



FIBAA

Amendment of the Rules of Procedure of the FIBAA Accreditation and Certification Committee (F-ACC) of 26 February 2021 to the status of 06 December 2023

Preamble

The task of the FIBAA Accreditation and Certification Committee (hereinafter referred to as F-ACC) is to ensure transparency and guidelines for quality assurance and further development, especially in business, law and social science oriented, higher education and further education. The F-ACC evaluates the guidelines and is responsible for their further development. At the request of higher education institutions or continuing education institutions, it reviews the academic quality of study programmes and continuing education courses at programme level and the quality of higher education institutions and their sub-units at institutional level. At the institutional level, it applies its quality guidelines and decides on accreditation or certification. It can also give its expert opinion on procedures decided by national institutions. The F-ACC also monitors innovative developments in the higher education sector.

The office and place of administration is Berliner Freiheit 20-24, 53111 Bonn, Germany.

§ 1 - Code of Conduct

- (1) The members of the Committee and the experts shall perform their duties carefully and conscientiously. The activity shall be carried out in an honorary capacity.
- (2) They act and make decisions as experts in the field of quality assurance at higher education institutions and continuing education institutions exclusively in accordance with the respective applicable European or national quality aspects¹ and are not bound by the instructions of third parties. They act and decide in good faith, to the best of their knowledge and belief in the interests of FIBAA and on the basis of the relevant assessment criteria.
- (3) They shall not use their membership to assert their own interests or the interests of third parties and shall exclude any misuse of the information obtained in the course of their activities.
- (4) They shall maintain secrecy about confidential information and secrets, namely business and trade secrets, which become known to them in the course of their activities, even beyond their term of office. They shall maintain the confidentiality of their advice, also beyond their term of office.
- (5) Committee members must immediately notify the FIBAA head office of any changes in their status (academia or professional practice) or affiliation with their organisation (university, employer, company or similar). Student Committee members as well as reviewers must immediately notify the FIBAA head office of the completion or discontinuation of their studies/doctorate.²

¹ E.g. European Standard and Guidelines for Quality Assurance in the European Higher Education Area 2015.

² Students can serve as commission members for a maximum of 12 months after the end of their studies, analogous to the *guidelines for the appointment of experts and the composition of expert groups for accreditation procedures* of the German Rectors' Conference.

§ 2 - Exclusion of bias for Committee members and experts

(1) Committee members as well as reviewers must have the impartiality towards the study programmes, continuing education courses as well as higher education institutions and their subunits necessary for an objective assessment.

(2) If matters are discussed that affect the interests of an individual, his or her spouse, parents, children, siblings or a person represented by him or her by law or by proxy, he or she may not participate in the discussion and vote. However, he or she shall be heard before a decision is taken.

(3) Bias against an institution (higher education institution) shall be irrefutably presumed,

- a) if, at the time of the act or during the five years preceding it, the member of the Committee receives or has received a complaint as a result of a decision by the institution; this includes, in particular, negative, rejecting, withdrawing or similar administrative acts. This includes, in particular, administrative acts of refusal, denial, withdrawal or the like, as well as the reporting of a criminal offence initiated by the Institution or a representative of the Institution,
- b) if at the time of the act or during the five years preceding it the committee member is or was in an employment relationship, doctoral, post-doctoral or appointment procedure at the respective institution,
- c) if the committee member is or was enrolled as a student at the respective institution at the time of the act or during the three years preceding it, or is or was involved in joint research projects or other cooperation projects, or
- d) if, at the time of the act or during the three years preceding it, the Committee member or the department to which the Committee member belongs is or has been reviewed by staff members of the Institution.

(4) If one of the conditions for partiality exists in the case of an individual or if partiality is suspected in the case of an individual, this must be announced immediately and without being requested and recorded in the minutes. The person or persons concerned shall be excluded from the deliberations and voting.

(5) If members of the Committee were active as experts, they shall not participate in the decision-making on the respective accreditation or certification.

§ 3 - Tasks of the F-ACC

(1) The F-ACC determines its examination and assessment instruments, in particular the (question and) assessment catalogues that lead to a FIBAA Quality Seal.

(2) It shall decide on

- a) the (initial/re-) accreditation of study programmes,
- b) the (initial/re-) certification of continuing education courses,
- c) the (initial/re-) accreditation of Institutional Accreditation
- d) the (initial/re-) accreditation Institutional Accreditation: Strategic Management
- e) the (initial/re-) certification of institutional audit according to the Austrian Higher Education Quality Assurance Act (HS-QSG)
- f) the (initial/re-) certification of higher education institutions, further education institutions, faculties, study programmes or further education courses with the FIBAA "Excellent in Digital Education" seal

- g) other national procedures for the accreditation or certification of study programmes, continuing education courses, higher education institutions and their sub-units.

and specifies the conditions, grounds for suspension and implementation deadlines to be fulfilled, if any.

(3) At the request of a continuing education institution, a higher education institution or its subunit, the F-ACC shall provide its expert assessment on a national accreditation or certification procedure.

(4) If conditions have to be fulfilled or reasons for suspension have to be remedied, the F-ACC shall determine their successful implementation.

(5) If conditions are not fulfilled or reasons for suspension are not remedied, it shall decide on the cancellation of an accreditation, the suspension of procedures or the refusal of an (initial/re-) accreditation or (initial/re-) certification, stating the reasons.

(6) In the event of an appeal against decisions of the F-ACC, the F-ACC can - after renewed referral to the experts - remedy the appeal or forward it to the FIBAA Appeals and Complaints Committee for further handling. After referral to the FIBAA Appeals and Complaints Committee, the F-ACC makes a new and final decision on the (initial/re-) accreditation or (initial/re-) certification, commissioning, cancellation, suspension or refusal.

(7) If decisions of the F-ACC are objected to by supra-national accreditation organisations or authorities to whose specifications it is subject, it shall decide on the application of legal remedies. Otherwise, it shall remedy the deficiencies without delay.

(8) It shall determine the appointment criteria for experts in accreditation and certification procedures.

(9) It appoints and dismisses the experts for accreditation and certification procedures and appoints an expert team for each procedure.

(10) In cases of doubt, the F-ACC shall decide on the bias of reviewers, their exclusion from the procedure and, in the event of complaints or breaches of duty by reviewers, on their exclusion or dismissal.

(11) Reasons shall be given for all decisions under paragraphs 2 to 7 and 10.

(12) It shall adopt its rules of procedure.

§ 4 - Membership, resignation

(1) The Committee members shall be appointed by the Foundation Council for a term of three years. As a rule, the F-ACC shall consist of 25 members from the status groups of higher education representatives, professional practice and students.

(2) The request for early leave shall be notified to the FIBAA Management by the Committee member without delay.

§ 5 - Committee Assembly, Board, and Expert Committee

(1) The entirety of the Committee members appointed by the Foundation Council shall form the Committee Assembly.

(2) The Board shall consist of the Chairperson and, in principle, two deputies. These shall be elected by the Committee Assembly at the beginning of the first, constituent meeting after appointment by the Foundation Council.

(3) Any member of the Committee appointed by the Foundation Council shall be eligible for election to the Board.

(4) Any member of the F-ACC appointed by the Foundation Council may vote.

(5) If necessary, working groups and expert committees may be formed.

(6) The F-ACC elects an expert committee which appoints the experts for each accreditation and certification procedure. The Committee shall elect one professional practice representative, one student and at least two higher education representatives from among its members to the expert committee. In addition, it elects a permanent deputy for each expert committee member. The election shall take place following the election of the board and as required. Paras. 3 and 4 shall apply mutatis mutandis. The appointment of the reviewers shall be regulated by the committee by mutual agreement.

(7) Should the expert committee be temporarily unable to act due to the prevention or partiality of a committee member, the respective deputy shall be entitled to vote. The deputy shall represent the committee member until the reason for the impediment ceases to exist.

§ 6 - Convening of the Committee Assembly

(1) The ordinary meeting shall take place at least once a year. In addition, a meeting must be convened if the interest requires it, or if the Executive Board or at least one tenth of the members request the convening in writing, stating the purpose and the reasons from the office.

(2) Each Committee meeting shall be convened by the FIBAA office with one month's notice and with an agenda. The summons may be issued in electronic form as long as it is ensured that all Committee members receive it in due time.

(3) The agenda shall be sufficiently defined and, if possible, supplemented by qualified draft resolutions that allow for sufficient preparation of the Committee members for the meeting. The documents should be made available to the Committee at least two weeks before the meeting.

§ 7 - Procedure of the Committee Meeting

(1) The chairperson of the meeting shall be the chairperson and, if he or she is unable to attend, one of his or her deputies. If no member of the Executive Board is present, a chairperson shall be appointed by the Committee meeting at the beginning of the meeting.

(2) The chairperson of the meeting shall establish the quorum of the meeting and the agenda and shall open the meeting.

§ 8 - Quorum, Adoption of Resolutions

(1) The Committee Assembly shall constitute a quorum if at least one third of the Committee members are present.

(2) Resolutions to be adopted shall be announced as an item on the agenda.

(3) Each member present shall have one vote. If a member is prevented from attending a meeting, he/she shall transfer his/her vote to another member of the Committee of the same status group beforehand and notify this member of the Committee and the FIBAA head office in writing.

(4) The Committee Assembly shall adopt its resolutions by a simple majority of the votes validly cast. Abstentions and invalid votes shall not be counted. In the event of a tie, the motion shall be deemed rejected.

(5) The manner of voting shall be determined by the chairman of the meeting.

§ 9 - Exclusion of the public

- (1) The meetings shall not be public.
- (2) Guests without voting rights may be admitted. In the case of consultations according to § 3 Para. 2-6, these may be, in particular, representatives of higher education institutions or institutions of continuing education as well as the experts appointed in the accreditation and certification procedure concerned.
- (3) Permanent guests without voting rights are the employees of FIBAA as well as other members of the head office as specified by the management.
- (4) All persons present shall maintain the secrecy of the deliberations. § 1 para. 3 and 4 shall apply mutatis mutandis. Guests shall be instructed accordingly, if necessary.

§ 10 - Protocol

- (1) The resolutions of the Committee meeting shall be duly minuted for evidentiary purposes. The following shall be stated:
 - a) Place and date of the meeting,
 - b) the names of the members present,
 - c) the names of the guests who attended,
 - d) the name of the chairperson of the meeting,
 - e) the name of the keeper of the minutes,
 - f) the statements of the chairperson of the meeting about the agenda and the quorum,
 - g) the wording of the resolutions as well as the type and result of the votes, if necessary with additions to the remarks and discussions of the committee.
- (2) The minutes shall be made available to all Committee members in electronic form within four weeks after the meeting. The members present may raise an objection against the minutes with the secretariat within two weeks after receipt. If no objection is raised, the minutes shall be deemed approved.
- (3) The approved minutes, together with any appendices thereto, and in any case the supporting documents relating to the convocation, shall be kept at the office for at least ten years. Each member of the Committee shall be entitled to inspect the minutes.

§ 11 - Written procedure

- (1) Resolutions of the F-ACC may, except in the cases of § 3 par. 6, 8 and 12, also be passed in the absence of its members by way of written procedure, as long as no Committee member objects.
- (2) The proposed resolution must be sufficiently specific, clear and complete, include all necessary annexes and be easily answered by the members of the Committee by means of approval, rejection or abstention.
- (3) The proposed resolution including annexes shall be sent to the members of the Committee by the FIBAA head office. The transmission may take place in electronic form as long as it is ensured that all members receive the proposed resolution.
- (4) The cooling-off period shall normally be two weeks. All votes not cast by then shall count as non-participation in the election.
- (5) The Secretariat shall immediately inform the members of the Committee of the result of the vote.

(6) At the beginning of the next ordinary meeting of the Committee Assembly, the wording of the resolution and the result of the vote shall be recorded in the minutes with reference to the written procedure and shall be authenticated. The supporting documents from the written procedure shall be attached to the minutes.

§ 12 - Urgent proceedings

(1) In matters that cannot be postponed and in which a decision of the F-ACC cannot be reached in time or only with disproportionate effort, the Board shall decide - with the exception of the cases of § 3 par. 6, 8 and 12. Such a decision requires the unanimity of the Board.

(2) The Secretariat shall inform the members of the Committee without delay of the urgent decision, its reasons and the manner of its execution.

(3) Section 11(6) shall apply mutatis mutandis.

§ 13 - Reviewers

(1) The experts shall be appointed by the F-ACC for an indefinite period on the proposal of the office.

(2) Sections 1 and 2 shall apply mutatis mutandis to the duly appointed experts. § Section 1 (5) shall apply with the proviso that ongoing accreditation and certification procedures may be terminated.

(3) An assessor may be dismissed at any time at his/her own request. After receipt of the request for dismissal, he or she shall no longer be used for accreditation and certification procedures.

(4) If a reviewer repeatedly or not only slightly commits culpable violations or if the office receives complaints about him or her (breach of duty), the office shall suspend his or her further use until the decision on dismissal by the Committee Assembly.

(5) If a reviewer is dismissed for breach of duty, he or she shall also be barred from future proceedings.

§ 14 - Final provisions

The Rules of Procedure shall enter into force immediately upon their adoption.

Bonn, 6 December 2023

F-ACC Board

Prof. Dr. Peter Thuy

Chair of the F-ACC

Dr. Markus Tomaschitz

Vice-Chair of the F-ACC

Prof. Dr. Vera de Hesselle

Vice-Chair of the F-ACC