

Modifications of the Guide – Part III:

14. Settlement of appeals proceedings

14.1. Relation with the university

The Agency makes every effort to have with each evaluated university a close and constructive relationship, based on systematic and continuous communication between institutions. To this end, after the evaluation visit, the **mission director** sends to the evaluated university a letter containing the preliminary results of the institutional evaluation, so that it can submit in writing any comments and suggestions to correct data that were either misunderstood or inadequately taken.

Since the data used in the arguments of the Agency's report are public and were provided by the institution in writing in the self-evaluation report, during the evaluation visit, as well as in the letter of reply to the letter sent by the mission director, the elements that may be appealed are only how the external evaluation process was conducted, for procedural flaws or for reasons related to the observance of ethics rules. The ratings and approvals proposed have the character of approvals issued by an agency specialized in quality assurance in higher education and can only be corrected by the agency concerned or possibly by another agency with the same competence and status, based on the same documents and proceedings which were the basis of the initially given qualification or approval.

After publication of the *Agency's External institutional evaluation report* on ARACIS website, if the institution considers that there are reasons of the type mentioned above, it may make an appeal in writing against the rating given by the agency, *within maximum two weeks since its publication*, by means of a letter registered to the agency within the mentioned date.

Usually, not later than 30 days since receipt of the appeal, as specified in paragraph 14.2, the **ARACIS Council's Executive Board** reviews the report and invites the university rector and the contact person for a discussion of clarification. If after discussion, the university representatives consider that the agency's report is based on real and documented evidence, the appeal may be

withdrawn in writing and the *Agency's External institutional evaluation report* published on the website shall be deemed approved in its original form.

If after this discussion, the university representatives maintain their appeal or if they do not wish to participate in the discussion, the appeal is settled in accordance with paragraph 14.3. If an appeal is received, the duration of the evaluation period is extended by right for the necessary period to resolve the appeal.

After completion of the appeal settlement proceedings and approval by the Council, the Council's President announces the university, by means of an official letter, about the result of the appeal's settlement and the agency publishes on its website a notice about how it was settled.

14.2. Receipt of appeals

All appeals which are taken into account for analysis and settlement must be signed by the head of the institution (rector) and be submitted in writing to the agency's registry within the date specified at paragraph 14.1. Within maximum three days since publication on the agency's website of the evaluation results, ARACIS sends an *Information letter* to the university stating that they are available on website.

Appeals filed to ARACIS after the end of this period or those submitted to other institutions, which then send them to the agency for settlement, are not taken into account.

14.3. Settlement of appeals

Appeals are reviewed by **ARACIS Council's Executive Board** which specifies the nature of the appeal respectively classifies it within one of the categories *Appeals relating to procedural flaws* or *Appeals relating to issues of ethics*, and appoints a speciality inspector to make a preliminary analysis of the file.

The speciality inspector examines the appeal and the evaluation-related documents and draws up a report stating whether the appeal is based on reasons that have been reported in the visit records or in the institution's letter of reply to the letter sent after the visit by the mission director but, either they

were not taken into consideration by the Speciality department, either the Speciality department has considered them unfounded for reasons contained in the respective department's Report.

ARACIS Council's Executive Board examines the speciality inspector's report and takes the following decisions:

- if it is ascertained that the reasons contained in the appeal were not reported in the institution's letter or are not mentioned per se in the visit records, the **ARACIS Council's Executive Board** proposes to the Council the *rejection of appeal*;
- if these reasons were reported by the institution before the Council's decision on the final ratings, for the institution or for the evaluated study programmes within the institutional evaluation, and the Speciality department's report does not include elements that relate to these reasons, the **ARACIS Council's Executive Board** proposes the *appointment of an appeal settlement commission*.

Complaints relating to procedural flaws, claiming the breach of the provisions contained in the *Methodology* or *Guide*.

Method of settlement.

1. The **ARACIS Council's Executive Board** appoints *an appeal settlement technical Commission* consisting of three persons, namely a Board representative, an Advisory commission representative and a representative of the Department of inspectors and experts, usually the head of this department who verifies at ARACIS, based on the evaluation documents, whether the procedural flaws reported in the appeal are real or not. After that, he draws up a report.
2. If the *appeal settlement technical Commission* finds that the procedural flaws alleged in the appeal are not real, the commission will propose to the Council to reject the appeal as unfounded. If this commission finds that the reported procedural flaws are real, it will propose to the Council to resume the evaluation procedures in order to correct the issues raised, without the university having to bear further evaluation costs, which are covered by agency.

3. For the re-evaluation activities, the Council approves, upon proposal of the **ARACIS Council's Executive Board**, the nominal composition of an *additional appeal settlement Commission* formed, according to the nature of the disputed issues, of two evaluation experts and a representative of the Department of inspectors and experts, who may carry out a further visit to the university, only for verifying aspects that cannot be clarified in the documents available. After completion of the re-evaluation proceedings, the additional appeal settlement Commission's proposal shall be submitted for approval by the Council.
4. The Council examines the proposals received after the procedures previously specified and approves them by secret ballot.

Appeals relating to issues of ethics, claiming the breach of the Code of professional ethics in evaluation activities for the authorization, accreditation and quality assurance in the Romanian higher education.

Method of settlement.

1. The appeal shall be settled in compliance with the provisions of Section IV, paragraph II of the code, noting that the appeal must contain the proof of the fact that the notification was made within five days since the date of the events considered as violations of the code of ethics.
2. If the alleged violations of the code of ethics alleged in the appeal are found not to be sustained by evidence, the Commission of Ethics and Moral Integrity or the evaluation commission designated by ARACIS Council proposes to the Council to reject the appeal as unfounded. If it is ascertained that the reported violations of the code of ethics are supported by evidence, the Council may order the resumption of evaluation procedures in order to correct the issues raised, without the university having to bear further evaluation costs, which are covered by the agency.
3. The Council examines the proposals received after the procedures previously specified and approves them by secret ballot.

14.4. Completion of appeals

Within maximum five working days from the date of the Council's meeting that approved the appeal settlement results, which are considered final, the agency publishes on its website the appeal's content, as well as a notice on the settlement result and how it was resolved.