

## **REGULATIONS GOVERNING THE USE OF THE COLLECTIVE MARK “ENQA – EUROPEAN ASSOCIATION FOR QUALITY ASSURANCE IN HIGHER EDUCATION”**

### **1. Introduction**

The collective Mark “ENQA – European Association for Quality Assurance in Higher Education” is the intellectual property of the European Association for Quality Assurance in Higher Education (ENQA) and is only to be used in accordance with these regulations. ENQA is the bearer of all rights to the Mark.

ENQA’s head office is located at Avenue de Tervuren 36-38, 1040 Brussels, Belgium. ENQA has been established to promote European co-operation in the field of quality assurance in higher education.

The Logo shown in Annex 1 is an example and it cannot be used without prior permission from ENQA. Upon grant of the right to use the Mark, ENQA will provide the Member with the graphic representation of the Mark.

ENQA reserves the right to replace the representation of the Mark as shown in Annex 1 at any time.

The conditions of these regulations are equally binding for all ENQA members.

### **2. Definition**

In these regulations:

- (a) “The Mark” means the collective Mark “ENQA – European Association for Quality Assurance in Higher Education” which is represented by the Logo as set out in Annex 1.
- (b) “ENQA” means the European Association for Quality Assurance in Higher Education.
- (c) “Member” means the quality assurance agency to which Full or Associate membership of ENQA has been granted.
- (d) “Membership Provisions” means the document describing the criteria and conditions under which Full or Associate membership of ENQA may be applied for, granted, renewed or cancelled.

- (e) “Improper use” of the Mark means any use which infringes these regulations. It also means imitation and counterfeiting of the Mark.
- (f) “Use” means lawful, authorised, non-exclusive, limited and revocable right to use the Mark.

### **3. Shape of the Mark**

The Mark is protected in all sizes, stylisations and colours. The logo can be found in Annex 1.

### **4. Extent of the Mark**

The Mark is protected in all Member states of the European Union and has, in addition, international protection in the countries that belong to the Madrid system for the international registration of marks.

### **5. Entitled organisations**

ENQA has two categories of membership:

- Full membership
- Associate membership

Further information about Full and Associate members can be found in Annex 2.

ENQA acts as a control authority of its member agencies as regards the use of the Mark.

### **6. Conditions of use of the Mark**

Apart from ENQA itself, the use of the Mark is strictly limited to quality assurance agencies that have been granted Full or Associate membership of ENQA.

The Member agrees that:

- (a) it will use the Mark only in the manner prescribed herein;
- (b) it will use the Mark only in relation to its membership in ENQA;
- (c) it will use the Mark on its communication media in such a way as to create no confusion between matters of external quality assurance activities and other matters;
- (d) when posted on the Member’s website, the Mark shall be used as a hypertext link from its website to the URL of ENQA’s website <http://www.enqa.eu>;

- (e) it will not, during the period of membership, register or attempt to register the Mark or any imitation thereof; make or assert any claim of ownership to the Mark; or dispute the right of ENQA, or its successors, to authorise the use of the Mark as provided herein;
- (f) it will, upon withdrawal or termination of membership of ENQA, discontinue the use of the Mark or any reference thereto, and will not thereafter use any copy or imitation thereof;
- (g) In case of takeover of the Member, the new agency shall submit a membership application in accordance with the application procedure that will be provided by ENQA upon request. Acceptance of the membership application will result in the transfer of the Mark to the new Member.

Finally, it is a condition of use of the Mark that Members inform ENQA of any changes to their activities and services that would alter their eligibility to use the Mark. Failure to do so may result in a written notice from the ENQA Board.

## **7. Conditions of membership**

Full membership of ENQA is open to quality assurance agencies that meet the criteria described in the Membership Provisions (Annex 2).

Associate membership of ENQA is open to quality assurance agencies that meet the criteria described in the Membership Provisions (Annex 2), apart from Criterion 2 – Official status (ESG 3.2).

The Mark indicates that Members' activities and services comply with the criteria set out in the Membership Provisions and therefore with the *Standards and Guidelines for Quality Assurance in the European Higher Education Area* as adopted by the European Ministers in charge of higher education in Bergen in 2005.

## **8. Sanctions against misuse of the Mark**

In the event of Improper Use of the Mark, which represents a violation of the collective mark, ENQA may prosecute the Member on the basis of the present regulations and of trademark laws. ENQA may forthwith suspend or withdraw the right to use the Mark. The Member may appeal this decision in accordance with the appeal procedure that will be provided by ENQA upon request. The Appeals and Complaints Committee will deal with all appeals.

If a quality assurance agency or any other body uses the Mark without permission or does not fulfil its duties, a sanction of up to 500 EUR may be levied. If a quality assurance agency or any other body continues to use the Mark despite the ban, a fine of up to 2,000 EUR may be imposed. ENQA reserves the right to take further legal action as is deemed necessary.

## **9. Amendments of the regulations**

ENQA reserves the right to modify these regulations at any time. It will give the Member written notification of all changes thereto and the Member will be obligated to apply said changes.

## **10. Technical details**

The Mark can be enlarged or reduced as long as the text remains legible. The Mark may also appear on colour backgrounds when it remains clearly visible. Further technical details can be found in the Visual Identity Guidelines (Annex 3).

ANNEX 1

LOGO OF ENQA



## ANNEX 2

### MEMBERSHIP PROVISIONS

(Extract from the ENQA Statutes as of 7 October 2011)

#### Article 5 – Types of membership

ENQA has two types of membership: Full Membership and Associate Membership. Membership is granted at the discretion of the Board of the Association. The admission of new members is subject to the following conditions:

##### (1) Full Membership

Full Membership of ENQA is open to European quality assurance agencies or other quality assurance organisations in the field of higher education that have been operating and conducting actual quality assurance activities for at least two years.

Before being accepted as a Full Member, an applicant agency must satisfy the Board that it meets the criteria for Full Membership, listed below. The applicant agency will thereby also meet the European Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)<sup>1</sup> as adopted by the European Ministers in charge of higher education in Bergen in 2005. The Board may modify the details of the procedures at its discretion.

Each criterion is followed by guidelines (in *italics*) which provide additional information about good practice and in some cases explain in more detail the meaning and importance of the criteria. Although the guidelines are not part of the criteria themselves, the criteria should be considered in conjunction with them.

##### (2) Associate Membership

Associate Membership of ENQA is open to European quality assurance agencies or other quality assurance organisations in the field of higher education that have been operating and conducting actual quality assurance activities for at least two years.

Before being accepted as an Associate Member, an applicant agency must satisfy the Board that it meets the criteria for Full Membership, listed below, apart from Criterion 2 – Official status (ESG 3.2). The applicant agency will thereby also meet the European Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG), except ESG 3.2, as adopted by the European

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<sup>1</sup> Standards and Guidelines for Quality Assurance in the European Higher Education Area, ISBN 952-5539-04-0, Helsinki: ENQA, 2009

Ministers in charge of higher education in Bergen in 2005. The Board may modify the details of the procedures at its discretion.

Each criterion is followed by guidelines (in *italics*) which provide additional information about good practice and in some cases explain in more detail the meaning and importance of the criteria. Although the guidelines are not part of the criteria themselves, the criteria should be considered in conjunction with them.

### **Common provision for Full and Associate Members**

As indicated in membership criterion 7 below, it is a condition of membership that all Full and Associate Members of ENQA undergo an external review coordinated by ENQA at least once every five years. If a member does not undergo an external review within five years of Full or Associate Membership being granted or reconfirmed, it will, by decision of the General Assembly, cease to be a member of ENQA. If, as a result of an external review, a member is judged not to meet the criteria for Full/Associate Membership by the Board, it will be given two years to conform with the criteria, during which time the agency will be designated as a “Full/Associate Member under review”. A further review will be carried out by the Board, or its nominated reviewers, at the end of the two-year period (or sooner, if the member agency so requests) and shall focus on the deficiencies mentioned in the report of the first review. An agency that, in the opinion of the Board, and following the further review, still does not comply with ENQA’s criteria for Full/Associate Membership will, by confirmation of the General Assembly, be debarred from ENQA. A debarred agency will be permitted to reapply for membership after a further period of two years.

During this period the agency or organisation will, if it wishes so, remain on the ENQA mailing list to ensure information dissemination on the activities of ENQA.

### **ENQA Criterion 1– Activities (ESG 3.1, 3.3)**

Agencies should undertake external quality assurance activities (at institutional or programme level) on a regular basis. The external quality assurance of agencies should take into account the presence and effectiveness of the external quality assurance processes described in Part 2 of the European Standards and Guidelines.

*The external quality assurance activities may involve evaluation, review, audit, assessment, accreditation or other similar activities and should be part of the core functions of the member.*

### **ENQA Criterion 2 – Official status (ESG 3.2)**

Agencies should be formally recognised by competent public authorities in the European Higher Education Area as agencies with responsibilities for external quality assurance and should have an established legal basis. They should comply with any requirements of the legislative jurisdictions within which they operate.

#### **ENQA Criterion 3 – Resources (ESG 3.4)**

Agencies should have adequate and proportional resources, both human and financial, to enable them to organise and run their external quality assurance process(es) in an effective and efficient manner, with appropriate provision for the development of their processes, procedures and staff.

#### **ENQA Criterion 4 – Mission statement (ESG 3.5)**

Agencies should have clear and explicit goals and objectives for their work, contained in a publicly available statement.

*This statement should describe the goals and objectives of the member's quality assurance processes, the division of labour with relevant stakeholders in higher education, especially the higher education institutions, and the cultural and historical context of its work. The statement should make clear that the external quality assurance process is a major activity of the member and that there exists a systematic approach to achieving its goals and objectives. There should also be documentation to demonstrate how the statement is translated into a clear policy and management plan.*

#### **ENQA Criterion 5 – Independence (ESG 3.6)**

Agencies should be independent to the extent both that they have autonomous responsibility for their operations and that the conclusions and recommendations made in their reports cannot be influenced by third parties such as higher education institutions, ministries or other stakeholders.

*An agency will need to demonstrate its independence through measures, such as:*

- *its operational independence from higher education institutions and governments is guaranteed in official documentation (e.g. instruments of governance or legislative acts);*
- *the definition and operation of its procedures and methods, the nomination and appointment of external experts and the determination of the outcomes of its quality assurance processes are undertaken autonomously and independently from governments, higher education institutions, and organs of political influence;*
- *while relevant stakeholders in higher education, particularly students/learners, are consulted in the course of quality assurance processes, the final outcomes of the quality assurance processes remain the responsibility of the agency.*

#### **ENQA Criterion 6 – External quality assurance criteria and processes used by the members (ESG 3.7)**

i. The processes, criteria and procedures used by agencies should be pre-defined and publicly available.

ii. These processes will normally be expected to include:

- a self-assessment or equivalent procedure by the subject of the quality assurance process;

- an external assessment by a group of experts, including, as appropriate, (a) student member(s), and site visits as decided by the agency;
- publication of a report, including any decisions, recommendations or other formal outcomes;
- a follow-up procedure to review actions taken by the subject of the quality assurance process in the light of any recommendations contained in the report.

*Agencies may develop and use other processes and procedures for particular purposes. Agencies should pay careful attention to their declared principles at all times, and ensure both that their requirements and processes are managed professionally and that their conclusions and decisions are reached in a consistent manner, even though the decisions are formed by groups of different people. Agencies that make formal quality assurance decisions, or conclusions which have formal consequences should have an appeals procedure. The nature and form of the appeals procedure should be determined in the light of the constitution of each agency.*

#### **ENQA Criterion 7 – Accountability procedures (ESG 3.8)**

Agencies should have in place procedures for their own accountability.

*These procedures are expected to include the following:*

*i. a published policy for the assurance of the quality of the agency itself, made available on its website;*

*ii. documentation which demonstrates that:*

- *the agency's processes and results reflect its mission and goals of quality assurance;*
- *the agency has in place, and enforces, a no-conflict-of-interest mechanism in the work of its external experts, Committee/Council/Board and staff members;*
- *the agency has reliable mechanisms that ensure the quality of any activities and material produced by subcontractors, if some or all of the elements in its quality assurance procedure are subcontracted to other parties;*
- *the agency has in place internal quality assurance procedures which include an internal feedback mechanism (i.e. a means to collect feedback from its own staff and council/board); an internal reflection mechanism (i.e. means to react to internal and external recommendations for improvement); and an external feedback mechanism (i.e. means to collect feedback from experts and reviewed institutions for future development) in order to inform and underpin its own development and improvement.*

*iii. a mandatory cyclical external review of the agency's activities at least once every five years which includes a report on its conformity with the membership criteria of ENQA.*

#### **ENQA criterion 8 - Miscellaneous**

i. The agency pays careful attention to its declared principles at all times, and ensures both that its requirements and processes are managed professionally and that its judgments and decisions are reached in a consistent manner, even if the judgments are formed by different groups

- ii. If the agency makes formal quality assurance decisions, or conclusions which have formal consequences, it should have an appeals procedure. The nature and form of the appeals procedure should be determined in the light of the constitution of the agency.
- iii. The agency is willing to contribute actively to the aims of ENQA.

ANNEX 3

**VISUAL IDENTITY GUIDELINES**