

Appendix 18: Appeals Procedure against Negative Quality Assurance Resolutions

Article 1.

Ghent University will set up an internal appeals committee, hereinafter referred to as the 'EQB Appeals Committee'. The EQB Appeals Committee decides on the appeal that a study programme submits against a negative quality assurance resolution formulated by the EQB.

Article 2. Composition

§ 1. The EQB Appeals Committee is composed of

- a chairperson and a deputy chairperson
- two assessors and two deputy assessors

They are appointed by the Executive Board for a four-year term. Their mandate can be extended by a maximum of one renewable period after active candidacy. They can only be dismissed by the Executive Board in the event of gross negligence or apparent misconduct. The dismissal may not be based on the content of the resolutions reached by the EQB Appeals Committee.

The chairperson is preferably a lawyer and familiar with education law and/or administrative law. The assessors have demonstrable expertise in quality assurance.

The chairperson and/or the assessors can be Ghent University emeriti on the condition that they have not been actively employed by Ghent University for at least 5 years. The chairperson and/or the assessors cannot be members of the Education Quality Board that formulated the negative quality assurance resolution. They also have no link with, or personal interests in the study programme.

The chairperson and assessors are voting members of the EQB Appeals Committee.

§ 2. The Education Department appoints a permanent secretary and deputy secretary for the EQB Appeals Committee. The secretary and deputy secretary have no voting rights.

§ 3. If a member of the EQB Appeals Committee has a link with the study programme whose appeal is being handled, which could impede an independent and impartial assessment, the member must refrain from handling the appeal. This obligation applies to the chairperson, the assessors and the secretary, as well as to their deputies.

§ 4. The EQB Appeals Committee can only hear, deliberate and decide in a valid manner when all members and the secretary or their deputy are present. An exception is only possible if the application of § 3 necessitates this. The chairperson of the EQB Appeals Committee can take a motivated decision to have certain activities of the EQB Appeals Committee take place digitally. The chairperson of the EQB Appeals Committee can take a motivated decision to invite external substantive experts and have them give substantive advice.

Article 3. Setting up and registering the appeal

§ 1. A study programme that does not agree with the final synthesis report and the quality assurance resolution can lodge an appeal with the EQB Appeals Committee within a period of fifteen calendar days. The expiry period starts on the day after receipt of the e-mail with the quality assurance resolution and the synthesis report by the chairperson of the study programme committee. The electronic message with the synthesis report and quality assurance resolution is deemed to have been received on the day it is sent, unless there is proof to the contrary.

The appeal, submitted by petition to the EQB Appeals Committee, is sent electronically to the EQB Appeals Committee secretary (beroepscommissieOKB@ugent.be). The petition can also be filed with the EQB Appeals Committee office (UFO, Sint Pietersnieuwstraat 33, 9000 GENT) by registered letter or by delivery against acknowledgement of receipt. The date of the petition is the date of the electronic transmission of the appeal, the postal date or the date of the aforementioned acknowledgement of receipt.

The EQB Appeals Committee contact details are published on the Ghent University website.

§ 2. The petition containing the appeal also contains at least the following information:

- 1° the name of the chairperson of the study programme committee of the appealing party/study programme;
- 2° the date and signature of the aforementioned chairperson of the study programme committee;
- 3° the title of the synthesis report and the quality assurance resolution to which the petition relates;
- 4° at least a factual description of the objections invoked;
- 5° substantial evidence; this includes in any case a PDF of the monitor that was screened, the link to Document Management and the Study Guide, as well as any other documents motivating the appeal.

The study programme bundles the documents and provides an inventory.

§ 3. For information only, the chairperson of the study programme committee delivers a copy of the petition containing the appeal and the accompanying documents to the faculty's Director of Studies.

§ 4. The secretary of the EQB Appeals Committee registers the appeal and immediately sends a copy of the petition and the attached documents to the chairperson and the members of the internal EQB Appeals Committee.

Article 4. Assessment and notification of admissibility

§ 1. The appeal is inadmissible

1° if the study programme has not made use of the option to submit its objections to the draft decision to the EQB during a preliminary meeting;

2° if the petition does not contain at least the information stated in Article 4 § 2 of these regulations.

§ 2. The EQB Appeals Committee secretary investigates the admissibility of the appeal and communicates its findings to the QRB Appeals Committee.

If the EQB Appeals Committee decides that the appeal is inadmissible, it will inform the appealing party/chairperson of the study programme committee of this decision electronically with acknowledgement of receipt. This effectively puts an end to the appeals procedure.

§ 3. The study programme may submit a new petition containing an appeal within the current term for lodging an appeal as determined in Article 4 §1. This results in an automatic withdrawal of the previous appeal.

Article 5. Further course of the investigation

The EQB Appeals Committee investigates the objections raised by the study programme and answers them in a motivated manner.

The EQB Appeals Committee reviews the contested resolution, considering, among other things:

- 1° the correct application of the procedures described in 'Quality Conduct 2.0';
- 2° its compatibility with the general principles of good governance.

§ 2. The EQB Appeals Committee may request additional information, and establish a term within which the information must be provided.

§ 3. The EQB Appeals Committee can invite the appealing party/the chairperson of the study programme committee or other persons whom it believes to be useful to invite for a hearing.

The invitation is sent electronically with notification of receipt. The hearing will take place no earlier than 7 days after receipt of the invitation.

The appealing party/chairperson of the study programme committee of the study programme can always request to be heard by the EQB Appeals Committee. The EQB Appeals Committee can only reject such a request with a motivated decision.

The chairperson of this study programme committee can also propose to the EQB Appeals Committee to hear third parties.

At the request of its chair, the EQB Appeals Committee decides about petitions and proposals to hear people.

The EQB Appeals Committee chair presides over the hearing(s), which is not a public event. The secretary of the EQB appeals committee draws up a report of the hearing, which is added to the dossier.

Article 6. The resolution

§ 1. The EQB Appeals Committee makes a decision on the appeal within a maximum order period of 40 days after its receipt.

The EQB Appeals Committee deliberates and decides on the appeal behind closed doors. The members of the EQB Appeals Committee treat all information made available to them confidentially and maintain the necessary discretion with regard to third parties concerning appeal procedures at all times.

The EQB Appeals Committee decides by consensus. If no consensus can be reached, the decision is taken by vote.

§ 2. The EQB Appeals Committee may

1° decide that the appeal is unfounded. In that case, the synthesis report remains unchanged and the challenged quality assurance resolution becomes final;

2° include certain changes in the synthesis report;

3° decide that the appeal against the quality assurance resolution is wholly or partly well-founded. In that case, it takes a new resolution about the quality of the assessed study programme. The following resolutions are possible:

- the EQB Appeals Committee grants a positive quality assurance resolution

- the EQB Appeals Committee grants a positive quality assurance resolution with a coaching programme, of which it can determine the maximum duration and content;

In the event that the EQB Appeals Committee decides as stipulated in 2° and 3°, the EQB's appeal resolution will replace the original quality assurance resolution and/or synthesis report to the extent indicated above.

§ 3. The EQB Appeals Committee communicates its motivated resolution to the appealing party/the study programme committee chair.

This notification is communicated electronically with notification of receipt from beroepscommissieOKB@ugent.be, within a reasonable period of time, at the latest within 14 days following the decision.

Article 7. Rules of procedure

The EQB Appeals Committee draws up rules of procedure.

Article 8. End of a term

If the last day of a term referred to in these proceedings is a Saturday, Sunday or legal holiday, the term is extended to the next working day.

Article 9.

These regulations come into effect on 1 September 2021.