

Appeals Commission Internal Rules

HCERES conducts several thousand evaluations every year, involving around 5,000 experts, and it employs over 200 people. This document describes the way HCERES organises and operates its appeals procedure.

1. Assignment

Appeals are managed within HCERES by the Appeals Commission and its permanent secretariat.

Appeals means any procedure initiated by an appellant in order to have an HCERES report or decision withdrawn, annulled or amended. A **claim** is any expression of dissatisfaction with HCERES activities. Claims are handled directly by the President of HCERES.

The reasons given in substantiation of an appeal or claim can focus on the way an evaluation was carried out, the way in which HCERES principles (as published in the Evaluation Charter) are implemented, evaluation findings, decisions relating to the validation of evaluation procedures implemented by other bodies or to the accreditation of higher education institutions or programmes of study abroad. (See Section 4 hereof for further details)

Substantiating reasons must be provided with any appeal.

2. Composition

2.1. Appeals Commission

The Appeals Commission has eight members and its Chair is appointed by the President of HCERES:

- Five commission members are selected by the President of HCERES from the HCERES Board, including the Commission Chair.
- Three scientific advisors are selected by the President of HCERES from the evaluation departments, including one with legal expertise.

The role of the Commission is to examine appeals in accordance with these internal rules, and to make a decision where required.

The Commission is appointed for a four-year term. If any Commission member resigns, the President of HCERES shall appoint a replacement, whose term of office shall run to the end of the Commission's remaining term.

2.2. Appeals Commission Permanent Secretariat

Appeals Commission administration is provided by the HCERES General Secretariat. The Secretary General and his/her representative shall attend Appeals Commission meetings. The permanent secretariat shall provide support in examining appeals in order to enable the Commission to manage them, and shall monitor the appeals examination process. The secretariat shall not have a vote at Commission meetings.

3. Operating methods

The Commission shall be convened by its Chair and meet as often as required at the HCERES head office. Except for emergencies, it shall meet on the same day as the HCERES Board.

A majority of current members must be present for Commission decisions to be valid.

Commission decisions shall be made *in camera* by a majority vote of the members present. In the event of a tied vote, the Commission Chair shall have the casting vote.

The Commission can decide to:

- annul an evaluation and order a repeat evaluation,
- request that the Chair of the relevant panel of experts amend the evaluation report,
- request re-examination of the contested decision (accreditation or validation of procedures abroad),
- dismiss the request.

Members of the Appeals Commission and permanent secretariat are required to maintain strict confidentiality.

Commission members are not allowed to take part in Appeals Commission work if they are part of the entity or the department concerned by the appeal. Members also undertake to inform the Commission Chair in advance of each appeal case, of any fact or situation which may be considered to influence their independence or impartiality.

4. Examples of appeals

The HCERES Appeals Commission shall be competent to examine requests of the following types:

4.1. Implementation or findings of an evaluation in France or abroad

For example:

- conflict or community of interest,
- questions over the competency of experts,
- lack of respect for individuals.
- disputed evaluation findings.

4.2. Decisions by the accreditation commission (for foreign institutions or programmes)

For example:

- disputed decision or refusal to award accreditation, in the light of evidence in the evaluation report,
- dispute over the term of accreditation awarded.

4.3. Decisions to validate other bodies' evaluation procedures

For example:

- disputed refusal to validate another body's evaluation procedures.

5. Appeal examination procedure

Appeals shall be sent by registered letter with acknowledgement of receipt (or foreign equivalent) to the President of HCERES, within six months of publication of the relevant evaluation report or decision at the latest. The President shall pass the letter on to the permanent secretariat of the Appeals Commission. HCERES aims at processing appeals within three months of their registration.

1	President of HCERES	Sends acknowledgment to appellants and, where relevant, to their supervising authorities.
2	Appeals Commission Permanent Secretariat	Logs appeal in the registry of appeals. Prepares the case file containing all evidence relating to the disputed evaluation or decision: interim reports, CVs and declarations of interest from members of the panel of experts, commission decisions and recommendations, etc. Informs the Commission Chair.

3	Appeals Commission Chair and Permanent Secretariat	<p>Examine the admissibility of the appeal on the basis of evidence sent by the appellant and the file prepared by the permanent secretariat. The Commission Chair decides whether the appeal is admissible.</p> <ul style="list-style-type: none"> - If the appeal is admissible, the permanent secretariat of the Commission adds this appeal to the agenda of the next Commission meeting and continues to complete the case file according to the Chair's instructions. - If the appeal is not admissible, the President of HCERES shall inform the appellant and, where applicable, its supervisory authorities of its inadmissibility.
4	Appeals Commission Permanent Secretariat	If the appeal is admissible, informs all Commission members and sends them the appeal case file.
5	Appeals Commission Chair and Permanent Secretariat	<p>Prepare a draft decision and a written report stating all factual and legal information relating to the appeal, in order to substantiate the proposed decision.</p> <p>They may contact any member of HCERES staff or expert with a connection to the appeal, in order to provide supporting evidence for the report.</p>
6	Appeals Commission Permanent Secretariat	Sends the Commission Chair's proposed decision and report to Commission members at least 14 days before the Commission meeting.
7	Commission Members	Study the appeals files and inform the permanent secretariat of any additional information they would like to have presented during the meeting.
8	Appeals Commission	Deliberates on the appeal case file. Adopts or amends the decision proposed by the Commission Chair.
9	Appeals Commission Permanent Secretariat	Drafts the formal Commission decision and records it in the appeals registry, with related evidence.
10	President of HCERES	<p>Notifies the appellant and its supervising authorities of the Commission decision.</p> <p>Enforces Commission decisions and closes the procedure.</p>
11	Appeals Commission Permanent Secretariat	Publishes the appeal, Commission decision and substantiating reasons.

6. Annual Summary

An annual summary of appeals received by HCERES and handled by the commission is presented in the HCERES Annual Report.