

Rules of Procedure for the FIBAA Appeals and Complaints Committee of 19 September 2011, last amended by 1st Amendment Resolution of 16 November 2016, last editorially amended in September 2023



FIBAA

Preamble¹

The task of the FIBAA Appeals and Complaints Committee is to evaluate appeals against accreditation decisions of the FIBAA Accreditation and Certification Commission (F-ACC) for program accreditations, institutional accreditations and certifications and, on this basis, to submit reasoned recommendations to the above-mentioned Commission for a final decision. This also applies to procedural complaints in connection with accreditation procedures.

The office and place of administration is Berliner Freiheit 20-24, 53111 Bonn, Germany.

§ 1 - Code of Conduct

- (1) The members of the Committee shall perform their duties carefully and conscientiously.
- (2) They act and decide in good faith and to the best of their knowledge and belief as experts in the field of quality assurance at higher education institutions exclusively according to quality aspects, taking into account national guidelines (guidelines of the Accreditation Council in Germany, MRVO) and international (respective state higher education law, FIBAA assessment basis, ESG) guidelines and the general resolutions of the FIBAA Accreditation and Certification Commissions.
- (3) They shall not use their membership to assert their own interests or the interests of third parties and shall exclude any misuse of the information obtained in the course of their activities.
- (4) They shall maintain secrecy about confidential information and secrets, namely business and trade secrets, which become known to them in the course of their activities, even beyond their term of office. They shall maintain the confidentiality of their advice, also beyond their term of office.
- (5) Student committee members must immediately notify the office of the completion or discontinuation of their studies/doctorate and resign from office.

§ 2 - Exclusion of bias for Appeals and Complaints Committee members and experts

- (1) Committee members must have the impartiality necessary for an objective evaluation with regard to the study programmes, the institutions and the continuing academic education courses.

¹ Unless a neutral personal designation has been chosen, either the masculine or the feminine form is used. However, the statements apply equally to men and women.

(2) If matters are discussed that affect the interests of an individual, his/her spouse, parents, children, siblings or a person represented by him/her by law or by proxy, he/she may not participate in the discussion and vote. However, he shall be heard before a decision is taken.

(3) Bias against an institution shall be irrefutably presumed,

(a) if, at the time of the act or during the five years preceding it, one receives or was the subject of a complaint by virtue of a decision of the institution; this includes, in particular, negative, rejecting, withdrawing or similar administrative acts. administrative acts and the reporting of a criminal offence initiated by the Institution or a representative of the Institution,

b) if at the time of the act or during the five years preceding it one is or was in an employment relationship, doctoral, post-doctoral or appointment procedure at the respective institution,

c) if at the time of the act or during the three years preceding it one is or was enrolled as a student at the respective institution, involved in joint research projects or other intensive cooperation projects, or

d) if at the time of the act or during the three years preceding it, one or the faculty to which one belongs is or has been reviewed by staff of the Institution.

(4) If one of the prerequisites for partiality exists in the case of an individual or if partiality is suspected in the case of an individual, this must be announced immediately and without being requested and recorded in the minutes. The person with a conflict of interest shall be excluded from the deliberations and voting.

(5) If members of the committee were active as experts, they shall not take part in the decision-making on the respective accreditation procedure or certification procedure.

§ 3 - Tasks of the Appeals and Complaints Committee

(1) The Appeals and Complaints Committee does not act independently. Appeals against decisions of the FIBAA Accreditation and Certification Commissions or complaints against procedures are forwarded to it by the office.

(2) The Appeals and Complaints Committee shall clarify the facts of the case and, on this basis, make reasoned recommendations to the FIBAA Commission for a final decision in the pending proceedings.

(3) The Appeals Board shall adopt its own rules of procedure.

§ 4 - Membership, resignation

(1) The committee members shall be appointed by the Board of Trustees for a term of three years. As a rule, the Appeals and Complaints Committee shall comprise four members from the status groups of university representatives, professional practice and students.

(2) The request for early resignation shall be notified to the Executive Board by the Committee member without delay.

(3) If a member resigns prematurely, he or she shall remain in office until a replacement member has been appointed by the Foundation Council.

§ 5 - Chair

- (1) The Appeals Board shall appoint a member as Chairperson at the beginning of the first meeting, after appointment by the Board of Trustees.
- (2) Any member of the Committee appointed by the Board of Trustees may be designated as Chairperson.

§ 6 - Convening of the Appeals Board

- (1) Meetings of the Appeals and Complaints Committee shall be held as required. The decision to convene a meeting shall be made by the Executive Board.
- (2) If a member of the Appeals Board requests that a meeting be convened, the Executive Board shall comply.
- (3) Each meeting of the Appeals and Complaints Committee shall be convened by the Secretariat with two weeks' notice and with an agenda. The summons may be issued in text form as long as it is ensured that all committee members receive it in time.
- (4) The agenda shall be sufficiently defined and, if possible, supplemented by qualified draft resolutions that enable the committee members to adequately prepare for the meeting.

§ 7 - Procedure of the meeting of the Appeals Board

- (1) The chairperson shall chair the meeting; if he/she is unable to do so, a chairperson shall be appointed by the Appeals Board at the beginning of the meeting.
- (2) The chairman of the meeting shall establish the quorum of the meeting and the agenda and shall open the meeting.

§ 8 - Quorum, Adoption of Resolutions

- (1) The Appeals and Complaints Committee shall constitute a quorum if at least two Committee members are present.
- (2) In the event of a non-consensual decision-making or voting situation, the scientific representatives shall have the majority of votes.
- (3) Resolutions to be adopted shall be announced in advance as an item for discussion on the agenda.
- (4) Each member present shall have one vote. Voting by proxy is not permitted.
- (5) The Appeals Board shall take its decisions by a simple majority of the votes validly cast. Abstentions and invalid votes shall not be counted. In the event of a tie, the motion shall be deemed rejected.

§ 9 - Exclusion of the public

- (1) The meetings shall not be public.
- (2) Guests without voting rights may be admitted.
- (3) Permanent guests without voting rights are the members of the management.
- (4) All persons present shall maintain the secrecy of the deliberations. § 1 para. 3 and 4 shall apply mutatis mutandis. Guests shall be instructed accordingly, if necessary.

§ 10 - Protocol

- (1) The decisions of the Appeals and Complaints Committee shall be duly recorded for evidentiary purposes. The minutes shall state:
 - (a) the place and date of the meeting
 - (b) the names of the members present
 - (c) the names of the guests present
 - (d) the name of the chairperson of the meeting
 - (e) the name of the keeper of the minutes
 - (f) the findings of the chairman of the meeting concerning the agenda and quorum
 - (g) the wording of the resolutions and the nature and result of the votes.
- (2) The minutes shall be made available to all Committee members in text form within two weeks after the meeting. The members present may raise an objection against the minutes with the secretariat within two weeks after receipt. If no objection is raised, the minutes shall be deemed approved.
- (3) The approved minutes must be signed by the chairman of the meeting and a member of the management and kept at the office for at least ten years together with any appendices thereto, but in any case, the supporting documents relating to the convocation. Any member of the Committee shall be entitled to inspect the minutes.

§ 11 - Written procedure

- (1) Decisions of the Appeals Board may be taken by written procedure even in the absence of its members, as long as no Board member objects.
- (2) The proposed resolution must be sufficiently specific, unambiguous and complete, include all necessary annexes and be easily answered by the committee members by means of approval, rejection or abstention.
- (3) The proposed resolution including annexes shall be sent to the members of the Committee by the Secretariat. The transmission may take place in text form as long as it is ensured that all members receive the proposed resolution.
- (4) As a rule, the cooling-off period shall be two weeks. All votes not cast by then shall count as non-participation in the decision.



(5) The Secretariat shall inform the members of the Committee immediately of the result of the vote.

(6) At the beginning of the next ordinary meeting of the Appeals Board, the wording of the decision and the result of the vote shall be recorded in the minutes with reference to the written procedure and shall be authenticated. The supporting documents from the written procedure shall be attached to the minutes.

§ 12 - Final provisions

The Rules of Procedure shall enter into force immediately upon their adoption.

Bonn, September 2023

For the Appeals and Complaints Committee:

Prof. Dr Andreas Knorr

Dr Hans Höller