

## **Complaint and Appeal Procedures of the Accreditation Council Foundation**

(Decision of the Accreditation Council dated March 14, 2024)

### **Preliminary Remarks**

With the following regulations, the Accreditation Council Foundation implements Standard 2.7 of the *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (ESG), according to which complaint and appeal procedures must be clearly defined as part of external quality assurance. In accordance with 2.7 ESG, appeals are directed against the results of a procedure, whereas complaints concern the conduct of the procedure.

The following describes the procedure following the filing of a complaint or an objection. Options available in addition to the appeal and objection procedures (submission of a statement upon the submission of a request by the institution to the Accreditation Council; submission of a statement in the event of an intended significant adverse deviation by the Accreditation Council from the proposed decisions of the agency or the panel of experts; administrative court proceedings) remain unaffected.

### **1. Composition of the Appeals and Objections Commission**

(1) The Appeals and Objections Commission consists of three external members, i.e., members who do not belong to the Accreditation Council: a faculty member, a student member, and a member of the agencies. Each member has a substitute.

(2) The members of the Commission and their alternates are appointed by the Accreditation Council based on proposals from the respective member groups within the Accreditation Council.

(3) Members of the Commission and their alternates must have in-depth knowledge of the regulations and criteria applicable in accreditation procedures. The alternate may not belong to the same institution as the member.

## **2. Conflicts of Interest**

(1) If a member has a conflict of interest, that member shall be represented by the respective alternate.

(2) A conflict of interest exists, among other things, if the complaint or objection concerns a proceeding conducted by the agency for which the member works or concerns a higher education institution with which the member in question has a membership relationship. In all other respects, the following provisions apply to the assessment of potential conflicts of interest

Sections 20 and 21 of the Administrative Procedure Act of North Rhine-Westphalia (VwVfG NRW).

## **3. Terms of Office**

(1) The term of office for commission members and their alternates is three years. The term may be extended once.

(2) In the event of a member's premature departure, a new member shall be appointed for the full term of three years. This applies to the alternates accordingly.

## **4. Mandate**

The Commission is responsible for handling complaints regarding potential procedural errors and appeals against decisions made by the Accreditation Council or the Executive Board.

## **5. Working Methods**

(1) The Commission makes its decisions by a simple majority.

(2) Commission meetings may be held in person or online.

(3) The members and alternate members of the Commission are bound by a duty of confidentiality.

## **6. Right to File a Complaint or Objection, Deadline, Content, and Form**

(1) Both higher education institutions and third parties are entitled to file a complaint or an objection, provided they were involved in the relevant proceedings or are affected by the subject matter of the complaint or objection (hereinafter referred to as the complainant).

(2) Anonymous complaints or objections are not sufficient to initiate a proceeding.

(3) Appeals and objections must be submitted in writing or by email to the office of the Accreditation Council Foundation. They must be supported by a statement of reasons.

(4) Objections and complaints must be submitted within three months of the disputed decision being made or of the potential procedural error becoming known.

## **7. Procedure**

(1) Upon receipt of a complaint or an objection, the Secretariat shall determine whether the Commission has jurisdiction. It shall inform the complainant of the outcome of the review and the next steps.

(2) If the Commission has jurisdiction, it shall convene a meeting.

(3) In the event of an obviously erroneous decision or an obvious procedural error, this decision or procedural error may be corrected by the body that made the decision (Accreditation Council or Executive Board) without referring the matter to the Commission, provided that the correction is to the benefit of the institution affected by the decision.

(4) The Commission may invite speakers and rapporteurs to the meeting to clarify outstanding issues. It may also hold a meeting with the complainant to clarify outstanding issues. In the case of objections or complaints filed by third parties, the institution concerned must be heard.

(5) The Commission submits a recommendation to the Accreditation Council regarding the full or partial granting or rejection of the objection or complaint. Based on the recommendation, the Accreditation Council decides whether to grant the complaint or objection in full or in part, or to reject the complaint or objection. Sections 48 et seq. of the Administrative Procedure Act of North Rhine-Westphalia (VwVfG NRW) apply.

(6) The faculty members of the Accreditation Council have a double vote regarding the decision on the complaint or objection pursuant to Article 9(4) of the State Treaty on Study Program Accreditation.

(7) The Accreditation Council shall provide reasons for its decision. If it deviates from the Commission's proposal, it must also provide reasons for doing so.

(8) The Accreditation Council shall notify the complainant, the Commission, and, in the case of complaints or objections by third parties, the institution concerned of the outcome of the proceedings. In the case of complaints or objections by third parties, the complainant's personal data shall be disclosed to the institution concerned only with the complainant's consent.