

AGREEMENT 02/2022

“Whereby the Good Governance Code of the National Accreditation Council (CNA) is issued.”

THE NATIONAL COUNCIL OF HIGHER EDUCATION (CESU)

Pursuant to its legal powers, especially those set out in Article 54 of Law 30/1992
"Whereby the public service of Higher Education is organized"

HEREBY AGREES:

Article 1. Introduction. The National Accreditation Council (CNA, for the Spanish original) is an advisory and sectoral coordination body created by Article 54 of Law 30/1992, of an academic nature, with the functions of coordination, planning, recommendation and advisory in the accreditation of higher education institutions and academic programs.

This body is currently governed by Resolution 01/2020, issued by the National Council of Higher Education (CESU), which establishes: i) its rules of procedure; ii) its assigned functions, pursuant to Law 30/1992 and Chapter 7, Title 3, Part 5, Book 2 of Decree 1075/2015, the Single Regulation of the Education Sector; iii) and its composition, as well as the manner in which the council members are to be elected.

In this regard, pursuant to the provisions of Articles 4, 12 (subsection e) and 19 of Resolution 01/2020, the CNA is comprised by “nine (9) academics of the highest scientific, academic and professional qualifications, with high national and international standing, belonging to the Colombian academic community,” and it will also have a Technical Secretariat, comprised by the personnel of the Accreditation Group of the Higher Education Quality Assurance Department assigned by the Ministry of National Education (MEN, for the Spanish original).

Article 4 of Resolution 01/2020 adds that the nine (9) members of the CNA shall be elected by CESU, to which end the respective selection process shall be carried out as regulated by Article 8 of the same Resolution.

It is also important to highlight that the main function of the CNA, through its members, is to support the MEN in performing the processes for the accreditation of the higher education institutions and academic programs. In this context, the educational sector grants a time-bound recognition to those that fulfill the highest quality criteria and that additionally fulfill their purposes and objectives.

Based on the aforementioned regulatory framework, in its accreditation process, the CNA is inspired by the axiological statements contained in the Preamble and in Title 1 of the Colombian Political Constitution, and in Law 30/1992, and is committed in its actions to observe the principles of public service, the mandates of the Constitution regarding the right to education and culture, and to the greater objectives established for higher education.

From this perspective, the CNA accreditation model has also adopted certain basic criteria for the operation of the National Accreditation System (SNA, for the Spanish original). These criteria are considered the general ethical and good governance principles or guidelines that provide a framework for the assessments carried out through the CNA, which are aimed at the institutions that provide the public service of higher education, as well as the higher education academic programs which, in the framework of continuous improvement and diversity, deserve recognition for their high-quality standards, for the achievements they have reached and for the impact they produce.

For this reason, the members of the CNA and the personnel of the Technical Secretariat are expected not only to fulfill the duties they have been assigned, but to also strictly observe the constitutional axiological framework, the general standards related to ethics and good governance of public goods, to put into practice the criteria established in the accreditation model and to promote respect for the universal values and standards that make up the academic ethos.

Since the start of its activities, the CNA has established certain provisions related to ineligibilities and restrictions for the Council Members, which were amended in 1997 and 2001 and subsequently updated in September 2003, when they were approved with the name of "Code of Honor"

Such good governance commitments that must be followed by Council Members and the personnel of the CNA Technical Secretariat have been revised and updated in this document. Additionally, the CNA, as an advisory and sectoral coordination entity that reports to the Ministry of National Education (MEN, for the Spanish original), has adopted the guidelines contained in the Good Governance Code issued by the Ministry.

Article 2. Objective of the Good Governance Code for CNA Council Members and Technical Secretariat Personnel. The objective of the Good Governance Code for the CNA Council Members and Technical Secretariat Personnel is to update the principles and guidelines of behavior that should guide their actions during the self-assessment and accreditation processes of higher education institutions and programs and other activities related to the mission of CNA, with the aim of promoting good governance of the actors of the National Accreditation System.

Article 3. Principles of Good Governance.

- a) **Principle of legality:** It is inherent to a social state with the rule of law, and in Colombia it is based on Articles 6 and 121 of the Political Constitution, according to which, “Individuals are solely responsible before the authorities for violations of the Constitution and the laws. Public servants are held responsible for the same violations and for any omissions or excesses committed in the exercise of their functions;” and “No authority of the State may exercise functions other than those assigned to it by the Constitution and the law.”

Pursuant to the above, the principle of legality has been enacted in order to guarantee legal security to the benefit of the citizens, by establishing a legal ordering that regulates the manner in which the authorities must fulfill the functions they are in charge of.

Consequently, the Council Members and the Technical Secretariat of the CNA must carry out their actions in the terms established by law, particularly in connection with the accreditation processes, which must be based on the regulations issued by CESU, and on the guidelines and other documents issued by the CNA itself. Additionally, in all cases, their actions must be in the best interest of the public and must promote the general wellbeing of the citizens.

- b) **Principle of publicity:** It is substantiated in Article 209 of the Political Constitution and in Article 3 (section 9) of Law 1437/2011, the Administrative Procedural and Contentious Code (CPACA, for the Spanish original), according to which “(...) the authorities shall inform the public and interested parties, in a systematic and permanent manner, without need for any petition, their actions, contracts and resolutions, by means of the communications, notices and publications ordered by law (...).”

The above is aimed at promoting transparency in public management and the consolidation of a democratic state by indicating that, as a general rule, the authorities’ actions must be public and open to citizens, which enables the people to participate in matters of their interest, to be informed in a timely manner of the decisions that involve them, and to exercise social control over the administration.

Consequently, the Council Members and the Technical Secretariat of the CNA must promote fulfillment of the legally established publicity standards in the accreditation and other activities they perform, so that all the participants of the SNA listed in Article 2.5.3.7.1 of Decree 1075/2015, and the citizens in general, are informed of the activities of said body, understand them and can have effective control, aimed at ensuring that the SNA fulfills the purposes and objectives assigned to it by law.

The above is notwithstanding the duty of reservation and confidentiality expressly established by law for certain information subject to treatment by the CNA.

- c) **Principle of participation:** It is substantiated in Article 29 of the Political Constitution, which establishes that due process shall apply, even to administrative matters, which implies that it is not viable to carry out a procedure of this type without guaranteeing the existence of channels that enable the interested parties to intervene.

Consequently, this principle is linked to the principle of transparency explained in the previous section, in the sense that in the framework of administrative processes, the authorities must guarantee the publicity of their actions, to enable the people to intervene and make effective use of their rights, because it is a precondition for the validity of the decisions that are adopted.

Therefore, the Council Members and the Technical Secretariat of the CNA must encourage the active participation of the stakeholders involved in its management and accreditation processes, and in particular of the higher education institutions and all those authorized by law to offer and develop academic programs of higher education so that all of them have the possibility to demonstrate the progress achieved and the quality standards they have for the fulfillment of their substantive functions.

Article 4. Guidelines Towards Other Stakeholders. Guidelines on how the CNA and its Technical Secretariat engage with other stakeholders are necessary in order to put into practice the principles adopted in the previous section. They are:

- a) **With citizens.** Provide citizens with the service required in a timely, respectful and efficient manner and with quality, without distinctions or preferences; promote spaces for participation and consensus-building between the various stakeholders to make decisions about higher education; offer truthful, continuous and timely information on the processes and outcomes of public administration, both through access mechanisms and public rendering of accounts.
- b) **With the institutions.** Respect the autonomy of the institutions in accordance with the legal and constitutional mandate; direct relations towards providing educational service with excellence; seek to build consensus on the policies that affect them and make decisions based on criteria of justice; process their requests in an impartial manner and provide timely, clear and truthful information.
- c) **With civil servants.** Achieve the strategic objectives of the CNA, optimize the resources and make adequate use of the information; prioritize teamwork to achieve common goals; promote impartial and respectful treatment of the rights of all Council Members and employees of the CNA; promote participative activities for employees, and assess their proposals on task planning and execution.
- d) **With the mass media.** Assist, advise and provide orientation to the mass media in their information requirements and present to them the management of the CNA; provide truthful, timely, accessible, complete and reliable information; create and promote spaces to receive their suggestions, recommendations and contributions to facilitate

the improvement of the provision of information, and address the requests of all journalists regardless of the media they represent.

- e) **With the contractors.** Fully comply with the rules that regulate government contracting processes to ensure an objective selection; fulfill the contractual commitments in a timely manner; address contractor requirements quickly and effectively during contract performance; comply with quality and timeliness requirements of the contracted goods and services.
- f) **With the control bodies.** Provide complete, clear, truthful, accurate and timely information, as well as the resources necessary for the control bodies to perform their duties; use the channels and means defined in applicable regulations in the processes; assume any consequences derived from the results obtained, and implement any recommendations made through improvement plans.
- g) **With the environment.** Promote a culture that contributes to sustainable development; actively participate in the protection and care of the environment, focusing on the promotion and consolidation of practices for the adequate and rational use of natural resources at the CNA; as well as adequate waste disposal and compliance with environmental regulations.

In all the above scenarios, the Coordinator of the CNA will act in the capacity of spokesperson for the Council before the various stakeholders.

Article 5. Duties of the CNA and the Technical Secretariat in connection with Conflicts of Interest. The following are the duties of the CNA members and the personnel of the Technical Secretariat in connection with conflicts of interest:

- a) Contribute to enabling the entity's internal and external control bodies to perform their assigned duties.
- b) Contribute to offering all citizens and inhabitants of the national territory equitable treatment, and to guaranteeing their rights.
- c) Refrain from altering or distorting the information of the CNA, and from providing inaccurate or untruthful information.

In all cases, conflicts of interest will be treated and solved in accordance with the provisions of Chapter V of Resolution 01/2020, issued by CESU.

This implies that, in accordance with Article 26 of the above Resolution, any of the nine (9) members of the CNA must refrain from dealing with matters that may affect or benefit "him/herself or his/her spouse, permanent partner, any relative up to the fourth degree of consanguinity, second degree of affinity or first degree of civil relationship, or his/her partners by law or de facto."

In the event the National Accreditation Council is unable to decide regarding a disqualification after having discussed it sufficiently during two (2) meetings, the situation will be escalated to CESU, forwarding the necessary documentation for that body to issue a decision.

In such case, the Coordinator of the CNA will report it to CESU through the Technical Secretariat within three (3) days from having knowledge of such event. Once the above has been carried out, the CESU shall issue a final decision on the disqualification at its next ordinary or extraordinary meeting called to such effect, and in the event it is accepted, it shall determine who will be responsible for handling the matter, and it may, if necessary appoint an ad hoc Council Member. In the same act it will order delivery of the file, as prescribed by Article 12 of Law 1437/2011, the Administrative Procedural and Contentious Code.

The members of the Technical Secretariat with the status of civil servants shall follow the same procedure described above when they consider that they incur in a situation of conflict of interests, which shall be decided on by the Sub-director of Higher Education Quality Assurance. Those who have the status of contractor shall do the same before their respective contract supervisors.

Article 6. *Prohibitions to Personnel related to Conflicts of Interest.* The employees of the Technical Secretariat and the CNA Council Members shall not engage in the following practices in performance of their daily activities:

- a) Make undue use of privileged and confidential information against the entity's interests.
- b) Make gifts in exchange for any type of benefits that may favor an institution in the decisions inherent to the CNA.
- c) Accept, for themselves or for third parties, gifts in money or in kind from any person related to the institutions that are involved in a current or possible future accreditation process with the CNA.
- d) Participate in the reviews, discussions or votes made by the CNA during procedures related to an accreditation process on their account whenever they, or their spouse, or permanent partner or any relative up to the fourth degree of consanguinity, second degree of affinity or first degree of civil relationship, or his/her partners by law or de facto, have any type of interest.
- e) Not declaring themselves disqualified from being involved in procedures in which there is a conflict of interest.
- f) Not declaring a conflict of interest when a serious enmity or close friendship exists with directors of an institution that has applied for the accreditation process with the CNA.

- g) Not declaring a conflict of interest in the event of having filed a complaint, claim or lawsuit through anybody in connection with actions of the institution undergoing the respective accreditation process or its executives.
- h) Not declaring a conflict of interest in the case of having provided consulting services, either personally or through a third party, either as an individual or legal entity, to any institution that offers higher education programs.
- i) Tacitly or expressly recommend, refer or suggest the professional services of any person to perform the accreditation procedures to be carried out by the CNA.
- j) Give, offer or accept, directly or indirectly, any gifts, favors, donations, invitations, trips or payments in performance of their services or duties that may influence their decisions to facilitate contracts, appointments or transactions in their own benefit or to the benefit of third parties.
- k) Not declaring a conflict of interest in the case of having directly or indirectly entered into businesses with institutions involved in an accreditation process.
- l) Misuse privileged or confidential information for personal gain or to protect their own private interests or those of third parties.
- m) Engage in political or religious proselytism taking advantage of their appointment or position or relations with the entity; commit economic resources to finance political campaigns, or generate bureaucracy in favor or politicians or any other individual or legal entity.
- n) Any practices that go against the integrity and transparency of the CNA's management and against the good use of public resources.
- o) Any peddling of influence to facilitate procedures.

Article 7. Good Governance Policies with External Control Bodies. The members of the CNA and its Technical Secretariat are committed to maintaining harmonic relations with the control bodies and to providing the information they may legally require in a timely, complete and truthful manner to enable them to effectively perform their duties. They are also committed to implementing the institutional improvement actions derived from the control bodies' reports.

a) Commitment to Promote Good Governance Practices. The CNA Members are committed to promoting and implementing good governance practices in order to achieve the organization's objectives, to which end they shall adopt the following measures, among others:

1. Guide their actions by the ethical guidelines set out in this Code.
2. Broadly disseminate the basic ethical guidelines and warn about the unbreakable determination to fulfill them in the ordinary performance of their activities.
3. Accept and respect the decisions adopted by the CNA.
4. Ensure that all institutional processes are characterized by impartiality and transparency.
5. Reject and report any irregular conducts by employees to the respective control bodies.
6. Render accounts to citizens and other stakeholders, making available to the public the non-confidential information of the CNA.
7. Government contracting processes must be based solely on the principles of transparency, economy and responsibility; the selection procedures must be clear, fair and with known rules to assure impartiality and the objective selection of contractors, even in the case of direct contracting.
8. Carry out with austerity, in terms of time, means and costs, all the contractual activities that must be performed by the CNA.
9. Within the CNA, contribute to the consolidation of a collaborative, harmonic, respectful and productive environment, aimed at fulfilling the entity's goals and objectives.

b) *Commitment to Service Quality.* In order to assure effectiveness, efficiency and transparency in achieving the institutional objectives and social goals, and ensure the satisfaction of stakeholders, the CNA and its Technical Secretariat are committed to establishing, implementing and continuously improving the Comprehensive Management System (CMS) established by the Ministry of National Education, through the harmonic and complementary coordination of the processes and services, and in compliance with the legal requirements and the provisions of the quality management, environmental management, internal control and administrative development components, with special emphasis on establishing risk management controls, based on the defined strategic guidelines. The CNA shall carry out annual self-assessments, reaffirm self-regulation as a strength and autonomy as necessary elements to assure the development of continuous improvement plans and an internal culture of quality.

Without prejudice for CNA's adoption of the Comprehensive Management System (CMS) of the Ministry of National Education, the protocol for managing conflicts of interest will follow the provisions of this Code, particularly the provisions set out in section 10.

c) *Commitment to the Dissemination and Disclosure of Information.* CNA Members shall apply mechanisms to make the entity's information available to the institutions, other stakeholders and society in general in a timely, updated, clear, truthful and reliable manner, in accordance with effective policies on the production, management and publication of the information, to which end information processes will be adopted using virtual and face-to-face communications and participative management channels, as appropriate, adapted to the conditions of the target audience.

d) *Commitment to Confidentiality.* The members of the CNA and its Technical Secretariat are committed to controlling and verifying on an ongoing basis that employees who manage privileged or reserved information maintain its confidentiality and do not disclose it to third parties or use it to their own benefit or to the benefit of private parties, or in detriment of the entity. They are also committed to establishing control and assessment mechanisms for the risk of loss of information.

The members of the CNA and of the Technical Secretariat shall also refrain from disclosing or delivering information they may have access to in performance of their duties, unless they have been authorized to do so by the owner of the information or by law.

e) *Commitment to Accountability.* The CNA is committed to rendering accounts at least once per year, to inform citizens on the progress made and fulfillment of the goals contained in the entity's strategic plan, and on the manner in which its budget is being executed. To this end, all available communication channels will be used in order to reach all interested citizens.

f) *Commitment to the Protection and Development of Human Resources.* The Technical Secretariat, with the support of the Coordinator of the CNA, is committed to the development of the required competencies, skills, aptitudes and qualifications of its employees to fulfill the institution's management requirements, by designing policies and practices to assure the technical, professional and human quality of the employees.

g) *Commitment to Contractors.* In the event the CNA must carry out personnel contracting processes, it shall comply with the formal and true principles and regulations that govern public contracting, including the guidelines established in the Anti-corruption Statute, to which effect the employees are committed to abiding by the legal provisions with diligence, accuracy and timeliness; as well as ensure that the information of the contractual conditions and processes is published in a timely, sufficient and adequate manner, and that contract awarding decisions are made free from any bias or preference and solely on the basis of the analysis and objective selection of the proposals that were submitted.

Article 8. Responsibility with the Environment. The CNA is committed to improving its environmental performance and preventing pollution through its environmental programs on saving and responsible use of water, saving and efficient use of energy, and comprehensive waste management, in the framework of the comprehensive management policy and the environmental standard ISO 14001.

Article 9. Mechanisms to solve disputes, conflicts or differences. In the event any disputes, conflicts or differences should arise in the CNA, the Coordinator will arrange spaces during full Council meetings to enable the Council members to respectfully present their grievances or causes for differences, and dialog will be promoted as a mechanism to reach a consensus on the matters within the purview of the Council.

Article 10. Procedure when Members or Peers fail to comply with the provisions of the Good Governance Code. When one or more Council members fail to comply with the provisions of this Code, a committee will be created comprised by three (3) CNA members, elected by the Council itself and led by the Coordinator of the CNA. The committee members will assess the actions and determine the steps to be followed and decide on whether the matter can be resolved autonomously within the scope of the CNA's powers, or whether the matter should be submitted to the National Council of Higher Education (CESU) or competent control bodies.

This procedure shall be ruled by the principles and values described in this Code, and the decisions adopted will be documented in minutes that must be signed by the Commission members.

When the non-compliance with this Code is attributable to the Coordinator of the CNA, the conduct will be reported to the CESU for it to take appropriate action. While the final decision is made on the non-compliance reported to the CESU, the Committee member will be replaced by an alternate in the process related to the event in question.

Article 11. Reporting Channels. Any interested person can report events that represent alleged non-compliance with the provisions of this Code through the channels established to this effect, namely:

- a) The citizen assistance channels of the MEN, in order for the facts to be submitted to the Technical Secretariat of the MEN and to start up the procedures established in this Code, pursuant to the provisions of Resolution 01/2020 of CESU. The interested persons may submit a request under the right to petition either in person at the Citizen Assistance Unit of the MEN, or online with the following link <https://www.mineduccion.gov.co/portal/atencion-al-ciudadano/PQRSDF/324533:Mecanismos-para-presentar-Quejas-y-Reclamos-con-omisiones-o-acciones-del-Ministerio-de-Educación-Nacional>
- b) Directly at the CNA, at Avenida Calle 26 # 69-76, Edificio Elemento Torreo 1 Piso 14, (Bogotá D.C.) or via the website www.cna.gov.co

Article 12. Administration of the Good Governance Code. The CNA shall have a Good Governance Committee comprised by five (5) council members, who shall be elected by the full Council meeting. This committee will hold ordinary meetings at least every two (2) months and will hold extraordinary meetings as required by the circumstances.

The following are the functions of the Good Governance Committee:

- a) Promote ethical, transparent and efficient conducts and behaviors at all levels of the CNA.
- b) Promote the dissemination and assimilation of the ethical values, principles and guidelines by CNA members and propose to the full meeting of the CNA alternatives to solve any ethical dilemmas that may arise in such body.
- c) Ensure that the Good Governance model and its implementation incorporate the elements of the strategy, the human talent, the management process, the risks and controls, auditing and assurance of CNA management, to efficiently address the needs of its stakeholders within a culture that promotes high performance and personal accountability.

Article 13. Effective Date. This Code shall become effective as of its date of publication and it repeals any provisions that run counter to it, including the Code of Honor issued in 2003 by the National Accreditation Council (CNA).

BE IT PUBLISHED AND FULFILLED

Issued in Bogotá, on

[Illegible signature]
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Chairwoman of the CESU

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