

Open Society Foundations Armenia

Comments on the Draft Law on Higher Education of Armenia

The issue of executive control over the higher education system in Armenia, has been identified as the primary reason for the system's lack of integrity. The damaging effects of such control, ranging from low efficiency to unaccountable and low level of quality, academic dishonesty, were discussed at length in all latest independent and government-commissioned researches.¹ To large extent the problem is caused and assisted by inadequate regulatory framework, of which all the above-mentioned researches spoke directly suggesting legislative changes in a number of laws, regulating the sphere. It was believed that the Draft Law on Higher Education would address the problem, eliminating direct executive control over the system and establishing sufficient countermeasures promoting academic independence and integrity.

It is our opinion that the draft does not adequately address the problem in its current form and in a way makes possible even more profound control of the system by the executive. In that it contradicts not only the recommendations of the above research projects and the Bologna process,² but the Armenian constitution, which provides independence of higher education.³

- Currently public university governing boards are run exclusively by political leaders and state officials, and board compositions are approved by the prime minister. The draft states that neither any state official nor any governor can run a university governing board any more. However, the draft still provides for an exclusive power to the prime minister to approve the composition of governing boards of all public universities in Armenia. In fact, it contains a clear provision that direct executive control is reinforced in the draft and will be exercised vastly.
- While the number of government representatives in governing boards is 50%,⁴ the draft lowers the share of such appointees to 30% and simultaneously provides for 30% of members appointed by potential employers. The draft does not disqualify government officials from being appointed within the latter 30%, which in view of the state being the largest employer in Armenia, makes appointment of the state officials more than

¹ For details consult “Higher Education in Armenia Today: a focused review” by Open Society Foundations – Armenia / http://www.osf.am/wp-content/uploads/2013/11/OSF_HE_report.pdf, “Strengthening Integrity and Fighting Corruption in Education: Armenia” by Open Society Foundations – Armenia/ http://www.osf.am/wp-content/uploads/2016/01/Integrity-report_final_en_12.11.2015.pdf, “Addressing Governance at the Center of Higher Education Reforms in Armenia” by the World Bank”/

<http://documents.worldbank.org/curated/en/301751468218419533/pdf/776690WP0P127300governance000final.pdf>, “Risk Analysis of Issues Affecting the Integrity of the Armenian HE System” by CoE/ <https://rm.coe.int/16803073f5>

² HEIs and their assurance agencies must be independent and act autonomously without third party influence, such as the government. For details visit: http://www.enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf /

³ ³ Constitutional Amendments (06-Dec-2015), Article 38.

⁴ Governing boards of public universities are headed by a high-ranking public official, including the president, ministers, and governors

probable.⁵ There is nothing in the draft that prevents the number of state officials go as high as 60% of members.

- When it comes to academic freedom, the draft curtails it not only by potential executive control and the prime ministers' decision-making role, but also through subordinating the scientific council to the governing board in the way that the current law does not. Namely, the issues of organizing, planning and managing the educational-methodological and scientific-research activities of Higher Education Institutions are taken out of the scope of scientific councils' authority.
- Another controversial provision in our opinion is that the draft grants Yerevan State University an exclusive role, beyond the type that is provided in the law on education, the status and characteristics of which will be defined by the government. The draft should specify clearly what an exclusive status for YSU means and what peculiar characteristics can be subject to change or approval in order to avoid further manipulations and risks.
- Among the other drawbacks of the draft is the students' number reduction in HEIs governing boards. The current proportion is 25% which has already been criticized for its limited nature by The World Bank and the CoE.⁶ According to the suggested draft, the present proportion (25%) will be reduced into 10%, thus deteriorating the current situation, which in turn is against the Bologna Process and European Higher Education Area standards.⁷

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⁵ It is another issue how beneficial is having the employers sit on the governing body in such high proportion given how little science and technology-driven the Armenian industry and economy is at present.

⁶ WB and CoE also stressed the importance of students' independent involvement in HEIs governance.

<https://rm.coe.int/16803073f5>,

<http://documents.worldbank.org/curated/en/301751468218419533/pdf/776690WP0P127300governance000final.pdf>

⁷ <https://www.coe.int/t/dg4/highereducation/Resources/The%20university%20as%20Res%20Publica.pdf>