

Decision on the Complaint against

(###)

Register Committee

22 June 2020

Ref. RC27/C05

Ver. 1.0

Date 2020-07-06

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Complaint of:	25/04/2020
Agency registered since:	###
Decision of:	22/06/2020
Registration until:	###
Absented themselves from decision-making:	nobody
Attachments:	1. Complaint by ### 2. Request to ###, 08/06/2020 3. ###'s statement on the complaint, 18/06/2020

1. The Register Committee considered the complaint made by ### via lawyer ###.
2. The complainant is a student of ###, at the Faculty of ##.
3. The complainant alleged that ### withheld public access to quality assurance reports, a matter within the scope of the ESG (see standard 2.6) and therefore within EQAR's remit.
4. The complaint included all information required by the Complaints Policy.
5. The Register Committee concluded that the complaint was formally admissible and invited ### to respond to the complaint. The Committee considered ###'s response of 18 June 2020.

Analysis:

6. From the explanation provided by ###, the Register Committee understood that there were no other external quality assurance reports on the University and the Faculty than those that were publicly available.
7. The Register Committee considered that there was no prima facie evidence that ### unduly withheld publication of any further reports, notwithstanding that one report is currently awaiting publication. The Register Committee considered that this report will presumably be published immanently.
8. The Committee considered that ### provided credible and acceptable explanations why no further reports were finalised to date (some evaluation procedures being still in progress, some delayed due to Covid-19).

9. The Register Committee could, however, understand that the complainant assumed that additional reports must exist. Given the fact that the reports publicly available at the moment are marked as expired, it was a reasonable assumption that a next re-evaluation/re-accreditation report should probably exist. The Committee considered that ### could have taken steps to avoid such misperceptions by adjusting the expiry date of accreditations or by informing the public in another way.

Conclusion:

10. **The Register Committee concluded that there was no violation of ESG standard 2.6 in the specific case and no evidence of a systemic non-compliance with the standard. The complaint was therefore not substantiated and rejected.**

11. The Register Committee nevertheless made the following observations:

- Unlike the other reports, it appeared that the 2014 ones on the ### programmes were not (yet) uploaded to DEQAR. The Committee encouraged ### to make these available.
- The Committee considered that it would be useful if ### updated those records in DEQAR where the accreditation periods were extended or prolonged, following a postponed/delayed procedure due to Covid-19. This would reflect the cited regulations that these accreditations were extended, and would avoid the impression that either accreditation had expired or the re-accreditation report/decision were not published.

12. **The Register Committee thus urged ### to consider appropriate steps to improve transparency for the public and avoid similar misunderstandings in the future.**

13. According to point 6.a of the process defined in the Complaints Policy, this decision will be published in anonymised form.

14. ### has the right to appeal this decision of the Register Committee in accordance with the [Appeals Procedure](#). Any appeal must reach EQAR within 90 days from receipt of this decision.

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██████████
██████████
Attorneys At Law
██
Tel: ██████████
████████████████████

To,
EQAR
EUROPE

DEAR SIR OR MADAM,

I, THE UNDERSIGNED, ██████████, STUDENT AT ██████████ UNIVERSITY IN ██████████
██████████, ██████████ AND ██████████ CITIZEN, WITH HEADQUARTERS AND DOMICILE ON
██, VIA LAWYER ██████████,
EXPRESS THE FOLLOWING:

REQUEST

STATEMENT: Accordind to EQAR Complaints Policy (concerning registered quality assurance agencies1) – Format, we state and we agree that my identity and my attorneys identity to be disclosed to the ██████████

We respectfully request to ensure transparency regarding all ██████████ decisions in order to be accessible to the public.

We made this request considering that ██████████ restricts the public access to their decisions.

Due to the countless deficits at the level of ██████████ universities, we assume that ██████████ is trying to hide the truth by illegally protecting universities and granting them undeserved credit.

In particular, I noticed ██████████ reporting problems at ██████████ University ██████████ and ██████████ did not even give me an answer.

I mention that I am a 2nd year student, within the ██████████ University, Faculty of ██████████.

Accordind to EQAR Complaints Policy (concerning registered quality assurance agencies1) – Format, Complaints have to include at least:

- The name of the agency concerned: ██████████
 - The complainant's concerns with regard to the agency's compliance with the European Standards and Guidelines (ESG) or the integrity of the external review process.
- Whenever possible, complainants should refer to specific standards or guidelines of the

ESG, or to specific articles of EQAR's Procedures for Application: the facts that i wrote above, and a violation of ESG standard 2.6, which requires agencies to publish their reports and decisions, and thus to ensure transparency (is the article that on 20 april 2020 director Colin Tuck mentioned as an answer to our first notification to EQAR that was incomplete)

- Evidence supporting the concerns (any documents should be attached in plain text or PDF format):

a) site [REDACTED] from [REDACTED] University that restricts access to the [REDACTED] (we attach two photos of the site);

b) site [REDACTED] that has [REDACTED] University institution evaluation only from 2009 and from 2015; any other [REDACTED] University or Faculty of [REDACTED] can't be accessed or isn't published online; we can provide a short movie of evidence if necessary);

c) e-mails from 22 february 2019 and 22 may 2019 sent to [REDACTED] without any answers.

- A statement whether the issue has been taken up with the agency concerned; if so, with what result; if not, for what reason: We have notified [REDACTED] several times and they do not take into consideration our requests.

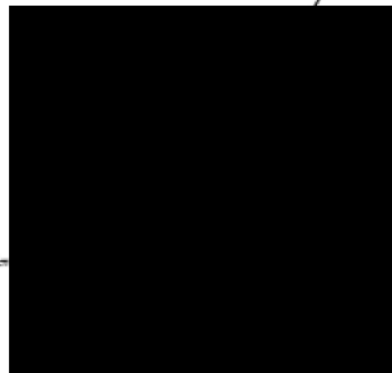
You have to consider that the first notification was more than a year ago.

- Information on any current or past relationship the complainant has/had with the agency concerned: we mention that above.

DATE: 25 APRIL 2020

BEST REGARDS,

[REDACTED]
BY ATTORNEY [REDACTED]



Request to ###, 08/06/2020:

###

– by email –

Dear ##,

Register Committee

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I am writing to inform you that EQAR received the attached complaint by a student of ###. We have initially reviewed the complaint in accordance with the [EQAR Complaint Policy](#) and determined that it is formally admissible.

Per item 3 of the process set out in the Policy, we hereby inform ### of the complaint and invite you to comment.

The complainant alleges that ### “restricts the public access to [its] decisions”, referring specifically to the complainant’s University, the Faculty of ###, or programmes at the Faculty.

We consulted the ### website and found that the most recent reports published on the University date back to 2015. While we noticed that the search engine at ### lists some programmes of the Faculty, there were no links to reports in most cases.

Also in DEQAR, we could see an institutional evaluation of the University and programme accreditations in ###, both from 2015 and having expired in February 2020.

We thus kindly ask you to clarify whether there are any more recent ### reports or decisions on the University, the Faculty or its programmes. If so, please kindly explain why these are not (yet) published on ###’ website nor in DEQAR.

We kindly ask you to comment on the complaint **by 19 June 2020**. Should that be impossible please kindly get in contact with me.

Yours sincerely,

Colin Tück
[Director]

###'s statement on the complaint, 18/06/2020:

Dear Colin,

Thank you for your message. We hope that all of you are fine and in good health!

Regarding the complaint sent to EQAR by ###, student at ###, please find below the ### viewpoint and comments:

"restricts the public access to [its] decisions", referring specifically to the complainant's University, the Faculty of ###, or programmes at the Faculty.

comment:

There are no restrictions for the public to access the results of evaluations performed by ###, the reports are published on the webpage of the agency after they are finalised and the decision is taken within ### Council. The claimant has received, by e-mail, on 12 May 2020, full information on how to access the required reports. The links for all reports are as follows:

###

We consulted the ### website and found that the most recent reports published on the University date back to 2015. While we noticed that the search engine at ### lists some programmes of the Faculty, there were no links to reports in most cases.

comment:

In the document attached, which has been sent to the claimant on 12 May 2020, are listed all the links where information for the study programmes of the Faculty of ###, as well as for the ### can be found; the document includes clarifications on the estimated periods when the external periodical evaluation is due to be performed, for each study programme and for the university at institutional level.

The link ### mentioned in the EQAR letter leads to the section ### on the recently restructured webpage of ###, for which up-loading is still in progress. Until this new webpage is uploaded, with all information and documents for each external evaluation, the section ### of the old version of the webpage continues to be available at the address ###

Also, in DEQAR, we could see an institutional evaluation of the University and programme accreditations in ###, both from 2015 and having expired in February 2020.

We thus kindly ask you to clarify whether there are any more recent ### reports or decisions on the University, the Faculty or its programmes.

If so, please kindly explain why these are not (yet) published on ###' website nor in DEQAR.

comment:

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Other information, regarding the institutional evaluation of the ### and its study programmes, are not (yet) published on the ### website, nor in DEQAR because the evaluation process is not finalised and therefore there are no reports to be published.

In the context of COVID-19 pandemic, the period for which accreditation is valid has been extended (through Government's ### on taking measures for a properly functioning education system) until the beginning of the academic year 2021 – 2022 and, consequently, all evaluations can be postponed.

The periodic evaluations are not eligible for on-line visits, which can be performed for provisional authorizing or accreditation only, if the higher education institutions agree to do so, as mentioned in the ### Guidelines for conducting external evaluation visits on-line in the alert status caused by COVID-19 pandemic (###), that were issued based on Government's ### on regulating certain measures, the extension of certain terms and the modification and completion of certain normative acts.

The situation is presented in the attached document in which the following information is briefly outlined below:

Presently, the ### is in the process of institutional evaluation; the mention on the university website (to which the claimant refers in the Print Screen document sent to EQAR) is opening access to the Self-evaluation report for 2020 only for ### evaluators on the basis of username and password. The evaluation procedure is delayed under the circumstances presented above;

The study programmes "####" and "#### (in ####)", both full-time studies, are selected as part of the institutional evaluation 2020, for which work is in progress, as mentioned above;

For the study programs "####" and "#### (in ####)", both full time studies, the ### evaluations were due in 2020 and were finalized on ###; reporting is in progress, still delayed because of the pandemic but shall be published soon on the website;

For the study programs "####" and "#### (in ####)", both distance learning, the evaluation contracts were signed, at the beginning of 2020, between the University and ### and work is in progress, hopefully for 2020, although accreditation was extended by law, as mentioned before.

Consequently, ### is providing all information on the results of its activity to the stakeholders and to the public, including for the study programmes and higher education institution of interest for the claimant.

Annexes (for the use of EQAR):

the answer sent to ### (pdf);

the answer sent to ### translated in English (pdf).

If any further clarifications are required, please let us know.

Yours sincerely,
(President)

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