



Agreement of the Galician Commission for Reports, Assessment, Certification and Accreditation (CGIACA) of 30 September 2009, approving the operating regulations of this Commission.

The reforms brought about by the entry into force of Organic Law 4/2007, of 12 April, reforming Organic Law 6/2001, of 21 December, on universities, as well as the new demands arising from the new university context designed by the European Higher Education Area (EHEA), mean that the different assessment bodies operating in the field of university quality assurance in Europe must adjust their actions to new international quality standards, promoting the establishment of cooperation and mutual recognition mechanisms. In this field, the reference at European level is established by the criteria and guidelines for quality assurance in the European Higher Education Area established by the European Association for Quality Assurance in Higher Education (ENQA). Among these criteria, one of the most relevant is that which requires these evaluation bodies to ensure that they operate independently of higher education institutions and governments.

To this end, ACSUG's Board of Directors, at its meeting of 14 July 2008, addressed the modification of the agency's statutes, with independence being the main purpose of the reform, in which the design of ACSUG's new organisational structure should be highlighted. The Galician Commission for Reports, Assessment, Certification and Accreditation (CGIACA) was set up as ACSUG's highest assessment body, with ultimate responsibility and the capacity to adopt decisions regarding these functions, providing it with total independence.

This reform culminated in the publication of Decree 326/2009, of 11 June, which modifies Decree 270/2003, regulating ACSUG, and which consolidates the modification carried out by the Statutes, recognising the CGIACA as ACSUG's highest assessment body, attributing to it the powers to approve the different assessment, reporting, certification and accreditation procedures and protocols that correspond to the development of the functions attributed to it.

Finally, this independence would not be complete if the CGIACA did not have the capacity to regulate its own operating regime. Accordingly, the ACSUG Statutes (article 23 and final provision four) establish that this committee shall approve its own operating regulations within the first quarter of the year, counted from the date of its constitution.

In accordance with the foregoing, and in accordance with the powers granted in the ACSUG Statutes, it is resolved to approve the operating regulations of this committee, which are attached as an appendix below.

ANNEX

REGULATIONS FOR THE FUNCTIONING OF THE GALICIAN COMMISSION FOR REPORTS, ASSESSMENT, CERTIFICATION AND ACCREDITATION (CGIACA).

Article 1.-Functions of the CGIACA.

The CGIACA, as ACSUG's highest evaluation body, shall independently exercise the functions of issuing reports, evaluation, certification and accreditation provided for in Organic Law 6/2001, on universities, which the Galician Parliament Act 3/2002, of 29 April, on fiscal and administrative measures attributes to ACSUG; as well as any other similar functions in the field of university quality assurance that may be entrusted to it by ACSUG's Board of Directors, or by the applicable regulations.

It shall also draw up and approve reports on the results of the evaluations carried out, which shall be submitted to the Governing Board for information.

Article 2. Composition of the CGIACA.

1. In accordance with the provisions of the ACSUG statutes, the CGIACA shall be composed of:

a) The President, appointed by the head of the department responsible for universities, from among persons of recognised prestige in the Galician university sector, at the proposal of the ACSUG Board of Directors, for a term of four years, which may be extended for equal periods of time, without limit.

In the event of vacancy, absence, illness or any other similar legal cause, the President of the CGIACA shall be replaced by the longest-serving member of the respective body with voting rights and, among those of the same seniority, by the oldest.

b) Six members elected by the ACSUG Board of Directors, appointed by the President of ACSUG from among prominent members of the academic and scientific community, for a period of four years.

In any case, half of the members shall be renewed every two years. No member may be proposed for another immediate period unless he/she has held office for a period of no more than two years; in this sense, the first renewal of half of the members shall take place two years after the first appointment, by majority agreement of the members of the CGIACA.

Within four months prior to the expiry of the appointments, the ACSUG Board of Directors shall appoint new members. The members shall continue to perform their duties until their successors take office. In the event of the resignation or vacancy of any of the members of the CGIACA, a replacement shall be appointed to fill the position for the remainder of the term.

c) The Director of ACSUG, with voice but no vote, who shall act as secretary.

The CGIACA shall appoint an alternate secretary. When appointed from among the members of the body, the position shall correspond to the youngest member, who shall attend the meetings with the corresponding rights. Otherwise, he/she shall attend the meetings with the right to speak but not to vote.

2. The composition of the CGIACA shall be published in the *Official Journal of Galicia*.

Article 3.-Independence of the CGIACA.

1. The CGIACA shall act independently and take the ultimate decisions in respect of the functions attributed to it, and shall be ultimately responsible for them.

2. The members of the CGIACA, in the exercise of their functions, shall act in a personal capacity and with full independence, guaranteeing at all times that no conflicts of interest arise and subject to the regulations in force on incompatibilities.

Article 4.-Abstention of CGIACA members.

1. Members of the CGIACA shall inform the Chair of the CGIACA of their abstention from taking part in proceedings in which any of the following circumstances apply:

a) Have a personal interest in the case in question or in another case whose outcome may be influenced by the outcome of that case; be a director of the company or entity concerned, or have a litigation matter pending with any interested party.

b) Be related by blood within the fourth degree or by affinity within the second degree to any of the interested parties, to the administrators of the entities or companies concerned and also to the advisors, legal representatives or agents involved in the procedure, as well as sharing a professional office or being associated with them for the purpose of advice, representation or mandate.

c) Having a close friendship or manifest enmity with any of the persons mentioned in the previous section.

d) Have acted as an expert or witness in the proceedings in question.

e) Have a service relationship with a natural or legal person directly interested in the matter, or have provided professional services of any kind and in any circumstance or place in the last two years.

2. When the circumstances listed in the previous paragraph affect the chairperson of the CGIACA, the notification shall be made to the chairperson of the Board of Directors.
3. The actions of the members of the CGIACA in which there are grounds for abstention shall not necessarily imply the invalidity of the acts in which they intervene.
4. The Chairperson of the CGIACA or, where appropriate, the Chairperson of the Governing Board may order persons in any of the aforementioned circumstances to refrain from any involvement in the file.
5. Failure to abstain in appropriate cases shall give rise to legal liability.

Article 5.-Recusal of CGIACA members.

1. In the cases provided for in the previous article, the interested parties may challenge the decision at any time during the proceedings.
2. The objection shall be made in writing, stating the ground or grounds on which it is based.
3. On the following day, the challenged person shall inform the chair of the CGIACA or, as the case may be, the Board of Directors, whether or not the alleged cause is present in him/her. In the first case, the chair of the corresponding body shall agree to his or her abstention in the corresponding procedure.
4. If the person challenged denies the cause of disqualification, the chair of the CGIACA or, where appropriate, of the Board of Directors shall rule within ten days, following the reports and verifications it deems appropriate.
5. No appeal shall lie from decisions taken in this matter, without prejudice to the possibility of invoking the objection when lodging the appeal against the act terminating the proceedings.

Article 6.-Celebration of sessions.

1. The CGIACA shall hold an ordinary meeting at least every two months. It may also hold an extraordinary meeting when so decided by its President, or when expressly requested by a minimum of three members with voting rights.
2. In order for the CGIACA to be validly constituted for the purposes of holding sessions, the presence of its president or president, or the person substituting him/her, the secretary or substitute secretary, and at least three members shall be required.

Article 7.- System of calls for applications.

1. Meetings of the CGIACA shall be convened by means of a written notice addressed to each of the members, at least 72 hours before the meeting is due to be held. Notification of the notice of the meeting shall be sent electronically to the e-mail address that the CGIACA members expressly indicate for this purpose.
2. In case of urgency, the period referred to in the previous paragraph may be reduced to 24 hours.
3. The notice shall indicate the date, time, place and agenda of the meeting, as well as the ordinary or extraordinary nature of the meeting. It shall also be accompanied by the documentation necessary for the deliberation and adoption of the corresponding resolutions.

Article 8.-Participation of the Expert Advisory Committees.

1. The commission may rely, for the exercise of its functions, on different committees of expert advisors (CAE) that it sets up, for which purpose it shall establish in advance their composition and operating rules as well as the requirements and procedure for their appointment.
2. The CGIACA will generally accept the reports issued by the CAEs for the adoption of its resolutions, unless it is found that these were adopted in a clear departure from the criteria previously established in the assessment procedures. In these cases, in accordance with the provisions of article 24 of the bylaws, it shall ask the Advisory Board to issue a ruling and make the appropriate proposal to resolve the dispute.

Likewise, the CGIACA may at any time request the Director of ACSUG to submit to the Advisory Council any questions it considers controversial regarding the application or interpretation of the assessment scales, for the latter to issue the corresponding report.

3. Without prejudice to the provisions of and in accordance with Article 105.2 of Law 30/92, of 26 November, on the legal regime of public administrations and the common administrative procedure (LRJ-PAC), the CGIACA may at any time correct any material, factual or arithmetical errors in the reports issued by the CAE.
4. In accordance with the provisions of Article 89 of Law 30/92, of 26 November, on the legal regime of public administrations and common administrative procedure (LRJ-PAC), the acceptance of the reports of the CAE will serve as grounds for the decision when they are incorporated into the text of the decision.

Article 9.-Adoption of agreements.

1. The resolutions of the CGIACA shall be adopted by a majority vote of the members present at the time of voting. In the event of a tie, the Chairperson shall have the casting vote.

2. No valid resolutions may be passed on matters not included in the agenda unless all members of the CGIACA are present at the meeting and expressly consent to it, and the urgency of the matter is declared by a majority vote of the members entitled to vote.

Article 10.-*Legal regime of the agreements.*

The decisions adopted by the CGIACA in the exercise of the powers attributed to it, formalised by means of the corresponding agreements, shall exhaust administrative channels and may be appealed against by means of an appeal for reconsideration, or challenged directly before the contentious-administrative jurisdiction.

Article 11.-*Subsidiary regime.*

In accordance with the first additional provision of the ACSUG Statutes, Law 30/92, of 26 November, on the legal regime of public administrations and common administrative procedure, shall apply subsidiarily to these regulations.