

MINISTRY OF NATIONAL EDUCATION
DECREE NUMBER 843 OF
(JUNE 13, 2020)

*"Whereby Chapter 7 is added to Title 3 of Part 5 of Book 2 of Decree 1075/2015 -
Single Regulatory Decree for the Education Sector"*

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA

In use of his constitutional and legal powers, particularly those granted by
Section 11 of Article 189 of the Political Constitution, and

WHEREAS

Article 53 of Law 30/1992, "Whereby the public service of Higher Education is organized", created the National Accreditation System with the main objective of assuring society that the institutions that form part of the system meet the highest quality requirements and that they achieve their aims and objectives.

Article 1.1.3.1 of Decree 1075/2015 "whereby the Single Regulatory Decree of the Education Sector is issued" establishes that the purpose of the National Council of Higher Education (CESU, for the Spanish original), as a body that reports to the Ministry of National Education, is to propose to the National Government policies and plans for management of higher education and regulations, among others, to organize the National Accreditation System.

The National Council of Higher Education (CESU), in sessions held in 2019, and based on prior recommendations by the National Accreditation Council (CNA, for the Spanish original), considered that it was necessary to update the accreditation model, based on which the conceptual and procedural foundations are set for the accreditation of higher education institutions and academic programs.

The Constitutional Court, in Ruling C - 805/2001, indicated that the regulatory power *"... is the result of an administrative act that makes real the abstract statements of a law... [In order to] steer it towards its effective operation in the real context. Such power becomes effective through the issuance of general regulations that may be*

necessary to adequately fulfill the law. All regulatory powers whose content is to issue regulations to adequately fulfill the laws belong, in principle, by constitutional attribution, to the President of the Republic, with no need for any law to establish so in each case. Within the system of sources of our legal system, regulatory powers have their own place. By virtue of the above, the President of the Republic issues regulations of a general nature, which are subordinated to the law and are aimed at enabling their adequate fulfillment. Such regulations also have a special form, and are issued with the signature of the President and of the Minister or Director of the Administrative Department of the sector." The above position was reiterated in Ruling C - 810/2014.

The Ministry of National Education, in accordance with articles 2.10 and 29.2 of Decree 5012/2009, directs the National Accreditation System and coordinates the assessment processes required for the effects of the accreditation of higher education institutions and academic programs.

High quality institutions are recognized, among other characteristics, for their performance of educational processes, for research, critical spirit and creation, and for their contributions to scientific knowledge, technological development, innovation and transfer of knowledge, in fulfillment of the objectives set out in Article 6 of Law 30/1992, which therefore requires the involvement of the Ministry of Science, Technology and Innovation, in its capacity of governing body for science, technology and innovation, so it can become engaged as an active actor in the National Accreditation System.

The active actors of the National Accreditation System include the National Accreditation Council (CNA), as a body of an academic nature, whose incorporation, functions and regulations are established by the National Council of Higher Education (CESU), as set forth in Article 54 of Law 30/1992.

The National Council of Higher Education (CESU), in exercising its powers derived from Article 54 of Law 30/1992, and as an active actor in the National Accreditation System, has assigned as members of the National Accreditation Council (CNA) representatives from the academic and scientific communities.

The admission to the National Accreditation System is a voluntary act of the higher education institutions that, in the exercise of their autonomy, decide to advance in the improvement of their quality and be accountable for the public service they provide to society, pursuant to Article 53 of the aforementioned Law. In this sense, the institution that decides to opt for achieving high quality accreditation become an actor of the National Accreditation System.

The assessments performed by the National Accreditation Council (CNA) for the effects of the high quality accreditation of academic programs and institutions are carried out with the participation of the academic and scientific communities,

represented by the academic peers who are selected from a database that is developed and updated by the Ministry of National Education, as set out in Article 29.5 of Decree 5012/2009 "whereby the structure of the Ministry of National Education is modified, and the functions of its departments are defined."

The effective operation of the National Accreditation System requires the involvement of all relevant active actors, in accordance with the provisions of Articles 53 and 54 of Law 30/1992, the functions of the Ministry of National Education and of the Ministry of Science, Technology and Innovation, as well as the role played by the academic peers in the high quality accreditation assessment process of the higher education institutions and academic programs.

As indicated by the provisions of Article 53 of Law 30/1992, the accreditation is a recognition of a temporary nature awarded to higher education institutions that fulfill the highest quality requirements and that fulfill their purpose and objectives.

According to Law 1188/2008, "whereby the qualification certification of higher education programs is regulated and other provisions are enacted," the accreditation of academic programs represents a guarantee of quality to offer and develop such programs.

Agreement 06/1995 of the National Council of Higher Education (CESU) resolved that in order to develop the accreditation referred to in Law 30/1992, it was necessary to begin with the accreditation of programs, taking into consideration that the assessment includes "not only the academic aspects of the department the program itself belongs to, but also the academic support provided by other departments."

The National Council of Higher Education (CESU), pursuant to the powers granted by Article 54 of Law 30/1992, assigned the National Accreditation Council (CNA) the function of recommending to the Ministry of National Education the recognition of the accreditation of higher education institutions and academic programs that have successfully completed the assessment process, in accordance with the criteria and procedures defined in the accreditation model.

With the aim of organizing the National Accreditation System and in view of the competencies derived from section 1 of subsection b) of Article 36 of Law 30/1992, it is necessary to expressly provide that the accreditation is a temporary recognition granted by the Ministry of National Education to the higher education institutions and academic programs that fulfill the highest standards of quality and that achieve their purpose and objectives.

Article 55 of Law 30/1992 establishes that in order to grant the recognition of high quality accreditation it is necessary to carry out an accreditation process, which includes a self-assessment as a stage of the process and as an ongoing responsibility of the higher education institutions.

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Continuation of the decree "Whereby Chapter 7 is added to Title 3 of Part 5 of Book 2 of Decree 1075/2015 - Single Regulatory Decree for the Education Sector"

The National Accreditation Council (CNA) has recommended the National Council of Higher Education (CESU) to adopt a procedure based on issuance of academic guidelines for the accreditation of academic programs and institutions, with the following stages: (i) review of initial conditions stage, carried out by the National Accreditation Council (CNA), during which a review is made of an institution's potential to continue with the accreditation process; (ii) self-assessment stage, during which the higher education institutions independently and internally assess the performance of their substantive functions based on the accreditation factors, (iii) external assessment stage performed by academic peers assigned by the National Accreditation Council (CNA), in which by means of a visit to the institution they assess the self-assessment report, in accordance to the provisions of Article 29.5 of Decree 5012/2009, (iv) a comprehensive review performed by the National Accreditation Council (CNA), based on the documentation and evidence compiled in the previous stages, and lastly (v) issuance of the administrative act, which either grants accreditation or makes recommendations to the institution.

Pursuant to the above, it is necessary to organize the stages of the process of the National Accreditation System, in order to complement the self-assessment defined in Article 55 of said Law with the review of initial conditions, the external assessment by academic peers and the comprehensive assessment performed by the National Accreditation Council (CNA).

For the effects of awarding the accreditation of higher education institutions and academic programs institutions, the National Accreditation System must have in place an integrated

set of principles, objectives, theoretical and conceptual frameworks, quality criteria, guidelines and guides, as well as the consideration of the temporary nature of the accreditation, and performance of the stages of the respective procedure, all of which are aspects that comprise the accreditation model.

Based on the recommendations made to the National Accreditation Council (CNA) by the International Network for Quality Assurance Agencies in Higher Education (INQAAHE) and the Ibero-American Network for Quality Assurance in Higher Education (RIACES, for the Spanish original), the National Government considers it necessary to empower the National Council of Higher Education (CESU), based on its powers for coordination and planning set forth in Article 34 of Law 30/1992, and based on previous recommendation by the National Accreditation Council (CNA), to define the accreditation model.

Pursuant to the above and with the aim of providing the regulatory tools required by the National Accreditation System, it is necessary to add Chapter 7 to Title 3 of Part 5 of Book 2 of Decree 1075/2015 - Single Regulatory Decree for the Education Sector.

The Administrative Department of Public Service, by means of communication dated June 2, 2020, considered that this decree "does not adopt or implement a new procedure, and does not structurally change an existing one, and consequently it is not necessary for the Civil Service to issue an opinion prior to its issuance." It also considered that "since the proposed Decree has the purpose of strengthening the Accreditation Model that must be defined by the National Council of Higher Education, it is appropriate as a legal instrument (Decree) for its incorporation in Decree 1075/2015."

Pursuant to the provisions of article 2. 1.2. 1. 14 of Decree 1081/2015, "whereby the Single Regulatory Decree of the Sector is issued by the Presidency of the Republic," and of Section 8 of Article 8 of the Administrative Procedural and Contentious Administrative Code, this Decree was published on the website of the Ministry of National Education from March 18 to April 2, 2020, in order to receive opinions, suggestions or proposals from citizens and stakeholders.

In view of the above,

IT IS HEREBY DECREED

Article 1. Purpose. Add Chapter 7 to Title 3 of Part 5 of Book 2 of Decree 1075/2015, which shall read as follows:

CHAPTER 7

NATIONAL ACCREDITATION SYSTEM

Article 2.5.3.7.1 Actors of the National Accreditation System. The National Accreditation System, created by Article 53 of Law 30/1992, is comprised by the following actors:

- a)** Ministry of National Education
- b)** Ministry of Science, Technology and Innovation
- c)** National Council of Higher Education (CESU)
- d)** National Accreditation Council (CNA)
- e)** Institutions that opt for accreditation
- f)** Academic and scientific communities
- g)** Academic peers

Paragraph. For all the effects of this decree, institutions are defined as the higher

education institutions and all those authorized by law to offer and develop academic programs of higher education.

Article 2.5.3.7.2 Accreditation. Accreditation is the recognition of high quality granted by the Ministry of National Education to academic programs and institutions that meet the highest quality criteria and fulfill their purposes and objectives.

Article 2.5.3.7.3 Procedure for the accreditation of academic programs and institutions. The accreditation procedure, both for academic programs and institutions, shall be carried out in the following stages: (i) a review of initial conditions, (ii) a self-assessment, (iii) an external assessment by academic peers, (iv) a comprehensive assessment, and (v) issuance of the administrative act granting accreditation or making recommendations to the institution.

Article 2.5.3.7.4 Accreditation Model. The National Council of Higher Education (CESU), based on prior recommendations by the National Accreditation Council (CNA), shall define the accreditation model, which shall comprise, among other aspects, the principles, objectives, theoretical and conceptual frameworks, quality criteria, time limits of the accreditation, accreditation procedure, guidelines and guides."

Article 2. Effective Date. This decree shall become effective as of the date of its publication and it derogates any provisions that run counter to it.

PUBLISH AND FULFILL JUNE 13, 2020

Issued in Bogotá D. C., on

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THE MINISTER OF NATIONAL EDUCATION

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MARIA VICTORIA ANGULO GONZÁLEZ