

QUALITY CONCEPTION IN HIGHER EDUCATION LEGISLATION: THE ESTONIAN NATIONAL PROFILE

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Abstract

The main goal of this paper is to analyse the concept of “quality“ which is used quite often in texts of legislation of public universities. The paper provides an analytical overview of the development of Estonian higher education and related legislation focussing particularly quality assurance within public universities following the regaining of independence and accession to the European Union. The paper presents results of empirical data collected through analysis of the following documents – Universities Act; Standard of Higher Education; Regulation of the Government of the Republic “Procedure for Accreditation of Universities, Institutions of Professional Higher Education and their Curricula and Requirements for Accreditation”; Estonian Higher Education Strategy for 2006-2015. The paper’s main conclusions include that the concept of quality of higher education remains undefined in legislative acts of public universities, which, in turn makes it complicated for them to meet quality-related expectations. It can be further maintained that, at the state level, concepts of quality in higher education refer to the conformity to requirements/standards and value for money. In the context of a multitude of different approaches and stakeholders the process of establishment of a public university quality assurance system in this manner is too narrowly focussed. The conceptualisation of quality should be widened and clarified at the state level as to what universities are expected to do when creating their internal quality assurance systems.

Keywords: *quality assurance; quality; development of quality-related legislation in Estonian public universities.*

Introduction

This article is part of the survey entitled “The impact of external quality assessment of higher education on Estonian universities”. The primary research issue is to investigate the impact of external quality assessment of higher education on the development of a public university as an organisation, and the article presents some of the results.

Statistical data from 2005 show that 74% of all learners in higher education in Estonia studied in public universities (6.5% in private universities, 7.6% in both public and private institutions of professional higher education, and 4.3% in vocational educational institutions respectively) (OECD, 2007). The high proportion of students in tertiary education studying at public universities gives justification for addressing the issue of quality assurance in these institutions which as major provid-

ers of tertiary education have a large impact on the socio-economic situation in Estonia. Qualitative research methods were used for the collection and analysis of empirical data: analysis of documents (analysis of quality-related legislation of public universities; analysis of expert reports of accreditation of curricula) and interviews with curriculum managers and rectors and vice-rectors for academic affairs of universities.

Higher education has gone through many changes following re-independence in Estonia. In the early 1990s great efforts were made to establish a sovereign national higher education policy and higher education was available to only a few privileged people. With the impact from enlarging Europe however, a neo-liberal education policy started taking root (Naumanen, Leppänen & Rinne, 2008) and access to higher education began to widen and is further improving in the early years of the 21st century. Higher education policy in Estonia is characterised by “new public management”, a process which has been implemented in Europe through reforms of the public sector since 1980s (Stensaker, 2004, p.12). New public management has been accompanied by a decrease in state funding of higher education and transfer to project-based budgeting. Higher education institutions are managed like businesses (managerialism), management is decentralised, along with the introduction of a market-driven philosophy and customer-centred views, implementation of performance targets, indicators and outcomes and monitoring of these through quality assessment and the systems of performance-related salary in higher education (Deem, 2001; Kogan & Hanney, 2000; Pollitt, 2003; Stensaker, 2004; Vanttaja & Rinne, 2008).

Estonia is currently in a situation where the three-stage system of study cycles arising from the Bologna process has been implemented and where “quality” is a key word advocating change in the higher education policy. The Estonian Higher Education Strategy for 2006-2015 has been adopted and an action plan for 2008-2010 approved. The Universities Act was amended in 2008 and the Standard of Higher Education in 2007, mechanisms of external quality assessment have subsequently been amended, although without any fundamental analysis based on scientific methods into the effectiveness of previous mechanisms of quality assessment of higher education. Analyses of legislative acts of Estonian public universities regarding quality and of the higher education strategy do not actually reveal clearly defined conception of quality in higher education at the state level.

Treatment of quality in higher education

“Quality” derives from the Latin word “qualis” denoting “which” (Sahney, Banwet & Karunes, 2004). Definitions of quality are frequently based on perception and often refer to complex features the levels of which are difficult to define comprehensively. The following definitions of quality can be considered as generalisations (Biggs, 2001, 2003; Crosby, 1980; Crozier, Curvale, Dearlove, Helle & Henard, 2006; Estonian Centre for Standardisation, 2007; Dahlgaard, Kristensen & Kanji, 1995; Oakland, 2006; Phare, 1998; Reeves & Bednar, 1994; Sahney, Banwet & Karunes, 2004):

- Quality as ...
- conformity to requirements/standards;
- conformity to description;
- compliance with objectives;
- absence of mistakes;
- value for money;
- ideal (cannot be achieved);
- perfection;
- constant improvement;
- constant change;
- compliance with customer’s needs, satisfying those needs;
- exceeding customer’s expectations.

Watty (2003) claims that two schools can be distinguished in the treatment of concepts of quality

in the literature on higher education: one related to context, the other to stakeholders. In the first, quality of higher education acquires meaning in connection with a concrete context such as assessment, curricula, teaching, learning and consequently we speak about the quality of assessment, curricula, teaching and learning (Watty, 2003, p.214). The other school links quality of higher education and stakeholders and the concept thus acquires several meanings dependent on whose perspective on quality is being defined (Watty, 2003, p.214). Therefore it can be stated that the search for a common definition of quality in higher education has not yet yielded results, even though the discussion has been going on since Greek philosophers Aristotle, Socrates and Plato (Reeves & Bednar, 1994). However, there is a consensus between these definitions of quality – all the aforementioned definitions are related to a product/service or processes through which those products/services are created (Sahney, Banwet & Karunes, 2004, p.145). According to Cheng and Cheung (2003) explicit and implicit needs of both internal and external stakeholders are essential for the definition of quality of higher education. Barnett (1992, p.16) has stated that a prerequisite for the definition of quality of higher education is the clarification of the concept of higher education. Reavill (1999) emphasises that higher education is a complex system and should be approached through systems theory where input, process, output, related stakeholders and environment are equally important. Biggs (2003) claims that definition of the idea of quality in time is important when discussing the concept of quality of higher education. A retrospective approach focuses on the past in quality assessment and quality stands for value for money and conformity to requirements/standards (Biggs, 2003, p.288). The prospective approach focuses on the present and future and quality is seen as continuous change (Biggs, 2003, p.288). Retrospective quality assessment is quantitative whereas prospective quality assessment is qualitative (Biggs, 2003, p.288).

Therefore it can be said that when defining the concept of quality of higher education it is important to consider the context in which quality is being discussed, along with the persons who define it and stakeholders for whom it is being defined and the time which is under the focus in quality assessment.

The following is a brief overview of the role of Estonian public universities and their management, the development of legislation and regulations pertaining to quality which give the context to the treatment of the concept of quality of higher education.

The role and management of public universities in Estonia

Higher or tertiary level education in Estonia is provided by universities, institutions of professional higher education and vocational educational institutions which divide into institutions of public law (The Universities Act, § 9) and private law (The Private Schools Act, § 1) following their legal status. Universities provide academic higher education. A university is an educational, artistic, research, and development institution where studies conforming to the standard of higher education are carried out at all academic levels (The Universities Act, § 4). The mission of the university is to advance science and culture, to provide services to society based on educational, research and artistic activities and develop responsible and initiative-taking people (The Universities Act, § 4). Six public universities operating before Estonia regained independence continued working after 1991, although changes have occurred following mergers with institutes of the Academy of Science (OECD, 2007, p.13).

According to the Constitution of the Republic of Estonia access to and provision of education is supervised by the state. Planning of higher education policy and management of higher education is arranged by the Ministry of Education and Research (The Statutes of the Ministry of Education and Research, § 9). Estonian universities are autonomous however, (The Constitution of the Republic of Estonia, § 38; The Universities Act, § 9) and may take decisions with regard to their organisation and structure, content of educational, research and artistic activities, the arrangement and conditions of educational, research and artistic activities, the content and arrangement of in-service training, conditions for recruiting academic and auxiliary staff, student enrolment conditions and use of assets in the scope provided by the Universities Act and the Private Schools Act. Public universities may, as some of major public institutions in Estonia, be considered independent but they are strongly

influenced by state policy. Like elsewhere in Europe, Estonia exercises stringent state control over public universities resulting from the view that educational, research and development activities must serve the public interest and be carried out in economically feasible fields. The state has approved academic areas of study and these are given priority in financing. According to data on the website of the Ministry of Education and Research (<http://www.hm.ee/index.php?049736>) in 2008 priority was given to technical fields, production and processing, physical natural sciences, biosciences, environment protection and health care, these gained over a quarter of the student places commissioned by the state.

Public universities are primarily financed through state-commissioned student places from the budget of the Ministry of Education and Research. The Ministry of Education and Research compiles the contract for state-commissioned education arising from the forecasted labour market demand for professionals with higher education whilst taking into account proposals made by ministries, local governments, professional associations and universities, the mission of each university and funding allocated for state-commissioned students places in the state budget (The Universities Act, § 13). Universities also have opportunities to earn income through fee-paying student places, and provision of further education and knowledge-based products, such a financing scheme does not foster establishing long-term goals since failure to complete state-commissioned education contracts may lead to a decrease in financing according to The Universities Act. Financing based on state-commissioned education contracts enables the state to implement higher education policy through funding. Thus Estonia is facing a situation where only 45.5% of students study in state-commissioned student places and 54.5 % pay for their tuition (Tina & Tõnisson, 2007). Funding of higher education has considerably decreased at the state level. In 2004 allocations for higher education accounted for 1.57% of GDP but in 2005 for 1.37% (The Estonian Higher Education Strategy for 2006-2015 action plan for 2008-2010).

Development of quality-related legislation and regulations of public universities in Estonia in 1991-2008

Development of public universities and their quality issues from the country's re-independence until today may be divided into four stages and currently the transfer from the third to fourth stage is taking place.

The first legislation regulating the activities of public universities and their quality of work were issued in the mid-1990s, the primary aim was reorganisation of the higher education system originating from the Soviet period rather than to seriously address issues of quality assurance. The Universities Act was first enacted in 1995 and the Standard of Higher Education in 1996. Although the Higher Education Quality Assessment Council was first convened in the summer of 1995, accreditation of curricula actively started in 1997 when the Estonian Higher Education Accreditation Centre was established (Laasberg, Baumann, Pikker & Seene, 2003, p.3). This period may be considered the second stage in the development of higher education in Estonia. The period also included the enactment of the Private Schools Act in 1998, although private schools had first been established in the late 1980s and early 1990s. Even though higher education was regulated by the Universities Act and the Private Schools Act and requirements set by the Standard of Higher Education, in 2001, Estonia with its 1.34 million people (Eurostat 2008) had 49 institutions providing higher education and there were 56,000 students (Tina & Tõnisson 2007). This situation gave rise to a public discussion about the quality of higher education and the need to accredit all curricula, since in the course of the first round of accreditation in 1997-2002 of 500 curricula submitted for accreditation, 385 were fully and 100 conditionally accredited, and 15 were not accredited.

The third development stage of Estonian higher education policy marks the period when internationalisation began to increasingly impact on the shaping of the sovereign national higher education policy. The Bologna Declaration which aims to create a pan-European higher education area by 2010 and to increase the competitiveness of European higher education (Bologna Declaration) was signed also by the minister of education of Estonia on 19 June 1999. This obliged Estonia to submit routine reports about developments of the Bologna process in Estonia (see also Towards European Higher Education Area. Bologna Process. National reports 2004-2005 and Implementation of Bologna

Declaration in Estonia 1999-2003 on web-page: <http://www.bologna-bergen2005.no/>).

The three-stage system of higher education was implemented in Estonia in the 2002-2003 academic year (The Estonian Higher Education Strategy for 2006-2015 action plan for 2008-2010; Eurydice, 2007, p. 135). The new system of studies necessitated a government regulation on statutes and forms of diplomas and academic reports. The transfer created a complicated situation in universities which had to administer curricula of both the old and the new (3+2) structures. The names of academic degrees also changed after the higher education reform and in order to clarify the situation the Government adopted "Regulation of the Government of the Republic on correspondence of qualifications of the Estonian Republic and former Soviet Union issued before 20 August 1991". The implementation of the new higher education system also highlighted issues of quality assurance in higher education. In October 2003 the Government adopted regulation "Procedure for Accreditation of Universities, Institutions of Professional Higher Education and their Curricula and Requirements for Accreditation" which regulated arrangement of accreditation of institutions and curricula, and also set out requirements for the internal quality assurance systems of universities. The Rectors Conference which was to work under new circumstances and had to ensure that Estonian universities were competitive in Europe adopted the Quality Agreement between Estonian public universities on curricula, academic positions and academic degrees in 2003. The Quality Agreement did not have the authority of legislation since it was voluntary for universities, however all six public universities and subsequently, two private universities acceded to it. Requirements were necessary because at the time the legislation in force only laid out minimum requirements for higher education which failed to satisfy the rectors. The Estonian Higher Education Strategy for 2006-2015 provides for the establishment of quality requirements in the Universities Act.

The fourth stage in the quality-related developments of Estonian higher education was given a boost by the launch of the project "Enhancement of competitiveness of university graduates through the development of quality of study" (abbreviated to LÜKKA in Estonian) in August 2005. This large scale project was inspired by the objectives of the Bologna process. Further development of quality in higher education required collaboration on writing descriptions of learning outcomes, a system for recognition of prior learning and work experience, and the description of its principles, agreements for this were provided in the Standard of Higher Education. Developments of higher education and its quality at the fourth stage also include the establishment of the higher education quality agency, provided by an amendment to the Universities Act, assessment of quality of the curriculum group and compulsory institutional accreditation, the impact of which can only be analysed in a few years because these requirements will not be implemented until 1 January 2010 (The Universities Act, § 56).

The concept of higher education quality in quality-related legislation of public universities and the Higher Education Strategy for 2006-2015

Which approach is applied at the state level upon definition of quality of higher education? This is analysed using the following legislation which regulates quality issues in public universities: Universities Act, Standard of Higher Education, Regulation of the Government of the Republic "Procedure for Accreditation of Universities, Institutions of Professional Higher Education and their Curricula and Requirements for Accreditation", and Estonian Higher Education Strategy for 2006-2015. Draft legislation regarding higher education is prepared by the Ministry of Education and Research (the Statutes of Ministry of Education and Research, § 18), and adopted by the Government.

The Universities Act did not use the word 'quality' until its latest version which entered into force on 1 September 2008, therefore defining the concept of quality and treating it was complicated. The aforementioned version uses the concept of quality in the context of institutional accreditation and assessment of quality of curriculum groups. Institutional accreditation is external assessment where the internal system of quality assurance of a university and its operation is assessed, including performance of tasks entrusted to the university, and the compliance of its management, operations, study and research environments to the goals and development plan of the university (The Universities Act, § 2). Assessment of quality of a curriculum group is external assessment where the following is assessed: conformity of curricula within the curriculum group and studies arranged

on their basis to legislation, internal and international standards, including the level of theoretical and practical studies, research and teaching qualifications of teaching and research staff members, and sufficiency of resources for providing teaching (Universities Act, § 2). These provisions in the Universities Act only refer to standards in quality and the internal system of quality assurance in a university in a way which allows the university freedom in the treatment of quality concept. Common internal requirements for higher education are established by the Standard of Higher Education. As regards international standards, the act does not specify which international standards are to be used as reference points.

The Standard expresses requirements for higher education and is a source document for quality of higher education. Although the Standard of Higher Education does not define the concept of quality, it may be deduced from the name of the regulation that it treats quality of higher education in the sense of meeting requirements/standards. The Standard of Higher Education determines the general extent to which curricula of universities should differ from one another, the proportion of classroom and independent work, and how many members of teaching staff in the curriculum should have a minimum of 51% workload with the university which supervises the curriculum. The Standard also determines conditions for enrolment and completion of studies, volume of study, teaching staff qualifications and study results for all levels of higher education. The Standard sets requirements for goals in the recognition of prior learning, and the principles of assessment and proof of such. Requirements for the academic levels mostly have a numeric value but learning outcomes and requirements for recognition of prior learning and work experience are descriptive and thus dependent on assessors and their assessment methods. Assessment of learning outcomes will commence on 1 September 2009, pursuant to § 36 of the Standard of Higher Education and it is not known yet whether qualitative or quantitative methods will be applied.

External quality assessment of higher education is regulated by “Procedure for Accreditation of Universities, Institutions of Professional Higher Education and their Curricula and Requirements for Accreditation” but pursuant to an amendment in the Universities Act only until 31 December 2009. The above regulation sets requirements for current mechanisms of external quality assessment of higher education – accreditation of institutions and curricula. The regulation states that “upon accreditation of universities and institutions of professional higher education compliance of management, work operations and study environment of the institution and its structural units to the objectives of the curricula, legislation and standards, and also sufficiency of resources and purposeful and effective use of resources is assessed. Upon accreditation of a curriculum, conformity of the curriculum and teaching conducted following the curriculum to legislation and standards is assessed.” It can be concluded from this wording that the above regulation treats quality of higher education as conformity to requirements/standards and value for money. However, objectives of the curriculum are introduced, to which institution’s management, work operations and study environment should be compliant. On the other hand, the regulation does not provide for the assessment of the level of achievement of the objectives of the curriculum. Thus it cannot be claimed that quality is seen as compliance with objectives. The content of the regulation is also contradictory in terms of the definitions of accreditation of institutions and curricula. The section of the regulation on institutional accreditation refers to internal audits for the analysis and improvement of performance of the quality assurance system. The regulation also requires institutions to gather information on graduates’ professional careers and employers’ opinions regarding graduates’ skills and knowledge for the purpose of improving curricula and the quality assurance system. Therefore one of the quality requirements of public universities is the existing quality assurance system which ensures continuous improvement. This allows conclusions that besides requirements and standards the universities are expected deal with quality as continuous improvement.

The Estonian Higher Education Strategy for 2006-2015 deals with quality of higher education in a number of clauses. The Strategy says that quality determines preferences; it also emphasises that “implementation of quality requirements and control over their completion is used as state regulatory instrument, and also national higher education financing policy.” It expects to link higher education more closely to “the needs of Estonian society and labour market expectations (Estonian Higher Education Strategy for 2006-2015). The Strategy sets an objective for institutions of higher education “to ensure competitive quality” which is characterised by “a situation where all curricula in higher

education provided in Estonia have undergone accreditation by renowned European accreditation agencies and our academic mobility rate achieves European average indicators.” The course of action to achieve the objective is “strengthening of quality assurance”. To this end “two-part quality assurance system will be introduced which, on the one hand, involves quality assurance within institutions and on the other, implementation and quality monitoring by the state” (Estonian Higher Education Strategy for 2006-2015). International assessment becomes more important where the level of a field of study of an institution of higher education is compared to other similar institutions and feedback is given for planning further development (Estonian Higher Education Strategy for 2006-2015).

The Strategy does not define the term quality nor does it explain the concept of quality, thus it is not possible to say, without analysis of the text of the strategy, what quality of higher education means. It can be concluded on the basis of the strategy that the approach to quality is institution-centred and underlines their competition with each other. Employers have an important position as their needs also determine quality. By way of generalisation it can be said that the Strategy emphasises views on quality which refer to implementation of common requirements for quality and financing. This allows supports the claim that the Strategy deals with quality as conformity to requirements/standards and value for money.

Discussion and Conclusions

Although the number of students in academic higher education has tripled compared with the early 1990s (Tina & Tõnisson 2007), and arising from the Bologna process there is increasing attention to issues of quality in higher education, at the state level treatment of quality is far too narrow. At this level quality of higher education is seen as conformity to requirements/standards and value for money. According to Biggs (2003) we can say that both treatments determine quality of higher education retrospectively and thus numeric quality indicators come first, such requirements are set forth in the Standard of Higher Education as well. Although descriptions of learning outcomes were included in the Standard in 2007, their assessment has not yet begun and it is not known which methods will be used. While the state primarily implements higher education policy through funding, in discussions quality requirements and standards are of equal priority to financing of higher education and assessment of effectiveness of resources use, thus encouraging the view that quality is also a value for money.

Quality-related legislation of public universities provides for and the strategy emphasises that universities should have their internal quality assurance systems but this does not rule out that they understand the concept of quality differently from that which is expressed in state legislation and in the higher education strategy. Public universities are expected to gather feedback from students, alumni and employers in order to improve the quality assurance systems and meet needs and requirements, but it does not guarantee that universities treat quality of higher education as continuous improvement.

Development of quality-related legislation of public universities from re-independence until today can provisionally be divided into four stages but the treatment of quality has changed very little at the state level. At that level an international dimension has been added, that is quality implies conformity to national and international requirements and standards. However, neither legislation nor the higher education strategy indicate which international standards should be followed. Legislation provides for requirements and standards at the minimum level but because of the voluntary Quality Agreement between universities, (requirements of which the state is about to enforce), quality means more than meeting minimum requirements. Also, the definition of higher education in the Universities Act – education based on the scientific approach which is acquired on the basis of secondary education and which is certified by a corresponding graduation document – states that requirements and standards established by the state are essential since pursuant the Education Act an educational institution can only issue documents proving higher education if its curricula and delivery conditions meet the Standard of Higher Education and it has received approval.

In order for quality to not merely remain an observation of the requirements and standards in public universities, quality-related legislation and higher education strategy should specify expectations regarding quality in universities. It should be better ensured at the state level that when setting up a quality assurance system, universities were encouraged to understand that quality had a wider

perspective than only conforming to requirements and standards and value for money, and to consider quality as continuous improvement too.

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