



Agency for
Quality Assurance
and Accreditation
Austria

Supplement to the Rules of Procedure
of the Board of 16 January 2012

Rules of Procedure of the Appeals Committee

RoP Appeals Committee

adopted at the 9th meeting on 14 December 2012,
amendments on 21 February 2013, 10 February 2016,
11 September 2019 and 11 November 2020,
last amended at the 76th meeting on 17 November 2022

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Supplement to the Rules of Procedure of the Board of 16 January 2012

Rules of Procedure of the Appeals Committee

(RoP Appeals Committee)

Pursuant to § 9 para. 1 subpara. 7 in conjunction with § 13 para. 11 of the Act on Quality Assurance in Higher Education (Hochschul-Qualitätssicherungsgesetz, HS-QSG), F. L. G. I no. 74/2011, last amended by the Federal Act published in F. L. G. I no. 177/2021, the Board of the Agency for Quality Assurance and Accreditation Austria (AQ Austria) adopted the following

Rules of Procedure of the Appeals Committee

§ 1. Responsibilities and objectives

(1)

The Appeals Committee shall deal with and decide on appeals lodged by educational institutions

1. within the framework of audits (§ 22 HS-QSG):
 - against the procedure as such,
 - against certification decisions,
 - in case of an incorrect results report,
2. within the framework of accreditation procedures of universities of applied sciences and university of applied sciences degree programmes (§ 23 HS-QSG) and of private university colleges or private universities and degree programmes at private university colleges or private universities (§ 24 HS-QSG):
 - against the procedure as such, insofar as these do not effect appraisals of evidence to be filed in the scope of other appeals,

3. within the framework of quality assurance procedures at foreign higher educational institutions resulting in a formal decision of the Board (§ 9 para. 1 subpara. 14 HS-QSG):
 - against the procedure as such,
 - against the final decision of the Board,
4. within the framework of procedures relating to the notification of degree programmes at foreign higher educational institutions (§ 27 HS-QSG):
 - against the procedure as such, insofar as these do not effect appraisals of evidence to be filed in the scope of other appeals,
5. within the framework of other quality assurance procedures:
 - against the procedure as such.
6. within the framework of review procedures (§ 26a HS-QSG):
 - against the procedure as such.

(2)

The Appeals Committee's objective is to ensure a fair procedure. It mediates in cases in which educational institutions consider their interests infringed and works towards a mutual agreement.

(3)

The appeal brought against the Appeals Committee is no appeal as defined by the General Administrative Procedure Act (Allgemeines Verwaltungsverfahrensgesetz 1991, AVG), F. L. G. no. 51/1991. The educational institution's rights during an accreditation procedure pursuant to the AVG are not affected by the appeal brought against the Appeals Committee.

(4)

Appeals do not hinder the continuation of an ongoing procedure.

§ 2. Members and Chair

(1)

The Appeals Committee shall consist of the members and substitute members nominated and appointed by the General Meeting pursuant to § 13 para. 3 HS-QSG.

(2)

The substitute members represent the members of the Appeals Committee in cases of conflict of interest or in case that they are temporarily unavailable. Two substitute members shall be asked to do so alternately. In case that the substitute member summoned accordingly is unavailable, the other substitute member shall replace him/her instead.

(3)

In the event of resignation or a recall of a member of the Appeals Committee, a substitute member shall take his/her place until a new member has been appointed; an Austrian

member shall be represented by the Austrian substitute member, a foreign member by the foreign substitute member.

(4) The Appeals Committee shall elect a chairperson and a deputy chairperson from amongst its members.

§ 3. Meetings

(1)

The Appeals Committee holds meetings as needed. The Chair shall convene and chair the meetings.

(2)

The meetings of the Appeals Committee shall not be public. The members of the Appeals Committee are bound to secrecy.

(3)

Representatives of the Secretariat may be called in to attend at a meeting on a consultative basis. Minutes shall be taken at each meeting and signed by the Chair. The minutes shall be drawn up by the Secretariat.

§ 4. Quorum Requirements

(1)

The Appeals Committee shall have a quorum if three members (or substitute members, respectively) are present. They shall take their resolutions by a simple majority.

(2)

In urgent cases or if concerning matters that need not be discussed, the Chair may propose to take a decision in writing. No decision in writing shall be passed if one member requests a discussion of the case.

§ 5. Conflict of interest

The grounds for a conflict of interest defined by § 7 AVG apply to the members of the Appeals Committee. In case of doubt, the Appeals Committee shall decide on whether such a ground exists. In any case, a conflict of interest shall be presumed if a member itself declares to be biased. A member affected by a conflict of interest shall abstain from participating in the meeting as long as the respective matter is discussed, and shall be represented by a substitute member.

§ 6. Admissibility and lodging of an appeal

(1)

Only an educational institution directly affected by a procedure may lodge an appeal.

(2)

Appeals shall be lodged with the Secretariat of AQ Austria in writing by the body authorised to represent the appealing educational institution externally.

(3)

An appeal against a procedure as such may be lodged at any time. Appeals against decisions which are not issued in the form of an official notification shall be lodged within three months upon completion of the procedure.

(4)

The educational institution lodging the appeal shall specify in the appeal which interests they consider infringed and shall include a rationale.

(5)

The Secretariat shall forward the appeal without delay to the Chair of the Appeals Committee and shall inform the Board of AQ Austria about the appeal.

§ 7. Verification of admissibility

The Appeals Committee shall review the appeal as to its admissibility and may reject it if necessary.

§ 8. Procedure

(1)

The Chair decides whether to deal with the appeal in writing or if a meeting of the Appeals Committee is necessary, in which case he/she shall convene a meeting as soon as possible.

(2)

The Appeals Committee may invite the educational institution lodging the appeal to a meeting. The Appeals Committee may also, upon consultation with the educational institution lodging the appeal, hold a hearing with third parties. For the evaluation of controversial issues, the Appeals Committee may, if necessary, seek expert advice of a third party to be arranged by the Secretariat.

(3)

The Board of AQ Austria shall be given the opportunity to express an opinion on the appeal.

(4)

The educational institution lodging the appeal shall be given the opportunity to comment on the results of the investigations.

§ 9. Results of the procedure

(1)

The Appeals Committee shall report the results of its investigations to the Board of AQ Austria and to the educational institution lodging the appeal and shall, if necessary, suggest appropriate measures to solve the problem.

(2)

The Board of AQ Austria is not bound by the Appeals Committee's decision or legal opinion, respectively. In case that the Board does not follow the Appeals Committee's recommendation, it shall inform the committee why it is not in line with the recommendations.

§ 10 Entry into force

(1)

These Rules of Procedure supplementary to the Rules of Procedure of the Board shall enter into force upon the Board's resolution.

(2)

Pursuant to § 12 para. 1 subpara. 3 HS-QSG, the Rules of Procedure shall be provided to the General Meeting for a statement.

