



PROCEDURE FOR SOLVING APPEALS AND COMPLAINTS SUBMITTED IN EXTERNAL QUALITY EVALUATION PROCESSES

SECTION I. COMMON PROVISIONS

Art. 1. Purpose of the procedure

- (1) This procedure establishes the rules for handling and solving the requests submitted by higher education institutions, ARACIS members or third parties regarding the manner of conducting or the results of the external quality evaluations performed by ARACIS, namely receiving, registration, solving, and communicating the results, structures and persons involved, and their responsibilities.
- (2) The procedure aims to create the necessary framework for higher education institutions, ARACIS members or third parties to be able to defend their rights and notify the actions/failure to act and non-compliant conduct regarding external evaluation activities, to ensure compliance with the fundamental principles and ethical values committed to by ARACIS, as defined in the [*Code of Ethics and norms of conduct in the activities carried out by ARACIS regarding the quality assurance and assessment in higher education in Romania*](#).

Art. 2 Scope of the procedure

The procedure concerns the handling and solving of appeals and complaints:

- a) Appeals are submitted regarding the results of the external education quality evaluation, when such results have not been formulated objectively and are not based on evidence, when the criteria and/or evaluation procedures have not been applied correctly.
- b) Complaints are submitted regarding the expert evaluator capacity or the way in which expert evaluators have carried out external quality evaluation processes.

Art. 3 Reference documents

- a) Government Emergency Ordinance on quality assurance in education no. 75/2005, approved by law no. 87/2006, as further amended and supplemented;
- b) Government Decision 1418/2006 on approving the External evaluation methodology, standards, reference standards, and list of performance indicators of the Romanian Agency for Quality Assurance in Higher Education, as further amended and supplemented;
- c) Order 3651 of 12 April 2021 of the Minister of Education to approve the Methodology for evaluation of doctoral studies and the systems of criteria, standards and performance indicators used in the evaluation
- d) ARACIS Regulation on the Organization and Operation, approved by Decision of the ARACIS Council no. 105/25.11.2021;
- e) *Code of ethics and norms of conduct in the activities carried out by ARACIS regarding the quality assurance and assessment in higher education in Romania*, approved by Decision no. 73 of 28.09.2017 of the ARACIS Council;
- f) Standards and Guidelines for Quality Assurance in the European Higher Education Area - ESG.



SECTION II. DESCRIPTION OF THE APPEALS SOLVING PROCEDURE

Art. 4 Subject of appeals

- (1) Any university or education provider or any public or private legal entity interested in the provision of education, which has been subject to the external evaluation procedure as provided by the law, acting as a claimant, has the right to appeal by submitting an appeal against the results of the external evaluation, should they consider that they have been injured, for reasons that these have not been made objectively and do not rely on clear evidence, or that the criteria established by the evaluation methodology and/or the evaluation procedures have not been applied correctly.
- (2) Depending on the type of external evaluation procedure, appeals can be formulated against the results expressed through the awarded judgments, as follows:
 - a. in an external evaluation procedure carried out for higher education programmes and/or study domains;
 - b. in an external evaluation procedure carried out for higher education institutions or education providers.

Art. 5 Membership and appointment of the Appeals Commission

- (1) For the resolution of appeals, ARACIS constitutes the Appeals Commission composed of 3 members, as follows:
 - a) 2 professors, acting as permanent members, and 1 professor, acting as alternate member, members of the National Register of Evaluators (RNE),
 - b) 1 student, acting as permanent member, and 1 student acting as alternate member, members of the RNE-Students.
- (2) The members of the Appeals Commission are appointed by the ARACIS Council on a 4-year mandate in the case of professors, and 2 years in the case of students, upon the proposal of ARACIS's technical staff and, respectively, of the student federations represented on the ARACIS Council.
- (3) The Appeals Commission shall be supplemented by 2 professors, members of the National Register of Evaluators (RNE) for the envisaged higher education study domain or the study domain that the envisaged higher education study programme belongs to, in the case of appeals submitted in external evaluations of higher education study programmes or domains.
- (4) The members mentioned in para. (3) shall be appointed on the Appeals Commission by the Executive Board of ARACIS (EB), upon the proposal of the Permanent Speciality Experts Commission (PSEC) to which that higher education study domain is allocated.
- (5) A person may be a permanent member of the Appeals Commission for no more than 2 mandates.
- (6) In order to become a member of the Appeals Commission, the professors mentioned in para. (1) should have participated in at least 5 external quality evaluations in education as evaluator experts members of the RNE of ARACIS.
- (7) In order to become a member of the Appeals Commission, students must be graduates of at least Bachelor studies, and they should have participated in at least 2 external quality evaluations in education as expert evaluators members of the



RNE-S of ARACIS.

- (8) One member of the Advisory Commission shall participate as an observer in every appeal procedure.
- (9) Expert evaluators who are members of the Appeals Commission may not participate in solving the appeals submitted against the results of the evaluation they have participated in.
- (10) A person - expert evaluator - who is a member of the Appeals Commission may not concomitantly be a member of a Permanent Speciality Experts' Commission.

Art. 6 Deadlines and modality of submitting appeals

- (1) Appeals shall be done in writing, on behalf of the legal representative of the appealing legal entity, within 15 days after receiving the external evaluation report/the decision of the ARACIS Council in the case of an external evaluation of study programmes/domains, respectively 15 days after publication on the website of the documents produced from the evaluation¹, in the case of an institutional external evaluation.
- (2) Appeals shall be submitted at the ARACIS headquarters or sent by e-mail to secretariat@aracis.ro.
- (3) The appeal must contain the identification data of the claimant; be signed by its legal representative; describe the subject of the appeal regarding the result/judgment that is injuring/infringing on its legitimate rights and/or interests, as well as the arguments indicating the evidence on which their appeal is based.

Art. 7 Deadlines and stages of solving appeals

- (1) The stages of solving the appeals submitted in a procedure carried out for higher education study programmes or domains are:
 - a) checking observance of the appeal submission deadline, by the speciality inspector who coordinates the activity of the Permanent Speciality Experts Commission to which the envisaged higher education study domain is allocated, within 3 days after submission of the appeal;
 - b) Should the speciality inspector find that the appeal submission deadline was not observed, the appeal shall be dismissed, and such dismissal shall be communicated to the higher education institution within 10 days after registering the appeal;
 - c) Should the speciality inspector find that the appeal submission deadline was observed, they shall request the PSEC to appoint 2 professors, according to the provisions of art. 5 para. (3);
 - d) The PSEC shall propose 2 members of the Appeals Commission, within 5 days after receiving the request from the speciality inspector;
 - e) The EB shall approve the membership of the Appeals Commission within 5 days after appointment by the PSEC, and the speciality inspector shall submit the appeal to the Commission for review, within 3 days after receiving the decision issued by the EB.
 - f) The Appeals Commission shall review the appeal within 30 days after receiving

¹ The date of publication on the website of the documents produced in the institutional evaluation is noted in the letter sent to the higher education institution/education provider.



the documents from the speciality inspector, and draw up an appeal solving report.

- g) The Appeals Commission may decide to:
 - i. Dismiss the appeal, when the elements notified in the appeal are found not to be grounded;
 - ii. Admit the appeal, and specify the aspects that shall be changed in the endorsement issued in the external evaluation;
 - iii. Admit the appeal and redo the external quality evaluation procedure, if there is insufficient evidence to support maintaining the judgment.
 - h) The appeal solving report shall be analysed by the Accreditation Department and validated by the ARACIS Council, and the higher education institution shall be informed within 15 days after the validation.
 - i) The appeal solving report shall remain final after being approved by the Council, and shall be published on the ARACIS website and sent to the Ministry of Education, if applicable.
- (2) The deadline for solving appeals submitted in a procedure conducted for higher education programmes or study domains, as per the stages described in para. (1), is no more than 90 days after submission.
- (3) The stages of solving the appeals submitted in a procedure conducted at the level of higher education institutions or education providers are:
- a) checking observance of the appeal submission deadline, by the technical secretariat², within 3 days after submission;
 - b) Should the technical secretary find that the appeal submission deadline was not observed, the appeal shall be dismissed, and such dismissal shall be communicated to the higher education institution within 10 days after registering the appeal;
 - c) Should the technical secretary find that the appeal submission deadline was observed, they shall send the appeal to the EB;
 - d) Establishing a meeting with the representatives of the higher education institution/education provider, attended, from the side of ARACIS, by the EB members and the mission director, as well as the technical secretary, within no more than 30 days after receiving the appeal.
 - e) Meeting with the claimant's representatives, where the aspects notified by the higher education institution/education provider are analysed against the elements noted in the internal evaluation report and its annexes, the elements found during the on-site visit, and the elements noted in the documents produced after the evaluation process³; all aspects covered in the discussions shall be recorded in the meeting minute;
 - f) Should the higher education institution or the education provider, after the meeting, decide to:

² The speciality inspector who provided technical support in the external quality evaluation process.

³ The Report of the Quality External Evaluation Department; the Institutional Evaluation Report for the external quality evaluation in academic education, completed by the mission director and the coordinator of the panel that conducted the evaluation; the Report made by the international external evaluator; the Report made by the students' representatives; the institution's Answer to the Preliminary Report of the institutional evaluation panel.



- i. withdraw the appeal, then the external evaluation report shall become final;
 - ii. maintain the appeal, such appeal shall be sent to the Appeals Commission constituted as per art. 5, para. (1) and (3), as applicable, within 5 days.
 - g) The Appeals Commission shall review the appeal within 30 days after receiving the documents from the technical secretary, and draw up an appeal solving report.
 - h) The Appeals Commission may decide to:
 - i. Dismiss the appeal, when the elements notified in the appeal are found not grounded;
 - ii. Admit the appeal and specify the aspects that shall be changed in the judgment issued in the external evaluation;
 - iii. Admit the appeal and redo the external quality evaluation procedure, if there is insufficient evidence to support maintaining the judgment.
 - i) The appeal solving report shall be analysed by the Quality External Evaluation Department and validated by the ARACIS Council, and the higher education institution shall be informed within 15 days after the validation.
 - j) The appeal solving report shall remain final after being approved by the Council, and shall be published on the ARACIS website and sent to the Ministry of Education, if applicable.
- (4) The deadline for solving an appeal submitted in a procedure conducted at the level of higher education institutions or education providers, according to the stages described in para. (3), is no more than 120 days after submission.

SECTION III. DESCRIPTION OF THE COMPLAINT SOLVING PROCEDURE

Art. 8 Subject of complaints

- (1) Complaints may be submitted by universities, education providers or any public or private legal entity having an interest in the provision of education, by students and professors, other interested natural persons or legal entities who may notify various aspects deemed to be non-compliant, which concern the expert evaluator capacity or the manner in which the expert evaluators conducted the external quality evaluation process.
- (2) The following may make the matter of complaints:
 - a) situations of conflicts of interests concerning the members of the expert evaluator panels;
 - b) violations of the provisions of the *Code of ethics and norms of conduct in the activities carried out by ARACIS regarding the quality assurance and assessment in higher education in Romania*.

Art. 9 Competence in complaint solving

- (1) Complaints regarding conflicts of interests concerning the members of the expert evaluator panels shall be solved by the EB.
- (2) Complaints concerning violations of the provisions of the *Code of ethics and norms of conduct in the activities carried out by ARACIS regarding the quality assurance and assessment in higher education in Romania* shall be solved by the Ethics Commission.



Art. 10 Deadlines and modality of submitting complaints

- (1) Higher education institutions/education providers may submit complaints regarding conflicts of interests concerning the members of the expert evaluator panels within 5 days after the membership of the evaluation panel is communicated.
- (2) Evaluated higher education institutions, ARACIS members or third parties may submit complaints regarding violations of the provisions of the *Code of ethics and norms of conduct in the activities carried out by ARACIS regarding the quality assurance and assessment in higher education in Romania*, within 5 days after ascertaining such violations.
- (3) Complaints shall be submitted at the ARACIS headquarters or sent by e-mail to secretariat@aracis.ro.
- (4) Complaints shall be made in writing, undertaken by the legal representative of the higher education institution/education provider, as applicable, or by the plaintiff.
- (5) Complaints must include the plaintiff's identification data, a description of the subject of the complaint, as well as the arguments and evidence that such complaint is based on.

Art. 11 Deadlines and stages of solving complaints

- (1) The stages of solving complaints submitted in situations of conflicts of interests regarding the members of the expert evaluator panels are:
 - a) checking observance of the complaint submission deadline, by the speciality inspector who coordinates the activity of the Permanent Speciality Experts Commission to which the envisaged study domain is allocated, respectively by the technical secretary, on the day of submission;
 - b) If the complaint submission deadline was not observed, the complaint shall be dismissed, and such dismissal shall be communicated to the higher education institution within 3 days after registering the petition;
 - c) If the complaint submission deadline was observed, the speciality inspector or the technical secretary, as applicable, shall send the complaint to the EB, on the day when it was registered;
 - d) The EB shall review the complaint within 5 days after receiving it, and issue a decision on its solving.
 - e) The EB may decide to:
 - i. Dismiss the complaint, when the elements notified in the complaint are found not grounded;
 - ii. Admit the complaint and replace that member of the expert evaluators panel.
- (2) The stages of solving complaints submitted in cases of violations of the provisions of the *Code of ethics and norms of conduct in the activities carried out by ARACIS regarding the quality assurance and assessment in higher education in Romania*, which concern the members of the expert evaluator panel are:
 - a) checking observance of the complaint submission deadline, by the speciality inspector who coordinates the activity of the Permanent Speciality Experts Commission to which the envisaged study domain is allocated, respectively by the technical secretary, on the day of submission;



- b) If the complaint submission deadline was not observed, the complaint shall be dismissed, and such dismissal shall be communicated to the higher education institution within 3 days after receiving the complaint;
- c) If the complaint submission deadline was observed, the speciality inspector or the technical secretary, as applicable, shall send the complaint to the ARACIS President, respectively to the EB, on the day when the complaint was registered;
- d) The ARACIS President, respectively the EB shall review the complaint within 1 working day from receiving it, and order:
 - i. The complaint to be forwarded to the Ethics Commission, if applicable;
 - ii. The envisaged expert to be replaced in the expert evaluation panel, in the case defined in letter i.
- e) The complaint solving process shall continue in compliance with the provisions of the *Code of ethics and norms of conduct in the activities carried out by ARACIS regarding the quality assurance and assessment in higher education in Romania*.

Art. 12. Final provisions

The provisions of this procedure shall apply starting with the external quality evaluation procedures validated by the ARACIS Council after the date of approval of the procedure.

APPROVED BY COUNCIL DECISION NO. 109/H/28.10.2022