imply self-assessment. The fact that peer review by researchers in the field of research is most often initiated externally - by funding agencies (as in the case

of regular evaluations by research funding bodies in Portugal, Spain and the UK), grants by agencies or journals - does not prevent consideration of this procedure. as the best way to assess the quality of research by universities. Some universities even initiate such assessments themselves (for example, in Denmark, Finland, Italy).

According to universities, the two main problems can adversely affect the quality of assessments by colleagues. Firstly, estimates may lose their legitimacy if the group of experts is not large enough to avoid bias due to the principle of "service for service". To solve this problem, some small national systems are introduced by a larger number of foreign experts, although this often causes additional financial and linguistic difficulties. Secondly, the success of an external assessment depends on the perceived quality of the experts. If it is believed that the experts do not meet the quality requirements of the unit being evaluated, then the results of such an assessment will not be seriously considered. This is the main reason why some universities that are internationally competitive, during the survey, sometimes expressed preference for internationally initiated external assessments in order to be sure of the standards by which their performance will be assessed.

Although peer review of research is most often used to provide or improve research quality, this is only one of many methods. There is a wide range of activities related to quality assessment, many of which depend on the internal university culture of quality and can have a significant impact on improving the quality of research in universities:

- The hiring of faculty and scientific staff is considered by many as an important tool for ensuring and improving quality. However, the responsibility for admission does not always lie with the university. In addition, the ability to attract staff largely depends on the research environment - in terms of human and financial resources, as well as scientific infrastructure.
- Quite often, assessments of teaching, as well as the availability of motives to improve its quality, become part of the re-election or promotion of faculty and scientific staff. This happens in universities in Denmark, Estonia, Finland, Germany, Greece, Ireland, Latvia, Lithuania, Romania, the Slovak Republic and Spain, where the re-confirmation of a profession or part of their salary may depend on the performance of their research activities. In some other countries, the amount of wages cannot be changed by the university, since it is a fixed amount determined by law.
- In some universities, the distribution of research grants is based on indicators of research activity and the quality of grant applications (in Germany, Holland, Sweden, Switzerland and the UK). This procedure for the internal distribution of grants is managed in the same way as the external distribution of grants (based on an assessment by - often external - colleagues), and serves to stimulate the development of new research areas, as well as for a more flexible and quick distribution of grants than in the case of external grantors.

- In some universities, the competitive distribution of resources between units based on research indicators (for example, in the Czech Republic, Finland, Germany, Great Britain) is practiced.
- Tracking research activities based on indicators developed at the institutional, faculty, or unit level is becoming an increasingly popular practice; quantitative analysis has also become more commonly used at the national level. In some universities (Holland, Sweden and the UK), representatives of the academic staff noted that a new approach to mutual assessment of activities is developing in their universities.
- Monitoring the quality of training in doctoral studies is usually carried out at the program, faculty or unit level. In those universities or faculties where exist councils or committees on quality, they are also involved in assessing the quality of research and training at the doctoral level (Savina, 2019)

7. Administrative organization, support services, foreign and international relations

It is extremely rare in universities that administrative and support services regularly research administrative services; in some cases, only periodic special assessments are carried out, which are usually caused by the occurrence of a specific problem or cause for change. Nevertheless, now we can note a tendency for universities to begin to pay more regular and systematic attention to the quality of administrative and support services.

Student services are assessed more often than others, often through student surveys about their level of satisfaction with the quality of services.

In many universities, technology transfer and entrepreneurial support services are only being organized. Although in some exceptional cases examples of quality assessment activities were found, in general, there was a feeling that assessing the quality of such services was premature.

The quality of international relations is considered only in connection with the growing need for cooperation with well-known partners, trustworthy, so that exchange and recognition procedures proceed more smoothly and reliably.

8. Correlation between internal and external quality assurance systems

Universities throughout Europe are not only expanding the internal regulation of quality, but are also facing an increasing number of external quality assurance procedures. The relationship between internal and external quality assurance is measured quite differently in Europe. In those systems where internal quality assurance procedures are in the process of being established, the relationship between internal and external quality mechanisms works reasonably

well. In more established systems with more complex and more institutionalized mechanisms for ensuring quality, external quality assurance is perceived as a bureaucratic burden with a very limited impact on the development of the university.

Also, universities believe that lighter external procedures should complement a developed internal culture of quality assurance. In general, universities consider internal quality assurance procedures more effective in terms of improving quality than external procedures. External procedures are considered as directed more towards control and compliance with requirements and do not take into account the goals, priorities and conditions of the university.

Self-assessment reports illustrate the relationship between internal and external quality assurance procedures. Universities often indicate that these procedures are the most useful part of any quality assurance process, but only if specific actions are taken based on them.

9. Comparative procedures of quality assurance effectiveness

Regarding the comparative effectiveness of various quality assurance mechanisms, many comments can be made, especially regarding teaching. External assessment of teaching is measured either indirectly at the institutional level, through quality audits evaluating internal quality assurance processes, or through program evaluation, as is the case in Finland, Ireland, in recent years in the UK and most recently in Switzerland. While program evaluation is usually associated with learning outcomes, program accreditation mainly focuses on contribution and structure, although there are exceptions to this rule. Several positive examples were presented of meaningful procedures for evaluating the quality of programs or subjects aimed at improving, in particular, feedback after receiving negative evaluations. However, some universities note that there is often no link to relevant research and support services if grades focus only on the training.

Universities often oppose the accreditation of a program, in particular, against the controlled, prescriptive and limiting results of accreditation practices. For example, the dissatisfaction expressed is because a list of disciplines that must be offered on the program is prescribed, and the creation of interdisciplinary programs is not allowed due to the disciplinary prejudices of the accreditation committee. Universities do not see the difference in whether such restrictions are imposed on the opening of new programs by the government or an independent accreditation body. Often, accreditation is requested and determined by professional bodies, not taking into account internal quality assurance processes at universities and, therefore, possible links with institutional quality assurance procedures. This fact imposes an unnecessary bureaucratic burden on universities (Medvedev, 2011).

However, these problems do not apply to institutional quality checks. Such checks are considered useful only if they take into account the goals and strategic priorities of the university, as well as the relationship between training, research and support services. Otherwise, such checks may be too focused on procedures and tools, paying too little attention to the most important problems of the quality of education provided by the university. Some universities also note the danger that experts in the field of quality assurance justify their existence by establishing an increasing number of quality assurance procedures, paying little attention to academic issues that should lie at the centre of the definition of quality. In general, although the experience of institutional audits is perceived more positively than accreditation ones, institutional audits also cause a different attitude: from positive experiences that help establish and improve internal quality processes to criticism for insufficient attention to procedures and issues that concern the quality.

10. Conclusion

In the context of the growing supply of educational services by the network of transnational education providers, the quality of the education they provide becomes extremely urgent. It should be noted that often the relevant accreditation bodies of countries where one or another supplier organization is "registered" do not care about the quality of exported education, and the providers themselves do not show proper responsibility for the quality standards of educational services. Already, Europe is preparing itself to develop criteria for the legitimization of transnational education, through collective efforts to find measures to prevent the opening of transnational "diploma factories" in European countries. Two working groups were organized within the Council of Europe and CEPES (UNESCO): one published recommendations on international qualifications; the other addresses issues related to transnational education. A characteristic trend is the creation of new systems and procedures for quality control of higher education. It manifests itself through the diversity of their models.

In some cases, uniform assessment systems are organized for all sectors of higher education (university and non-university levels). In others, preference is given to specialized assessment bodies for each subject area (profession, educational program). Nevertheless, their main features remain: the independent nature of assessment; the immutability of the post-accreditation consequences when deciding on the allocation of state subsidies (the principle of management and financing "based on results").

The main positive changes achieved in the framework of the Bologna process include the creation of the European Network of Higher Education Quality Agencies (ENQA) in 2000 based on the recommendations of the Council of Ministers of Education of the European Union. The network is free to join

other states. A significant contribution is expected from her in terms of ensuring quality in the European educational space.

At the same time, it must be borne in mind that in accordance with the principle of institutional autonomy, the main responsibility for ensuring quality lies with each of the universities. Furthermore, this is the most important condition for the successful formation of national systems for ensuring the quality of higher education, which should include:

1. The definition of the responsibilities of participating bodies and institutions;
2. Evaluation of educational programs and universities, including internal and external evaluation, student participation and publication of results;
3. a system of accreditation, certification and comparable procedures;
4. international partnership, cooperation and the creation of a network of agencies specializing in the definition of education.

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