

## **Information on Opportunities for Submitting Comments, Objections, Complaints, and Legal Remedies**

(Resolution of the Accreditation Council dated February 26, 2019)

### **1 Preliminary Remarks**

This document is intended to inform higher education institutions and other parties involved in accreditation procedures.

The Accreditation Council Foundation is committed to the *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (ESG). The options for action described below comply with 2.7 ESG, according to which appeal and complaint procedures are part of external quality assurance and must be clearly defined. In accordance with 2.7 ESG, appeals are directed against the outcome of a procedure, whereas complaints concern purely procedural errors. Appeals and complaints submitted to the Accreditation Council Foundation constitute informal legal remedies in accordance with Section 2.7 ESG.

The following refers to the Model Statute (MRVO) adopted by the KMK. As a rule, the legal regulations of the federal states—which alone have legal force—follow the MRVO. If the legal regulation in the state where your university is located deviates from the sections of the MRVO addressed here and if this raises questions regarding the options for appeals and complaints, please contact the office of the Accreditation Council Foundation.

### **2 Review Procedures at the Agency**

The agencies have objection and appeal procedures in accordance with 2.7 ESG. The agency is responsible for handling complaints regarding any procedural errors within its jurisdiction and objections to decisions it has made (for example, objections to the composition of the review panels may be raised pursuant to § 25(6) MRVO). The respective agency is responsible for providing further information on this matter.

Since the agencies are organized under private law, civil legal action may be brought against them.

### **3 Opportunity to submit comments on the accreditation report**

Pursuant to Article 3(4) of the State Treaty on Study Program Accreditation, higher education institutions may attach a statement to their accreditation application submitted to the Accreditation Council Foundation. Institutions should take advantage of this opportunity to comment if they wish to raise objections to the recommendations contained in the accreditation report.

If the Accreditation Council intends to make an accreditation decision that deviates significantly from the expert panel's recommendation, the institution is given the opportunity, pursuant to Section 22(3) of the MRVO, to submit a (further) statement within one month.

### **4 Objections and Complaints to the Accreditation Council Foundation**

Both higher education institutions and third parties have the option to file an objection with the Accreditation Council Foundation against the Foundation's decisions or to lodge a complaint with the Foundation regarding procedural errors.

In addition to internal university complaint procedures, deficiencies in the internal accreditation procedures of system-accredited institutions may be brought to the attention of the Accreditation Council Foundation.

The Accreditation Council Foundation appoints a commission to handle appeals and complaints. This commission consists of three external members: a faculty member, a student member, and a member nominated by the agencies. It reviews appeals and complaints and submits a recommendation for a final decision to the Accreditation Council.

The Foundation provides information on how the objection or complaint was resolved.

In many cases, these complaint and appeal procedures can resolve discrepancies before a lawsuit is filed. However, the one-month deadline for filing lawsuits against decisions of the Accreditation Council Foundation (see § 74 of the Administrative Court Rules – VwGO) is not extended by such an out-of-court attempt at settlement.

## **5 Options for Legal Action Against Decisions of the Accreditation Council Foundation**

Legal action may be brought before the Administrative Court against decisions of the Accreditation Council Foundation.

An objection or appeal filed with the Accreditation Council Foundation does not constitute an appeal under § 68 VwGO and is therefore not a prerequisite for a lawsuit. Rather, the out-of-court preliminary proceedings under § 68 VwGO have been largely abolished in North Rhine-Westphalia (the foundation's state of residence), including in the area of accreditation (see § 110 Justice Act of North Rhine-Westphalia).