

Approved  
by order No. 1.6-1 of 3 January 2022  
of the foundation “Academic Information Centre”

Issued pursuant to Section 72, Paragraph one, Clause 2  
of the State Administration Structure Law

## **Rules of Procedure of the Appeals Commission**

### **I. General Provisions**

1. The rules of procedure of the Appeals Commission (hereinafter – the Rules of Procedure) prescribe the composition, obligations, rights, adoption of decisions, and work organisation of the Appeals Commission (hereinafter – the Commission).

2. The Commission is a collegial authority that examines applications on the decisions adopted by the Study Quality Commission in accordance with Sections 55<sup>2</sup> and 55<sup>3</sup> of the Law on Higher Education Institutions, Cabinet Regulation No. 795 of 11 December 2018 “Regulations Regarding Licensing of Study Programmes”, Cabinet Regulation No. 793 of 11 December 2018 “Regulations Regarding Opening and Accreditation of Study Fields”, other laws and regulations, and the provisions of these Rules of Procedure.

3. The Accreditation Department “Quality Agency for Higher Education” (hereinafter – the secretariat) of the foundation “Academic Information Centre” (hereinafter – the Centre) shall ensure the updating of the Rules of Procedure and perform the functions of the secretariat to carry out the organisational activities specified in the Rules of Procedure.

4. Personal data specified in the documents received or drawn up within the scope of the Commission’s activities shall be processed in order to ensure the fulfilment of the Commission’s tasks. The Centre shall act as the personal data controller.

### **II. Composition of the Commission and Commencement of Work**

5. The Commission shall consist of four members of the Commission. The members, chairperson, and deputy chairperson of the Commission shall be approved by the Council for Quality Assurance in Higher Education (hereinafter – the Council). The candidates for the position of Commission members shall be selected by the secretariat in accordance with the requirements laid down in Paragraph 7 of Cabinet Regulation No. 795.

6. A member of the Commission shall have the right to discontinue his or her activities in the Commission by submitting an application on the discontinuation of his or her duties to the secretariat. If a member of the Commission discontinues his or her activities in the Commission, the Council shall approve another candidate for the position of Commission member for the remaining period from the date of the approval of the Commission.

7. The secretariat shall, no later than within three working days after receiving the approval of the nominations for the composition, chairperson, and deputy chairperson of the Commission by the Council, notify the approved members of the Commission thereof by

electronic means and shall, upon receiving a confirmation of readiness to commence the fulfilment of duties sent by electronic means, no later than within ten working days, draw up and conclude an employment contract with the members of the Commission, and also shall draw up an order on the appointment of the members of the Commission.

### **III. Obligations and Rights of the Commission**

8. The Commission shall examine the applications on the contested decisions of the Study Quality Commission (hereinafter – the contested decision) and shall make the final decision in accordance with the procedures laid down in the Administrative Procedure Law.

9. After fulfilling the task referred to in Paragraph 8, the Commission shall have the following obligations:

9.1. to examine and to evaluate the contested decisions with nature of the final regulation in substance;

9.2. to become familiar with and to evaluate the case materials used in the adoption of the contested decision;

9.3. to hear the opinion of the party to the administrative proceedings on the validity of the contested decision and the compliance with the procedural conditions for the adoption thereof;

9.4. to participate in the meetings of the Commission in person or remotely with the prior consent of the chairperson of the Commission and the secretariat;

9.5. to participate in the adoption of the decision in compliance with the procedures laid down in the Rules of Procedure and to draw up the decision;

9.6. to instruct the chairperson of the Study Quality Commission to sign the licences and accreditation sheets issued on the basis of the decision by the Commission;

9.7. to ensure the preparation of explanations for the court if the decision by the Commission has been appealed before court;

9.8. to ensure the representation of the Commission before court if the decision by the Commission is to be appealed before court; and

9.9. to handle other matters within the scope of the competence of the Commission in accordance with the regulatory framework.

10. The Commission shall have the following rights:

10.1. to request, receive, or otherwise obtain information necessary for the adoption of the decision;

10.2. to invite to the meeting of the Commission the members of the Study Quality Commission, assessment experts, the parties to the proceedings, representatives of institutions and organisations, and other persons whose opinion is relevant for the adoption of the decision;

10.3. to become familiar with the actual circumstances at the relevant higher education institution, its branches, or representative offices;

10.4. to express individual opinion on the decision to be adopted by recording it in accordance with the procedures laid down in Chapter IV of the Rules of Procedure.

10.5. to receive organisational and technical support from the secretariat for the organisation of the work of the Commission in accordance with the provisions laid down in Chapter V of the Rules of Procedure.

- 10.6. to put forward suggestions for improving the work of the Study Quality Commission and the secretariat in the adoption of decisions; and
- 10.7. to exercise other rights in accordance with the relevant regulatory framework.
11. The Commission shall fulfil its duties:
  - 11.1. impartially, independently, and autonomously;
  - 11.2. with due respect for confidentiality and ensuring the protection of personal data; and
  - 11.3. assuming joint liability for the adoption of the decision.

#### **IV. Procedures for the Adoption of Decisions**

12. The Commission shall adopt the decision on the contested decision in a meeting in person or remotely by evaluating the case materials necessary to adopt the decision.

13. The Commission shall be authorised to adopt decisions only if at least three members of the Commission are present at the meeting.

14. The Commission shall adopt the decision in accordance with the Administrative Procedure Law and other laws and regulations.

15. The Commission shall adopt the decision by mutual agreement. If the Commission fails to reach an agreement, the decision shall be adopted by open voting with a simple majority of votes. In the case of an equal number of votes, the chairperson of the Commission shall have the casting vote, but in his or her absence – the deputy chairperson of the Commission.

16. If two members of the Commission at the same time abstain from examining the application for the contested decision and adopting the decision due to a conflict of interest or in case of doubt as to the impartiality of a member of the Commission in the adoption of the decision, the Commission shall be authorised to adopt the decision if at least two members of the Commission are participating in the adoption of the decision.

17. A member of the Commission shall abstain from examining the application for the contested decision and adopting the decision in case of a conflict of interest or in any case of doubt as to the impartiality of a member of the Commission in the adoption of the decision.

18. A conflict of interest may arise in different situations, including, but not limited to, the cases where:

18.1. the member of the Commission has participated in drawing up the contested decision or in the adoption of the decision in question;

18.2. the member of the Commission holds, or over the last two years has held, a position at a higher education institution, the study programme or study field of which is the subject of the decision to be adopted;

18.3. the member of the Commission participates, or over the last two years has participated, in a collaboration or scientific project implemented at the higher education institution the study programme or study field of which is the subject of the decision to be adopted;

18.4. the member of the Commission has, over the last two years, adopted any decision regarding the higher education institution the study programme or study field of which is the subject of the decision to be adopted;

18.5. the member of the Commission has, or over the last two years has had, a contractual relationship with the higher education institution, the study programme or study field of which is the subject of the decision to be adopted; or

18.6. a relative <sup>1</sup> of the member of the Commission holds an elected position or the position of an official at a higher education institution, the study programme or study field of which is the subject of the decision to be adopted.

19. The member of the Commission shall notify the chairperson of the Commission of the occurrence of a conflict of interest or any doubt as to the adoption of an impartial decision in writing, but in case of a conflict of interest of the chairperson of the Commission – the members of the Commission and the secretariat. The chairperson or the deputy chairperson of the Commission shall organise the adoption of the decision in the absence of the member of the Commission who is subject to a conflict of interest.

20. The Commission shall adopt the decision within the term specified in the Administrative Procedure Law.

21. The grounds of the decision by the Commission, including the considerations of expediency, shall be included in the minutes of the meeting of the Commission.

22. The member of the Commission, who has an individual opinion on the case, shall express it in the meeting of the Commission by providing a reasoning and shall submit it to the chairperson of the Commission in writing within three working days of the day after the meeting of the Commission was held. The individual opinion of the member of the Commission shall be attached to the decision of the Commission.

23. The secretariat shall, within five working days, draw up draft minutes of the meeting of the Commission. The Commission shall, within ten working days, draw up a full decision of the Commission on the basis of the minutes of the meeting of the Commission.

24. The secretariat shall send the adopted decision and the documents related thereto (licence, accreditation sheet) to the higher education institution, the Study Quality Commission, and the Ministry of Education and Science in accordance with the requirements for the notification of administrative acts laid down in the relevant laws and regulations.

25. The decision of the Commission may be appealed to a court within one month after its entry into force in accordance with the procedures laid down in the Administrative Procedure Law.

## **V. Organisation of the Work of the Commission**

26. The meetings of the Commission shall be open, unless otherwise established by the chairperson of the Commission.

27. The work of the Commission shall be organised by its chairperson but in his or her absence – by the deputy chairperson of the Commission or another appointed member of the Commission.

28. For the purpose of improving the efficiency of the work of the Commission, an electronic coordination procedure may be organised to handle matters falling within the scope of competence of the Commission if agreed to by the majority of the members of the Commission. For the purpose of organising the electronic coordination procedure, the secretariat shall send a draft document to the members of the Commission by electronic means to the e-mail address

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<sup>1</sup> Within the meaning of the law On Prevention of Conflict of Interest in Activities of Public Officials.

indicated by them. If no objections or proposals are received within three working days, the draft document shall be considered coordinated.

29. The chairperson of the Commission shall:

29.1. establish the type, time, and agenda of the meetings of Commission;

29.2. determine the composition of the members invited to the meeting of the Commission;

29.3. instruct the secretariat to draw up information requests for the parties to the proceedings and other institutions and persons;

29.4. chair the meetings of the Commission;

29.5. organise the adoption of the decision in accordance with Chapter IV of the Rules of Procedure;

29.6. sign the minutes of the meetings of the Commission and the decision adopted;

29.7. sign the opinion of the Commission and its explanations to the court in case the proceedings have been initiated;

29.8. ensure the representation of the Commission before State administration institutions and court;

29.9. instruct other members of the Commission to fulfil individual tasks or to represent the Commission in proceedings if an appeal has been lodged against the decision of the Commission; and

29.10. perform other duties to ensure the work of the Commission.

30. The organisational and technical work of the Commission shall be ensured by the secretariat which shall provide material and technical, organisational, informative, and legal support to the Commission. It also shall:

30.1. receive, examine, and register applications on contesting the decision of the Study Quality Commission;

30.2. draw up work documents for the members of the Commission and send them by electronic means for examination at least five working days prior to the meeting of the Commission or, in urgent cases, immediately after their receipt;

30.3. prepare information requests for the parties to the proceedings and other institutions and persons as instructed by the chairperson of the Commission;

30.4. ensure the technical support to hold the meetings of the Commission, including remote meetings;

30.5. inform the members of the Commission about the time and place of the meeting by electronic means at least three working days prior to the meeting;

30.6. keep the minutes of the meeting of the Commission and shall, within five working days, draw up the draft minutes of the meeting and send them to the members of the Commission by electronic means for coordination;

30.7. prepare licences or accreditation sheets for signing;

30.8. communicate with the State administration institutions and court regarding the adoption of or appeal against the decision; and

30.9. handle other matters related to the organisational and technical support of the Commission.

31. The minutes of the meeting of the Commission shall include the date of the meeting, its start and end time, members present at the meeting, their status in the administrative

proceedings, the agenda, main information provided by the parties to the proceedings, main conclusions of the Commission and grounds that support them, the legal basis of the decision of the Commission, including the considerations of expediency, the individual opinions of the members of the Commission, the results of the voting, and the decisions adopted.

32. The minutes of the meeting of the Commission shall be considered coordinated if no objections or proposals are received within three working days of the day after the draft minutes were sent to the members of the Commission.

33. The minutes of the meeting of the Commission shall be signed by the chairperson of the Commission or, in case of his or her absence, by the deputy chairperson and the secretary of the Commission.