

**AMENDMENT OF THE DECISION OF THE HIGHER EDUCATION ASSESSMENT COUNCIL OF THE
ESTONIAN QUALITY AGENCY FOR HIGHER AND VOCATIONAL EDUCATION QUALITY OF 31.03.2022
ON THE TAJIK NATIONAL UNIVERSITY**

The decision was adopted by the Assessment Council of the Estonian Quality Agency for Education
(hereinafter the *Assessment Council of HAKA, until 11.06.2022 EKKA Assessment Council*)

Date and place of decision: 14.06.2022, online meeting

1. As a result of the appeal lodged by the TNU on 30 April 2022, the HAKA Assessment Council reviewed the decision of 31 March 2022, which revoked TNU's accreditation. Considering the TNU's objection, the HAKA Assessment Council found that although the decision of 31 March 2022 to revoke the accreditation of the TNU was lawful and the conditions for fulfilling the secondary condition, which served as the basis for the revocation of the accreditation, were explained to the TNU on several occasions via e-mail, the considerations for adopting the decision were not elaborated with sufficient clarity in the decision of the EKKA Assessment Council of 31 March 2022. The same conclusion was reached by the Appeals Committee, which formulated a reasoned opinion on the Appeal lodged by the TNU. On the basis of the above, the Assessment Council of HAKA decides to supplement the decision of 31 March 2022 with a more detailed explanation.
2. Pursuant to Sections 55(1), 56(1) and (3) and 64(1) and (2) of the Administrative Procedure Act, the HAKA Assessment Council takes the decision to supplement the considerations for the decision contained in point 3 of the decision of 31 March 2022 by the EKKA Assessment Council by adding sub-paragraphs 1 to 4, worded as follows:
 - 1) According to the decision of the EKKA Assessment Council of 27 January 2021, the TNU was tasked with providing evidence of the fulfilment of the secondary condition on 27.01.2022. The deadline was extended until 22.02.2022 on the request of the TNU. TNU submitted by the deadline Decision No 1 of 29 September 2021 by the Scientific and Methodology Council on the amendment of assessment criteria; and a working document of the Development Plan containing comments from the TNU contact person and the EKKA coordinators, which could therefore not be considered as a binding decision adopted by the TNU. Thus, only one formal document was submitted in a timely manner as evidence of compliance with the secondary condition – the decision to amend the assessment criteria.
 - 2) The secondary condition described in the decision of the EKKA Assessment Council of 27 January 2021 includes two types of shortcomings: the elimination of which is related to the adoption of certain documents by the TNU (revision of assessment criteria, the Development Plan) as well as shortcomings, the elimination of which requires the agreement within the TNU on specific activities relating to the key areas.
 - 3) The decision of 27 January 2021 clearly imposed on the TNU the burden of proving that the secondary condition has been met. In a situation where only one adopted document (decision to amend the assessment criteria) has been submitted to the EKKA Assessment Council within the set deadline, the Council does not have the opportunity to consider that the secondary condition has been met. The secondary condition could be regarded as having been satisfied if it were established that the shortcomings referred to in the secondary condition had been remedied by

the TNU. The EKKA Assessment Council has reason to assume that if the activities necessary for the fulfilment of the secondary condition had been carried out in a timely manner, the TNU would also have provided evidence to that effect.

- 4) On the basis of the foregoing, the HAKA Assessment Council has no reason to consider that the secondary condition imposed in the decision of 27 January 2021 has been fulfilled within the prescribed period.

Ten members of the Assessment Council participated in the adoption of this decision. Ten voted in favor, 0 against.

3. A person who finds that his or her rights have been violated or his or her freedoms restricted by this decision may file a challenge with the HAKA Assessment Council within 30 days after the person filing the challenge became or should have become aware of the contested finding.

The Council shall forward the challenge to its Appeals Committee, which shall provide an unbiased opinion in writing regarding the validity of the challenge to the Council, within five days after receipt of the challenge. The Council shall resolve the challenge within ten days of its receipt, taking into account the reasoned opinion of the Appeals Committee. If the challenge needs to be investigated further, the deadline for its review by the Council may be extended by a maximum of thirty days.

A judicial challenge to the decision of the HAKA Assessment Council is possible within 30 days after its delivery, by filing an action with the Tallinn Courthouse of the Tallinn Administrative Court under the procedure provided for in the Code of Administrative Court Procedure.

Eve Eisenschmidt
Chairman of the Council

Hillar Bauman
Secretary of the Council