

Rules of Procedure

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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 quality assurance bodies in the EHEA 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) Members 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 must be approved by the Board of ENQA when the review is not coordinated by

ENQA. The review panel composition 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, unless an extension of membership has been granted by the Board for well-justified reasons.

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 reviewers nominated by the ENQA Board, at the end of the two-year period, and shall focus on the deficiencies mentioned in the review report and/or those highlighted by the Board in its letter. The details of the partial review process are outlined 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 on 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 until the end of the partial review process and for a maximum of two years.

Article 8 – Membership application procedure

- (1) Detailed procedures and requirements of the external review process are set out in the Guidelines for ENQA Agency Reviews. The requirements set out in the guidelines apply also to reviews not coordinated by ENQA.
- (2) If an agency wishes to undergo 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-assessment 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 the 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 Guidelines for ENQA Agency 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 external review report to an ENQA Review Committee, consisting of ENQA Board members and other experts. 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) of 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. Should the Board's judgement regarding the overall compliance of an agency, or the judgement of one or more individual standards, deviate from that of the panel, details and explanations will be provided in the official membership letter.
- (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 membership 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 – Substantial 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. Agencies are also required to notify ENQA of all other relevant changes, such as changes in the name, address, or contact person at the agency.

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.

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 six weeks 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 electronic application form and shall include:
 - A motivation letter indicating interest in becoming an affiliate of ENQA, signed by a legal representative of the organisation;
 - Information on the organisation such as the constitution, mission, summary of current activities, goals, and governance structure;
 - A statement indicating that the organisation has reviewed the Statutes of ENQA and agrees to abide by them;
 - Contact details, including the website address.
- (3) When receiving an application, the Secretariat shall send an e-mail to ENQA members asking whether there are any causes of concern regarding the applicant. Members are given ten working days to react.
- (4) The decision of the Board shall be communicated to the applicant in written form. In case of approval, the letter shall explicitly mention that the affiliate is not entitled to call themselves ENQA member and has no voting rights. If the request for affiliation is rejected, the reasons for the decision shall be communicated to the applicant.
- (5) Should the Board be unable to reach a conclusion, they reserve the right to request further information from the applicant.
- (6) Once the application is accepted, the organisation's profile, as submitted in the application, is uploaded to 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.
- (7) Affiliation is granted at the discretion of the Board, and there is no right of appeal. The affiliate status is valid for five years.
- (8) Affiliates shall reapply every five years using the same application procedure detailed above. The cause for concern procedure (as stated in item 3 of this Article) applies in the reapplication.
- (9) Conditions for termination of affiliation are detailed in the ENQA Statutes.

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 submit a request to the ENQA Secretariat at least one week in advance of the meeting.
- (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:

- Advising the Board with regard to the strategic plan and translating the strategic plan into functional guidelines;
- Organising and managing the Secretariat staff and processes;
- Preparing and managing the annual budget of ENQA and ensuring a stable and cost-efficient financial management;
- Building and maintaining internal and external relations/partnerships to achieve optimal cooperation with stakeholders and ensuring ENQA's reputation at the European and international level;
- Managing ENQA's statutory activities and securing accurate follow-up;
- Selecting, motivating, managing, evaluating, and developing team members.

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.

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 member 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 whether the candidate has:
- 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.
- (4) In case of a conflict of interest involving the Chair of the Committee, the remaining members select an interim chair from among themselves for the said procedure.

Article 24 – Appeals and complaints procedure

- (1) In line with the ESG Standard 2.7, ENQA has an appeals and complaints procedure for agencies that have applied for membership in ENQA. An appeal or complaint shall only be considered as official if substantiated and supported by appropriate evidence, references, and examples. An appeal/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 Guidelines for ENQA Agency Reviews. The complaints procedure allows an agency to state its dissatisfaction with the conduct of the process or those carrying it out. Through an appeal, an agency may question the formal outcome (the decision) of a process.
- (2) An appeal against a decision or a complaint concerning the review process 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/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 or complaint 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/complaint may either be rejected or a request for further information or evidence made.
- (5) The ENQA Secretariat shall forward the appeal/complaint for 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 one month of the receipt of the appeal or complaint.
- (6) The Committee shall examine the appeal/complaint and undertake any further investigations that it considers necessary, as soon as reasonably practicable. This may involve obtaining documents from the appellant/complainant or speaking directly with the appellant/complainant or its representatives.
- (7) After considering the evidence, the Committee may decide:
 - To dismiss the appeal/complaint;
 - In case of an appeal, to uphold the appeal and recommend the Board to reconsider its decision, taking into account the findings of the Appeals and Complaints Committee.
 - In case of a complaint, to uphold it and recommend the Board to take appropriate action proportional to the issue(s) raised by the complainant, and taking into account the findings of the Appeals and Complaints Committee.
- (8) The Board's decision on the appeal/complaint shall be taken in light of the Committee's report and shall be final and non-appealable.
- (9) Appellants/complainants shall be notified in writing of the Board's decision within ten working days of the date of the decision.
- (10) The Board reserves the right to discontinue an appeal/complaint if the appeal/complaint is pursued in an abusive, offensive, defamatory, aggressive, or intimidating manner.

CHAPTER 9 – WORKING GROUPS

Article 25 - Operation

- (1) The procedure for establishing 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) and may be open also to affiliates or organisations from outside ENQA if considered beneficial for the aims of the working group.
- (3) Signing up for a working group is voluntary, but confirmation of taking part in a group and/or

attendance to a specific meeting is considered 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. The travel and accommodation costs are normally covered by the participating agencies unless otherwise agreed with the ENQA Secretariat.

CHAPTER 10 – PUBLICATION POLICIES

Article 26

The Association publishes full external review reports on its website, whether the review is 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 on membership from the Board and the self-assessment report of the agency.

Article 27

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

Article 28

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

CHAPTER 11 – FINANCIAL PROVISIONS

Article 29 – 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 30 – 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 31 – 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. A

member who has not settled its fee prior to the autumn General Assembly meeting loses its electing and voting rights, and the Board may suggest to the General Assembly the termination or suspension of its membership/affiliation until all due payments have been received.

Members/affiliates should inform the ENQA Board in advance if extraordinary circumstances prevent them from paying the annual fee on time.

CHAPTER 12 – FINAL PROVISIONS

Article 32

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

Article 33 – 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.