

Guidelines for supervision of higher education institutions' application of rules



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Introduction

This document serves as guidance for the Swedish Higher Education Authority's supervision of the application of rules by higher education institutions (HEI) (HEI supervision). This form of supervision focuses on legal matters associated with certain quality assurance issues in the Standards and Guidelines for Quality Assurance in the European Higher Education Area, ESG.

One task of the Swedish Higher Education Authority (UKÄ) is to exercise supervision of HEIs. UKÄ and its predecessor, the National Agency for Higher Education, have carried out this task by handling complaints about HEIs, publishing reports on various legal areas and, through inspection visits, reviewing the HEIs' application of rules on site.

UKÄ is also responsible for the quality assurance of higher education. Within the framework of this task, UKÄ has formulated a national system for quality assurance in higher education. The system comprises four components, one of which is the review of HEIs' quality assurance processes.

The new system for quality assurance of higher education is based, among other things, on the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG). These standards and guidelines stipulate that the external quality review must take into consideration the requirements of the legal framework in which the HEIs are active.

The standards and guidelines include a number of areas pertaining to issues that are regulated in the Swedish higher education statutes and the Swedish Administrative Procedures Act. These issues are typically reviewed as part of the supervision. Compliance with the applicable rules is essential for HEIs to be deemed as having a high-quality operation. UKÄ therefore reviews the legal issues included in ESG in the framework of supervision operations. In addition, UKÄ will coordinate HEI supervision with the HEI reviews carried out within the framework of UKÄ's quality assurance task. Instead of reviewing the HEIs' application of rules on site (inspection visit), as before, UKÄ will carry out the review without visiting the HEIs. This review is called HEI supervision.

A pilot study for HEI supervision was conducted in 2017.

Review of higher education institutions' application of rules

The areas of the ESG covering issues regulated in the Swedish higher education statutes and the Swedish Administrative Procedures Act include

- credit transfer
- student influence
- course and programme syllabi
- course evaluations
- hiring of staff
- appeals and complaints

These areas include rules that are essential for the operation to function well, both for the HEI and for students and staff. The areas primarily pertain to first- and second-cycle education, but may also refer to third-cycle education in some regards. In the long term, HEI supervision will be expanded to review areas that include research work.

The results of the HEI supervision are to serve as a basis for the HEI reviews carried out within the framework of UKÄ's quality assurance assignment. UKÄ's Guidelines for reviewing the HEIs' quality assurance processes also specifies that in its self-evaluation, the HEI must comment on the result of the HEI supervision. Any deficiencies emerging from the supervision of an HEI can be followed up either within the framework of the supervision or during the HEI review, depending on the nature of the deficiency.

These guidelines contain six review areas. Each area begins with references to the relevant Swedish legislation and guidelines in the ESG. It is then stated how the HEI should proceed to provide the documents required by UKÄ for the supervision. Finally, the implementation of supervision will be explained. The coordination with UKÄ's HEI reviews means that HEI supervision is carried out before the HEI review. A timetable for 2017–2021 is available at www.uka.se.

UKÄ's review of each HEI will be published as a report. Prior to publication, the HEI will be able to read a draft of the report for fact-checking purposes. UKÄ also welcomes local student unions to submit a written statement of their views on the HEI's application of the relevant rules. If an HEI has multiple student unions with union status, UKÄ would prefer for the unions to collaborate and submit a joint statement.

Review areas

Credit transfer

Regulations in the Swedish higher education statutes and guidelines in the ESG

If a student at a higher education institution in Sweden has successfully completed a higher education course or study programme, she or he is entitled to transfer the credits awarded for a course or study programme at another higher education institution. This does not apply, however, if there is a substantial difference between these courses or study programmes. This is specified in Chapter 6, Section 6, paragraph 1 of the Higher Education Ordinance.

A student is entitled to transfer credits from a course or study programme other than that laid down in Section 6 if the nature and extent of the knowledge and skills cited by the student are such that they correspond on the whole to the course or study programme for which the credits are to be recognised. A student may also be given credit for corresponding knowledge and skills acquired in a vocational or professional capacity. This is set out in Chapter 6, Section 7 of the Higher Education Ordinance.

A decision on the transfer of credits for courses and study programmes or professional or vocational activities may be appealed to the Higher Education Appeals Board (Chapter 12, Section 2, paragraph 4 of the Higher Education Ordinance).

ESG standard 1.4 stipulates that higher education institutions must consistently apply predefined and published regulations on, among other things, recognition. The guidelines for this standard state the following:

“Fair recognition of higher education qualifications, periods of study and prior learning, including the recognition of non-formal and informal learning, are essential components for ensuring the students’ progress in their studies, while promoting mobility.

Appropriate recognition procedures rely on

- consistency of the higher education institution’s practices for recognition with the principles of the Lisbon Convention on the Recognition of Qualifications concerning Higher Education in the European Region
- cooperation with other institutions, quality assurance agencies and the national ENIC/NARIC centre with a view to ensuring coherent recognition across the country.”

Documentation from the HEI

1. How does the higher education institution ensure that cases involving credit transfers are handled fairly and equally within the higher education institution? Attach any policy documents.
2. Attach a list of all cases involving credit transfers resolved during the period specified in the consultative document sent to the higher education institution when the HEI supervision began.

Implementation

UKÄ intends to randomly review decision statements, processing times and instructions on how to appeal in a number of cases involving credit transfers.

Student influence

Regulations in the Swedish higher education statutes and guidelines in the ESG

Quality assurance procedures are the shared concern of staff and students at higher education institutions. Students are entitled to exert influence over the courses and study programmes at higher education institutions. The higher education institutions are endeavour to enable students to play an active role in the continued development of courses and study programmes. This is set out in Chapter 1, Sections 4 and 4a of the Higher Education Act (1992:1434).

Students are entitled to representation when decisions or preparations are made that have bearing on their courses or programmes or the situation of students (Chapter 2, Section 7 of the Higher Education Act).

If a decision requires an appraisal of the structure, implementation or quality of the course or programme, or if the decision requires an appraisal of the organisation or quality of the research, then the decision is to be taken by individuals with academic or artistic expertise. If these appraisals are to be made by a group of individuals, the majority of them are to possess academic or artistic expertise. A board may decide, however, that such a majority is not required if there are special grounds for doing so. This is set out in Chapter 2, Section 6 of the Higher Education Act.

Chapter 2, Section 14 of the Higher Education Ordinance stipulates the following about student representation. If decisions or preparations are to be made by a single individual, information is to be provided and consultation take place with a student representative in ample time before the decision is made or preparations concluded. If a decision is to be made by a group of individuals pursuant to Chapter 2, Section 6 of the Higher Education Act, the students are entitled to representation by at least three members. The number of student representatives in such a group, however, may be fewer if there are special grounds in view of the total number of members in the group. In other respects the higher education institution itself decides on the entitlement of students to the representation stipulated in Chapter 2, Section 7 of the Higher Education Act.

ESG standard 1.2 stipulates among other things that higher education institutions are to have processes for the design and approval of their programmes. The guidelines for the standard include that programmes must be designed in dialogue with the students and that a formal process must be followed when they are approved. The programmes are to be reviewed and revised periodically in dialogue with students and other stakeholders. This is laid out by the guidelines for standard 1.9, which covers the ongoing monitoring and periodic review of programmes.

Preliminary opinions on provisions of the Swedish higher education statutes

Higher education institutions and student unions should come to a joint agreement on which bodies to include student representation. One exception is the University Staff Disciplinary Board, the composition of which is specially regulated for all public operations. Furthermore, it is essential that students' opportunities to participate and exert influence do not cease by way of decisions not being taken in bodies with members, but by a departmental head or another individual official. The HEI's decision-making official should therefore have an obligation and a responsibility to inform and consult with students on matters that are important to them, well before decisions are taken. Even matters of, for example, budget, resources and administration have significant bearing on courses or programmes and the situation of students. When an issue is dealt with by a decision-making body on which students are represented, in practice the opportunity to exert influence can be minimal. Some preconditions for actual student influence are therefore the inclusion of students on drafting bodies and that consultation takes place in suitable forms at an early stage and during the various steps of the process.¹

The right to representation is to be applicable to all decisions and all preparations with bearing on courses or programmes or the situation of students, and not only to decisions for which academic or artistic expertise is required. According to the Government, all higher education institutions will need to take decisions to establish a clear internal organisation and allocation of work once laws and regulations no longer dictate the format of the internal organisation beyond what applies for the board and the vice-chancellor. The clarity of the decision structure should therefore not be reduced. Furthermore, the Government emphasises that it should be natural for a higher education institution to not allow the right to participation in a group depend on the issues the group addresses on various occasions.²

To ensure the best conditions for student influence, higher education institutions should have established principles for how influence is to be realized at all levels.³

¹ See the bill Studentinflytande och kvalitetsutveckling i högskolan [Student influence and quality development in higher education] (Govt. bill. 1999/2000:28 p. 28–29).

² See the bill En akademi i tiden – ökad frihet för universitet och högskolor [Academia for this day and age – greater freedom for universities and other higher education institutions] (Govt. bill. 2009/10:149 p. 39).

³ See the bill Frihet och inflytande – kårobligatoriets avskaffande [Freedom and influence – elimination of compulsory student union membership] (Govt. bill. 2008/09:154 p. 41).

Documentation from the HEI

A Student influence through participation in drafting and decision-making bodies

- A1 How does the higher education institution ensure compliance with the rules on student representation? Does the higher education institution have established principles, guidelines or similar documents for how student influence is to be manifested at all levels? If so, please attach these documents.
- A2 Have the higher education institution and student unions agreed on which bodies will include student representation? If so, please attach the agreement. If there is no such agreement, attach a list of all drafting and decision-making bodies that have bearing on courses or programmes or the situation of students.
- A3 Are there bodies in which students are not represented (and where decisions or preparations take place that have bearing on courses and programmes or the situation of students)? If so, list these bodies and the reason why students are not represented on them.

B Student influence when a single person prepares or takes decisions

How does the higher education institution ensure compliance with this rule? Does the higher education institution have established principles, guidelines or similar documents that clarify for staff how to inform and consult with student representatives well in advance? If so, please attach these documents. Attach a list of decisions taken by a certain category of employee/official, in accordance with the consultative document sent to the higher education institution when HEI supervision began.

Implementation

Random reviews of student representation in drafting and decision-making bodies are carried out when needed, during which the opinions of student unions are taken into consideration.

UKÄ intends to review the higher education institution's measures to safeguard student influence when decisions are taken or preparations made by a single person. UKÄ intends to randomly select a number of decisions and ask the higher education institution questions.

Course and programme syllabi

Regulations in the Swedish higher education statutes and guidelines in the ESG

All first- and second-cycle education is to be offered in the form of courses. Courses can be brought together to form programmes. A course must have a course syllabus with the following: course level; number of credits; objectives; specific entry requirements; forms of assessment of student performance and any other regulations required. A study programme must have a programme syllabus. The programme syllabus must specify the courses included in the programme; specific entry requirements and any other regulations required. This is set out in Chapter 6, Sections 13–17 of the Higher Education Ordinance.

ESG standard 1.2 on the design and approval of programmes stipulates among other things that higher education institutions are to have processes for the design and approval of their programmes. The qualifications to which a programme leads are clearly specified. The guidelines for the standard stipulate that the programmes must undergo a formal process for the establishment of new programmes and include information about students' expected workload, for example as expressed in ECTS.

Preliminary opinions on provisions of the Swedish higher education statutes

Through the deregulation implemented as of 1 January 2011, the requirements of the Higher Education Ordinance were eased in terms of the content of course and programme syllabi, while higher education institutions' opportunities to determine the content themselves increased. Course and programme syllabi are important policy documents for first- and second-cycle level education. Accordingly, the Government expressed the following. Regardless of whether syllabi content is regulated by the Higher Education Ordinance or by higher education institutions, the syllabi should provide the information required from a student perspective and for follow-up of the programme quality. It is in the higher education institutions' interest for the syllabi to be optimally designed and for both quality aspects and the need for clear rules for students in the matter of education to be taken into account.⁴

⁴ See the bill *En akademi i tiden – ökad frihet för universitet och högskolor* [Academia for this day and age – greater freedom for universities and other higher education institutions] (Govt. bill 2009/10:149 p. 81–82).

Documentation from the HEI

1. Has the higher education institution decided on its own rules for the content of course and programme syllabi in addition to the stipulations of the Higher Education Ordinance? If so, please attach these rules.
2. How have decisions on the establishment of course and programme syllabi been delegated within the higher education institution? Attach the rules of procedure.
3. How does the higher education institution management ensure that course and programme syllabi include the information stipulated in the Higher Education Ordinance and any local rules?
4. Attach lists of courses and programmes, in accordance with the consultative document sent to the higher education institution when HEI supervision began.

Implementation

UKÄ intends to randomly review how the higher education institution complies with the provisions about course and programme syllabi.

The review will examine that

- the syllabi are established well before the programme begins
- the syllabi include the time point for coming into force
- the syllabi include the stipulations of the Higher Education Ordinance and any local rules
- the programme syllabus clearly states the qualification to which the programme leads
- forms of examination are clearly regulated in the course syllabi.

Course evaluations

Regulations in the Swedish higher education statutes and guidelines in the ESG

Quality assurance procedures are the shared concern of staff and students at higher education institutions. The higher education institutions are endeavour to enable students to play an active role in the continued development of courses and study programmes. This is set out for example in Chapter 1, Sections 4 and 4a of the Higher Education Act.

Higher education institutions are to enable students who are participating in or have completed a course to express their experiences of and views on the course through a course evaluation to be organised by the higher education institution. The higher education institution is to collate the course evaluations and provide information about their results and any actions prompted by the course evaluations.

The results are to be made available to the students. This is set out in Chapter 1, Section 14 of the Higher Education Ordinance ESG standard 1.9 stipulates the following. Institutions are to monitor and periodically review their programmes to ensure that they achieve the objectives set for them and respond to the needs of students and society. These reviews lead to continuous improvement of the programmes. Any action planned or taken as a result are to be communicated to all those concerned.

The guidelines of standard 1.9 state that regular monitoring, review and revision of study programmes include the evaluation of, among other things, student expectations, needs and satisfaction in relation to the programme.

Preliminary opinions on provisions of the Swedish higher education statutes

Course evaluations provide a point of departure for teachers' and students' involvement in and influence over quality enhancement. They should be within the higher education institution. Evaluations at course level are a necessary element in the development of systematic quality assurance procedures. Course evaluations can be conducted in different ways. Students must always be given an opportunity to share their experiences and express their opinions. The responsibility of students to participate in course evaluations has to be combined with the right to receive information about their results and to take part in discussing improvements. All students are to have the right to benefit from course evaluations in their studies and their own development. It is important that experiences from course evaluations are actually taken advantage of and, when necessary, result in improvements. Providing the possibility of viewing the collated results of course evaluations will make them more effective tools. Enabling students to see that practical use is made

of course evaluations will increase interest in participating, which will further enhance their usefulness.⁵

Documentation from the HEI

A Implementation and collation of course evaluation

- A1 What measures does the higher education institution take to ensure that course evaluations are implemented and collated? Are there procedures, guidelines or similar documents about course evaluations that are common to the entire higher education institution? If so, please attach these documents.
- A2 Does the higher education institution carry out course evaluations for training placement courses?
- A3 Does the higher education institution carry out course evaluations for degree project courses?

B Information about the results and any actions

- B1 What actions does the higher education institution take to ensure students are informed of the results and any actions prompted by the course evaluations? Are there procedures, guidelines or similar documents about information on results that are common to the entire higher education institution? If so, please attach these documents.
- B2 Explain how students who evaluated the course are informed of the results and of any actions prompted by the course evaluations. Explain how students are given this information in conjunction with the beginning of the course.
- B3 Explain how the results are made available to students.

C Development of programmes

The purpose of the course evaluations is to lead to improvements and development of courses and programmes. If possible, give an example of how students' experiences and views led to actions and the development and improvement of the course.

Implementation

UKÄ intends to randomly review how the higher education institution complies with rules on course evaluations for the courses selected for review in the review area Course and programme syllabi. UKÄ will therefore ask the higher education institution to provide an account of compliance with the rules for these courses.

⁵ Propositionen Studentinflytande och kvalitetsutveckling i högskolan (prop. 1999/2000:28 s. 29–31).

Hiring of staff

Regulations in the statutes and guidelines in the ESG

In addition to general labour legislation, the provisions of the Instrument of Government (1974:152), Public Employment Act (1994:260) and the Employment Ordinance (1994:373) are applicable to public employment.

Chapter 4 of the Higher Education Ordinance is also applicable to hiring teachers at a university or university college.

The higher education institution's board is to decide upon an appointments procedure itself. This is pursuant to Chapter 2, Section 2, paragraph one, point 9 in the Higher Education Ordinance. The stipulations of the Employment Ordinance (1994:373) apply to information about available positions. Among other things, an agency intending to hire an employee must announce this in a suitable way so that anyone interested in the position may inform the agency within a certain period of time. Such an announcement is not necessary in the event of special circumstances (Section 6).

With a few exceptions, information about the agency's hiring decision is to be given on the agency's noticeboard. This announcement is to include information about what is applicable with regard to appeals. This is set out in Sections 7 and 8 of the Employment Ordinance. If a group is to submit a motion regarding an applicant being considered for employment as a teacher, the group is to have an equal number of women and men. This does not apply, however, if there are special circumstances. This is specified in Chapter 4, Section 5 of the Higher Education Ordinance.

When employing a professor, expert appraisals of the applicants' proficiency are required unless it is obviously unnecessary for an assessment of proficiency. If an appraisal is to be submitted by two or more people, women and men must be equally represented. This does not apply, however, if there are special circumstances. This is set out in Chapter 4, Section 6 of the Higher Education Ordinance.

ESG standard 1.5 on teaching staff stipulates, among other things, that fair and transparent processes for the recruitment of the staff are to be applied. The guidelines for the standard repeat that higher education institutions are to have and comply with clear, transparent and fair processes for recruitment of staff.

Preliminary opinions on provisions of the Swedish higher education statutes

The deregulations of 2010 mean that higher education institutions largely may determine their hiring procedure themselves. In the bill *En akademi i tiden – ökad frihet för universitet och högskolor* [Academia for this day and age – greater freedom for universities and university colleges]⁶ the Government states the following:

Increased freedom to formulate the hiring procedure

The Government aims to increase the freedom of universities and university colleges to formulate the hiring procedure, which increases flexibility and should help shorten processing times. A quick but thorough recruitment process is especially important for improving opportunities to recruit prominent researchers internationally. Some referral authorities have expressed concern that increased freedom in the hiring procedure could lead to a less transparent and less fair hiring process. However, the Government judges that requirements regarding the rule of law, public transparency and other general interests that may be applicable to the hiring of teachers are satisfied through the stipulations of the Administrative Procedures Act (1986:223) and the official legal framework for public employment. For example, consideration is only to be given to objective grounds when appointing a public employee. Transparency in the hiring procedure is also guaranteed through the principle of public access to official documents.

Furthermore, the stipulations of the Instrument of Government are applicable: in their operations, agencies must be objective, impartial and observe the equality of all before the law. Against this background, the Government sees no reason for concern about the risk of nepotism or similar to increase with the deregulation of the hiring procedure. The damage such suspicions could cause are sufficiently severe for the higher education institutions to take pains to follow the proper procedure. One consequence of increased freedom is greater demands on the regulations set by the higher education institutions regarding both content and availability. According to the Government, higher education institutions should include the applicable rules for hiring teachers in their appointments procedures, which should be available at the institution.

In the matter of gender distribution among those preparing hiring cases, in the same bill⁷ the Government asserts that it considers increasing the share of women in upper teaching positions to be important. A mixed gender composition among participants in the preparation of staff recruitment is generally considered highly significant for gender equality when hiring teachers. The Higher Education Ordinance should therefore also include a requirement that men and women be equally represented

⁶ See Govt. bill 2009/10:149 p. 70.

⁷ See Govt. bill 2009/10:149 p. 68.

among participants preparing cases for hiring teachers, unless there are special reasons not to do so.

Documentation from the HEI

Attach the latest agreed appointments procedures and explain how they are made available. Attach a list of hiring decisions, in accordance with the consultative document sent to the higher education institution when HEI supervision began.

Implementation

UKÄ intends to randomly review how the higher education institution has handled a number of hiring processes in light of the rules above in the Higher Education Ordinance and the Employment Ordinance. UKÄ will therefore select a number of hiring cases from the list of hirings and ask the higher education institution questions. UKÄ also intends to review that the rules in the appointments procedures are compatible with the stated rules.

Appeals and complaints

Regulations in the statutes and guidelines in the ESG

Chapter 2 of the Higher Education Act on the organisation of public higher education institutions stipulates that a higher education institution decides on its own internal organisation in addition to the board and vice-chancellor, unless otherwise provided (Chapter 2, Section 5 of the Higher Education Act). The board is to decide on rules of procedure with important regulations for the overall organisation of the higher education institution, delegation of authority to make decisions, the management of issues and operational procedures in other respects, unless otherwise provided by statutes or regulations. This is specified in Chapter 2, Section 2, paragraph one, point 8 in the Higher Education Ordinance.

A special appeals board will hear appeals against certain decisions relating to the higher education sector. The decisions of this board may not be appealed. This is specified in Chapter 5, Section 1 of the Higher Education Act and Chapter 12, Section 5 of the Higher Education Ordinance. This is the Higher Education Appeals Board and most decisions by a higher education institution that may be appealed are listed in Chapter 12, Section 2 of the Higher Education Ordinance.

Agencies are obligated to provide instructions on how to appeal if a decision goes against the party and may be appealed. This is based on Section 21 of the Administrative Procedures Act (1986:223). How to appeal a decision is also presented in the Administrative Procedures Act (Sections 23–25), which specifies, among other things, that the appeal must be in writing and that the appellant must specify what decision is being appealed and the change requested. Furthermore, the appeal must be delivered to UKÄ within three weeks from the date when the appellant was notified of the decision. When appealing hiring decisions, however, the time for submitting appeals begins from the day the information was given on the agency's noticeboard (Section 22 of the Employment Ordinance).

Regarding examinations, the Higher Education Ordinance includes a special stipulation on the appeal of grades. When an examiner finds that a decision on a grade is manifestly wrong due to new circumstances or for some other reason, the examiner is to correct the decision, provided that this can take place rapidly, simply and without entailing a lowering of the grade (Chapter 6, Section 24 of the Higher Education Ordinance). An examiner is thus obligated to correct a grade decision if it is obviously erroneous. For other types of decisions, corresponding rules can be found in Section 27 of the Administrative Procedures Act.

ESG's guidelines for standard 1.3 include that when implementing student-centred learning and teaching, a formal procedure for handling

student complaints is to be in place. Moreover, it states that quality assurance processes should take into account that there are established procedures for student appeals.

Report on complaint procedures

According to UKÄ's report *Studentkårernas synpunkter på lärosätenas klagomålsrutiner* [Student unions' opinions on complaint procedures at higher education institutions] (report 2014:17)⁸, many student unions want guidelines for handling complaints. Clearer information about where students should go with problems or complaints is also desired. In UKÄ's view, the student unions' responses indicate that more higher education institutions may need to consider measures for improving how complaints from students are handled.

Documentation from the HEI

Certain decisions that higher education institutions take in student cases and hiring cases may be appealed to the Higher Education Appeals Board. For appealing parties to be able exercise their right to have the matter considered by the higher authority, it is important for higher education institutions to handle appeals properly and submit the correct information. With respect to decisions that may not be appealed, it is important for the higher education institutions to handle any complaints properly.

A Appeals

- A1 Does the higher education institution have guidelines for handling appeals? If so, please attach them.
- A2 Attach the instructions on how to appeal (templates) for the following cases: eligibility, credit transfers, degree certificates, deferment, leave of absence, disciplinary measures and hiring. Attach a list of appeals submitted to the higher education institution, in accordance with the consultative document sent to the higher education institution when HEI supervision began.

B Complaints

- B1 Does the higher education institution have written procedures, rules, guidelines or similar documents for handling complaints from students?
- B2 Does the higher education institution inform students about any procedures, and if so, how?

Implementation

UKÄ intends to review the higher education institution's instructions on how to appeal and any guidelines for handling complaints from

⁸ Also see the report *Lärosätenas klagomålsrutiner – en kartläggning* [Higher education institutions' complaints procedures – a survey] (report 2014:1).

students. UKÄ also intends to randomly review the handling of a number of appeals. UKÄ will therefore select a number of appeals from the list of appeals and ask the higher education institution questions.

The Swedish Higher Education Authority (Universitetskanslersämbetet – UKÄ) is to contribute to strengthening Swedish higher education and Sweden as a knowledge society. We review the quality of higher education programmes; we analyse and follow - up trends within higher education and we monitor the rights of students.

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