

Complaints Procedure

(Resolution of the Foundation Board of 4 May 2018)

evalag has established a formalised procedure allowing universities to lodge complaints regarding national and international accreditation and certification procedures, as well as evaluations (Section 1) and national assessment procedures for preparing applications for accreditation to the Accreditation Council (Section 2):

Section 1:

National and international accreditation and certification procedures, as well as evaluations

The following provisions (Sections 1 to 4) are relevant to all current national procedures for programme and/or system accreditation, if the contract(s) was/were concluded before 1 January 2018, with reference to the Accreditation Council circular letter of 23 January 2018 regarding the application of existing and new law in accreditation.

§ 1 Pre-examination in system accreditation

- (1) If the preliminary examination for admission to the system accreditation procedure by the Pre-Examination Committee and the Accreditation Commission is negative, the higher education institution may lodge a written objection within four weeks of receipt of the written notification.
- (2) The office examines the complaint and forwards it to the Complaints Commission for a decision in the event of formal complaints which do not relate to the content of the decision.
- (3) The office examines the complaint and (initially) forwards it to the Accreditation Commission if it refers to the content of the decision.

§ 2 Expert group

- (1) The Accreditation Commission compiles the expert group according to the requirements for content regarding national and international accreditation and certification procedures or for programme random samples and informs the higher education institution about the composition of the group.
- (2) Expert groups for evaluations are compiled by the office in agreement with the Board of Trustees. Complaints are dealt with in accordance with § 3 (1).
- (3) Objections of the higher education institution to the appointment of individual experts must be notified in writing to the office within five working days, stating the reasons.
- (4) After examining the objections (lack of impartiality, lack of professional competence, etc.), the Accreditation Commission decides on the exchange of individual members of the expert group.

- (5) This decision is final and binding. The higher education institution has neither a right of proposal nor a veto in national programme and system accreditation procedures.
- (6) Replacing individual experts may result in delays of the procedure and additional costs.

§ 3 Complaints in the context of system accreditation procedures, international programme or institutional accreditation procedures, certification or evaluation procedures

- (1) Complaints submitted by a higher education institution in the context of a system accreditation procedure, which cannot be allocated to points 1, 2 or 4, are first examined by the office. If the office does not see any possibility of redress, as the established procedures have been followed, it shall forward the complaint to the Accreditation Commission.
- (2) The Accreditation Commission may (a) declare the complaint to be well founded and remedy it or (b) not remedy it and refer it to the Complaints Commission.
- (3) The higher education institution, the expert group(s) concerned, and the Accreditation Commission may submit their comments to the Appeals Commission in writing or orally before the decision of the Appeals Commission.
- (4) The Appeals Commission may (a) consider the complaint to be inadmissible and reject it, (b) classify it as fully or partially justified, or (c) consider it unfounded. The Complaints Commission supplements its decision with a proposal for procedural modification.
- (5) The procedure is referred back to the Accreditation Commission with the statement of the Complaints Commission. The Accreditation Commission must consider the reasons and the proposal of the Complaints Commission for the re-decision-making process.

§ 4 Negative accreditation or certification decisions, suspension of the accreditation procedure, determining conditions

- (1) Negative accreditation or certification decisions, the suspension of the accreditation procedure or the establishment of conditions are justified.
- (2) Within a period of four weeks, the higher education institution may appeal to the office against a negative decision or the suspension of the accreditation procedure. A written statement of reasons for the objection must be submitted to the office within six weeks of notification of the accreditation or certification decision.
- (3) The objection can only be based on the fact that the accreditation or certification decision does not comply
 - with the requirements of the Accreditation Council or the Conference of Ministers of Education and Culture Affairs or the procedural principles of **evalag** for programme or system accreditation,
 - with the procedural principles of **evalag** for international programme accreditation,
 - with the procedural principles of **evalag** for international institutional accreditation,

- with the requirements of the Austrian HS-QSG and the process principles of **evalag** for the certification of quality management systems,
 - with the procedural principles of **evalag** for the certification of further education programmes or further educational institutions.
- (4) The office submits the complaint to the Accreditation Commission. The Accreditation Commission may (a) declare the complaint to be well founded and remedy it or (b) not remedy it and refer it to the Complaints Commission.
 - (5) The higher education institution, the expert group and the Accreditation Commission may submit their comments to the Appeals Commission in writing or orally before the decision of the Appeals Commission.
 - (6) The Appeals Commission may (a) consider the complaint (a) inadmissible and reject it, (b) classify it as fully or partially justified and annul the decision of the Accreditation Commission or (c) judge it as unfounded and thus confirm the decision of the Accreditation Commission.
 - (7) In the event of an annulment of the decision, the procedure shall be referred back to the Accreditation Commission with a statement of the Complaints Commission. The Accreditation Commission must consider the reasons that led to the annulment of the decision for the re-decision-making process.
 - (8) The decision of the Accreditation Commission on a procedure referred back is final.
 - (9) If the appeal is directed against a suspension of the accreditation procedure, current time limits are suspended until the final decision on the appeal is taken.

Section 2:

National evaluation procedures for preparing applications for accreditation to the Accreditation Council

The following regulations (§§ 5 and 6) are relevant to all ongoing procedures for the assessment of study programmes and the assessment of quality management systems in studies and teaching, if the contract(s) were concluded after 1 January 2018, with reference to the Accreditation Council circular letter of 23 January 2018 regarding the application of existing and new law in accreditation.

§ 5 Procedures for complaints in the context of evaluation procedures of study programmes as well as the evaluation of quality management systems in studies and teaching

- (1) Complaints submitted by a higher education institution in the context of an evaluation of study programmes or the evaluation of quality management systems in studies and teaching which are not attributable to § 6, are first examined by the office. During the examination, all relevant aspects of the decision, such as procedural, factual and legal issues, are taken into account in the light of the complaint. If the office does not see any possibility of redress, as the established procedures have been followed, it shall forward the complaint to the Accreditation Commission. The Accreditation Commission may (a) declare the complaint to be well founded and remedy it or (b) not remedy it and refer it to the Complaints Commission.

- (2) The higher education institution, the expert groups and the Accreditation Commission may submit their comments to the Appeals Commission in writing or orally before the decision of the Appeals Commission.
- (3) The Appeals Commission may (a) consider the complaint to be inadmissible and reject it, (b) classify it as fully or partially justified, or (c) consider it unfounded. The Complaints Commission supplements its decision with a proposal for procedural modification.
- (4) The procedure is referred back to the Accreditation Commission with the statement of the Complaints Commission. The Accreditation Commission must consider the reasons and the proposal of the Complaints Commission for the re-decision-making process.

§ 6 Expert group

- (1) The office compiles the expert group for national evaluation procedures in accordance with the requirements of the „Leitlinien zu der Benennung von Gutachterinnen und Gutachtern und der Zusammenstellung von Gutachtergruppen für Akkreditierungsverfahren“ of the German Rectors' Conference. The office also informs the higher education institution about the composition of the expert group.
- (2) Objections of the higher education institution to the appointment of individual experts must be notified in writing to the office within two weeks, stating the reasons.
- (3) After examining the objections (lack of impartiality, lack of professional competence, etc.), the Accreditation Commission decides on the exchange of individual members of the expert group.
- (4) This decision is final and binding. The higher education institution has neither a right of proposal nor a veto in national evaluation procedures. Proposals regarding professional profiles of the members of the expert group are admissible.
- (5) Replacing individual experts may result in delays of the procedure and additional costs.