

# Rules of Procedure

Adopted by the General Assembly on XX October 2015

Date of implementation: Immediate

<b>Preamble.....</b>	<b>p.1</b>
<b>CHAPTER 1 – SCOPE.....</b>	<b>p.1</b>
<b>CHAPTER 2 – MEMBERS.....</b>	<b>p.1</b>
<b>CHAPTER 3 – AFFILIATES .....</b>	<b>p.4</b>
<b>CHAPTER 4 – GENERAL ASSEMBLY.....</b>	<b>p.5</b>
<b>CHAPTER 5 – PRESIDENT AND VICE-PRESIDENTS.....</b>	<b>p.5</b>
<b>CHAPTER 6 – TREASURER.....</b>	<b>p.6</b>
<b>CHAPTER 7 – DIRECTOR.....</b>	<b>p.6</b>
<b>CHAPTER 8 – APPEALS AND COMPLAINTS COMMITTEE.....</b>	<b>p.7</b>
<b>CHAPTER 9 – POLICY WORKING GROUPS.....</b>	<b>p.9</b>
<b>CHAPTER 10 – PUBLICATION POLICIES.....</b>	<b>p.9</b>
<b>CHAPTER 11 – COOPERATION WITH KEY PARTNER ORGANISATIONS.....</b>	<b>p.10</b>
<b>CHAPTER 12 – FINANCIAL PROVISIONS.....</b>	<b>p.10</b>
<b>CHAPTER 13 – FINAL PROVISIONS.....</b>	<b>p.11</b>

## Preamble

This document complements the Statutes of the Association by defining the practical and technical rules and procedures governing the operations of the Association. It shall be interpreted at all times in such a manner as to give precedence to the Statutes.

## CHAPTER 1 – SCOPE

### Article 1

**In accordance with Articles 6, 10 and 34 of the Statutes, these Rules of Procedure define practical and technical matters and procedures governing the operations of the Association.**

### Article 2

**Should there be a difference in interpretation between the Statutes and the Rules of Procedure, the former shall prevail.**

### Article 3

**Once approved by the General Assembly, the Rules of Procedure shall take effect immediately. Each Member shall be responsible for compliance with these Rules of Procedure.**

### Article 4

**These Rules of Procedure apply to:**

- **Members and affiliates**
- **The proceedings of the General Assembly;**
- **The ENQA Board and other constituent bodies (committees, working groups);**
- **The Secretariat.**

## CHAPTER 2 – MEMBERS

### Article 5

As stated in Article 5 of the Statutes, membership is open to European quality assurance bodies in the field of higher education that are conducting quality assurance activities as understood in the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG), and that act in compliance with them.

#### Article 6 – Membership criteria

- (1) The agencies are required to demonstrate compliance with Parts 2 and 3 of the *European Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)* as adopted by the European Ministers in charge of higher education in Yerevan in 2015, in all their quality assurance activities.
- (2) The degree of compliance with the ESG is assessed through an external review. The terms of reference and panel composition of a review must be approved by the Board of ENQA before the start of the review process whether or not the review process is coordinated by ENQA.
- (3) Membership is granted by a decision of the Board, to be endorsed by the General Assembly. The membership is valid for a period of five years.
- (4) If a member does not undergo an external review within five years of membership being granted or renewed, it shall, by decision of the General Assembly, cease to be a member of ENQA.

#### Article 7 – Membership under review

- (1) If, as a result of an external review, the Board judges the member not to comply with the ESG and thus meet the criteria for membership, it shall be given two years to conform with the criteria, during which time the agency shall be designated as a “Member under review”.
- (2) A further, partial review shall be carried out by the Board, or its nominated reviewers, at the end of the two-year period (or sooner, if the member agency so requests) and shall focus on the deficiencies mentioned in the report of the first review. The details of the partial review process are detailed in the ENQA procedure for partial reviews.
- (3) The Board will take a decision regarding the renewal of membership based on the outcomes of the partial review. Should the outcome of the partial review be positive, membership shall be valid for five years from the date of the Board’s decision in which the status of member under review was granted.
- (4) An agency that, in the opinion of the Board, following the further review, still does not comply with the ESG and thus ENQA’s criteria for membership shall, by confirmation of the General Assembly, be debarred from ENQA.
- (5) “Members under review” maintain their membership rights and duties during the period of membership under review (maximum of two years).

#### Article 8 – Membership application procedure

- (1) Detailed procedures and requirements on the external review process are set out in the ENQA Guidelines for external reviews. The requirements set out in the guidelines apply also to reviews not coordinated by ENQA.

- (2) If an agency wishes to go through an ENQA Agency Review (i.e. a review process coordinated by ENQA), the request shall be made in the form of a letter addressed to the Director of the ENQA Secretariat. The letter shall include an estimate of the timeline for the self-evaluation and the site visit. The request for an ENQA Agency Review should be made at least 12 months prior to the expected end of the membership application process.
- (3) Organisations seeking membership in ENQA are requested to submit their application to the ENQA Secretariat for distribution to the members of the Board no less than 30 days prior to a scheduled meeting of the Board at which the application is to be considered.
- (4) An application for membership with ENQA shall be addressed to the Board of ENQA and shall include:
  - an independent external review report on the agency's compliance with the ESG, carried out in a manner and to a standard acceptable to the Board (details of the requirements are set out in the ENQA Guidelines for external reviews);
  - a letter indicating the motivation for becoming a member and how the applicant agency intends to contribute actively towards ENQA's objectives.
- (5) When the membership application has been received, the ENQA Secretariat distributes the letter and the external review report to a Review Committee of the ENQA Board. The Review Committee produces an analysis of the report and a recommendation to the Board regarding membership.
- (6) The application letter, the review report, as well as the analysis and recommendation(s) by the Review Committee, are examined by the Board of ENQA at their meeting. The Board takes a decision in light of the available evidence gathered in the external review report on the agency's compliance with the ESG, and the letter explaining the agency's interest in being a member of ENQA. If the Board is unable to reach a conclusion, they reserve the right to request further evidence from the agency and/or the review panel.
- (7) The decision of the Board is communicated to the agency in written form. If the request for membership is rejected, the reasons for the decision are also communicated.
- (8) The agency is notified of the annual membership fee.
- (9) The member is added to the ENQA mailing list and its profile details are uploaded in the member directory. The member is given full access to ENQA's services and networking opportunities. It is entitled to use the ENQA logo in accordance with the regulations governing the use of the ENQA Trademark which are available on the ENQA website.

#### Article 9 – Fees

- (1) As stated in Article 34 of the Statutes, the membership fee is decided by the General Assembly on a proposal from the Board. The fee in vigour can be found on the ENQA website. It is payable within three months of receipt of notification of a successful request. Organisations that are granted membership part-way through the year shall pay the pro-rata amount of the annual fee based on the quarter in which they join.

- (2) ENQA Membership with full rights shall be obtained only after the payment of the due membership fee, in accordance with Article 34 of the Statutes.

#### Article 10 – Material changes

Members are required to notify ENQA with the shortest delay of any change that might affect the agency's compliance with the ESG, such as changes in the legal status of the agency, the legal framework in which the agency operates, its funding mechanism, its methodology, or its area of operations.

### CHAPTER 3 – AFFILIATES

#### Article 11

The Board of ENQA encourages organisations worldwide that have an interest in quality assurance of higher education, but for whatever reason are unable to apply to become members, to consider and seek affiliation with ENQA.

#### Article 12

- (1) Affiliation is granted by a decision of the Board, to be endorsed by the General Assembly, if the applicant:
  - is a bona fide organisation
  - has a genuine interest in the quality assurance of higher education in the European Higher Education Area (EHEA)
  - fits the definition of an affiliate as given in the Statutes of ENQA
- (2) The Board shall also consider whether it is in the interests of ENQA and its membership to enter a formal relationship with the applicant body.
- (3) Should the Board be unable to reach a conclusion, they reserve the right to request further evidence – oral or written – from the applicant.

#### Article 13 – Application procedure

- (1) Organisations seeking affiliation with ENQA are requested to submit their application to the Secretariat for distribution to the members of the Board no less than 15 working days prior to a scheduled meeting of the Board at which the application is to be considered.
- (2) An application for affiliation with ENQA shall be made in the form of a letter addressed to the Board of ENQA and shall include:

- A motivation letter indicating interest in becoming an affiliate of ENQA, signed by a legal representative of the organisation;
  - An organisational overview document providing information such as the constitution, mission, summary of current activities, goals, and governance structure. Examples could include an annual report or other public information document. The key information shall, however, be included in the application letter;
  - A statement, which may be contained in the motivation letter, indicating that the organisation has reviewed the Statutes of ENQA and agrees to abide by them;
  - Contact details, including the website address if available.
- (3) The decision of the Board shall be communicated to the applicant in written form. The letter shall explicitly mention that the affiliate is not entitled to call themselves ENQA members and has no voting rights. If the request for affiliation is rejected, the reasons for the decision shall be communicated to the applicant.
- (4) Once the application is accepted, the organisation's profile, as submitted in the application, is uploaded on ENQA's website in the Affiliate directory. The organisation shall be:
- notified of the annual affiliation fee;
  - added to the ENQA mailing list;
  - given access to some of ENQA's services and networking opportunities;
  - entitled to use the ENQA Affiliate logo.
- (5) The affiliation is granted at the discretion of the Board, and there is no right of appeal.

#### Article 14 – Fees

- (1) As stated in Article 34 of the Statutes, the affiliation fee is decided by the General Assembly on a proposal from the Board. The fee is payable within three months of receipt of notification of a successful request. Organisations that are granted affiliation part-way through the year shall pay the pro-rata amount of the annual fee based on the quarter in which they join.

## **CHAPTER 4 – GENERAL ASSEMBLY**

#### Article 15 – Voting procedures

- (1) In the event of a vote - other than for the election of the Board, the President, and the Vice-Presidents - the voting procedure used may be either open or closed (secret). A closed ballot shall be used if one or more Members present so request.
- (2) Spoilt ballots shall be counted as votes cast. Abstentions shall not be counted as votes cast.

## **CHAPTER 5 – PRESIDENT AND VICE-PRESIDENTS**

#### Article 16 – The President

- (1) The President of the Association is also the Chair of the Board.
- (2) In addition to the functions of the President as stated in Article 28 of the Statutes, the responsibilities of the President shall also include:
- elaborating the strategic planning of the General Assembly meetings together with the Vice-Presidents and the Director;
  - representing ENQA externally;
  - carrying out any resolutions, decisions, or specific mandates given by the General Assembly or the Board;
  - observing the financial situation of the Association;
  - ensuring, together with the Director, that the annual work plans and budgets are followed;
  - assuming any other reasonable responsibilities deemed necessary by the Board.
- (3) The responsibilities of the Chair of the Board shall include:
- casting the deciding vote in the Board when no majority decision can be reached;
  - planning, together with the Vice-Presidents and the Director, the agendas of the Board meetings;
  - checking with the Director the material for the Board meetings and for any other events;
  - following up on the Board meetings (communication of decisions, etc.) together with the Secretariat.

#### Article 17 – The Vice-Presidents

The responsibilities of the Vice-Presidents shall include:

- carrying out such reasonable duties as the President may request;
- carrying out the strategic planning of the Board, the General Assembly, and any other meetings and events together with the President and the Director.

#### **CHAPTER 6 – TREASURER**

##### Article 18

The Treasurer supervises the finances of the Association and shall present the annual accounts for the preceding year and propose the annual budget for the following year to the General Assembly for approval.

#### **CHAPTER 7 – DIRECTOR**

##### Article 19

Under the direct supervision of the Board, the Director shall be responsible for the general supervision and daily management of the Secretariat, as well as for the execution of the decisions taken by the Board and the General Assembly.

In addition to the provisions of Article 32 of the Statutes, the responsibilities of the Director shall include:

- monitor that the activities are done in observation of ENQA relevant procedures;
- employ and dismiss staff of the Secretariat;
- prepare documents for the Board and General Assembly meetings and record meetings of the Association;
- communicate with members;
- liaise with stakeholders and partners;
- collect annual membership and affiliation fees, as well as any other financial contributions to the activities of the Association;
- manage the website and archives of ENQA.

## CHAPTER 8 – APPEALS AND COMPLAINTS COMMITTEE

### Article 20

- (1) The Committee shall hear appeals against decisions of the Board on membership that are related to compliance with the ESG.
- (2) The Committee shall hear complaints that are related to:
  - The conduct of procedures in respect to membership matters;
  - The integrity of the external review and decision-making process on the basis of which the agency was admitted as a member in ENQA.

### Article 21 – Composition

- (1) The Appeals and Complaints Committee shall comprise four representatives of members, one of whom shall be designated as an alternate member. No member of the Committee shall at the same time be a member of the Board, but at least one of the members shall be a former member of the Board. No member of the Committee shall have had previous involvement with the appellant.
- (2) In appointing members to the Appeals and Complaints Committee, the General Assembly shall have regard to the following criteria:
  - Experience of the review procedure gained by having served on a review panel;
  - International experience gained by being involved in international activities in various regions;
  - Managerial position held within an agency for at least five years.

### Article 22 – Mandate



Members of the Committee are appointed by the General Assembly for a three-year term. No member of the Committee shall serve continuously for more than six years.

#### Article 23 – Operation

- (1) The Chair of the Committee shall be selected by the Committee.
- (2) The Committee shall take decisions with a simple majority.
- (3) In cases of conflicts of interest involving one of the members of the Committee, the alternate member shall be asked to replace the member affected by the conflict of interest.

#### Article 24– Appeals procedure

- (1) An appeal or complaint shall only be considered as official if substantiated and supported by appropriate evidence, references, and examples. An appeal or complaint shall clearly and concisely set forth the grounds for the appeal/complaint referring to specific standards or guidelines of the ESG or to specific sections of the ENQA Guidelines for External Reviews.
- (2) An appeal or complaint shall be submitted to the ENQA Secretariat in writing by email, fax, or regular mail within two calendar months from the date of receipt of the Board’s decision. The ENQA Secretariat shall acknowledge the receipt of appeals and complaints within seven days.
- (3) The evidence supplied must be in plain text or pdf format, in English, and where the original is in another language, a certified copy in English must be submitted. Evidence shall be directly relevant and proportionate to the concerns raised.
- (4) On receipt, an appeal shall be reviewed by the Secretariat to determine whether eligible grounds and supporting evidence have been presented. Where this is not the case, the appeal may either be rejected or a request for further information or evidence made.
- (5) The ENQA Secretariat shall forward the appeal or complaint to the consideration of the Board. ENQA reserves the right to ignore submissions that are bogus or obviously unsubstantiated. The Board shall distribute the appeal/complaint documentation to the Committee. The Committee shall be requested to submit a report within a month of the receipt of the appeal or complaint.
- (6) All appeals are considered on the basis of documentation only, submitted by the appellant.
- (7) The Committee shall examine the appeal and undertake any further investigations which it considers necessary, as soon as reasonably practicable. This may involve obtaining documents or papers from the appellant or speaking to members of the appellant agency.
- (8) After considering the evidence, the Committee may decide:
  - To dismiss the appeal;

- To uphold the appeal and require the Board to reconsider its decision, taking into account the findings of the Appeals Committee.
- (9) The Board's decision on the appeal shall be taken in light of the Committee's report and shall be final and non-appealable.
- (10) Appellant agencies shall be notified in writing of the Board's decision within five working days of the date of its meeting.
- (11) The Board reserves the right to not continue with the operation of appeals procedures if the appeal is pursued in an abusive, offensive, defamatory, aggressive, or intimidating manner.

#### Article 25 – Fee for appeals

The fee required to accompany a statement of appeal is 1,000.00 euro. The appeal fee shall be reimbursed if the appeal is successful.

### **CHAPTER 9 – POLICY WORKING GROUPS**

#### Article 26 - Operation

- (1) The procedure for setting up and running a working group is outlined in the ENQA Project Management System.
- (2) The composition of working groups may be open to all ENQA members or restricted (on invitation).
- (3) Signing up to a working group is voluntary, but confirmation of attendance to a meeting is considered as a firm commitment, for the sake of good operation of the group and practical arrangements.
- (4) The meetings shall be hosted by the ENQA Secretariat or if wished, by agencies taking part in the working group. The costs of the venue and catering shall be covered by the host. The groups may also consider alternative ways of holding meetings, including video conferencing.

### **CHAPTER 10 – PUBLICATION POLICIES**

#### Article 27

The Association publishes full external review reports on its website, whether the review being full or partial, and regardless of the review outcome and decision on membership by the Board. Full review

reports are published together with the letter from the Board on membership, the self-evaluation report of the agency, and the explanatory letter from the review panel chair, if any.

#### Article 28

The Association publishes review follow-up reports submitted by agencies and related letters from the Board.

#### Article 29

The minutes of the Board and General Assembly meeting are published in the restricted area of the website and may thus be consulted by the members of the Association at any time.

### **CHAPTER 11 – COOPERATION WITH KEY PARTNER ORGANISATIONS**

#### Article 30

In accordance with its broad objective to function as a policy forum developing and proposing standards, procedures, and guidelines on quality assurance in the EHEA, and to maintain and develop co-operation with other appropriate European stakeholder organisations, ENQA is committed to a continuing cooperation with key European partner organisations. These include the European University Association (EUA), the European Association of Institutions in Higher Education (EURASHE), the European Students' Union (ESU), the European Quality Assurance Register for Higher Education (EQAR), Education International (EI), BusinessEurope, the European Commission (EC), and the Bologna Follow-up Group (BFUG).

### **CHAPTER 12 – FINANCIAL PROVISIONS**

#### Article 31 – Auditor

The General Assembly shall appoint an auditor on a proposal from the Board. The auditor is appointed for a period of three years. The term is renewable.

#### Article 32 – Fees

Members and affiliates of ENQA may be asked to pay a fee to participate in workshops, projects, and other activities organised by ENQA.

#### Article 33 – Arrear payments

- (1) The ENQA Secretariat shall issue invoices for membership/affiliation fees by the end of January each year. Invoices shall be paid by the end of March of the respective year.

- (2) If a member/affiliate fails to meet the above deadline, the Secretariat shall request, with a written reminder, the payment to be made by mid-May.
- (3) If a member/affiliate still fails to make the payment after this first reminder, the Secretariat shall inform the Board. The Board shall officially urge the member/affiliate with a second reminder, sent through the Secretariat, to make the due payment by the end of June or face an immediate termination of ENQA membership/affiliation.
- (4) Should membership/affiliation be terminated, the agency shall not be allowed to reapply for the following two years unless extraordinary circumstances prevented the payment in the first place.

## CHAPTER 13 – FINAL PROVISIONS

### Article 34

The President shall be responsible for the implementation of these Rules of Procedure.

### Article 35 – Amendment of the Rules

The Rules may be amended by a vote of two-thirds of the General Assembly, at which at least two-thirds of the members are present.