

EQAR Statutes

Statutes

as of 13 October 2023

Adopted on Tuesday 4 March 2008 by the Founding Members:

- ENQA (European Association for Quality Assurance of Higher Education), represented by Peter Williams;
- ESU (European Students' Union), represented by Koen Geven;
- EUA (European University Association), represented by Lesley Wilson;
- EURASHE (European Association of Institutions in Higher Education), represented by Lars Lynge Nielsen;

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Amended by the General Assembly on 8 April 2014;

Amended by the General Assembly on 12 April 2017;

Amended by the General Assembly on 10 May 2023;

Amended by the General Assembly on 13 October 2023.

Art. 1 – Name and seat

(1) The Association is called “European Quality Assurance Register for Higher Education”. The short name/acronym is “EQAR”. Hereafter it is referred to as “the Association”.

(2) The Association’s registered office is located in the Brussels Capital Region. The office may be moved to another region by the General Assembly's decision.

Art. 2 – Objective of the Association

(1) The Association pursues the objective of furthering the development of the European Higher Education Area by enhancing confidence in higher education and by facilitating the mutual recognition of quality assurance decisions. The Association does not pursue to gain any profit from its activities.

(2) In order to achieve its objectives, the Association establishes and manages a list of quality assurance agencies (hereafter referred to as “the Register”) that operate in substantial compliance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area, as adopted by the European ministers responsible for higher education in Bergen on 20 May 2005, or any succeeding document (hereafter referred to as “the European Standards and Guidelines”), and can demonstrate in particular that

- a. they operate independently, without interference in their decisions and operations from economic, governmental, institutional or other interests,
- b. they operate in an objective and responsible manner, and
- c. their quality assurance is based on well described procedures, which involve their stakeholders, and the results thereof are substantiated.

I. Members

Art. 3 – Members

(1) The Association's full members are the Founding Members, the Social Partner Members and the Governmental Members. Only full members shall have voting rights in the General Assembly.

(2) The Founding Members and the Social Partner Members constitute the group of Nongovernmental Members.

(3) A member can resign from the Association at any time. Upon resignation the member's rights and duties terminate. Membership also ends in the event of a member failing to maintain the conditions for membership. Any outstanding financial obligation of the member towards the Association shall be honoured. In case a member loses legal personality, the Board shall decide whether to transfer membership to a successor entity.

(4) The Board shall decide on applications for membership.

(5) Any former member, which has left the Association for whatever reason, shall not have any claim on the Association's assets.

Art. 4 – Founding Members

(1) The Founding Members are expected

- a. to promote the objectives of the Association to their members and third parties,
- b. to support the Association in its work to the extent that their means allow,
- c. to take responsibility for the proper operation of the Association and
- d. to contribute to the further development of the Association.

(2) The Founding Members have the right

- a. to participate and vote in the General Assembly,
- b. to propose members of the Register Committee,
- c. to propose members for the Board and
- d. to receive regular and appropriate information on the Association's work.

Art. 5 – Social Partner Members

(1) Those consultative members of the Bologna Follow-Up Group, as defined in the Communiqué of the Conference of European Ministers Responsible for Higher Education, signed in Bergen on 20 May 2005, and in any subsequent documents, or any succeeding body, that represent the interests of employers or employees may become Social Partner Members.

(2) The Social Partner Members are expected

- a. to promote the objectives of the Association to their members and third parties,
- b. to support the Association in its work to the extent that their means allow and
- c. to contribute to the further development of the Association.

(3) The Social Partner Members have the right

- a. to participate and vote in the General Assembly,
- b. to propose members of the Register Committee and
- c. to receive regular and appropriate information on the Association's work.

Art. 6 – Governmental Members

(1) All parties to the European Cultural Convention, signed in Paris on 19 December 1954, that are full members of the European Higher Education Area (EHEA), may become Governmental Members.

(2) A constituent part of one country can become Governmental Member independently, provided it has the power to represent and commit the state externally autonomously as regards higher education.

(3) The Governmental Members are expected

- a. to support the Association in its work and
- b. to promote the objectives of the Association.

(4) The Governmental Members have the right

- a. to participate and vote in the General Assembly in accordance with Art. 9 (3),
- b. to be a candidate as observer to the Board and the Register Committee,
- c. to elect observers to the Board and the Register Committee, and
- d. to receive regular and appropriate information on the Association's work.

II. Structure of the Association

Art. 7 – Bodies

The Association's bodies are

- a. the General Assembly,
- b. the President,
- c. the Selection Committee,
- d. the Board,
- e. the Appeals Committee,
- f. the Register Committee and
- g. the Secretariat.

Art. 8 – Majorities

(1) Any member of any body participating in a vote can either vote in favour, against or abstain (abstention). Any other vote shall be considered invalid.

(2) As regards all bodies,

- a. a simple majority is reached if more votes of the members present are cast in favour than against, and the abstentions do not exceed the total of votes in favour and against;
- b. a 2/3 majority is reached if at least 2/3 of the valid votes (incl. abstentions) of the members present are cast in favour.

(3) As regards decisions of the General Assembly,

- a. a double majority is reached if a simple majority as defined in par 2 lit a is reached both amongst the Nongovernmental Members and amongst the Governmental Members;
- b. a double 2/3 majority is reached if a 2/3 majority as defined in par 2 lit b is reached both amongst the Nongovernmental Members and amongst Governmental Members;
- c. a statutory majority is reached if at least 3/4 of the valid votes (incl. abstentions) of the Governmental Members present are cast in favour and at least 3/4 of the valid votes (incl. abstentions) of the Nongovernmental Members present are cast in favour.

(4) In case of a tie, the chair of the body voting shall have the casting vote.

(5) The majorities according to par 3 only apply if the Association has at least four Nongovernmental Members and at least four Governmental Members. Otherwise, the simple majority and the 2/3 majority according to paragraph 2 shall be used instead and at least 3/4 of the votes of the members present shall replace the statutory majority.

III. General Assembly

Art. 9 – Composition

(1) The General Assembly comprises all members of the Association. Only Full Members shall have voting rights in the General Assembly.

(2) Each member shall carry one vote.

(3) In the case of Art. 6 (2), all Governmental Members of one party to the Convention shall carry an equal fraction of one vote.

(4) A full member's votes can be cast by another full member as a proxy. Each full member may hold only one proxy.

Art. 10 – Functions

The General Assembly is the highest decision making body of the Association. It shall decide on all matters which are not explicitly assigned to any other body. In particular, without limitation, the General Assembly

- a. approves the nominations for the Register Committee collectively;
- b. may dismiss the Register Committee as a whole with a double 2/3 majority;
- c. approves the Founding Members' representatives on the Board;
- d. discharges the Board;
- e. may dismiss members of the Board with a double 2/3 majority;
- f. elects the members of the Appeals Committee;
- g. may dismiss the Appeals Committee as a whole with a double 2/3 majority;
- h. adopts the Appeals Procedure;
- i. adopts the work plan and budget of the Association with a simple majority;
- j. appoints the auditor;
- k. approves the accounts of the Association with a simple majority;
- l. decides on membership fees with a simple majority;
- m. may expel a member with a double 2/3 majority;
- n. may adopt Rules of Procedure regulating the details of the Association's operation;
- o. decides on amendments to the Statutes, in accordance with the provisions of Art. 24 hereof;
- p. decides on the dissolution of the Association, in accordance with the provisions of Art. 25 hereof;
- q. elects the President;

- r. may dismiss the President with a double 2/3 majority; and
- s. appoints its representatives to the Selection Committee.

Art. 11 – Operation

(1) The General Assembly will be convened annually by the President before the end of June. The President will also convene the General Assembly upon decision of the Board or if 1/5 or more of the Association's members so request.

(2) An invitation with a preliminary agenda shall be sent to all members no later than 30 days before the General Assembly. Elections, statutory changes, adoption or changes of supplementary regulations and the dissolution of the Association are only possible if this is indicated on the invitation to the General Assembly.

(3) The General Assembly shall not take any decisions unless at least 1/10 of the members are present. Should this quorum not be reached, a postponed General Assembly shall be convened, which shall proceed irrespective of the number of votes present.

(4) The General Assembly may be organised so that members can participate through a secure video conference solution and vote electronically in line with the requirements of the Companies and Associations Code; the Rules of Procedure may regulate the details.

(5) Unless otherwise specified in the Statutes, the General Assembly shall take its decisions with a double majority.

(6) The General Assembly may take decisions, except for modifying these statutes, unanimously and by written consent via email in lieu of a meeting; the Rules of Procedure may regulate the details.

(7) The Council of Europe, the European Commission, UNESCO and the EHEA Secretariat are invited as Observers to the General Assembly. Other organisations that do not provide quality assurance and that support the objectives of the Association may be invited as an Observer by the President or the Board. The President may invite Observers to speak in the General Assembly.

(8) All members shall be notified of decisions by the General Assembly in writing by email. All decisions shall be kept electronically and shall be available to all members on request.

IV. President

Art. 11 bis – Election

(1) The President shall be elected by the General Assembly based on a proposal made by a Selection Committee including representatives of the Founding Members, the Social Partner Members, the Governmental Members, the Board and the Register Committee.

(2) The President may not have another function in the Association, or a function in any member of the Association or any organisation that could be included on the Register, at the same time.

(3) The General Assembly elects the President for a term of three years, renewable once. The term of the President also ends by dismissal, resignation or death.

(4) The Board or the Register Committee may propose to the General Assembly the dismissal of the President. In this case, the President shall be suspended from office pending a decision by the General Assembly. The Vice-President shall call an extraordinary General Assembly immediately, which shall decide on the dismissal of the President.

(5) Further details regarding the election procedure, as well as the composition and work of the Selection Committee shall be specified in the General Assembly's Rules of Procedure.

Art. 11 ter – Functions

(1) The President shall lead the Association within the framework of the decisions of the General Assembly, Board and Register Committee. In particular, the President:

- a. represents the Association externally,
- b. ensures coherence in the work of the Association's bodies,
- c. chairs the General Assembly, Board and Register Committee.

(2) In the sense of the Companies and Association Code (CAC), the President, the Vice-President and the Director act as the Association's Board of Directors.

(3) The President and the Director represent the Association vis-à-vis third parties and in court, each acting alone; the Vice-President deputises for the President, the Deputy Director deputises for the Director in their absence due to illness or other reasons. The President may delegate this competence temporarily to another member of the Board, acting alone.

(4) In the case of serious misconduct, the President, in consultation with the Board, may suspend a member of the Register Committee until the following General Assembly.

V. Board

Art. 12 – Composition

(1) The Board shall consist of five members, the President and one representative from each Founding Member. The Director is an ex officio member of the Board without voting rights.

(2) Each Founding Member should nominate a representative for a term of two years renewable, the same individual representative may be renominated up to three times. The Founding Member may nominate a new

representative at any time. The General Assembly is informed of the nomination; if 1/10 of the members request so, the General Assembly holds a secret ballot on approving the nomination; otherwise, the nominated representative is deemed approved. The mandate of a member also ends by nomination of a new member, dismissal, resignation or death.

(3) The Board designates the Vice-President and the Treasurer from among its members, following a rotation principle.

(4) Two Governmental Members shall be nominated by the General Assembly as observers on the Board.

Art. 13 – Functions

(1) The Board

- a. makes proposals to the General Assembly for the strategy, work plan and budget of the Association;
- b. oversees the implementation of the Association's strategy and work plan, based on quarterly reports by the Director;
- c. decides on long-term engagements of the Association beyond those already included in the strategy or work plan;
- d. reviews the Association's accounts before submission to the General Assembly;
- e. discusses policy matters of common concern to the Founding Members and the Association;
- f. approves applications for membership of the Association;
- g. may suspend a member of the Association until the following General Assembly, should a member's actions jeopardise the objectives of the Association;
- h. appoints and discharges the Director;
- i. may dismiss the Director;
- j. may adopt Rules of Procedure regulating the details of its operation;
- k. appoints its representatives to the Selection Committee.

(2) The Treasurer support the management of the Association's finances.

Art. 14 – Operation

(1) The Board is convened by the President. The Vice-President shall deputise for the President in their absence.

(2) The Board shall not take any decisions unless more than half of its members are present.

(3) The Board shall take its decisions with a 2/3 majority. The Rules of Procedures may allow decisions to be taken by written consent in lieu of a meeting.

VI. Register Committee

Art. 15 – Composition

(1) Each Founding Member shall nominate 2 members of the Register Committee. The Social Partner Members shall nominate in total 2 members of the Register Committee. The President is member of and chairs the Register Committee without voting rights.

(2) All members shall act solely in their individual capacity. A member of the Register Committee may not hold any other office in the Association, or in the organisation s/he has been nominated by, at the same time.

(3) Minimum three, maximum five Governmental Members shall be nominated by the General Assembly as observers on the Register Committee.

(4) The Register Committee shall elect a Vice-Chair from among its members.

(5) The Register Committee shall be approved by the General Assembly for a mandate of two years. A member may be re-nominated up to three times. The mandate of a member of the Register Committee ends by the expiry of the mandate, resignation, dismissal or death. If the mandate of a Register Committee member ends early, a replacement shall be nominated and approved for the remainder of the regular mandate.

Art. 16 – Functions

The Register Committee

- a. receives, evaluates and decides upon applications for inclusion in the Register;
- b. adopts Procedures for Applications with a 2/3 majority and in consultation with the General Assembly;
- c. may adopt Rules of Procedure regulating the details of its operation; and
- d. appoints its representatives to the Selection Committee.

Art. 17 – Operation

(1) The Register Committee is convened by the President. The Vice-Chair shall deputise for the President in their absence.

(2) The Register Committee shall not take any decisions unless more than half of its voting members are present.

(3) Unless otherwise specified, the Register Committee shall take its decisions with a simple majority. The Rules of Procedures may allow decisions to be taken by written consent in lieu of a meeting.

(4) The Register Committee deliberates and takes its decisions independently of any other body.

(5) A member of the Register Committee may not take part in the consideration of any case where s/he has a conflict of interest.

VII. Appeals Committee

Art. 18 – Appeals Committee

(1) The Appeals Committee consists of three members, elected by the General Assembly, including a Chair. The Chair shall be a senior judge, lawyer or legal expert, proposed by the Board.

(2) Unless otherwise specified the Appeals Committee shall decide by simple majority. The Rules of Procedures may allow decisions to be taken by written consent in lieu of a meeting.

(3) The General Assembly shall elect a deputy member for each member.

(4) A member of the Appeals Committee may not take part in the consideration of any case where s/he has a conflict of interest.

VIII. Secretariat

Art. 19 – Secretariat

(1) The Association shall have a Secretariat under the responsibility of a Director. The Director may name one staff member as Deputy Director.

(2) The Secretariat

- a. carries out the daily management of the Association;
- b. facilitates the work of the Register Committee;
- c. supports the other bodies of the Association in their work;
- d. represents the Association as far as mandated by the President; and
- e. administers the Association's finances within agreed budgets and in conjunction with the Treasurer.

IX. The Register

Art. 20 – The Register

(1) The Register Committee evaluates and decides upon the inclusion of agencies on the Register.

(2) To be included applicants shall demonstrate that they operate in substantial compliance with the European Standards and Guidelines, which will be demonstrated through the submission of appropriate evidence.

(3) Further provisions shall be made in the Procedures for Applications. The Procedures for Applications shall provide transparent and reliable provisions on the evaluation of applications, ensuring a fair and equal treatment of applicants. The Procedures for Applications shall be binding all bodies of the Association.

Art. 21 – Appeals

(1) The applicant can file an appeal against decisions of the Register Committee on procedural grounds or in the case of perversity of judgement.

(2) The Appeals Committee shall either reject or allow the appeal. If the appeal is rejected, the Register Committee's decision is final. If the appeal is allowed, the Register Committee shall reconsider the Application, taking due account of the grounds of the appeal and the Appeals Committee's decision.

(3) Further provisions shall be made in the Appeals Procedure.

X. Finances

Art. 22 – Membership and other fees

(1) All members shall pay a membership fee to the Association, depending on their category of membership. The General Assembly shall decide on the membership fees for the various membership categories.

(2) The Association shall charge a fee from organisations who apply to be listed in the Register. The Association shall charge an annual fee from organisations as a condition of their continued listing in the Register. The amount of such fees as well as further details shall be decided upon by the Board.

(3) The Association may accept donations from organisations which are willing to support its objectives.

Art. 23 – Budget and accounts

(1) The Board shall present the annual accounts to the General Assembly and propose the annual budget to the General Assembly.

(2) The financial year of the Association begins on 1 January.

(3) The accounts are audited by an external auditor who is approved by the General Assembly on the proposal of the Board.

XI. Statutes, dissolution

Art. 24 – Changes to the statutes

(1) The statutes may only be changed by the General Assembly by a statutory majority. The articles concerned and the intended change(s) must be clearly mentioned in the invitation to the General Assembly.

(2) The General Assembly shall not amend the statutes unless at least 2/3 of all Governmental Members' votes and at least 2/3 of the Nongovernmental Members' votes are present. Should this quorum not be reached, a postponed General Assembly shall be convened, which may amend the statutes irrespective of the number of votes present.

Art. 25 – Dissolution

(1) The General Assembly may decide to dissolve the Association by a statutory majority. It shall decide on the mode of dissolving and liquidation.

(2) The General Assembly shall not decide to dissolve the Association unless at least 3/4 of all Governmental Members' votes and at least 3/4 of the Nongovernmental Members' votes are present. Should this quorum not be reached, a postponed General Assembly shall be convened, which may dissolve the Association irrespective of the number of votes present.

(3) Upon dissolution all assets of the Association shall be designated to a non-profit legal entity.

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