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**ORDER
OF THE DIRECTOR**

**OF THE CENTRE FOR QUALITY ASSESSMENT IN HIGHER EDUCATION
ON THE APPROVAL OF THE STATUTE OF THE APPEAL COMMISSION OF THE
CENTRE FOR QUALITY ASSESSMENT IN HIGHER EDUCATION**

10 October 2019, No V-105
Vilnius

Pursuant to Paragraph 14.4 of the Statute of the Centre for Quality Assessment in Higher Education approved by the Order No V-1002 of the Minister for Education and Science of 14 November 2016,

1. I hereby approve the Statute of the Appeal Commission of the Centre for Quality Assessment in Higher Education (enclosed);
2. I hereby declare invalid the Order No 1-158 of the Director of the Centre for Quality Assessment in Higher Education of 4 December 2008 on the Approval of the Statute of the Study Programme Appeal Commission and the legal acts amending it;
3. I hereby establish that this order shall come into force on 21 October 2019.

Director Almantas Šerpatauskas

APPROVED BY
Order No. V-105 of the Director of the Centre for
Quality Assessment
in Higher Education of 9 March 2020

THE STATUTE OF THE APPEAL COMMISSION OF THE CENTRE FOR QUALITY ASSESSMENT IN HIGHER EDUCATION

CHAPTER I GENERAL PART

1. The Statute of the Appeal Commission of the Centre for Quality Assessment in Higher Education (hereinafter referred to as the 'Statute') shall establish the functions, rights and duties of the Appeal Commission of the Centre for Quality Assessment in Higher Education (hereinafter referred to as the 'Appeal Commission'), operating under the Centre for Quality Assessment in Higher Education (hereinafter referred to as the 'Centre'), the procedure for formation and organisation of activities thereof, as well as the procedure for submission and examination of appeals.

2. The Appeal Commission is a collegiate body that examines appeals submitted to the Centre by a higher education institution in relation to decisions taken by the Centre concerning study programmes, study fields, application documents for study authorisation or study-related activities (hereinafter referred to as 'Application documents'), the external assessment of the activities of Lithuanian higher education institutions and branches of foreign higher education institutions in the Republic of Lithuania (hereinafter referred to as the 'Appeal').

3. The Appeal Commission shall carry out its activities in accordance with the Constitution of the Republic of Lithuania, laws of the Republic of Lithuania, other legal acts of the Republic of Lithuania regulating the system of education, research and higher education studies, and the present Statute.

4. The Appeal Commission shall be guided in its activities by the following principles:

4.1. Principle of objectivity. When examining the material submitted by the Centre, expressing his/her opinion, submitting questions and suggestions, taking decisions, a member of the Appeal Commission, shall not have a preconceived notion on the issue under consideration, rely on facts and the information provided;

4.2. Principle of impartiality. A member of the Appeal Commission shall act independently, shall not represent any institution or the interests of individuals, shall rely on his/her competence, shall declare his/her interests with regard to issues on the agenda before each meeting and take all reasonable steps to avoid a conflict of interest;

4.3. Principle of respect. A member of the Appeal Commission shall act professionally, politely, shall not abuse his/her position, shall not use financial, psychological or other pressure, shall listen to the persons or other members of the Appeal Commission attending the meeting, shall prepare for the meeting, shall comprehensively familiarise himself/herself with the material submitted, shall speak briefly, shall refrain from criticising or submitting proposals to higher education institutions regarding the implementation of studies or the activities of higher education institutions;

4.4. Principle of confidentiality. All information relating to the operation of the Appeal Commission (issues under consideration, opinions expressed by participants, summary of self-examination, description of study programme or application documents and additional documents submitted for assessment, personal data of participants) shall be used solely for the purposes of the Appeal Commission and may not be made public or disclosed to third parties.

5. The Appeal Commission shall assess the merits of the decisions taken by the Centre within the limits of the requirements and arguments set out in the appeal.

6. The activities of the Appeal Commission shall be communicated to the public in the annual operating report of the Centre and on the website of the Centre.

CHAPTER II FUNCTIONS, RIGHTS AND DUTIES

7. The Appeal Commission shall perform the following functions:

7.1. handle the appeals submitted by higher education institutions and adopt one of the decisions listed in Paragraph 35 of the Statute hereof;

7.2. submit proposals to the Centre on the improvement of legal acts regulating activities, studies of higher education institutions and their organisation, external evaluation, accreditation and appeal procedures.

8. While performing its functions, the Appeal Commission shall have the right to request experts, research and study institutions, the staff of the Centre – evaluation coordinators or other interested parties to provide opinions or information on the matter under consideration at its sittings.

9. The members of the Appeal Commission must:

9.1. attend the meetings of the Appeal Commission and, if unable to attend, inform the Centre of the absence of appearance at least three working days before the sitting, except in the event of illness or unforeseen circumstances;

9.2. fulfil assignments in a timely and proper manner, arrive at the meeting only after analysing the appeal and other material of the meeting to be considered during the meeting;

9.3. adhere to the principles, ethics and other requirements set out in Paragraph 4 of the Statute;

9.4. having familiarised themselves with the scheduled agenda of the meeting, inform the Center in advance of possible conflicts of interest and abstain from the consideration, discussion, debates, voting and formalisation of such issues (the member of the Commission must leave the meeting room during the discussion of the matter).

10. The Appeal Commission shall be held responsible for timely handling of appeals, development of grounded, reasoned proposals and decisions and their presentation to the Centre.

11. Members of the Appeal Commission shall bear responsibility for the implementation of the functions attributed to the Appeal Commission, adherence to the legal acts following the procedure established by the legal acts.

CHAPTER III FORMATION PROCEDURE

12. The Appeal Commission shall be composed of 9 members delegated by the entities indicated in Paragraph 13 of the Statute. Members to the Appeal Commission shall be appointed for

the maximum term of office of three years. Members proposed by the Lithuanian Students' Union shall be appointed for the maximum term of office of two years. A third of the members of the Appeal Commission shall be replaced on a yearly basis. The same person may be appointed as a member of the Appeal Commission for no more than two successive terms of office. The composition of the Appeal Commission shall be approved by the Director of the Centre.

Amendments to the paragraph:

No [V-40](#), 29/06/2021, the Register of Legal Acts 14/10/2019, ID 2021 -15430

13. The Appeal Commission shall be composed of the following:

13.1. two students' representatives – members delegated by Lithuanian students' representations or their union (unions);

13.2. one person delegated by the Lithuanian Research Council;

13.3. two persons delegated by the Lithuanian University Rectors' Conference;

13.4. two persons delegated by the Lithuanian Colleges of Higher Education Directors' Conference;

13.5. two persons delegated by the organisations uniting social partners of higher education institutions.

Amendments to the item:

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14. The Centre shall appoint the Chair and the Deputy Chair of the Appeal Commission from the members of the Appeal Commission.

15. In case no new member of the Appeal Commission is appointed at the end of the term of office of the member, the outgoing member shall remain in his/her office until the appointment of a new member, but for a period not exceeding six months from the end of the term of office.

16. If a member of the Appeal Commission fails to fulfil his/her duties in timely and proper manner (misses three meetings of the Appeal Commission without prior notice and/or fails to adhere to the ethical requirements, fails to perform or improperly performs tasks assigned to him/her by the Chair (the Secretary of the Commission) of the Appeal Commission or fails to fulfil or improperly fulfils any other duties established in this Statute, etc.), the Centre may recall the member from the Appeal Commission.

CHAPTER IV ORGANISATION OF ACTIVITIES

17. The main form of the activities of the Appeal Commission shall be a meeting. Meetings of the Appeal Commission shall be held in the Centre. In exceptional cases, members of the Appeal Commission may also attend the meeting at a distance.

18. The Centre shall create the conditions for the operation of the Appeal Commission.

19. The Centre shall convene meetings of the Appeal Commission as required.

20. Meeting materials shall be distributed to the members of the Appeal Commission at least five working days before the meeting. In special cases, meeting materials may be distributed later, upon coordination with the Chair of the Appeal Commission.

21. A meeting of the Appeal Commission shall be considered lawful if at least five members of the Appeal Commission are present at the meeting. The legality of the meeting shall not be affected by the withdrawal of the persons present at the meeting from the consideration of the

issues. Decisions of the Appeal Commission shall be adopted by open voting at the meeting. A decision shall be deemed to have been adopted when a majority of the members of the Appeal Commission present and not having opted out voted for it. In the event of a tied vote at the time of voting, the vote of the Chair of the Appeal Commission shall be decisive. When voting on the assent of the proposal, the members of the Appeal Commission can vote “for” or “against”. Abstention at voting is prohibited.

22. Minutes of all meetings of the Appeal Commission shall be kept and audio recording shall be made.

23. Members of the Appeal Commission unable to attend the meeting can express their opinion in writing before the meeting. Written opinion shall be announced at the meeting.

24. If the Appeal Commission is not able to adopt decisions established in Paragraph 35 of the Statute herein due to objective reasons, the Appeal Commission may postpone the decision making until the next meeting by the majority of votes of the members present at the meeting.

25. The Chair of the Appeal Commission shall perform the following functions:

26.1. preside over the work of the Appeal Commission;

26.2. represent the Appeal Commission or delegate this function to his/her Deputy, and if not possible – to any member of the Appeal Commission;

26.3. bear responsibility for the quality and effectiveness of the activities of the Appeal Commission, as well as the validity of decisions adopted and proposals made.

26. In absence of the Chair of the Appeal Commission, his/her functions shall be performed by the Deputy Chair of the Appeal Commission, and in absence of both – a member of the Appeal Commission present at the meeting shall be elected by the majority of votes of the members present at the meeting.

27. The secretary of the Appeal Commission shall organise the operation of the Appeal Commission, who shall be appointed by the Centre from the civil servants and/or employees of the Centre.

28. The Secretary of the Appeal Commission shall perform the following functions:

28.1. communicate information to the members of the Appeal Commission on the scheduled time and venue of the meeting, prepare the agenda of the meetings, provide the members with meeting material;

28.2. Provide the Director of the Centre with information on the estimated costs related to the operation of the Appeal Commission;

28.3 prepare draft documents relating to the operation of the Appeal Commission, make audio recordings during meetings, draw up minutes, copies or extracts thereof;

28.4 together with the Chair of the Appeal Commission, inform the Centre about the activities of the Appeal Commission.

29. Where the matter under consideration may cause the conflict of public and private interests of the secretary of the Appeal Commission, the latter must opt out from the matter consideration, discussion, debates, voting and formalisation of results. In such a case, another civil servant or employee appointed by the Director of the Centre shall perform the duties of secretary.

30. Information relating to the activities of the Appeal Commission shall be kept at the Centre following the procedure established by the Centre.

CHAPTER V

THE PROCEDURE OF MAKING AND HANDLING APPEALS

31. The appeal of a higher education institution shall be handled at the meeting of the Appeal Commission, which shall be headed by the Chair of the Appeal Commission or by another member of the Appeal Commission acting as such.

32. The representative(s) of the higher education institution which made the appeal, the member(s) of the external assessment team and the civil servant or an employee of the Center, the evaluation coordinator, shall also be invited to attend the meeting of the Appeal Commission.

33. The members of the Appeal Commission shall review the materials intended for handling of the appeal, then the representative(s) of the higher education institutions, the expert(s) and the evaluation coordinator shall make their statements, while the members of the Appeal Commission may ask them additional questions. Both the expert(s) and the representative(s) of the higher education institution shall make their statements separately, without hearing each other.

34. Once their statements are made, the Appeal Commission shall hold a discussion and adopt a decision. If the expert (s) or the representative (s) of the higher education institution fails to attend the meeting of the Appeal Commission, it shall not be considered as an obstacle for handling the appeal and adoption of a decision.

35. After handling the appeal, the Appeal Commission shall make one of the following decisions:

35.1. to satisfy the appeal and to instruct the Centre to carry out actions indicated by the Appeal Commission;

35.2. to satisfy the appeal partly and to instruct the Centre to carry out actions indicated by the Appeal Commission;

35.3. to reject the appeal and to leave the decision of the Centre in effect.

36. By satisfying the appeal in full or partly, the Appeal Commission may instruct the Centre to take one of the following steps: return the evaluation findings to the Study Programme Evaluation Commission or the Higher Education Evaluation Commission, return the assessment findings to the expert group for correction or perform the repeated external evaluation.

37. The Centre shall notify the applicant in writing about the decision adopted by the Appeal Commission and present a copy or extract of the minutes of the Commission's meeting.

CHAPTER VI FINAL PROVISIONS

38. Public procurement services agreement shall be signed with the members of the Appeal Commission following the procedure established by law.

39. Remuneration to the members of the Appeal Commission for their work shall be paid from the budget of the Centre.

40. Any amendments to the Statute may be made by the proposal of the Appeal Commission or the Centre.

Amendments:

1.

Centre for Quality Assessment in Higher Education, Order

No [V-40](#), 29/06/2021, the Register of Legal Acts 14/10/2019, ID 2021 -15430

On the amendment to the Statute of the Appeal Commission of the Centre for Quality Assessment in Higher Education approved by Order No V-105 of the Director of the Centre for Quality Assessment in Higher Education of 10 October 2019.