Quality in Higher Education: A Comparison Between Legal and Academic Approaches

Cristina Teodora Roman
Cristina Ionela Bulat
"Alexandru Ioan Cuza" University of Iaşi, Romania
throman@uaic.ro
bulat_cristina@yahoo.com

Abstract

The pursuit of quality in higher education it's always an actual concern, this article aims to point out the multifaceted nature of quality assurance by undertaking a comparison between the legal and academic approaches. Grounded in the understanding that both legal and academic approaches shape educational quality, the research analyzes these two perspectives. The legal framework is explored in terms of performance indicators established by Romanian law, while the academic perspective encompasses the approach of extended research that takes into consideration the organizational elements that play an important role in assuring quality. Through comparative analysis, the article uncovers the intersections between these approaches. By identifying the common areas and identifying opportunities for alignment, this research contributes valuable perspectives for institutions seeking to strike an optimal balance between legal and academic considerations in their pursuit of educational excellence.

Key words: education quality, universities, legal perspective, academic perspectives, continuous improvement
J.E.L. classification: A20, I23, I28

1. Introduction

Beginning with the desire for evolution education has always been a priority for communities that above all wished to ensure the prosperity of the society they are part of. Regardless of religion, nationality and background, all families want to offer their children the best education that they can afford as they start the learning process from day one of children's life.

In 1999 the author Herb Kells published the article "National higher education evaluation systems: Methods for Analysis and some propositions for the research and policy void" where he reviewed the status of national education evaluation systems at that time and highlighted the lack of research into the process of evaluation and policy (Kells, 1999). After 23 years and a lot of research, the process of evaluation changed influenced by the evolution that took place over the years and the pandemic context that led to the sudden introduction of mass online education and brought other challenges than the ones faced before and the evaluation of higher education needs to be adapted again.

Today, in order to develop the best policy and evaluation systems for higher education we try to find answers even to questions like "How should be an ideal student?". A study entitled "Mapping the eight dimensions of the ideal student in higher education" written by Wong, DeWitt and Chiu, opened for everyone the door to finding an answer by building the base and describing the eight dimensions of the ideal student: (1) Diligence and Engagement, (2) Organisation and Discipline, (3) Reflection and Innovation, (4) Positive and Confident Outlook, (5) Supportive of Others, (6) Academic Skills, (7) Employability Skills and (8) Intelligence and Strategic Approach (Wong, et al., 2023). Knowing the perfect student is only a part of the process but we can't cut from the big picture the barriers that students can face in their learning process. Seven barriers were identified in

2020 in a study conducted by Børte , Nesje & Lillejord where they identified the following barriers: physical barriers, institutional barriers, pedagogical barriers, teacher-related barriers, technological barriers and teacher support to overcome barriers (Børte, et al., 2020). By mentioning the perfect student and the learning barriers we only covered the tip of the iceberg regarding what should be taken into consideration if we want to offer quality in higher education institutions. Many other factors need to be taken into consideration and in this study, we aim to compare the legal and academic approaches to how should the quality in higher education be planned.

2. Theoretical background. Contextualizing Quality in Higher Education

Higher education is described by the European Commission as having a critical role in achieving European Education and Research Area. These areas will sustain and contribute to a sustainable and resilient economy of European societies that marches towards the green, inclusive, and digital times providing skilled citizens who know what they want and are engaged in participating in democratic life (European Commission, n.d.).

The ideal university incorporates the teaching, research and community but doesn't stop here, it continues to extend and incorporate the resources, systems and processes that are present at global, national and regional levels forming a multi-scalar higher education institution that is presented in a literature review in 2007 and presented in the figure below (Arbo & Benneworth, 2007).

Figure no. 1 Regionally engaged multi-modal, multi-scalar higher education institution
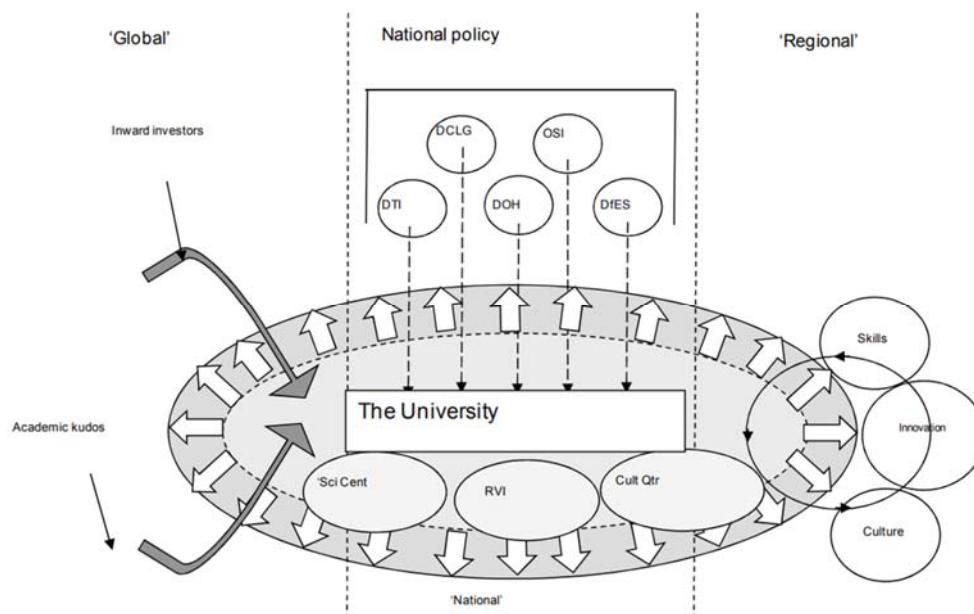
Source: (Arbo & Benneworth, 2007*)*

Continuing with the idea of ideal university Tsinidou, Gerogiannis and Fitsilis mentioned in their article entitled "Evaluation of the factors that determine quality in higher education: an empirical study" the principles that help the higher education internal quality assurance systems to achieve their purpose as (1) quality policy and procedure should be defined and a culture of quality improvement should be adopted, (2) students assessment should be applied frequently according to published criteria, regulations and procedures, (3) quality assurance regarding the staff, facilities, and resources, (4) to use the data collected through surveys or other sources to constantly improve the institution and the offered services, (5) information transparency regarding degrees, awards, finance and quality assessment (Tsinidou, et al., 2010).

Higher education institutions are meant to offer and "produce" knowledge for the next generation and the quality of the offered services is crucial. Lagrose, Seyyed-Hashemi and Leitner presented a list of 7 criteria for service quality as follows: professionalism and skills, attitudes and behavior,

accessibility and flexibility, reliability and trustworthiness, service recovery, servicecape, reputation and credibility (Lagrosen, et al., 2004).

Taking a step forward and passing the principles and criteria for service quality, we decided to ask Chat GPT why is important to have quality in higher education. The answer provided by the artificial intelligence pointed out several reasons that were connected to the individuals, society and economy. The list of reasons why we should have quality higher education is as follows Individual Development, Employability, Innovation and Research, Economic Development, Social Mobility, Global Competitiveness, Cultural and Social Development, and Public Confidence.

3. Research methodology

This article has a qualitative methodology and aims to analyze and compare the Romanian Governmental Law number 915 from December 14th, 2017 and an extended study coordinated by Panaite Nica in 2002 entitled "Quality and adaptability in the management of faculties with an economic profile". The article will correlate the performance indicators from the law with the components that assure the quality of higher education from the study based on who a book was written. The results are presented in Section 4 of the article in Tables 1, 2, and 3.

4. Findings. The Comparative Analysis

The Romanian DECISION no. 915 of December 14, 2017 is related to the External Evaluation Methodology, the standards, the reference standards and the list of performance indicators of the Romanian Agency for Quality Assurance in Higher Education and is currently used in the evaluation of the higher education institutions. The book "Quality and adaptability in the management of faculties with an economic profile" is based on a large study and was published in 2002 and amongst other interesting information presents the areas that determine the higher education quality of higher education. In the tables below we present the correlation between the legal approach and the academic approach. For a better understanding, the results were divided into 3 tables according to the quality areas organizational quality, process quality, and quality of organizational services.

Table no. 1 Results of the Comparative Analysis part I (Organizational quality)

Quality and adaptability in the management of faculties with an economic profile		DECISION no. 915 of December 14, 2017			
Quality areas	Criteria	Domain	Criteria	Standards	Performance indicator
Organizational quality	Organizational culture	Institutional capacity	Institutional, administrative and managerial structures	Mission, objectives and academic integrity	♦ Mission and objectives ♦ Academic integrity ♦ Public liability and responsibility
	Structure	Institutional capacity	Institutional, administrative and managerial structures	Leadership and Administration	♦ The driving system ♦ Strategic management ♦ Effective administration
	Systems	Quality management	Systematically updated database, related to internal quality assurance	Information systems	♦ Databases and information
	Facilities	Institutional capacity	Material basis	Heritage, endowment, allocated financial resources, support for students	♦ Spaces for education, research and other activities ♦ Endowment
	Management	Educational	Financial	Budget and	♦ The income and

		efficiency	activity of the organization	Accounting	expenditure budget
					♣ Accountancy
					♣ Auditing and public accountability
	Human resource	Quality management	Procedures for periodic assessment of the quality of the teaching staff	Quality of teaching and research staff	♣ The competence of teaching staff and the ratio between the number of teaching staff and students
					♣ Peer review
					♣ Evaluation of teaching staff by students
					♣ Evaluation by university management
					♣ The conditions for the good performance of the teaching staff's activity

Source: adapted from (Nica, 2002) (Government of Romania, 2018)

In 2018 the authors Anttila and Jussila mentioned in their article that high quality is an important competitive advantage for organizations (Anttila & Jussila, 2018). The first correlation that can be identified is that the organizational quality from the academic approach meets all three domains presented in the law (1) institutional capacity, (2) educational effectiveness and (3) quality management. The performance indicators used for the assessment underline the most important outcomes that a faculty should take into consideration and even if they cover essential parts of the criteria (organizational culture, structure, systems, facilities, management and human resources) they don't cover the organization assessment as a whole. The academic approach suggests that we have to analyze and improve the criteria as much as possible taking into consideration all parts of the organization that generates quality.

Table no. 2 Results of the Comparative Analysis part II (Process quality)

Quality and adaptability in the management of faculties with an economic profile		DECISION no. 915 of December 14, 2017			
Quality areas	Criteria	Domain	Criteria	Standards	Performance indicator
Process quality	Use of resources	Institutional capacity	Material basis	Heritage, endowment, allocated financial resources, support for students	♣ Adequate financial resources for learning and teaching activities, adequate and easily accessible support services for students
					♣ The system of granting scholarships and other forms of material support for students
					♣ Student Support Services Administrative Staff
	Procedures	Quality management	♣ Strategies and procedures for quality	♣ Structures and policies for quality assurance	♣ Organization of the quality assurance system
					♣ Policies and

			assurance ╬ Procedures regarding the initiation, monitoring, and periodic review of the programs and activities carried out ╬ Objective and transparent procedures for evaluating learning outcomes	╬ Periodic approval, monitoring, and evaluation of study programs and diplomas corresponding to the qualifications ╬ Student evaluation	strategies for quality assurance ╬ The existence and application of the regulation regarding the initiation, approval, monitoring, and periodic evaluation of study programs ╬ Correspondence between diplomas and qualifications ╬ IIS has a regulation on the examination and grading of students, which is rigorously and consistently enforced. ╬ Integrating assessment into the design of teaching and learning across courses and curricula
	Information	Quality management	Transparency of information of public interest regarding the study programs and, where applicable, the certificates, diplomas and qualifications offered	Public information	╬ Public information offer
	Process organization	Educational effectiveness	Content of study programs	╬ Admission of students ╬ Structure and presentation of study programs	╬ Principles of the admission policy to the study programs offered by the institution ╬ Admission practices ╬ The structure of study programs ╬ Differentiation in the realization of study programs ╬ The relevance of study programs

Source: adapted from (Nica, 2002) (Government of Romania, 2018)

The process quality importance was underlined by many theoreticians and practicians over time and researchers proved that this is connected directly with the service quality that leads to customer satisfaction (Oltean & Gabor, 2017). The process quality area is connected with all three domains presented in the law (1) institutional capacity, (2) educational effectiveness and (3) quality management. Similar to the organizational quality area, the academic approach has a deeper understanding of the process quality and highlights all the essential criteria (use of resources, procedures, information, process organization) that will lead to increased quality in the higher

education institutions process. If the desired result is to have process quality it's not enough to focus the efforts on achieving the performance indicators since they are the result of activity carried out over a period of time.

Table no. 3 Results of the Comparative Analysis part III (Quality of organizational services)

Quality and adaptability in the management of faculties with an economic profile		DECISION no. 915 of December 14, 2017			
Quality areas	Criteria	Domain	Criteria	Standards	Performance indicator
Quality of organizational services	Fulfilling internal customer requirements	Educational effectiveness	Scientific research activity	Research programs	♣ Research programming ♣ Carrying out the research ♣ Valorization of research
	Meeting the requirements of external customers	Educational effectiveness Quality management	♣ Learning outcomes ♣ Accessibility of resources suitable for learning ♣ The functionality of the education quality assurance structures, according to the law ♣ Periodic external quality assurance	♣ Learning Resources and Services students ♣ The institutional structure for ensuring the quality of education complies with the legal provisions and carries out its activity permanently. ♣ Institutions periodically undergo external quality assurance, in accordance with ESG. ♣ Capitalizing on the obtained university qualification	♣ Availability of learning resources ♣ Teaching as a source of learning ♣ Incentive and recovery programs ♣ Student Services ♣ The Commission coordinates the application of procedures and activities of assessment and quality assurance. ♣ Accredited HEIs and/or their structures participate in external quality assurance in a cyclical manner

Source: adapted from (Nica, 2002) (Government of Romania, 2018)

The quality of organizational services is connected with educational effectiveness and quality management. This is the only area where only two of the domains presented in the law are correlated. Just as in the case of the previous quality areas presented the academic approach doesn't take into consideration just some results but the complexity of the criteria. The law approach presents the most important performance indicators based on how the higher education institution is evaluated and can be ranked.

5. Conclusions

The academic approach has a holistic view taking into consideration the organization as a whole and dividing it into three main categories organizational quality, process quality, and service quality. These main categories divide and present important parts of the organizational structure such as the management which is an important factor in obtaining results and assuring quality in any higher

education institution.

The legal approach has a more focused view of the results that a higher education institution should have and is divided into 3 main domains institutional capacity, educational effectiveness, and quality management. After we go through all the criteria, standards, and performance indicators that constitute the 3 main domains we can observe that only some areas of the higher education institutions activity are evaluated and taken into account for the final assessment.

It's normal for the assessment of higher education institutions to be done on key performance indicators but we have to be aware that the quality does not come just from focusing on the matters underlined by the law and it is essential to take into consideration the improvement of entire organizational areas that will lead to achieving the indicators mentioned by law. The correlation presented in this article can be used as a base for increasing the quality of higher education and emphasizes the importance of having organizational quality as a consequence of organizational success and not as a consequence of attempts to meet legal requirements.

6. References

- Anttila, J. & Jussila, K., 2018. Organizational learning in developing the integrated quality management. *Production engineering archives,* 18(18), pp. 3-13 (p3). https://doi.org/10.30657/pea.2018.18.01
- Arbo, P. & Benneworth, P., 2007. Understanding the Regional Contribution of Higher Education Institutions. *OECD Education Working Paper,* Issue 9, pp. 1-78.
- Børte, K., Nesje, K. & Lillejord, S., 2020. Barriers to student active learning in higher education. *Teaching in Higher Education,* pp. 1-19. https://doi.org/10.1080/13562517.2020.1839746
- European Commission, n.d. *Higher education initiatives.* [Online] Available at: https://education.ec.europa.eu/education-levels/higher-education/about-higher-education [Accessed 01 22 2023].
- Government of Romania, 2018. *HOTĂRÂRE nr. 915 din 14 decembrie 2017 [DECISION no. 915 of December 14, 2017].* [Online] Available at: https://legislatie.just.ro/Public/DetaliiDocumentAfis/196636 [Accessed 25 10 2023].
- Kells, H. R., 1999. National higher education evaluation systems: Methods for analysis and some propositions for the research and policy void. *Higher Education,* 38(2), pp. 209-232. https://doi.org/10.1023/A:1003704015735
- Lagrosen, S., Seyyed-Hashemi, R. & Leitner, M., 2004. Examination of the dimensions of quality in higher education. *Quality assurance in education,* 12(2), pp. 61-69. https://doi.org/10.1108/09684880410536431
- Nica, P., 2002. *Calitate si adaptabilitate in managementul facultatilor cu profil economic (Quality and adaptability in the management of faculties with an economic profile).* s.l.:Sedcom Libris.
- Oltean, F. D. & Gabor, M. R., 2017. Quality management and firm performance in the hotel industry: evidence from Mures county. *North Economic Review ,* 95(103), pp. 95-103 (p101).
- Tsinidou, M., Gerogiannis, V. & Fitsilis, P., 2010. Evaluation of the factors that determine quality in higher education: an empirical study. *Quality assurance in Education,* 18(3), pp. 227-224. https://doi.org/10.1108/09684881011058669
- Wong, B., DeWitt , J. & Chiu, Y.-L. T., 2023. Mapping the eight dimensions of the ideal student in higher education. *Educational Review,* 75(2), pp. 153-171. https://doi.org/10.1080/00131911.2021.1909538