

III. OTHER PROVISIONS**AGENCY FOR THE QUALITY OF THE UNIVERSITY SYSTEM OF GALICIA**

RESOLUTION of 4 February 2022 ordering the publication of the Agreement of the Galician Commission of Reports, Evaluation, Certification and Accreditation (CGIECA), of 17 December 2021, approving the protocol defining the procedure for the resolution of claims and appeals lodged with the consortium within the scope of the functions of issuing reports, evaluation, certification and accreditation attributed to it.

Background:

I. The criteria and guidelines for quality assurance in the European Higher Education Area (ESG), approved by the Conference of Ministers held in Yerevan on 14-15 May 2015, which are mandatory for all agencies wishing to become full members of the European Association for Quality Assurance in Higher Education (ENQA) and, therefore, to access the Official European Register of Agencies (EQUAR), specifically in criterion 2.7, state:

Complaints and appeals processes should be clearly defined as part of the design of external quality assurance processes and communicated to institutions.

The guidelines developing this criterion are as follows:

In order to protect the rights of institutions and to ensure fair decision-making, external quality assurance should be implemented in an open and accountable manner. However, there may be misunderstandings or situations of disagreement about the process or formal outcomes. Institutions should have access to processes that allow them to raise issues of concern with the agency. Agencies should deal with such issues in a professional manner through a well-defined process that is systematically applied.

A complaints procedure allows the institution to express its dissatisfaction with the conduct of the process or those who have carried it out.

In an appeal procedure, the institution challenges the formal outcome of the process, when it can demonstrate that the outcome is not based on solid evidence,

CVE-DOG: ap2hhu97-ngc8-hkc0-x3w9-m5s1sq9tavp3



that the criteria have not been applied correctly or that the processes have not been implemented in a systematic way.

The application of this criterion is therefore limited to the activities of the agencies directly related to the evaluation, accreditation or reporting of university quality, both in the institutional dimension and in the evaluation of their teaching staff. Other agency activities such as quality studies, promotion, coordination and cooperation between universities and other evaluation bodies, or other administrative functions inherent to the operation of the agency, are outside its scope of application. In short, all other functions that do not implicitly involve the application of a protocol for the evaluation, accreditation or reporting of university quality.

II. Article 69(2) of Law 6/2013, of 13 June, on the Galician University System (LSUG), establishes that quality assurance of the SUG is the primary purpose of the Agency for the Quality of the Galician University System (ACSUG). To this end, it assumes, within the scope of the Autonomous Community, the achievement of all the objectives referred to in Organic Law 6/2001, of 21 December, on Universities (LOU). Article 70 of the same law establishes that the Galician Commission for Reports, Evaluation, Certification and Accreditation (CGIECA), as the highest quality assessment body of Galician universities, shall carry out the functions attributed to ACSUG in accordance with the provisions of its statutes and other applicable regulations.

In coherence with the above, article 7 of the ACSUG statutes, approved by Decree 6/2018 of 11 January, establishes, in section 1, that the consortium will carry out, within the scope of the Autonomous Community, the functions attributed to it by the LSUG, as well as the functions of issuing reports, evaluation, certification and accreditation provided for in the LOU. As CGIECA (Article 23 of the statutes) is the highest evaluation body of the consortium, it will exercise with complete independence the functions of issuing reports, evaluation, certification and accreditation attributed to the consortium, as well as other similar functions in the field of university quality assurance that may be entrusted to it by the Governing Council or by the applicable regulations.

III. As the CGIECA is ACSUG's highest evaluation body, article 25 of its bylaws establishes the duty of this committee to act independently and to adopt the final decisions regarding the functions attributed to it, for which it will be ultimately responsible. Paragraph 3 of the same article establishes that

CVE-DOG: ap2hhu97-ngc8-hkc0-x3w9-m5s1sq9tavp3



This commission shall approve the different procedures and protocols for evaluation, reporting, certification and accreditation that correspond to the performance of the functions attributed to it.

In line with the above, article 32 of ACSUG's bylaws establishes that the administrative acts issued by this committee, in the exercise of the powers attributed to it, shall exhaust administrative channels and may be appealed by means of an appeal for reconsideration or directly challenged before the contentious-administrative courts. In this way, the procedure for resolving complaints and claims lodged against CGIECA resolutions determines most of the scope of application of this procedure.

However, there are administrative acts that may be issued within the scope of the functions of issuing reports, assessment, certification and accreditation attributed to ACSUG, and which do not fall within the CGIECA's remit, such as decisions regarding the rejection of applications submitted after the deadline, the applicant's agreement to withdraw the application, the archiving of the file for failure to provide the required documentation for the purposes of remedying the situation, in accordance with article 68 of Law 39/2015, 1 October, on the common administrative procedure for public administrations, as well as, as a general rule, the filing of the file for failure to provide the required documentation for the purposes of rectification; to the archiving of the file for failure to provide the required documentation for the purposes of rectification, in accordance with Article 68 of Law 39/2015, of 1 October, on the common administrative procedure of public administrations, as well as, in general, to the adoption of file resolutions due to non-compliance with formal requirements. These powers, according to article 22 letter n) of ACSUG's bylaws, are the responsibility of the head of management.

The resolution of complaints and claims filed as a result of these resolutions will also be subject to this procedure.

IV. At its meeting on 8 October 2019, the CGIECA agreed to launch the study leading to the creation of such a procedure.

V. In accordance with the above, and in accordance with the powers granted, the CGIECA, at its meeting of 17 December 2021, agreed to create the Review Committee, as well as to approve the procedure for resolving claims and complaints filed with ACSUG, within the scope of the functions of issuing reports, assessment, certification and accreditation attributed to it, with the wording that appears in the attached protocol. This



protocol was ratified by the ACSUG Governing Council at its meeting of 22 December 2021.



ANNEX I
**Protocol defining the procedure for the resolution of claims
and complaints filed with ACSUG.**

CHAPTER I
General provisions

Article 1. *Object*

The purpose of this protocol is to comply with the criteria and guidelines for quality assurance in the European Higher Education Area (ESG), approved by the Conference of Ministers held in Yerevan on 14-15 May 2015, and to define the procedure for the resolution of complaints and claims that may be lodged with ACSUG.

Article 2 *Scope of application*

1. Any claims and complaints that may be lodged by any of the interested parties, whether natural or legal persons, as a result of the CGIECA's performance of the functions attributed to it with regard to the issuing of reports, assessment, certification and accreditation of university quality, in accordance with the provisions of article 23 of the ACSUG statutes, shall be processed through this procedure.

2. Any appeals and complaints that may be lodged by any of the interested parties, whether natural or legal, regarding resolutions issued by the head of ACSUG's management regarding the rejection of applications submitted after the deadline, the applicant's decision to withdraw the application, the archiving of the file for failure to provide the required documentation for the purposes of amendment, in accordance with article 68 of Law 39/2015, 1 October, on the common administrative procedure for public administrations, as well as, in general, the filing of the file for failure to provide the required documentation for the purposes of amendment, in accordance with article 68 of Law 39/2015, 1 October, on the common administrative procedure for public administrations, the archiving of the file for failure to provide the required documentation for the purposes of amendment, in accordance with article 68 of Law 39/2015, of 1 October, on the common administrative procedure for public administrations, as well as, in general, the adoption of file resolutions for failure to comply with formal requirements, in accordance with the provisions of article 22 n) of ACSUG's by-laws.

3. Claims and complaints that may be lodged in connection with other activities carried out by ACSUG that do not involve the application of a protocol for the evaluation, accreditation or reporting of university quality, such as consultancy and studies in the field



of quality assurance, are outside the scope of this procedure, as are claims and complaints that may be lodged in connection with other activities carried out by ACSUG that do not involve the application of a protocol for the evaluation, accreditation or reporting of university quality, such as consultancy and studies in the field of quality assurance and quality assurance.



The Agency is responsible for the promotion, coordination and cooperation between universities and other evaluation bodies, as well as other administrative functions inherent to the Agency's operation.

Article 3 *Legal regime*

The Review Committee shall be governed by the provisions of this protocol and the ACSUG statutes; by the rules contained in section three of chapter one of Law 16/2010, of 17 December, on the organisation and functioning of the General Administration and the regional public sector of Galicia and, in general, by the applicable regional regulations on digital administration and by the basic legislation on the legal regime of public administrations and administrative procedure.

CHAPTER II
Review Committee

Article 4 *Constitution and composition of the Review Committee*

1. In accordance with the provisions of article 25.4 of the ACSUG statutes, the CGIECA creates the Review Committee, which shall be made up of the chair, two members and the person holding the office of chair of the CGIECA, or the CGIECA academic member delegated by him/her, who shall attend the meetings with the right to speak but not to vote.

2. The person occupying the office of President shall be appointed from among jurists of recognised and reputed experience, and shall perform the functions of the office of President of the collegiate bodies, as well as any other functions entrusted to him/her by the CGIECA.

3. The members of the committee shall be appointed from among prominent members of the academic, scientific and/or professional community. One of them must have accredited experience in the evaluation of degrees and centres and another with accredited experience in the evaluation of teaching staff. They shall perform the functions of the members of the collegiate bodies, as well as the functions entrusted to them by the CGIECA.

4. The CGIECA shall designate and appoint a secretary of the Review Committee, who shall perform the duties of the secretariat of the collegiate bodies, as well as such other duties as may be entrusted to him/her by the CGIECA. When appointed from among the members of the Review Committee, in addition to these functions, he/she shall assume those corresponding to him/her as a member. He/she may also be appointed from among some of ACSUG's public employees. In this case, he/she shall attend the meetings with



the right to speak but not to vote.



5. In the event of absence, vacancy, illness or any other justified cause, the person holding the office of chairperson or secretary of the Review Committee shall be replaced by the person appointed by CGIECA. In the event that there is no designated person, the oldest member shall take the chair. Similarly, in the event that no person is appointed, the youngest member shall act as secretary.

Article 5 *Appointment and removal*

1. The chair and members of the Review Committee shall be appointed by the CGIECA and, once the ACSUG Governing Board has been informed, they shall be appointed by the person holding the chair of the CGIECA for a period of four years, and their appointment may be extended once for a further four years. In any case, once the term of office has expired, they shall continue to exercise their functions until such time as the persons replacing them are appointed.

2. Both the chairperson and the members of the members of the Review Committee shall cease to hold office on termination of their mandate, for incurring in any of the causes of incompatibility established by the regulations, for their dismissal by the chairperson of the CGIECA, for breach of their duties, following agreement by this committee and a report to the ACSUG Governing Board, or for express resignation. Resignation shall be understood to exist when a member of the Review Committee fails to attend three meetings, without justified cause, during their term of office.

3. The members of the Review Committee expressly undertake, upon appointment, to act with complete independence, autonomy, integrity and impartiality, as well as to abstain in the event of incurring in any of the causes for abstention foreseen in the regulations.

4. The composition of the Review Committee will be made public on the SUG-CA website.

Article 6. *Functions of the Review Committee*

The functions of the Review Committee are

a) Issue proposals for the resolution of any claims and complaints that may be filed with ACSUG within the scope of application defined in article 2 of this protocol, prior to their resolution by the competent body.



b) To issue the proposed resolution regarding any challenges that may be lodged by interested parties with respect to the appointments made by the CGIECA in the constitution of the panels of experts for the different evaluation, reporting, certification and accreditation processes relating to university quality, which are the responsibility of ACSUG.

c) To issue reports on those issues related to the processes of evaluation, reporting, certification and accreditation related to university quality that the CGIECA may entrust to it.

d) To submit to the CGIECA any proposals for improvement it deems appropriate with regard to the processes of assessment, reporting, certification and accreditation relating to university quality within the remit of ACSUG and, especially, in those aspects that strengthen the guarantees of those interested in these processes, as well as to ensure correct compliance with the procedures.

e) Propose reforms to this protocol that it considers relevant.

f) Any other function analogous to the above that may be entrusted to it by the CGIECA.

2. The actions carried out by the Review Committee in the exercise of the functions set out in letters a) and c) of section 1 of this article and which consist of the investigation for the drafting of the proposed decision shall be considered prior actions, in accordance with the provisions of article 55 of Law 39/2015, of 1 October, on the common administrative procedure for public administrations. Therefore, such actions are of an internal nature, and the information, data and assessments collected in them are not subject to the obligation of active publicity or the right of access to public information of Law 19/2013, of 9 December, on transparency, access to public information and good governance, in accordance with the provisions of its article 18.1.b).

Article 7. *Convocations and meetings*

1. The Review Committee shall hold its meetings on an ordinary basis, whenever there are matters to be resolved, in accordance with the functions attributed to it, and shall be convened through the secretariat, at the indication of the chair or at the request of half of its members. The Committee may be validly convened so that the meeting may be held in several places simultaneously, provided that the technical means allow for the normal development of the meeting and respect for the rights of its members.



2. Notifications shall be made 72 hours before the meeting is held, unless the Committee chairperson deems the resolution of a matter to be urgent, in which case it may be made 24 hours in advance. The notices shall be sent by e-mail, as previously indicated by the Committee member, and provided that there is a record of the date and time at which the notice is made available to the Committee member.

3. In addition to the items on the agenda, the notices shall state the place, date and time set for the meeting, and shall attach any documentation that may be necessary to resolve the issues to be discussed.

4. For the Committee to be validly constituted, the chairpersons and the secretary or, where appropriate, the persons replacing them, and at least one member with the right to vote, must be present.

Article 8. *Adoption of resolutions and minutes*

1. Resolutions shall be adopted by simple majority vote. No matter not previously included on the agenda may be discussed or agreed upon unless all members of the Committee are present and it is agreed by a simple majority of votes that the matter be included for discussion and agreement.

2. For each meeting held by the Committee, the person holding the secretariat shall draw up minutes specifying, necessarily, the persons attending, the agenda of the meeting, the circumstances of the place and time in which it was held, the main points of the deliberations, as well as the content of the resolutions adopted. Any member has the right to request the full transcription of his or her intervention or proposal, provided that it refers to any of the items on the agenda and he or she provides on the spot, or within the period indicated by the chair, the text that corresponds faithfully to his or her intervention, and this shall be recorded in the minutes or attached as an annex thereto.

3. The Review Committee may adopt resolutions and approve its minutes using the following means electronic means, respecting the formalities established by the current regulations.

4. In the event of a tied vote on a resolution, the result shall be decided by the casting vote of the person in the chair.



CHAPTER III
Complaints and grievance resolution procedure

Article 9. *Handling and distribution of complaints and grievances*

1. The CGIECA, through the person holding the presidency or, where appropriate, the academic member of the CGIECA to whom participation in the Review Committee has been delegated, shall inform the person holding the presidency of this committee of the matters which, in accordance with the provisions of article 2 of this protocol, it is responsible for reviewing. The Committee shall be given access to the documentation constituting the administrative file under review.

The CGIECA may request, when it deems it necessary, the issuance of any assessments, reports or opinions it deems relevant prior to the review of the cases by the Review Committee. In this case, such assessments, reports or opinions shall be attached to the file under review by the Review Committee.

2. The Chairperson of the Review Committee shall distribute the matters to be reviewed among the members of the Committee for prior study before their approval by the full Committee. If the Chairperson deems it necessary, he/she may assign a matter for prior study to more than one member of the Committee.

Article 10. *Review of cases and proposal for a resolution*

1. The Review Committee shall respond to matters and questions referred to it by the CGIECA. The decisions of the Review Committee shall be adopted collegially through the corresponding resolutions, in the form of proposed resolutions. These shall be reasoned and shall resolve all the claims made in the complaint or grievance.

2. The proposals of the Review Committee are not binding on the CGIECA when adopting its resolutions on the resolution of the claims and complaints referred to in Article 2 of this Protocol. In the event that the CGIECA deviates from the Committee's proposed resolutions, it shall give reasons for doing so.

3. The acceptance and inclusion of the motions for resolutions in the CGIECA resolutions will serve as a motivation for the resolutions.



Additional provision. *Equality between women and men*

In the development and implementation of this protocol, gender mainstreaming shall be taken into account and the provisions of specific legislation on equality between women and men shall apply.

Santiago de Compostela, 4 February 2022

María Patrocinio Morrondo Pelayo President
of the Quality Agency Consortium
of the Galician University System

