

INTERNAL REGULATION NO. 2/2020

Rules of Procedure of the Board of Appeal of the Slovak Accreditation Agency for Higher Education

Bratislava, January 23, 2020

RULES OF PROCEDURE
of the Board of Appeal of the Slovak Accreditation Agency
for Higher Education

Executive Board of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as "Executive Board") approved on 23 January 2020 pursuant to § 38 par. 12 of Act no. 269/2018 Coll. on Quality Assurance in Higher Education and amending Act no. 343/2015 Coll. on public procurement and amending certain laws as amended (hereinafter referred to as the "Act") this first Rules of Procedure of the Commission for evaluation of objections of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as the "Rules of Procedure", the "Board of Appeal" and "Agency"):

Article 1

The substantive scope of the Rules of Procedure

1. The rules of procedure shall lay down the rules relating to the convening of a meeting of the Board of Appeal, its ability to act and vote, its proceedings, the minutes of the meeting, the decision of the Board of Appeal, its professional activities, publication of its decisions and the basis for such decisions, and organisational and technical ensuring the activities of the Board of Appeal.
2. The basic rules concerning the legal status of the Board of Appeal, its powers, composition, rights, and obligations of its members, remuneration, powers of the Administrative Procedure Code, and decisions of the Board of Appeal shall be governed by the law and the Statute of the Agency.

Article 2

Meeting of the Board of Appeal

1. A meeting of the Board of Appeal shall be convened by its chair, who shall at the same time propose the agenda for its meeting.
2. Meetings of the Board of Appeal shall be convened by the chair by sending invitations with the agenda of the meeting to the members of the Board of Appeal by e-mail at least ten working days before the date of the meeting.
3. The first meeting of the Board of Appeal shall be convened by the chair of the Executive Board and shall propose its agenda. The members of the Board of Appeal shall elect a chair from among themselves at the first meeting.
4. A member of the Board of Appeal is obliged to participate in the meetings of the Board of Appeal, to express his/her initiative, and to participate in the decision-making on the matters under discussion. The participation of a member of the Board of Appeal in its meetings is irreplaceable.
5. In addition to the vote, a member of the Executive Board, the chair of the relevant review panel or a member authorized by him/her and a maximum of two representatives of a participant in the proceedings shall be entitled to be present and speak at the meeting of the Board of Appeal at its meeting. The participant to the proceedings is a public university, a state university, a private university, or an applicant for state consent. By sending an invitation, the Board of Appeal shall notify those persons of the subject of the meeting, the place, the date, and the time of the meeting of the objections at least ten working days in advance.
6. The Board of Appeal may invite other persons to attend its meetings as necessary.
7. The absence of persons invited to the meeting of the Board of Appeal other than the quorum of its members shall not constitute an obstacle to the decision of the Board of Appeal.
8. The supporting documentation for the meeting shall be sent by electronic mail or made available to the members of the Board of Appeal in the Agency's information system at least ten working days before the meeting of the Board of Appeal.

Article 3

The Secretary of the Board of Appeal

1. The secretary of the Board of Appeal, in cooperation with the chair of the Board of Appeal, shall act on the instructions of the chair and carry out the activities provided for in these Rules of Procedure.
2. The secretary of the Board of Appeal shall not have the right to vote.
3. The secretary of the Board of Appeal, in particular
 - a) organises the activities of the Board of Appeal organisationally and administratively,
 - b) supervises the compliance with the time limits laid down in these Rules of Procedure or law,
 - c) ensures the proper execution of the decisions of the Board of Appeal,
 - d) ensure the storage of documents that are not archived electronically within the Agency's information system.
4. The secretary of the Board of Appeal shall take part in the proceedings of the Board of Appeal, the proceedings of which he/she shall draw up minutes under the provisions of these Rules of Procedure.

Article 4

Quorum and voting of the Board of Appeal

1. A quorum shall exist at a Board of Appeal if at least three members of the Board of Appeal are present.
2. The Board of Appeal shall reach its decisions and conclusions only in a session at its meetings.
3. The vote of the Board of Appeal shall be public. In justified cases, the chair of the Board of Appeal may decide to hold a secret ballot.
4. The decision of the Board of Appeal shall be adopted if an absolute majority of all the members of the Board of Appeal, i.e at least three of its members, vote in favor.
5. A member of the Board of Appeal shall act independently and shall not be bound by the orders of the person who nominated him/her for office or who appointed him/her.

Article 5

Conduct of the Board of Appeal

1. Meetings of the Board of Appeal shall be managed by its chair or a member of the Board of Appeal appointed by him/her.
2. The meeting of the Board of Appeal shall not be public. The chair of the Board of Appeal may declare a meeting or part of a meeting to be held in public.
3. Each member of the Board of Appeal shall have the right to comment on the item under discussion and the document submitted. The order of individual statements of the members of the Board of Appeal shall be determined by the chair of the Board of Appeal.
4. The obligation of the Board of Appeal to discuss new proposals submitted directly at a meeting of the Board of Appeal outside the agenda of the meeting shall arise by the decision of the chair of the Board of Appeal or at least three of its members.
5. A member of the Board of Appeal shall be replaced by an alternate if he/she has been removed from the proceedings because of his/her bias or for a reason established by law or by the Agency's Statute; the alternate shall have the full status of a member of the Board of Appeal. The chair of the Board of Appeal shall decide on the removal of a member of the Board of Appeal from the proceeding of the case; The Board of Appeal decides to remove the chair of the Board of Appeal from the proceeding of the case by a resolution.

Article 6

Minutes of the Board of Appeal meeting

1. The secretary of the Board of Appeal or a member appointed by the chair of the Board of Appeal shall draw up minutes of the meeting of the Board of Appeal no later than 15 working days after the meeting. The minutes shall be approved and signed by the chair of the Board of Appeal.
2. The original of the minutes of the Board of Appeal meeting, signed by the chair of the Board of Appeal, shall be archived and shall be accessible for inspection at the seat of the Agency; A copy of the minutes shall be sent by the secretary in the electronic form to each member of the Board of Appeal.
3. The Board of Appeal shall archive the minutes of its meetings, the documents for its decision, the attendance lists, the written observations of the participants and the members of the Board of Appeal; in the case of the secret ballot, it shall also archive the ballot papers in a sealed envelope signed by the chair of the Board of Appeal.

Article 7

Decisions of the Board of Appeal

1. The Board of Appeal shall examine the procedures of the Executive Board and its review panels based on objections raised by the participant to decisions or observations of the Executive Board.
2. If the Board of Appeal, in examining the decision or opinion of the Agency, finds that the Agency's internal rules governing the procedure of the Executive Board, its review panels or the law and other generally binding legislation have not been complied with, it shall return the decision or opinion to the Executive Board; otherwise, it shall confirm the decision or opinion of the Agency.
3. A written copy of the decision taken by the Board of Appeal shall be drawn up by the chair of the Board of Appeal or a member of the Board of Appeal appointed by him/her or, under his/her authority, by the Office of the Agency. The decision shall be signed by the chair of the Board of Appeal.
4. The Board of Appeal shall decide upon the opposition of the participant to the proceedings within 90 days from the date of its receipt by the Agency.
5. The chair of the Board of Appeal shall decide in opposition proceedings under the law and other matters of the Board of Appeal, in addition to decisions in matters and decisions established by law within the competence of the Board of Appeal.

Article 8

Professional activities of the Board of Appeal

1. The Board of Appeal shall, at the request of the Executive Board or on its initiative, prepare expert opinions and studies concerning the subject matter of the Agency's activities. It shall publish these documents on the Agency's website or otherwise, in agreement with the Agency.

Article 9

Publication of the decisions of the Board of Appeal and the basis for those decisions

1. The Board of Appeal shall publish on the Agency's website its decisions regarding the return of the decision or opinion of the Executive Board, as well as its decisions confirming the decision or opinion of the Executive Board. These decisions shall state the reasons on which they are based.
2. The Board of Appeal shall publish on the Agency's website the documents for decisions of the Board of Appeal.

Article 10

Organisational, material, and technical support of the activities of the Board of Appeal

1. The Agency's Office shall be responsible for the organisational and material and technical provision of the opposition proceedings under the law.
2. The expenses of the Board of Appeal shall be borne by the Agency.
3. In addition to the right to remuneration arising from the law, the members of the Board of Appeal shall also be entitled to compensation for travel and subsistence expenses under special regulations.

Article 11

Final provisions

1. These first Rules of Procedure shall enter into force and effect on the date of their approval by the Executive Board.
2. Amendments to the first Rules of Procedure, as well as to other Rules of Procedure, shall enter into force and effect on the dates of their approval by the Board of Appeal after the Executive Board has given its opinion.