

## Appeals and Complaints - Criteria and Procedure

**Appeals** arise where an institution believes that an unfair or inappropriate verdict has been arrived at in either an Institutional Accreditation or Programme Assessment. There is provision in EQ-Arts procedures for institutions to correct factual errors in review reports, prior to the reports being reviewed by the Board. However, issues of factual accuracy should not arise at the stage that an appeal is being contemplated. The various provisions for reviewing the judgements of Review Teams should mean that an appeal represents an action of last resort; nevertheless, it is an important safeguard for institutions that, in the event of their having sincere and profound concerns about the verdicts applied to them, there exists an independent channel through which they can have those verdicts scrutinised and, if appropriate, modified.

**Complaints** arise when aspects of the process that have been implemented are felt by the institution to be at variance either with EQ-Arts own description of its procedures, or with the conduct of the Review Team<sup>1</sup> (or a member of the Team), or the actions of EQ-Arts staff. Complaints should not be applied in cases where the real cause of concern is the verdict of a review, except where it is the belief of the institution that an inappropriate verdict has arisen as a direct result of a departure from EQ-Arts own procedures or from the ESG.

### **Correction of factual errors in a report**

In all EQ Arts review procedures, institutions are provided with the final draft of the Review Team's report to enable them to point out any factual or statistical errors. With large quantities of data to absorb, and without an intimate and long-standing familiarity with the institution they are reviewing, there is always the possibility that occasional errors occur into reviewers' reports. Normally, these will not be so significant as to materially affect the recommendations and/or conditions being put forward, but it is still important for them to be corrected. Institutions that find factual errors are encouraged to correct them, providing evidence for the correction where appropriate. Based on any such corrections, the draft report will be amended.

Once the draft reviewers' report is amended and finalised, it goes to the EQ-Arts Board. After it has been analysed and agreed by the Board, the report is formally submitted to the institution. At this point, the opportunities for complaints that are built into the process depend upon the nature of the procedure: Institutional Accreditation, Programme Assessment or Quality Enhancement.

### **1. Appeals**

The provision of appropriate opportunities for appeal is an important feature of EQ-Arts quality assurance procedure. It acknowledges that a system of peer review is strengthened when the judgement of one particular group of peers is not necessarily to be regarded as absolute and final in all circumstances. At the same time, in a system where panels are carefully selected from a wide range of experts and where institutions have the right to comment on the initial selection if they feel it appropriate, the normal presumption of all those participating in the process should be that the considered view of the panel will be

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<sup>1</sup> See annex *EQ-Arts Code of Conduct* on the EQ-Arts website [www.eq-arts.org](http://www.eq-arts.org)

accepted, even if it contains critical elements. The possibility to voice criticism without fear of repercussions is as important as the right to challenge criticism when it is sincerely felt to be unjustified.

EQ-Arts procedures seek to establish a balance between the considerations outlined above in such a way that both the institution being reviewed and the experts carrying out the review feel adequately supported. The following sections describe first the routine opportunities within the process for correcting factual errors and then the more exceptional paths of action open to an institution that feels it has genuine cause to contest the final verdict of a review.

**In the case of an Institutional Accreditation and/or Programme Assessment procedure:**

With formal accreditation procedures, the appeals process itself necessarily becomes more formal and fully developed. The Review Team's report, once confirmed by the EQ-Arts Board and delivered to the institution, contains a concrete quality judgement in terms of each of the Standards of the EQ-Arts procedure being met (fully, partially or not). The consequences of this judgement are potentially far-reaching for the institution and it is important for there to be a reasonable right of reply to judgements which the institution genuinely believes to be ill-founded.

An institution should only resort to an appeal if it believes that it has been incorrectly given the result: "Accredited with conditions" or "Not accredited". In either case, the Review Team will have decided that a significant proportion of the Standards have not been met and it is towards these judgements of Standards, that the appeal should be directed. The appeal should be constructed based upon a solid argumentation and should identify the specific sections in the final report where the institution believes the Review Team to have been in error when forming its judgement. Success in an appeal requires a convincing case to be established, based wherever possible on corroborating evidence. Justifications made without substantiation cannot be accepted into the appeals process. Once completed, the appeal needs to be sent to the EQ-Arts Board by the institution. The procedure for this is described in the section *How to appeal* below.

Since the EQ-Arts Board will have endorsed the judgement of the Review Team before authorising the final report to be sent to the institution, it is important that the appeal is handled by a panel independent of the earlier stages of the process, who will therefore be able to arrive at an impartial judgement. As a result, the EQ-Arts Board will establish an Appeals Committee, formed of three members drawn from the Expert Peer-Review Register to respond to each appeal. The composition of this Committee will be formed to reflect the appropriate expertise of the appealing institution.

**In the case of a Quality Enhancement Review:**

There is no formal appeals procedure in the case of a Quality Enhancement Review as there is no formal approval decision made in the context of such a procedure. The Review Team simply notes examples of good practice and offers recommendations for the institution to consider, which it believes might lead to an enhancement of quality. It is to be hoped that the institution will at least engage with these suggestions in internal forums but if, ultimately, it chooses to disregard them, it is under no further obligation in relation to the procedure.

The Customer Feedback Survey questionnaire<sup>2</sup> provides the institution with an opportunity to comment on the recommendations formulated by the Review Team and their experience of the review procedure. If the consensus within the institution is that the comments and suggestions of the Review Team have been largely irrelevant or unhelpful, this feedback is of direct benefit to the EQ-Arts Board in terms of future adjustments it might wish to make to its procedures and/or its choice of peer-reviewers. However, it will not result in matters being referred directly to the Review Team.

### **Appeals Committee**

The members of an Appeals Committee are appointed by the EQ-Arts Board. The members are drawn from the EQ-Arts Expert Peer-Review Register, who are all experienced in international quality assurance processes and all have attended the intensive EQ-Arts training programme within the past four years. All Experts must complete the *EQ-Arts Conflict of Interest Form*<sup>3</sup> prior to being appointed to an Appeals Committee.

The three members of the Appeals Committee should meet, as soon as possible after the appeal and should carefully consider the appeal document and assess whether it makes a convincing case. The Committee may request further information/documentation from the institution and/or communicate with the Review Panel Chair.

### **Results of the appeal**

The final judgement of the Appeals Committee will take one of four forms:

- The appeal is rejected
- The appeal is partly upheld (in which case it must be specified whether the case is sufficiently strong to cause the original judgement to be altered)
- The appeal is fully upheld (based on the report and written submissions and not in a visit)
- The appeal cannot be decided based upon a written submission alone and a further visit is required (in principle, this judgement will only be used as a last resort)

In each case, a written justification for the verdict is required. This takes the form of a report submitted to the EQ-Arts Board by the Appeals Committee.

Except under the most exceptional circumstances, the EQ-Arts Board will accept the verdict of the Appeals Committee and, where this calls for an alteration in the judgement delivered by the review, it will confirm this alteration. Similarly, if a further visit is called for, the Board will normally endorse this.

The result of the appeal will be communicated by the EQ-Arts Board to the institution. The result finally published on the EQ-Arts website will reflect the judgement after the appeal and will not record that this judgement was only reached after an appeals process.

Where an appeal is partly upheld, the Appeals Committee may either decide that the strength of the institution's case is sufficient to alter the overall result or that, notwithstanding the valid points made, the overall verdict is still appropriate. In practice, this decision will focus on two areas:

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<sup>2</sup> See *EQ-Arts Customer Satisfaction Survey* on the EQ-Arts website [www.eq-arts.org](http://www.eq-arts.org)

<sup>3</sup> See *EQ-Arts Conflict of Interest Form* on the EQ-Arts website [www.eq-arts.org](http://www.eq-arts.org)

- Does the partial upholding of the appeal mean that the Review Team’s decision that a particular standard has been ‘partially fulfilled’ or ‘not fulfilled’ should be revised?
- If so, should an overall condition arising from the original verdict be mitigated to a recommendation – or indeed, removed altogether?

In principle, it should be possible for the Appeals Committee to decide that despite the appeal being partly upheld, neither of the steps above need be taken. However, it is more likely that the partial upholding of an appeal will lead to a change at least in the first area above and possibly, in the second as well.

Where an appeal is fully upheld, this is almost certain to result in a change in both areas described above.

The process will be applied to each of the verdicts concerning the fulfilment of standards and/or the application of conditions that have been contested by the institution. A decision of the Appeals Committee could therefore result in some elements of an appeal not being upheld, others being partly upheld and still others fully upheld. This, in turn, will determine any changes to the overall profile of conditions (for example, in the exceptional case of an original decision not to grant accreditation, an appeals decision that reduced the overall number, or the severity, of the conditions applied would normally result in accreditation being approved subject to any remaining conditions).

Exceptionally, the Appeals Committee may decide that it is unable to reach a definitive verdict based on the submitted documentation alone. Where this occurs, the Committee may recommend a fresh review visit to consider the contested elements of the Review Team’s decision. It is important for all parties to be clear that this visit will not address any areas that are uncontested.

For an appeals visit, the Review Team will consist of three experts, none of whom was involved in the original visit and amongst whom there is an appropriate balance of expertise. The visit should normally take no longer than one day. The costs of the visit will be shared equally between the institution and EQ-Arts. In the light of this, the institution shall have the right to decline a visit, in which case the original decision of the Review Team will stand.

### **How to Appeal**

When an institution wishes to appeal a decision of the Review Team, it should do so within **20 working** days of the date on the formal notification of result communicated by the EQ-Arts Board. The appeals documentation should be sent both electronically and in hard copy. The date of the electronic mailing will be taken as definitive in determining whether the **20 working** days deadline has been met or exceeded.

Prior to the deadline, the institution should contact EQ-Arts as soon as possible indicating its intention to appeal. This notification will be acknowledged by EQ-Arts and will enable preliminary work to be done on establishing the Appeals Committee by the EQ-Arts Board.

The finally submitted appeal should consist of the following:

- A covering letter, signed by the Head of the Institution confirming the appeal and outlining briefly its nature

- A more detailed argumentation dealing with each Standard where a decision is being contested and/or each condition that is being appealed against. In each case, the reason(s) for the appeal should be set out and evidence supporting the appeal should either be provided within the text or, where it is to be found in separate documentation (see below) the reference for this should be given
- Supporting documentation, where this is too lengthy to be included within the text of the argumentation

The appeal should be submitted to EQ-Arts in both electronic and hard copy versions. In both cases, the acknowledgement will be by email.

EQ-Arts will forward the appeal to the members of the Appeals Committee.

The Appeals Committee should submit its decision to the EQ-Arts Board within **30 working** days of receipt of a full set of the appeals documentation. Initially this will be by email to the EQ-Arts Chief Executive Officer, who will forward it immediately to individual Board members. The Chair of the Board will ask Board members to endorse the decision by email within **10 working** days. The decision and the Board's endorsement will then be put into a formal letter from the Chair of the Board. The EQ-Arts Chief Executive Officer will then be charged with communicating the Boards endorsement to the institution.

## 2. Complaints

An institution may complain when it considers that an evaluation has not been carried out with due consideration to *EQ-Arts Principles and Guidelines*<sup>4</sup> and the *EQ-Arts Code of Conduct*.<sup>5</sup> With regard to these reference points, grounds of complaints will be considered valid under the following circumstances:

### 1. Procedural Scope of Complaint Review

When submitting a complaint to EQ-Arts, the institution must:

- Indicate precisely the object of the complaint, by identifying either:
  - (a) specific irregularity in application of Principles or
  - (b) specific procedural activity;
- Stipulate in a substantiated manner how, to what extent and based on clear evidence,
  - (a) the error in application of *EQ-Arts Principles and Guidelines*
  - (b) the irregularity of specific procedural activity, either incomplete or erroneous, or constitute gross and evident misconduct;

Complaints should be submitted to EQ-Arts, in writing by email or regular mail. Any

<sup>4</sup> see *EQ-Arts Principles and Guidelines* on the EQ-Arts website [www.eq-arts.org](http://www.eq-arts.org)

<sup>5</sup> see *EQ-Arts Code of Conduct* on the EQ-Arts website [www.eq-arts.org](http://www.eq-arts.org)

documents should be attached in plain text or PDF format. EQ Arts will only consider complaints that include all these elements.

The complaint will normally be considered by the EQ-Arts Board. The only exception to this is in the case of a complaint relating to the Board itself. The EQ-Arts Board reserves the right to ignore submissions that are without foundation or clearly unsubstantiated. The Board will decide if and what action to take, as appropriate and in line with EQ-Arts procedures and regulations and/or those of the ESG. Except in the case of anonymous complaints, the Board will inform the complainant of its decision and any action taken after the complaint has been considered.

### **Substantive Criteria of Complaint Decision**

Within the procedural scope described above, the complaint judgement is based on, and limited to, the following criteria:

- a) Inappropriateness of process in whole or in part and its deviation from the *EQ Arts Principles and Guidelines* and the *EQ-Arts Code of Conduct*. Considerations of failure in adhering to the normal EQ-Arts process will be limited to those that are apt to influence the judgement of the evaluation team.

If the complaint should relate directly to the Board or any of its members, the matter will be referred in the first instance to a specially formed Complaints Committee. Having considered the matter, the Complaints Committee will report their conclusions to the EQ-Arts Board. As well as undertaking any action that may be called for, the Board will faithfully communicate to the complainant the outcome of the complaint.

### **Complaints Process**

On receipt of the evaluation report, the institution may lodge a complaint on procedural grounds within **10 working days**. Institutions that wish to lodge a complaint are requested to contact the EQ-Arts General Manager at [s.mometti@eq-arts.org](mailto:s.mometti@eq-arts.org) for further information.

Following submission of a complaint, the process will be:

#### **Consideration of the complaint**

- Receipt of a complaint is acknowledged within **5 working days** by the Chair of the EQ-Arts Board.
- The Chair considers the complaint and determines what action will be taken.

#### **Actions taken by the Chair**

The Chair of the EQ-Arts Board may:

- Investigate the matter with the institution and the Chair of the Review Team and decide to either remedy or reject the complaint as a whole, or in

part.

- Decide to establish a Complaints Committee to investigate the matter further.

In this case:

a) Each Complaints Committee comprises of three members: drawn from the EQ-Arts Expert Peer-Review Register. While composing the Committee, geographical and disciplinary balance is considered, as well as required expertise and background of the Committee members. All Experts must complete the *EQ-Arts Conflict of Interest Form*<sup>6</sup> prior to being appointed to a Complaints Committee.

b) The institution is informed of the Complaints Committee membership and is given the opportunity to raise any concerns with the EQ-Arts Chair within **5 working days** after receipt of the aforesaid information.

c) The Complaints Committee will review the complaints issues within the scope described in Part I.

d) The Complaints Committee will issue a judgement on the complainant's issues in a report to the EQ-Arts Board Chair.

e) If the Complaints Committee upholds a complaints issue it will make recommendations to the EQ-Arts Board, as is appropriate in view of the case.

### **Decision on the complaint**

In all cases, the Chair of the EQ-Arts Board makes a decision on the matter and communicates the outcome of the process to the head of the institution, normally within **30 working days** of receipt of the complaint

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<sup>6</sup> See *EQ-Arts Conflict of Interest Form* on the EQ-Arts website [www.eq-arts.org](http://www.eq-arts.org)