



**Agreement of the Galician Commission for Reports, Evaluation, Certification and Accreditation (CGIACA) dated 30 September 2009, approving the regulations governing the functions of the Commission.**

The reforms brought about by the entry into effect of Organic Law 4/2007 of 12 April, reforming Organic Law 6/2001 of 21 December on Universities, as well as the new requirements derived from the new university context designed by the European Higher Education Area (EHEA), mean that the different evaluation bodies who operate in the field of quality assurance for universities in Europe are obliged to adjust their work to new international quality standards, promoting the establishment of mechanisms for cooperation and mutual recognition. In this area, the reference at European level is established by the criteria and directives for quality assurance in the EHEA issued by the European Association for Quality Assurance in Higher Education (ENQA). Amongst these criteria, one of the most relevant is that which requires these bodies to guarantee that their operations are independent with respect to the higher education institutions and governments.

With this aim in mind, the Board of Directors of the Agency for Quality Assurance in the Galician University System (ACSUG), at its meeting held on 14 July 2008, dealt with the modification of the statutes of the agency, with this situation of independence as the main purpose of the reform, including the design of a new organic structure for the ACSUG itself, creating the Galician Commission for Reports, Evaluation, Certification and Accreditation (CGIACA) as the highest evaluation body of the ACSUG, with the ultimate responsibility and capacity to adopt decisions with regard to these functions, granting it complete independence.

This reform culminated with the publication of Decree 326/2009 of 11 June, modifying Decree 270/2003 regulating the activities of the ACSUG, consolidating the modification made to the Statutes, recognising the CGIACA as the highest evaluation body of the ACSUG, attributing it with the necessary competences to approve the different procedures and protocols for evaluation, reporting, certification and accreditation corresponding to it for the purpose of carrying out its functions.

Finally, this independence would not be complete if the CGIACA did not have the ability to regulate its own operating system. As a result, the Statutes of the ACSUG (Article 23 and the fourth final provision) establish that this commission will approve its own operating regime within the first four months from the date of its constitution.

In accordance with the above, and with the competences attributed to it in the Statutes of the ACSUG, it is hereby agreed to approve the operational regulations of this commission, as enclosed herein.

## APPENDIX

### **REGULATIONS GOVERNING THE FUNCTIONS OF THE GALICIAN COMMISSION FOR REPORTS, EVALUATION, CERTIFICATION AND ACCREDITATION (CGIACA).**

#### **Article 1.-Functions of the CGIACA.**

The CGIACA, as the highest evaluation body of the ACSUG, shall perform with complete independence the functions of issuing reports, evaluation, certification and accreditation as expressed in Organic Law 6/2001 on Universities, which the Law of the Galician Parliament 3/2002 of 29 April on Fiscal and Administrative Measures attributes to the ACSUG; as well as all other similar functions in the area of university quality assurance that may be attributed to it by the Board of Directors of the ACSUG, or by any applicable regulations.

It shall also be responsible for producing and approving reports on the results of the evaluations carried out, which shall be presented to the Board of Directors for its information.

#### **Article 2. Structure of the CGIACA.**

1. As expressed in the Statutes of the ACSUG, the CGIACA shall comprise the following members:

a) The chairman or chairwoman, who will be appointed by the head of the department responsible for university administration, from amongst persons of recognised prestige in the Galician university system, on the proposal of the Board of Directors of ACSUG. The post of chairman or chairwoman of the CGIACA shall be held for four years, which may be extended for equal periods of time, without limit.

In the event of any vacancy, absence, illness or any other similar legal cause, the chairman or chairwoman of the CGIACA shall be replaced by the member who has sat the longest on the respective body with the right to vote, and the oldest person from amongst those members who have sat on the commission for the same period of time.

b) Six board members elected by the Board of Directors of ACSUG, appointed through its chairman or chairwoman, from amongst outstanding members of the academic and scientific community, for a period of four years.

In any event, half of the board members shall be renewed every two years. No board members may be proposed for another immediate period, unless they have held the post for a period of no more than two years; as a result, the first renewal of one half of the board members shall be performed two years from the first appointment, by a majority vote of the members of the CGIACA.

Within the four months prior to the expiry of these appointments, the Board of Directors of the ACSUG shall appoint the new board members. The existing board members continue to exercise their functions until their successors take possession of their posts. In the event of any resignation or vacancy of any of the board members of the CGIACA, a substitute shall be appointed in order to occupy the post for the remaining period.

c) The chairman or chairwoman of the ACSUG, with the right to speak but without the right to vote, who shall act as the Secretary.

The CGIACA shall appoint a substitute Secretary. When appointed from amongst the members of the body, the post shall correspond to the youngest board member, who shall attend the meetings with the rights that correspond to them. Otherwise, they shall attend the meetings with the right to speak but without the right to vote.

2. The composition of the CGIACA must be published in the *Diario Oficial de Galicia* (Official Bulletin of Galicia).

### **Article 3.-Independence of the CGIACA.**

1. The CGIACA shall act with full independence and shall adopt its final decisions with respect to the functions attributed to it, and shall be ultimately responsible for the same.

2. The members of the CGIACA, in the performance of their functions, shall act on their own behalf and with full independence, guaranteeing at all times that no conflicts of interest occur, and shall be subject to applicable legislation with regard to incompatibilities.

### **Article 4.-Abstention by the members of the CGIACA.**

1. The members of the CGIACA shall inform the chairman or chairwoman of the commission of their intention to abstain from procedures in which any of the following circumstances exist:

a) Having a personal interest in the matter in question or in any other whose final decisions may affect any such personal interest; being a director of an interested company or organisation, or having any legal actions pending with any interested party.

b) Having any family relationships within the fourth degree of consanguinity or affinity in the second degree, with any of the interested parties, with the directors of interested companies or organisations, and also with any consultants, legal representatives or proxy holders participating in the procedure, as well as sharing any professional offices or being associated with these for the purposes of consultancy, representation or control.

c) Having any intimate friendship or manifestly negative relationship with any of the of the persons mentioned in the previous paragraph.

- d) Having intervened as an expert witness or ordinary witness in the proceedings in question.
  - e) Having had any type of professional relationship with any individual or company directly involved in the matter, or having provided them with professional services of any kind and in any situation or location in the last two years.
2. When the circumstances described in the previous paragraph affect the chairman or chairwoman of the CGIACA, the communication shall be notified to the chairman of the Board of Directors.
  3. The actions of the members of the CGIACA that involve motives for their abstention shall not necessarily imply the invalidity of the acts in which they intervene.
  4. The chairman or chairwoman of the CGIACA, or otherwise the Board of Directors, may formally require that any persons subject to any of the aforementioned circumstances abstain from any involvement in the procedure.
  5. Any failure to abstain in the corresponding cases shall imply the subsequent legal responsibilities.

#### **Article 5.-Disqualification of the members of the CGIACA.**

1. In the foregoing cases, a disqualification procedure may be presented by the interested parties at any stage of the procedure.
2. The request for disqualification shall be issued in writing, detailing the cause or causes upon which it is based.
3. The following day, the affected party shall declare before the chairman of the CGIACA, or otherwise the Board of Directors, if they are subject to the alleged disqualification or not. If the disqualification is valid, the chairman of the corresponding body shall agree on their abstention from the corresponding procedure.
4. If the affected party denies any such cause for disqualification, the chairman of the CGIACA, or otherwise the Board of Directors, shall resolve the situation within a period of ten days, after considering any reports and verifications it may deem appropriate.
5. No appeals may be presented against any decisions reached in this matter, without prejudice to the possibility of challenging the disqualification by presenting an appeal against the act terminating the procedure.

#### **Article 6.- Meetings and Sessions.**

1. The CGIACA shall meet in ordinary assembly at least every two months. Extraordinary assemblies may be called at any time when so decided by its Chairman, or when expressly requested by at least three members with the right to vote.

2. In order for the CGIACA to be validly constituted for the purpose of holding its sessions, the presence shall be required of its chairman or chairwoman, or the person replacing them; the secretary or substitute secretary, and at least three board members.

#### **Article 7.- *Calls for Meetings.***

1. Calls for meetings of the CGIACA shall be issued in writing addressed to each of the members, at least 72 hours before the appointed time of the meeting. Notifications shall be sent by e-mail to the address expressly indicated by the members of the CGIACA for this purpose.

2. In the case of urgent matters, the period for notification referred to in the previous paragraph may be reduced to 24 hours.

3. The call shall indicate the date, time, location and agenda of the meeting, and if it is an ordinary or extraordinary meeting. It shall also include any documentation necessary for the consideration and adoption of the corresponding agreements.

#### **Article 8.-*Participation of the Committees of Expert Assessors.***

1. In the performance of its duties, the commission may involve different committees of expert assessors (CEA) it may constitute for this purpose, having previously established their composition and functioning regime, as well as the requirements and procedures for their appointment.

2. In general, the CGIACA shall accept the reports issued by the CEA for the purpose of its agreements, unless it is observed that these were adopted in a manner that manifestly differs from the criteria that were previously established in the evaluation procedures. In these cases, pursuant to Article 24 of the Statutes, the Advisory Board shall be requested to pronounce a decision in relation to this matter and make the necessary proposals in order to resolve the controversy.

The CGIACA may also ask the Director of the ACSUG to present to the Advisory Board any matters it considers controversial with regard to the application or interpretation of the evaluation standards, so that it issues the corresponding report.

3. Without prejudice to the foregoing and pursuant to Article 105.2 of Law 30/92 of 26 November on the legal regime affecting the public authorities and common administrative procedure (LRJ-PAC), the CGIACA may correct at any time any factual, material or arithmetic errors observed in the reports issued by the CEA.

4. Pursuant to Article 89 of Law 30/92 of 26 November on the legal regime affecting the public authorities and common administrative procedure (LRJ-PAC), the acceptance of the reports from the CEA shall serve as a motivation for the resolution when they are included in the text of the same.

**Article 9.-Adoption of Agreements.**

1. The agreements of the CGIACA shall be adopted following the majority vote of the members present at the time of voting. In the event of a tie, the chairman or chairwoman shall have the casting vote.

2. Valid agreements with respect to matters not included on the agenda may not be adopted unless all of the members of the CGIACA are present at the meeting and give their express consent to the matter in question, and if the matter has been declared urgent with the vote in favour of the majority of the members with the right to vote.

**Article 10.-Legal Status of the Agreements.**

The decisions adopted by the CGIACA in the performance of the duties with which it is attributed, formalised by the corresponding agreements, shall exhaust all administrative recourses, and may be subject to appeals for review, or directly challenged in the courts of administrative law.

**Article 11.-Subsidiary Regime.**

Pursuant to the first additional provision of the Statutes of the ACSUG, these regulations shall also be subject to Law 30/92 of 26 November on the legal regime affecting the public authorities and common administrative procedure (LRJ-PAC).