

Government Decree 19/2012 of 22 February 2012

on certain aspects of quality assessment and improvement in higher education

(excerpts)

Based on the empowerment under point 19 of Section 110(1) of Act CCIV of 2011 on National Higher Education, and acting within its scope of duties specified in Section 15(3) of the Fundamental Law, the Government has adopted the following decree:

CHAPTER I

THE GENERAL FRAMEWORK FOR QUALITY ASSESSMENT AND DEVELOPMENT IN HIGHER EDUCATION

1 General provisions

1. Unless provided for otherwise by law, assessment of the quality of teaching, scientific research and artistic activities in higher education institutions, as well as the decision preparation activities concerning the development of higher education are governed by the provisions herein.

2(1) Quality assurance of teaching, scientific research and artistic activities in higher education - being the core activities of higher education - is primarily the responsibility and task of the higher education institutions, to be carried out in the framework specified by Act CCIV of 2011 on National Higher Education (the HE Act).

(2) The Hungarian Accreditation Committee (HAC) is an expert body operating in accordance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) adopted by the European Association for Quality Assurance in Higher Education.

(3) ^{*}The HAC adopts its own set of assessment criteria.

3. ^{*}The Higher Education Planning Body and the Council for Dual Education are bodies supporting the minister responsible for education (the Minister) and the minister responsible for the coordination of science policy, respectively, by contributing opinions and proposals on matters concerning the development of higher education.

2. Legal status and organisation of the Hungarian Accreditation Committee

4(1)*

(2)* The President of the HAC has the right to make decisions concerning the use of the HAC budget.

(3) The HAC may not be given instructions regarding the discharge of its tasks or its financial management. The structure and operations of the HAC should be designed so as to promote efficiency in financial management and avoid unnecessary redundancy in the organisation.

(4)* The rules concerning the operations and structure of the HAC shall be specified in the Rules of Organisational Operation, to be adopted by a two-thirds majority of the votes of the members of the HAC Body in the manner specified in the HE Act. The Rules of Organisation and Operation of the HAC shall be published by the Minister in the official journal of the ministry headed by the Minister (Ministry).

(5)*

5(1)* The operations and finances of the HAC are governed by the Act on the right of association, on public benefit status and on the operation and support of non-governmental organisations, and the HE Act.

(2) The HAC shall perform quality control and quality assessment tasks with respect to the following activities of public benefit: scientific activities, research, teaching, skill development, education in general; cultural activities.

(3)* Funding of the HAC is based on state subsidy, the amount of which is determined by the Minister; the HAC is permitted to have additional sources of revenue.

(4) Key information on the activities and financial management of the HAC shall be published in the official journal of the Ministry each year.

6(1)* The HAC consists of the a HAC Body, a separate Review Committee and the Secretariat working alongside the HAC Body and the Review Committee, as well as a separate Supervisory Board, which shall operate in accordance with the Act on the right of association, on public benefit status and on the operation and support of non-governmental organisations.

(2) The President of the HAC shall be the chairperson of the HAC Body.

(3)* The HAC may establish committees and use the services of external experts, but neither the HAC Body nor the Review Committee may transfer its decision-making rights to another person or body.

(4)* The Secretariat working alongside the HAC Body and the Review Committee performs administrative, legal, organisational and financial tasks.

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3. Rules of the corporate operations of the Hungarian Accreditation Committee

7(1) Proposals concerning the persons delegated pursuant to Section 71 of the HE Act shall be submitted by the Minister to the Prime Minister within thirty days from such delegation. Such submission shall include a joint proposal of the Minister and the President of the Hungarian Academy of Sciences for the appointment of the President of the HAC.

(2) In the event of a conflict of interests with respect to membership in the HAC Body due to a circumstance specified in Section 71(1) of the HE Act, the submission and appointment shall be refused by the Minister and the Prime Minister, respectively.

8(1) If a final prison sentence is levied against a member or if a member fails to eliminate a cause or fact which arose during his/her membership and is irreconcilable with such membership, the Minister or the President of the HAC shall initiate the discharge of such member.

(2) Should the President of the HAC fail to act upon his/her duty under paragraph (1), or should the need for a discharge of the President of the HAC arise, the chairperson of the Supervisory Board or any member may initiate such discharge.

(3) The President of the HAC shall also initiate the discharge of a member upon a two-thirds majority vote of the members of the HAC Body present if the HAC Body considers such member biased or if such member failed to attend more than half of the meetings in the year preceding such initiation of discharge.

9. Membership in the HAC Body shall be terminated:

a) upon the expiry of a member's mandate,

b) upon the member's death,

*c)** upon the member's resignation in writing, once the Prime Minister has revoked such member's appointment,

*d)** upon initiation of the member's discharge, once the Prime Minister has discharged such member upon a reasoned proposal of the Minister.

10(1)* If membership is terminated before the expiry of a member's mandate, the delegating body or organisation shall delegate a new member for the remaining duration of the original membership.

(2)* Once a member has resigned in writing or the discharge of a member has been initiated, such member shall not be bound by the duties nor may exercise the rights associated with membership.

11(1)* Discharge of a member may also be initiated by the delegating body or organisation. A request for discharge must state the reasons for such discharge.

(2) Membership in the HAC Body may not be suspended or paused.

11/A* The provisions of Sections 7 to 11 shall be applicable, *mutatis mutandis*, to the chairperson and members of the Review Committee as well.

12(1)* The President of the HAC, the members and officers of the HAC Body, and the chairperson and members of the Review Committee shall receive an honorarium.

(2) The amount of the honorarium due to the President, the chairperson, the officer specified in the Rules of Organisation and Operation, and the members shall be determined by the Minister.

(3) The fees payable to experts shall be specified by the Rules of Operation and Organisation of the HAC.

(4) The head and members of the HAC Supervisory Board shall receive an honorarium equal to the monthly honorarium of the members of the HAC Body.

13(1) If the President of the HAC - or any person proposed for this position - holds a position of leadership at any other public benefit organisation at the same time, he/she must notify all relevant public benefit organisations of this fact in advance.

(2) Persons who had held a position of leadership for at least one year before dissolution with a public benefit organisation that had not paid their public use arising from the Act on Taxation and that had been dissolved within two years preceding their nomination, shall be barred from becoming the President of the HAC.

(3) Should the HAC Body believe that the President of the HAC has committed an act in connection with his/her mandate that is against the law, the HAC Body shall propose to the Minister that the appointment of the President is revoked. Any member of the HAC Body, or the Supervisory Board may propose in writing that the HAC Body adopt a statement on such revocation. For the HAC Body to adopt such a proposal, at least two thirds of the members must be present, the majority of which must support the proposal. Revocation of the appointment of the President follows the same process as the President's appointment.

14(1)* Meetings of the HAC Body are public unless prohibited by law. If supported by two thirds of the members present, the HAC Body may decide to discuss certain items on the agenda in a closed meeting to protect the right to privacy, business secrets or copyright.

(2) At the meetings of the HAC Body, each member has a vote and each vote has equal weight. If the number of opposing votes is equal, the outcome is decided by the President's vote. Neither votes nor any other rights associated with membership are transferable.

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Chapter II

PROCEDURES

5. General procedural issues regarding the activities of the Hungarian Accreditation Committee

19(1) The HAC shall create conditions conducive to formulating an unbiased professional opinion based on objective criteria at all levels of its decision preparation and decision-making activities.

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20* (1) For the expert opinions specified in Section 71/B(1)(a) and (c) to (e) of the HE Act and in Section 18(6) of Government Decree 87/2015 of 9 April 2015 on the implementation of certain provisions of Act CCIV of 2011 on National Higher Education, the HAC shall be paid a fee specified in the ministerial decree on the procedural fees payable for administrative processes associated with the higher education system and the system of state-recognised language examinations, and their amounts.

(2) For the expert opinions and assessments specified in Section 25(b) and (c), Section 26(c) and for those prepared at the request of a higher education institution pursuant to Section 26(d), the HAC shall be paid a fee of the amount specified in its Rules of Organisation and Operation by the entity initiating the relevant process.

(3) The costs of preparing the expert opinions specified in Section 25(a), Section 26(a) and (b), or Section 26(d) at the Minister's initiative, or of those specified in Section 71/B(1)(b) of the HE Act are covered by the annual state subsidy provided for the HAC, with the stipulation that the costs of expert services ordered or rendered that are in excess of the state subsidy shall be paid through a specific settlement process in the course of settling the accounts for the state subsidy.

21(1) The name of the President of the HAC and the list of members shall be published in the official journal of Hungary and of the Ministry, as well as on the website of the Ministry.

(2) The assessment criteria adopted by the HAC shall be published on its website and in the official journal of the Ministry.

6. Expert services for operating authorisations, programme launch or the establishment of doctoral schools*

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24* (1) The HAC is authorised to access on site any document of an institution that is required to prepare an expert opinion specified in Section 71/B(1) of the HE Act, or to request that such documents are sent to it.

(2) In the course of preparing an expert opinion specified in Paragraph (1) the HAC verifies whether the higher education institution, study programme or doctoral school meets the applicable set of HAC assessment criteria.