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The notion of compliance (full, substantial, partial): definitions and examples

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Possible Conclusions:

The agency is **fully compliant**
substantially compliant
partially compliant
non-compliant
with the membership criterion.

Panel may comment on overall compliance with membership criteria if it wishes

Remember: The board will have to make a yes/no decision whether an agency complies with the membership criteria or not.

➤ **The conclusions have to be clear!**

Mind the wording:

Conclusions like

- **„sufficiently complies“**
- **„criteria are being largely met“**
- **„full compliance has not been achieved“**
- **„not yet fully compliant“**

are not helpful!

Fully compliant: "The Agency is entirely in accordance with the criterion/ESG standard, which is implemented in an effective manner."

Example:

"The law *Foundation for accreditation of study programmes in Germany (ASG) of 15th February 2005* contains, among other things, the tasks of the foundation and a description of the foundation authority..."

Assessment: Based on the ASG, a secure, legal basis of the Foundation can be assumed.

Evaluation: Fully compliant

Mostly where the existence of something has to be proved (Legal basis, appeals procedure, internal quality policy, etc.)

Non compliant: “The Agency fails to comply with the criterion/ESG standard.”

Example:

“Though the **operative independence of the AGENCY and the independence in the quality appraisal are not questionable**, the independence with respect to some basic aspects is restricted or at risk: **though the procedural rules have been developed by AGENCY, the (ministry) decides upon their bindingness. ...**

The expert group acknowledges that the said risks are currently theoretical (or potential) and no problems have arisen yet while implementing the procedures. ...

The experts consider the fact alarming that the AGENCY is **dependent on the approval of state bodies for the intention of applying for membership in the (European Register).”**

Substantially compliant: “The Agency is to a large extent in accordance with the criterion/ESG standard, the principle/spirit of which is followed in practice.”

Example (see printout):

“-the panel had concerns that the priorities and activities of AGENCY appeared to have a greater focus on developmental and enhancement activities – rather than on quality assurance activities....

In seeking to progress its mandate:

-the AGENCY should develop the capacity to undertake quality assurance reviews rather than contracting these activities to external agencies.

-its design of future review cycles AGENCY should seek to develop further its own identity as an external agency;

-the AGENCY should continue and conclude as a matter of urgency the consideration which it is giving to putting in place a continued cycle of institutional reviews as well as developing the capacity to undertake reviews itself...”

Partially compliant: “Some aspects or parts of the criterion/ ESG standard are met while others are not. The interpretation of the criterion/ESG standard is correct, but the manner of implementation is not effective enough.”

Example:

“AGENCY obtains its resources through support from the State budget, as decided by the Parliament set in a separate item within the chapter of the MINISTRY (the relative amount of this support, in proportion to the overall state HE budget, is defined by the Higher Education Act), and from the fees it charges for some of the services it provides to HEIs. **However, despite successfully increasing revenue from the provision of services, AGENCY has not been able to know with certainty what its allocation from the state budget will be.** It therefore has difficulties planning its activities and human resources.”

Substantially compliant vs partially compliant: Interpretation

A criterion may not be complied with literally but in essence.

➤ **substantial**

A criterion with several features may be complied with in all but one/few features (without jeopardizing the overall compliance because the features which are not complied with are not critical)

➤ **substantial or partial?**

Thank you for your attention

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