

**INTERNAL REGULATION NO. 10/2020**

**THE DIRECTIVE OF  
SLOVAK ACCREDITATION AGENCY FOR HIGHER  
EDUCATION**

**ON THE HANDLING OF COMPLAINTS**

## **The Directive of the Slovak Accreditation Agency for Higher Education on the handling of complaints**

Executive Board of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as the "Executive Board" pursuant to Art. 9 para. 1 letter i) of the Statute of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as "Agency ") approved on 22 October 2020 this internal regulation of the Agency – the Directive of the Slovak Accreditation Agency for Higher Education on the processing of complaints (hereinafter referred to as the "Directive"), prepared by Act no. 9/2010 Coll. on Complaints and Amendments to Certain Acts (hereinafter referred to as the "Act").

### **Article 1 Subject matter**

This Directive regulates the procedure for submitting, processing and controlling the process of complaints of persons filed pursuant to Act No. 9/2010 Coll. on Complaints, as amended (hereinafter referred to as the "Act"), to the Agency as a person to whom the Act has entrusted a decision on the rights, legally protected interests or obligations of other persons.

### **Article 2 Basic terms**

1. *A complaint* is the submission of a person (hereinafter referred to as "the complainant") to whom
  - a) seeks the protection of his rights or the interests protected by the law which he/she considers that have been infringed by the activities or inactivities of the Agency; or
  - b) points to specific shortcomings, in particular infringements of legislation which it is for the Agency to remedy.
2. *The processing of a complaint* shall be the receiving, registration, investigation, and handling of the complaint.
3. *The investigation of a complaint* shall be one of the forms of control carried out by the Agency to ascertain the real state of affairs and its compliance or breach of generally binding legislation.
4. *The handling of a complaint* shall be the return, adjournment of the complaint, notification of the outcome of the investigation of the complaint, or notification of the outcome of the review of the correctness of the handling of the previous complaint.
5. For this Directive, *an employee of the Agency* shall mean a person in an employment relationship or similar employment relationship with the Agency.

### **Article 3 Basic principles for processing complaints**

1. The investigation of a complaint shall be based on its subject matter, regardless of the complainant or the person against whom the complaint is directed. If depending on the content, only part of the submission is a complaint, only to that extent will be investigated. If the complaint consists of several separate parts, each of them shall be investigated. If a complaint or part of a complaint cannot be investigated, the Agency shall state this in the minutes of the investigation of the complaint and notify the complainant.
2. The submitting of a complaint shall not constitute an incentive or a reason to draw consequences that would cause the damage.
3. Information from documentation related to the processing of complaints that is protected or to which access is restricted according to a special regulation shall not be disclosed.
4. Everyone is obliged to maintain confidentiality about the facts he/she learned during the processing of the complaint. He/she may be released from this obligation in writing by the person in whose interest he/she has this obligation.

5. The Agency shall keep the identity of the complainant confidential if the complainant so requests. The Agency may withhold the identity of the complainant if this is in the interest of handling the complaint. In investigating such a complaint, a copy of the documents is used without providing any data that would identify the complainant. Everyone who knows the identity of the complainant is obliged to maintain confidentiality about it.
6. If the complainant has requested that his/her identity be kept confidential but the subject-matter of the complaint does not allow him/her to be investigated without giving any of his/her details, the Agency shall inform the complainant without delay. At the same time, he/she will be instructed that he/she will continue to process the complaint only if the complainant agrees in writing to provide the necessary information about himself/herself within the specified period, otherwise, he/she will postpone the complaint.
7. A complaint may not be assigned to an investigation and to be dealt with by the person against whom it is directed or by an employee in its management. From the investigation and handling of the complaint is removed
  - a) an employee of the Agency, if he/she has taken part in the activity which is the subject of the complaint; or
  - b) a person whose impartiality may be in doubt as to his/her relationship with the complainant, his/her representative, an employee of the Agency, or the subject matter of the complaint.

#### **Article 4**

##### **Receiving of complaints and their postponement**

1. Receiving of complaints is ensured by the Agency's office, by § 5 of the Act.
2. The Agency shall accept the complaint.
3. The received complaint, for the handling of which the Agency is not competent, shall be forwarded to the public administration body responsible for its handling within ten working days of receiving, and shall at the same time notify the complainant. The complaint, in which the complainant has requested the confidentiality of his/her identity, for the handling of which the Agency is not competent, shall be returned to the complainant, stating the reason, no later than within ten working days of its receiving.
4. If the Office finds that a submission received by the Agency is a complaint, it shall immediately forward it to the person or body of the Agency responsible for dealing with the complaint.
5. The complaint must be in writing and may be submitted in paper or electronic form. A complaint submitted in electronic form must be authorized by the complainant according to a special regulation<sup>1</sup>.
6. The complaint must contain the name, surname, and address of the complainant. If the complaint is submitted by a legal entity, it must contain its name and registered office, name, and surname of the person authorized to act on its behalf. The complaint in paper form must contain the complainant's handwritten signature. If it is possible to deliver documents to the complainant by this Act in electronic form, the complaint may also contain the complainant's address for such service.
7. If a complainant comes to the Agency to file a complaint in person, which he or she has not made in writing, the Agency shall accept the complainant and allow him or her to make a complaint in paper form. If a person whose medical condition prevents him or her from making a complaint in paper form arrives at the Agency himself/herself, the employee of the Agency shall prepare it for this person.
8. If the complaint does not contain the requisites under para. 5 or pursuant to para. 6, the Agency shall postpone it by § 6 of the Act.

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<sup>1</sup> § 23 par. 1 of Act no. 305/2013 Coll. on the electronic form of the exercise of the powers of public administration bodies and on the amendment of certain acts (the e-Government Act) as amended by Act no. 273/2015 Coll.

9. The Agency shall adjourn a complaint if it finds that, in the case which is the subject of the complaint, a court, a public prosecutor's office, another law enforcement authority, or another public authority has acted or is acting. The Agency shall suspend a complaint if it finds that the complaint concerns a person other than the one who lodged it and is not accompanied by a certified signature.
10. The Agency shall suspend a complaint if it finds that more than 5 years have elapsed since the event to which the complaint relates on the day on which it was received.

## **Article 5**

### **Recording of complaints**

1. The Agency shall keep a central register of complaints (hereinafter "the register") separately from the register of other documents. The records contain in particular the following data:
  - a) the date of delivery and the date of registration of the complaint, repeated complaint, and further repeated complaint,
  - b) the name, surname, address of seat of the complainant; if the complaint is submitted by a legal entity, the records must contain its name and registered office, name, and surname of the person authorized to act on its behalf,
  - c) the subject of the complaint,
  - d) the date on which the complaint was assigned to the inquiry and to whom it was assigned,
  - e) the result of the investigation of the complaint,
  - f) measures are taken and deadlines for their implementation,
  - g) the date of handling of the complaint, repeated complaint, or postponement of another repeated complaint,
  - h) the result of the review of a previous complaint or the investigation of a repeated complaint,
  - i) the date on which the complaint was forwarded to the competent authority for handling it,
  - j) the reasons for which the Agency postponed the complaint according to § 6 of the Act,
  - k) note.
2. The records shall be kept by the Agency's office.
3. A repeated complaint and another repeated complaint shall be recorded in the year in which it was received. The note shall state the number of the complaint to which it relates.

## **Article 6**

### **Investigation of complaint**

1. The Chair of the Executive Board of the Agency shall be responsible for investigating complaints. If the complaint is directed against the action or decision of the Chair of the Executive Board, the Executive Board of the Agency shall be responsible for dealing with the complaint. If a complaint is directed against the actions of a member of the Executive Board, that member of the Executive Board shall be removed from investigating such a complaint.
2. The investigation of a complaint shall be based on its subject matter, regardless of the complainant and the person against whom the complaint is directed. If depending on the content, only part of the submission is a complaint, only to that extent will be investigated. If the complaint consists of several separate parts, each of them shall be investigated. If a complaint or part of a complaint cannot be investigated, the Agency shall state this in the minutes of the investigation of the complaint and notify the complainant.
3. The body of the Agency handling the complaint shall investigate only those parts of the complaint for which it is competent; the other parts of the complaint shall be forwarded to the public authority responsible for handling them. The non-compliant parts shall not be investigated by the Board of Appeal of the Agency, which shall inform the complainant in the notification of the outcome of the investigation of the complaint, stating the reasons for their non-investigation.

4. The complaint shall be investigated by hearing the minutes of the investigation of the complaint. If it cannot be heard, the complaint shall be investigated by sending a copy of the minutes of the investigation of the complaint to the Agency.
5. The body of the Agency handling the complaint shall without delay inform the person against whom the complaint is directed of its content to such an extent and at a time that its investigation cannot be thwarted. At the same time, it will allow him/her to comment on the complaint, submit documents, statements, information, and data necessary for handling the complaint.
6. The complaint shall be dealt with within 60 working days. If the complaint is difficult to investigate, the complaint body may extend the time limit before its expiry by 30 working days, notifying the Agency's office to notify the complainant of the extension in writing without delay, stating the reasons. The time limit for dealing with a complaint shall begin on the first working day following the day on which it is received by the Agency.
7. The Agency's bodies or their members, members of the Agency's expert committees/review panels and the Agency's staff shall be obliged to provide the complainant with the documents, other documents, statements, information, data necessary to deal with the complaint, and other necessary cooperation.
8. Pursuant to § 21 of the Act, the handling of a repeated complaint shall be considered as a complaint, and it shall be handled by the same body that processed the complaint within the same time limit. The provisions of § 21 of the Act shall be applied to deal with another repeated complaint, and such a complaint shall be adjourned and the Agency shall not notify the complainant thereof.
9. The provisions of § 22 of the Act shall apply to the handling of a complaint against the handling of a complaint, whereby the complaint against the handling of a complaint is not a repeated complaint and the Agency shall process it within the set time limit specified in point 6 of this Article.
10. The body of the Agency handling the complaint shall, to the extent necessary, invite the complainant to cooperate in writing, specifying how it is to be provided and instructing it to suspend the complaint if no cooperation is provided or is not provided. The time limit for the cooperation of the complainant is ten working days from the date of delivery of the written notice to the complainant. If in duly justified cases, the complainant demonstrates that the time limit for providing cooperation is not sufficient, he/she may request in writing a new time limit before the expiry of the time limit. The body of the Agency handling the complaint may set a new deadline for the complainant to provide cooperation. In the period from the sending of the request for cooperation to its provision, the deadline for handling the complaint does not expire.
11. The body of the Agency handling the complaint shall draw up the minutes of the investigation of the complaint (hereinafter "the minutes"), which shall contain in particular:
  - a) the designation of the Agency,
  - b) the subject of the complaint,
  - c) the investigation period of the complaint,
  - d) proven findings,
  - e) date of handling the minutes,
  - f) name, surname, and signature of the Chair of the Board of Appeal,
  - g) the obligation of the competent body of the Agency, in case of deficiencies found within the time limit set by the body of the Agency handling the complaint,
    1. take measures to eliminate the identified deficiencies and the causes of their occurrence,
    2. identify the person responsible for the identified deficiencies,
    3. submit the measures taken to the body of the Agency handling the complaint,
    4. submit to the body of the Agency handling the complaint a report on the compliance of the measures and the application of legal liability,
  - h) an obligation on the Agency's office, if the identity of the complainant is not kept secret, to inform him/her of the action taken; if the identity of the complainant is kept secret, the measures taken shall be notified directly to him/her by the body of the Agency handling the complaint,
  - i) acknowledgment of submitting and receiving documents.

12. If the person or body of the Agency against whom the complaint is lodged refuses to acquaint himself/herself with the minutes, to fulfill the obligations under para. 11 letter g) of this Directive or, if he refuses to sign the minutes, the body dealing with the complaint shall state the facts in the minutes.
13. The complaint shall be accompanied by written notification of the outcome of its investigation to the complainant. The notification shall state the reasons for the outcome of the investigation of the complaint, which shall be based on the minutes. The notification shall state whether the complaint is well-founded or not unjustified. If the complaint has more than one part, the notification of the result of the investigation of the complaint shall contain the result of the investigation of each of them. A complaint consisting of several parts is considered justified if at least one of its parts is justified. If the complaint is well-founded, the notification shall state that obligations have been imposed under para. 11 letter g) of this Directive.

## **Article 7**

### **Common, transitional, and final provisions**

1. The costs incurred by the complainant in dealing with a complaint shall be borne by the complainant.
2. The Directive is binding on all employees, members of review panels, members of Agency's bodies, and cooperating persons.
3. The provisions of law, related to generally binding legislation, and the Agency's internal regulations shall apply mutatis mutandis to situations not covered by this Directive.
4. If certain provisions of this Directive become invalid or ineffective, this shall not affect the validity and effectiveness of the Directive as a whole.
5. The Directive, as amended, shall be approved by the Executive Board.
6. This Directive shall enter into force on the day of its adoption by the Executive Board.

Bratislava, 22 October 2020

prof. Ing. Robert Redhammer, Ph.D.  
Chair of the Executive Board