

## **INTERNAL REGULATION No. 11/2020**

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

### **ON THE HANDLING OF COMPLAINTS**

**as amended  
from 31 August 2023**

**In Bratislava, 31 August 2023**

# **THE DIRECTIVE OF THE SLOVAK ACCREDITATION AGENCY FOR HIGHER EDUCATION ON HANDLING COMPLAINTS**

The Executive Board of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as the “Executive Board” or “EB SAAHE”) pursuant to Article 9 par. 1 letter i) of the Statute of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as “SAAHE” or “the Agency”) approved on 22 October 2020 this internal regulation of the Agency – *Directive of the Slovak Accreditation Agency for Higher Education on Handling Complaints Handling* (“the Directive”), drawn up in accordance with Act No. 9/2010 Coll. on complaints and on the amendment of certain acts hereinafter referred to as “the Act”), as amended and approved by the Executive Board on 31 August 2023.

## **Article 1 Subject matter**

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

## **Article 2 Basic concepts**

1. *A complaint* is a submission by a person (hereinafter referred to as the “complainant”) who
  - a) the complainant seeks protection of his/her rights or interests protected by law, which he/she believes have been violated by the Agency’s activity or inaction, and at the same time
  - b) points out specific shortcomings, in particular violations of legal regulations, the elimination of which is within the competence of the Agency.
2. *Handling a complaint* is the receiving, recording, investigating and handling the complaint.
3. *Investigating a complaint* is one of the forms of control activity of the Agency, which determines the actual state of the matter and its compliance or conflict with generally binding legal regulations.
4. *Handling of a complaint* is the return, postponement of the complaint, notification of the result of the investigation of the complaint, or notification of the result of checking the correctness of the handling of the previous complaint.
5. For the purposes of this Directive, *an employee of the Agency* is understood as a person in an employment or equivalent employment relationship with the Agency.

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

1. When investigating a complaint, it is based on its subject, regardless of the complainant and the person against whom the complaint is directed. If, according to the content, only part of the submission is a complaint, it will be investigated only to that extent. If the complaint consists of several separate parts, each of them is investigated. If the complaint or part of it cannot be investigated, the Agency shall state this in the minutes of the complaint investigation and notify the complainant.

2. Filing a complaint must not become an incentive or a reason for drawing consequences that would cause the complainant any harm.
3. Information from the documentation related to the handling of the complaint, which is protected or to which access is restricted according to a special regulation, shall not be made available.
4. Everyone is obliged to maintain confidentiality about the facts they learn while handling the complaint. He/she can be released from this obligation in writing by the person in whose interest he/she has this obligation.
5. The Agency is obliged to keep the identity of the complainant confidential if the complainant requests it. The Agency may withhold the identity of the complainant if it is in the interest of handling the complaint. In the investigation of such a complaint, a copy of the documents is used without specifying the data that would identify the complainant. Anyone who knows the identity of the complainant is obliged to maintain confidentiality.
6. If the complainant requests that his/her identity be kept confidential, but the subject of the complaint does not allow for its investigation without providing some of his/her personal data, the Agency will notify the complainant immediately. At the same time, it will instruct him/her that the agency will continue handling the complaint only if the complainant gives written consent to provide the necessary information about his/her person within the specified period, otherwise, the complaint will be postponed.
7. The complaint must not be assigned for investigation and processing to the person against whom it is directed, nor to an employee in his/her management capacity. The following are excluded from the investigation and handling of the complaint
  - a) an employee of the Agency, if he/she participated in the activity that is the subject of the complaint; or
  - b) the person whose impartiality may be in doubt due to his/her relationship with the complainant, his/her representative, the Agency's employee or the subject of the complaint.

#### **Article 4**

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

1. Complaints are received by the Agency's office, according to § 5 of the Act.
2. The Agency is obliged to accept the complaint.
3. The received complaint, the processing of which the Agency is not responsible for, shall be forwarded to the public administration body responsible for handling it within ten working days at the latest, and at the same time notify the complainant thereof. The complaint, in which the complainant has requested the confidentiality of his/her identity, the handling of which the Agency is not responsible for, shall be returned to the complainant within ten working days from its delivery at the latest, stating the reason.
4. If the office finds that the submission delivered to the Agency is a complaint, it will immediately forward it to the person or body of the Agency responsible for processing the complaint.
5. The complaint must be in writing and can be submitted in paper or electronic form. A complaint submitted in electronic form must be authorised by the complainant according to a special regulation<sup>1</sup>.
6. The complaint must contain the name, surname and residence of the complainant. If the complaint is filed by a legal entity, it must include its name and registered office, the name and surname of the person authorised to act on its behalf. A written complaint must contain the complainant's handwritten signature. If it is possible to deliver documents to the

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

- complainant pursuant to this Act in electronic form, the complaint may also contain the complainant's address for such delivery.
7. If the complainant comes to the agency in person to file a complaint that he/she does not have in writing, the Agency will accept the complainant and allow him/her to make a complaint in paper form. If a person comes to the agency whose health condition prevents them from making a written complaint themselves, an employee of the agency will make it for that person.
  8. If the complaint does not contain requirements according to par. 5 or par. 6, the agency will postpone it according to § 6 of the Act.
  9. The Agency shall postpone the complaint if it finds that the court, the prosecutor's office, another law enforcement agency or another public administration body acted or is acting in the matter that is the subject of the complaint.
  10. The Agency will postpone the complaint if it finds that the complaint concerns a person other than the one who filed it and a power of attorney with a certified signature is not attached.
  11. The Agency shall postpone the complaint if it finds that more than 5 years have passed since the event to which the subject of the complaint relates on the date of its delivery.

## **Article 5 Recording of complaints**

1. The Agency keeps a central register of complaints (hereinafter referred to as "the register") separately from the register of other documents. The register mainly contains the following data:
  - a) date of delivery and date of entry of a complaint, repeated complaint and further repeated complaint;
  - b) name, surname, and residence address of the complainant; if the complaint is filed by a legal entity, the records must contain its name and registered office, the name and surname of the person authorised to act on its behalf;
  - c) the subject of the complaint,
  - d) the date the complaint was assigned for investigation and to whom it was assigned;
  - e) the result of the investigation of the complaint,
  - f) measures taken and deadlines for their implementation;
  - g) date of disposal of the complaint, repeated complaint, or the postponement of the next repeated complaint;
  - h) the result of the review of a previous complaint or the investigation of a repeated complaint;
  - i) the date of referral of the complaint to the authority responsible for handling it
  - j) the reasons for which the Agency postponed the complaint pursuant to § 6 of the Act,
  - k) note.
2. The records are kept by the Agency's office.
3. A repeated complaint and another repeated complaint are registered in the year in which it was received. The note shall indicate the number of the complaint to which it is related.

## **Article 6 Investigation of a complaint**

1. The Chairman of the Executive Board of the Agency is responsible for investigating the complaint. If the complaint is directed against the activity, or decision of the Chairman or a member of the Executive Board, the auditor is responsible for handling the complaint.
2. When investigating a complaint, it is based on its subject, regardless of the complainant and the person against whom the complaint is directed. If, according to the content, only

- part of the submission is a complaint, it will be investigated only to that extent. If the complaint consists of several separate parts, each of them is investigated. If the complaint or part of it cannot be investigated, the Agency shall state this in the minutes of the complaint investigation and notify the complainant.
3. The body of the Agency handling the complaint will investigate only those parts of the complaint for which it is responsible; the other parts of the complaint will be forwarded to the competent public administration body for processing. The parts that are not a complaint are not investigated by the agency body handling the complaint, which the complainant is informed about in the notification of the result of the complaint investigation, including the reasons for not investigating them.
  4. The complaint is investigated by discussing the minutes of the complaint investigation. If it cannot be negotiated, the complaint is investigated by delivering one copy of the complaint investigation minutes to the Agency.
  5. The body of the Agency handling the complaint shall immediately inform the person against whom the complaint is directed of its content to the extent and time that its investigation cannot be thwarted. At the same time, it will allow him/her to comment on the complaint, submit documents, writings, information and data necessary for handling the complaint.
  6. The complaint is processed within 60 working days. If the complaint is difficult to investigate, the body handling the complaint may extend the deadline by 30 working days before its expiration, notifying the Agency's office to immediately notify the complainant in writing of the extension of the deadline, stating the reason. The deadline for processing the complaint begins on the first working day following the day of its delivery to the Agency.
  7. The Agency's bodies or their members, the members of the Agency's expert commissions/review panels and the Agency's employees are obliged to provide the body handling the complaint with documents, other documents, statements, information, data necessary for processing the complaint, as well as any other necessary cooperation.
  8. Pursuant to § 21 of the Act, processing of a repeated complaint is considered as a complaint, and it is processed by the same body that processed the complaint within the same period. The provisions of § 21 of the Act shall be used to deal with another repeated complaint, while such a complaint will be postponed and the complainant will not be notified by the Agency.
  9. The provisions of § 22 of the Act shall apply to the handling of a complaint against the handling of a complaint, while a complaint against the handling of the complaint is not a repeated complaint and the Agency will process it within the prescribed period specified in point 6 of this Article.
  10. The body of the Agency handling the complaint is entitled, to the extent necessary, to invite the complainant in writing to cooperate with the determination of the method of providing it and with the instruction that in the event of non-cooperation or failure to provide it within the specified time limit, the complaint will be postponed. The deadline for providing the complainant's cooperation is ten working days from the date of delivery of the written request by the complainant. If, in justified cases, the complainant proves that the deadline for providing cooperation is not sufficient, he/she may request in writing to set a new deadline before it expires. The body of the Agency handling the complaint may set a new deadline for the complainant to provide cooperation. In the time between the dispatch of the invitation to provide cooperation and its provision, the deadline for handling the complaint does not run.
  11. The body of the Agency handling the complaint will draw up minutes on the investigation of the complaint (hereinafter referred to as "minutes"), which includes in particular:
    - a) designation of the Agency,
    - b) the subject of the complaint,
    - c) the period of investigation of the complaint;
    - d) proven findings;
    - e) the date of preparation of minutes;

- f) name, surname, and signature of the Chairman of the Agency body handling the complaint;
  - g) the obligation of the competent body of the Agency, in case of detection of deficiencies within the period determined by the body of the agency handling the complaint;
    - 1. take measures to eliminate identified deficiencies and the causes of their occurrence;
    - 2. determine the person responsible for the deficiencies identified;
    - 3. submit the measures taken to the Agency body handling the complaint;
    - 4. submit a report on the fulfillment of measures and application of legal responsibility to the agency body handling the complaint;
  - h) the obligation of the Agency's office, if the identity of the complainant is not secret, to notify him/her of the measures taken; if the complainant's identity is confidential, the Agency body handling the complaint will notify him/her directly of the measures taken;
  - i) confirmation of handover and receipt of documents.
12. If the person or body of the Agency against whom the complaint was directed refuses to get acquainted with the minutes, to fulfill the obligations according to par. 11 letter g) of this Directive, or if he/she refuses to sign the minutes, the complaint-handling body of the Agency shall state these facts in the minutes.
13. The complaint is dealt with by sending a written notification of the outcome of its investigation to the complainant. The notification must contain a justification of the result of the investigation of the complaint, which is based on the minutes. The notification shall state whether the complaint is justified or unfounded. If the complaint has several parts, the notification of the outcome of the investigation of the complaint contains the result of the investigation of each of them. A complaint consisting of several parts is evaluated as justified if at least one of its parts is justified. If the complaint is justified, the notice shall state that the obligations under par. 11 letters g) of this directive.

## **Article 7**

### **Common, Cancellation and Final Provisions**

- 1. The costs of handling the complaint incurred by the complainant shall be borne by the complainant.
- 2. The Directive is binding on all employees, members of review panels, members of SAAHE bodies and cooperating persons.
- 3. The provisions of the law, related generally binding legal regulations and internal rules of the Agency shall be applied appropriately to situations not regulated by this Directive.
- 4. If some provisions of this Directive become invalid or ineffective, this does not affect the validity and effectiveness of the entire Directive.
- 5. The Directive and its amendments are approved by the Executive Board.
- 6. This Directive shall enter into force on the date of its approval by the Executive Board.
- 7. This Directive was approved at the meeting of the executive board on October 22, 2020, and its amendments were approved at the meeting of the executive board on August 31, 2023, and as amended, it enters into force on the day of its approval.

In Bratislava, 31 August 2023

**prof. Ing. Robert Redhammer, PhD.**  
Chairman of the Executive Board