

Rules of Procedure

Revised version adopted by the General Assembly on 10 March 2021

Date of implementation: Immediate

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CHAPTER I – SCOPE

Article 1

In accordance with Articles 6, 10, 13, 28, 32, 33 and 34 of the Statutes, these Rules of Procedure define practical and technical matters and procedures governing the operations of the Association.

Article 2

Should there be a difference in interpretation between the Statutes and the Rules of Procedure, the former shall prevail.

Article 3

Once approved by the General Assembly, the Rules of Procedure shall take effect immediately. Each Member shall be responsible for compliance with these Rules of Procedure.

Article 4

These Rules of Procedure apply to:

- Members and affiliates;
- The proceedings of the General Assembly;
- The Board and other constituent bodies (committees, working groups);
- The Secretariat.

CHAPTER 2 – MEMBERS

Article 5 – Membership criteria

- (1) The criteria for membership is compliance with Parts 2 and 3 of the *Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)* as adopted by the EHEA Ministers in charge of higher education in Yerevan in 2015.

Compliance with the ESG may be demonstrated through:

- EQAR registration
 - an external review report
- (2) Membership is granted by a decision of the Board, to be endorsed by the General Assembly. The membership is valid for a period of five years.
 - (3) If a member does not undergo an external review within five years of membership being granted or renewed, it shall, by decision of the General Assembly, cease to be a member of ENQA, unless an extension of membership has been granted by the Board for well-justified reasons.

Article 6 – Membership application procedure

- (1) An application for membership with ENQA shall be addressed to the Board of ENQA and shall include:
 - a letter indicating the motivation for becoming a member and how the applicant agency intends to contribute actively towards ENQA's objectives;
 - letter confirming the agency's registration in EQAR or, for agencies not listed in EQAR, an independent external review report on the agency's compliance with the ESG.

- (2) Submission of application:
 - Organisations listed in EQAR and seeking membership in ENQA are requested to submit their application to the ENQA Secretariat for distribution to the members of the Board no less than 20 days prior to a scheduled meeting of the Board, at which the application is to be considered. The Board will take the membership decision on the basis of the confirmation of listing in EQAR and the agency's application letter. Organisations not listed in EQAR and using an ENQA-coordinated external review report for application are asked to submit their application for distribution to the members of the ENQA Board no less than 40 days prior to a scheduled meeting of the Board, at which the Board evaluates the agency's compliance with the ESG. The Board will take the membership decision on the basis of the external review report, including the statement annexed by the Review Committee.
 - In case the review process is coordinated by another organisation and the agency is not registered in EQAR, the agency shall submit the review report and the application letter to the ENQA Secretariat no less than 40 days prior to a scheduled meeting of the Review Committee. The Secretariat then distributes the review report to the Review Committee, which will check that the review meets ENQA's requirements and that the report contains the required information. After that, the Board uses the report to evaluate the agency's compliance with the ESG. The Board will take the membership decision on the basis of the external review report, the application letter and the letter from the Review Committee.

- (3) The application documents listed under point 1 of this article are examined by the Board of ENQA at their meeting. The Board takes a decision on membership in light of the presented evidence. If the Board is unable to reach a conclusion, they reserve the right to request further evidence from the agency and/or the review panel and/or the review coordinator.

- (4) The decision of the Board is communicated to the agency in written form. If the request for membership is rejected, the reasons for the decision are also communicated.

- (5) The agency is notified of the annual membership fee.

- (6) The member is added to the ENQA mailing list and its details are uploaded in the member directory. After the payment of the membership fee, the member is given full access to

ENQA's services and networking opportunities. It is entitled to use the ENQA logo in accordance with the regulations governing the use of the ENQA Trademark, which are available on the ENQA website.

- (7) The membership decision shall be endorsed by the next General Assembly meeting following the Board meeting in which the membership decision has been taken.
- (8) Detailed procedures and requirements on the external review process are set out in the ENQA Agency Review Guidelines. The requirements set out in the guidelines apply also to reviews not coordinated by ENQA. In such cases, it is the responsibility of the agency under review to check with ENQA that the requirements of the ENQA Agency Review Guidelines are met.

Article 7 – Membership under review

- (1) If the Board judges an existing member not to comply with the ESG and thus meet the criteria for membership, it shall be given two years to conform with the criteria, during which time the agency shall be designated as a “member under review”. Equally, if an agency becomes unable to meet the membership criteria during its five-year membership period, the agency, if still otherwise eligible, will be assigned as “member under review”.
- (2) A further, partial review shall be carried out by reviewers nominated by the ENQA Review Committee, at the latest at the end of the two-year period and shall focus on the criteria with which the member did not previously comply. Members who become unable to comply with the ESG, and thus the membership criteria, during their five-year membership period will need to undergo either a partial review within two years, or their regular cyclical review, if it is due before two years. The details of the partial review process are outlined in the ENQA procedure for partial reviews.
- (3) The Board will take a decision regarding the renewal of membership based on the outcomes of the review (partial or full). Should the outcome of the review (partial or full) be positive, membership shall be valid for five years from the date of the Board's decision on the outcome of the latest full review.
- (4) An agency that, in the opinion of the Board, following the further review (partial or full), still does not comply with the ESG and thus ENQA's criteria for membership shall, by confirmation of the General Assembly, be excluded from ENQA membership. The agency may reapply after two years.
- (5) Members under review maintain their membership rights and duties during the period of membership under review until the end of the review process (partial or full) and for a maximum of two years.

Article 8 – Fees

- (1) As stated in Article 35 of the Statutes, the membership fee is decided by the General Assembly on a proposal from the Board. The fee can be found on the ENQA website. It is payable within three months of receipt of notification of a successful membership application. Organisations that are granted membership part-way through the calendar year shall pay the pro-rata amount of the annual fee based on the quarter in which they join.
- (2) ENQA membership with full rights shall be obtained only after the payment of the due membership fee, in accordance with Article 35 of the Statutes.

Article 9 – Substantial changes

Members are required to notify ENQA immediately of any change that might affect the agency's compliance with the ESG, and thus with the ENQA membership criteria, such as changes in the legal status of the agency, the legal framework in which the agency operates, its funding mechanism, its methodology, or its area of operations. Agencies are also required to notify ENQA of all other relevant changes, such as changes in the name, address, or contact person at the agency.

CHAPTER 3 – AFFILIATES

Article 10

The Board of ENQA encourages organisations worldwide that have an interest and demonstrable involvement in quality assurance of higher education, but for whatever reason are unable to apply to become members, to consider and seek affiliation with ENQA. Individual higher education institutions are not eligible to apply.

Article 11

- (1) Affiliation is granted by a decision of the Board, to be endorsed by the General Assembly, if the applicant:
 - is a bona fide organisation
 - has an interest and demonstrable involvement in the quality assurance of higher education in the European Higher Education Area (EHEA)
 - fits the definition of an affiliate as given in the Statutes of ENQA
- (2) The Board shall also consider whether it is in the interests of ENQA and its membership to enter a formal relationship with the applicant body.

Article 12 – Application procedure

- (1) Organisations seeking affiliation with ENQA are requested to submit their application to the Secretariat for distribution to the members of the Board no less than six weeks prior to a scheduled meeting of the Board at which the application is to be considered.

- (2) An application for affiliation with ENQA shall be made in electronic application form and shall include:
- A motivation letter indicating interest in becoming an affiliate of ENQA, signed by a legal representative of the organisation;
 - Information on the organisation such as the constitution, mission, summary of current activities, goals, and governance structure;
 - A statement indicating that the organisation has reviewed the Statutes of ENQA and agrees to abide by them;
 - Contact details, including the website address.
- (3) When receiving an application, the Secretariat shall send an e-mail to ENQA members asking whether there are any causes of concern regarding the applicant. Members are given ten working days to react.
- (4) The application and any causes for concern raised by ENQA members are considered by the Board. Should the Board be unable to reach a conclusion, they reserve the right to request further information from the applicant.
- (5) The decision of the Board shall be communicated to the applicant in written form. In case of approval, the letter shall explicitly mention that the affiliate may call themselves an “affiliate” of ENQA but is not entitled to call itself an ENQA member. Affiliates do not have voting rights. If the request for affiliation is rejected, the reasons for the decision shall be communicated to the applicant.
- (6) Affiliation is granted at the discretion of the Board, and there is no right of appeal. The affiliate status is valid for five years.
- (7) Affiliates shall reapply every five years using the same application procedure detailed above. The cause for concern procedure (as stated in item 3 of this Article) applies in the reapplication.
- (8) Conditions for termination of affiliation are detailed in the ENQA Statutes.

Article 13 – Fees

- (1) As stated in Article 35 of the Statutes, the affiliation fee is decided by the General Assembly on a proposal from the Board. The fee is payable within three months of receipt of notification of a successful request. Organisations that are granted affiliation part-way through the calendar year shall pay the pro-rata amount of the annual fee based on the quarter in which they join.
- (2) Rights associated with affiliation shall be obtained only after payment of the fee.

CHAPTER 4 – GENERAL ASSEMBLY

Article 14 – Voting procedures

- (1) In the event of a vote – other than for the election of the Board, the President, and the Vice-Presidents – the voting procedure used may be either open or closed (secret). A closed ballot shall be used if one or more members submit a request to the ENQA Secretariat at least one week in advance of the meeting.
- (2) Spoilt ballots shall be counted as votes cast. Abstentions shall not be counted as votes cast.

CHAPTER 5 – PRESIDENT AND VICE-PRESIDENTS

Article 15 – The President

- (1) The President of the Association is also the Chair of the Board.
- (2) In addition to the functions of the President as stated in Article 28 of the Statutes, the responsibilities of the President shall also include:
 - elaborating the strategic planning of the General Assembly meetings together with the Vice-Presidents and the Director;
 - representing ENQA externally;
 - carrying out any resolutions, decisions, or specific mandates given by the General Assembly or the Board;
 - monitoring the financial situation of the Association;
 - ensuring, together with the Director, that the annual work plans and budgets are followed;
 - assuming any other reasonable responsibilities deemed necessary by the Board.
- (3) The responsibilities of the Chair of the Board shall include:
 - casting the deciding vote in the Board when no majority decision can be reached;
 - planning, together with the Vice-Presidents and the Director, the agendas of the Board meetings;
 - checking with the Director the material for the Board meetings and for any other events;
 - following up on the Board meetings (communication of decisions, etc.) together with the Secretariat.

Article 16 – The Vice-Presidents

The responsibilities of the Vice-Presidents shall include:

- carrying out such reasonable duties as the President may request;

- carrying out the strategic planning of the Board, the General Assembly, and any other meetings and events together with the President and the Director.

CHAPTER 6 – TREASURER

Article 17

The Treasurer supervises the finances of the Association and shall present the annual accounts for the preceding year and propose the annual budget for the following year to the General Assembly for approval.

CHAPTER 7 – DIRECTOR

Article 18

Under the direct supervision of the Board, the Director shall be responsible for the general supervision and daily management of the Secretariat, as well as for the execution of the decisions taken by the Board and the General Assembly.

In addition to the provisions of Article 32 of the Statutes, the responsibilities of the Director shall include:

- Advising the Board with regard to the strategic plan and translating the strategic plan into annual workplans and functional guidelines;
- Organising and managing the Secretariat and its processes;
- Preparing and managing the annual budget of ENQA and ensuring a stable and cost-efficient financial management;
- Building and maintaining internal and external relations/partnerships to achieve optimal cooperation with stakeholders and ensuring ENQA's reputation at the European and international level;
- Managing ENQA's statutory activities and securing accurate follow-up;
- Selecting, motivating, evaluating, and supporting the development of the Secretariat staff.

CHAPTER 8 – APPEALS AND COMPLAINTS COMMITTEE

Article 19

(1) The Committee shall hear appeals against membership decisions by the Board.

(2) The Committee shall hear complaints that are related to:

- The membership decision-making procedures
- The integrity of the ENQA Agency Review process

The Appeals and Complaints committee does not deal with general third-party complaints, which are dealt with by the Board of ENQA in line with the ENQA General Complaints Policy for Third Parties (Article 18 of the Statutes).

Article 20 – Composition

- (1) The Appeals and Complaints Committee shall comprise four representatives of members, one of whom shall be designated as an alternate member. No member of the Committee shall at the same time be a member of the Board, but at least one member shall be a former member of the Board.
- (2) In appointing members to the Appeals and Complaints Committee, the General Assembly shall have regard to whether the candidate has:
 - Experience of the review procedure gained by having served on a review panel;
 - International experience gained by being involved in international activities;
 - Managerial position held within an agency for at least five years.

Article 21 – Mandate

Members of the Committee are appointed by the General Assembly for a three-year term, renewable once.

Article 22 – Operation

- (1) The Chair of the Committee shall be selected by the Committee.
- (2) The Committee shall take decisions with a simple majority.
- (3) No member of the Committee shall have had previous involvement with the appellant/complainant.
- (4) In cases of conflicts of interest involving one of the members of the Committee, the alternate member shall be asked to replace the member affected by the conflict of interest.
- (5) In case of a conflict of interest involving the Chair of the Committee, the remaining members select an interim chair from among themselves for that procedure.

Article 23 – Appeals and complaints procedure of ENQA membership procedure

- (1) In line with the ESG Standard 2.7, ENQA has an appeals and complaints procedure for agencies that have applied for membership in ENQA. An appeal or complaint shall only be considered as official if substantiated and supported by appropriate evidence, references, and examples. An appeal/complaint shall clearly and concisely set forth the grounds for the appeal/complaint, referring to specific standards or guidelines of the ESG or to specific sections of the ENQA Agency Review Guidelines. The complaints procedure allows an

agency to state its dissatisfaction with the conduct of the process or those carrying it out. Through an appeal, an agency may question the formal outcome (the decision) of a membership application process.

- (2) An appeal against a decision or a complaint concerning the review process shall be submitted to the ENQA Secretariat in writing by email or regular mail within two calendar months from the date of receipt of the Board's decision. The ENQA Secretariat shall acknowledge the receipt of appeals/complaints within seven days.
- (3) The evidence supplied must be in plain text or pdf format, in English, and where the original is in another language, a certified copy in English must be submitted. Evidence shall be directly relevant and proportionate to the concerns raised.
- (4) On receipt, an appeal or complaint shall be reviewed by the Secretariat to determine whether eligible grounds and supporting evidence have been presented. Where this is not the case, the appeal/complaint may either be rejected or a request for further information or evidence made. ENQA reserves the right to ignore submissions that are bogus or obviously unsubstantiated.
- (5) The ENQA Secretariat shall forward the appeal/complaint for the consideration of the Board. The Board shall distribute the appeal/complaint documentation to the Committee. The Committee shall be requested to submit a report within one month of the receipt of the appeal or complaint.
- (6) The Committee shall examine the appeal/complaint and undertake any further investigations that it considers necessary, as soon as reasonably practicable. This may involve obtaining documents from the appellant/complainant; speaking directly with the appellant/complainant or its representatives; speaking with the panel of experts involved in the conduct of the review process.; or with the ENQA Board.
- (7) After considering the evidence, the Committee may:
 - In case of an appeal, to uphold the appeal and recommend the Board to reconsider its decision, taking into account the findings of the Appeals and Complaints Committee.
 - In case of a complaint, to uphold it and recommend the Board to take appropriate action proportional to the issue(s) raised by the complainant and taking into account the findings of the Appeals and Complaints Committee.
 - Recommend to the Board to dismiss the appeal/complaint;
- (8) The Board's decision on the appeal/complaint shall be taken in light of the Committee's report and shall be final and non-appealable.
- (9) Appellants/complainants shall be notified in writing of the Board's decision within ten working days of the date of the decision.

- (10) The Board reserves the right to discontinue an appeal/complaint if the appeal/complaint is pursued in an abusive, offensive, defamatory, aggressive, or intimidating manner.

CHAPTER 9 – AGENCY REVIEW COMMITTEE

Article 24 – Composition

- (1) The Agency Review Committee shall be composed of 5-7 experts.
- (2) Members of the Agency Review Committee shall be appointed by the Board following a proposal by the Director.
- (3) The Committee as a whole will cover the following competences and experiences:
 - Experience of ENQA Agency Reviews gained by having served on a review panel;
 - A current or former position held within an ENQA member agency with a broad overview of the agency's functioning;
 - International experience in external quality assurance gained by being involved in international activities;
 - At least five years' experience in external quality assurance in an ENQA member agency.
- (4) Members of the ENQA Board and of the Appeals and Complaints Committee may not serve at the same time in the Agency Review Committee.
- (5) The composition of the Committee shall be endorsed by the General Assembly.

Article 25 – Mandate

- (1) Members of the Agency Review Committee shall serve terms of two years (renewable once), and at least two members of the Committee should be replaced every two years to ensure rotation and continuity.

Article 26- Operation

- (1) The Agency Review Committee is the body that conducts the internal quality assurance of the ENQA Agency Reviews.
- (2) For the reviews coordinated by ENQA, the Committee shall scrutinise the external review reports after the reports are finalised by the review panels. For this purpose, the Committee shall produce a statement validating that the report has been produced in accordance with the Guidelines for ENQA Agency Reviews and noting any areas where the Committee disagrees with the findings of the review panel. The Committee statement shall be published on the ENQA website as an annex to the review report. The Committee shall also approve the composition of ENQA review panels once the panels are composed by the Secretariat.

- (3) For the reviews that are coordinated by another organisation and intended to be used for an application for ENQA membership, the Committee shall analyse the report, assessing the integrity of the review process and quality of the report. For this purpose, the Committee produces a letter to the ENQA Board stating whether the review report has been conducted in accordance with the Guidelines for ENQA Agency Reviews and provides sufficient, clear and verified evidence to be used as the basis for a decision on ENQA membership.
- (4) The ENQA Review Committee shall not take a decision on overall compliance of the agency with the ESG.

CHAPTER 10 – WORKING GROUPS

Article 27 - Operation

- (1) The procedure for establishing and running a working group is outlined in the ENQA Project Management System.
- (2) The composition of working groups may be open to all ENQA members or restricted (on invitation) and may be open also to affiliates or organisations from outside ENQA if considered beneficial for the aims of the working group.
- (3) Signing up for a working group is voluntary, but confirmation of taking part in a group and/or attendance at a specific meeting is considered a firm commitment, for the sake of good operation of the group and practical arrangements.
- (4) The meetings shall be hosted by the ENQA Secretariat or if wished, by agencies taking part in the working group. The costs of the venue and catering shall be covered by the host. The groups may also consider alternative ways of holding meetings, including video conferencing. The travel and accommodation costs are normally covered by the participating agencies unless otherwise agreed with the ENQA Secretariat.

CHAPTER 11 – PUBLICATION POLICIES

Article 28

The Association publishes full external review reports on its website, whether the review is full or partial, for all reviews carried out by the ENQA Agency review process, and regardless of the review outcome and decision on membership by the Board. Full review reports are published together with the letter on membership from the Board and the self-assessment report of the agency.

Article 29

The Association publishes review follow-up reports submitted by agencies and related letters from the Board.

Article 30

The approved minutes of the Board and General Assembly meetings may be consulted by members of the Association at any time.

CHAPTER 12 – FINANCIAL PROVISIONS

Article 31 – Auditor

The General Assembly shall appoint an auditor on a proposal from the Board. The auditor is appointed for a period of three years. The term is renewable.

Article 32 – Activity fees

Members and affiliates of ENQA may be asked to pay a fee to participate in workshops, projects, and other activities organised by ENQA.

Article 33 – Membership fees and arrear payments

- (1) The ENQA Secretariat shall issue invoices for membership/affiliation fees by the end of January each year. Invoices shall be paid by the end of March of the respective year. Members/affiliates should inform the ENQA Board as soon as possible and in any case in advance of the deadline if extraordinary circumstances prevent them from paying the annual fee on time.
- (2) If a member/affiliate fails to meet the above deadline, the Secretariat shall request, with a written reminder, the payment to be made by mid-May.
- (3) If a member/affiliate still fails to make the payment after this first reminder, the Secretariat shall inform the Board. The Board shall officially urge the member/affiliate with a second reminder, sent through the Secretariat, to make the due payment by the end of June. A member who has not settled its fee prior to the autumn General Assembly meeting loses its voting rights, and the right to stand for election, and the Board may suggest to the General Assembly the termination or suspension of its membership/affiliation until all due payments have been received.

CHAPTER 13 – REGISTERED OFFICE

Article 34 – Registered office

The registered office of ENQA is located in Rue de l'Industrie 10, 1000 Brussels, Belgium.

CHAPTER 14 – FINAL PROVISIONS

Article 35

The President shall be responsible for the implementation of these Rules of Procedure.

Article 36 – Amendment of the Rules

The Rules may be amended by a vote of two-thirds of the General Assembly, at which at least two-thirds of the members are present.