

# Internal Operating Rules of the Guarantees Commission of AQUIB



This Regulation was approved in the constitutive meeting of the Guarantees Commission hold on October 4, 2023.

**PRESIDENT OF THE GUARANTEES  
COMMISSION**

**PRESIDENT OF AQUIB**

## **CHAPTER I. GENERAL DISPOSITIONS**

### **Article 1. Guarantees Commission**

The Guarantees Commission, hereinafter 'the Commission', is a technical body of the Balearic University Quality Agency (AQUIB), hereinafter 'the Agency'. This Commission operates independently from the other bodies of the Agency and is responsible for overseeing the proper processing of the Agency's procedures. Its role includes reporting on appeals filed against final decisions made by the Agency, as well as handling complaints and claims against AQUIB, along with any other functions specified in its regulations. The composition, functions, and operations are governed by this regulation, which was approved by the Commission itself during its constitutive meeting.

### **Article 2. Composition**

1. The Guarantees commission is comprised by:
  - (a) Between two or more experts of renowned prestige in the scientific, academic or professional fields. The possibility of one of them carrying out their professional activities outside of Spain will be considered. At least half of them must have legal training.
  - (b) At least one person with student status.
  - (c) A quality technician from AQUIB, appointed by the director, serving as the secretary with a voice but no vote.
2. In addition to its permanent composition, when deemed necessary due to the subject to be discussed, the Commission may include experts in a specific topic. These individuals are appointed by the president of the Commission and attend all meetings where the designated subject is discussed. They cannot be part of any other commission or be involved in other processes of the Agency.
3. The appointment of Commission members will be made by the president of the Agency, upon the proposal of the director, after hearing the Board of Directors.
4. The term of office of Commission members is four years, extendable for equal periods, as long as they maintain the condition for which they were appointed.

5. The president of the Guarantees Commission will be elected by the Commission members themselves.
6. Members of the Commission will cease their functions for the following reasons:
  - (a) By their own request in writing addressed to the president of the Commission.
  - (b) Completion of their term.
  - (c) Onset of incompatibility.
  - (d) By a final resolution leading to disqualification or suspension.
  - (e) Serious, repeated, and deliberate breach of their functions and duties, as declared by the Guarantees Commission itself, after including the matter in the agenda. The person subject to exclusion cannot participate in the deliberations or voting on this point and must be absent from the meeting when it is discussed.
  - (f) Ceasing to meet any of the criteria for which the selection was made.
  - (g) Decease.

### **Article 3. Functions of the Guarantees Commission**

1. The Guarantees Commission is tasked with the functions outlined as follows:
  - (a) Ensure compliance with the Code of Ethics and report on claims related to its violation.
  - (b) Review the process resulting in evaluation reports, upon request from the evaluated entities through complaints, appeals or claims.
  - (c) Report on appeals filed against resolutions of the Agency, whether from its president or its commissions.
  - (d) Report on any other complaint or claim not covered in the previous point.
  - (e) Compile an annual report summarizing suggestions, complaints, and claims received since the last report, proposing improvements in the processes and policies of the Agency.
  - (f) Approve and modify its operating regulations.
  - (g) Any other task not covered in its regulations but aligned with the above, assigned by the Board of Directors.
2. The complete acceptance of an appeal against an Agency resolution will necessitate the initiation of a new procedure. Conversely, if it is partially accepted, the proceedings will be reverted to the specific point subject to the appeal.

## **Article 4. President**

1. The president is responsible for the following functions:
  - (a) Representing the Guarantees Commission.
  - (b) Convening meetings, chairing them, and suspending them for duly justified reasons.
  - (c) Setting the agenda for the sessions, considering the requests of other members, as well as appeals and complaints addressed to the Commission.
  - (d) Approving the minutes of the meetings.
  - (e) Any other function that can be assumed in the capacity of the president of the Guarantees Commission.
2. In the event of a tie, the president holds a casting vote.
3. In the event of a vacancy or absence for any justified reason, the president will be replaced by the member of the Commission with the longest tenure. If two or more members have the same tenure, the person selected will be the one with the highest age.

## **Article 5. Members**

1. Members of this Commission have the following responsibilities:
  - (a) Participating in the regular and extraordinary sessions of the Commission.
  - (b) Proposing issues for the agenda well in advance.
  - (c) Exercising their voting rights, with the option to abstain or submit a specific vote.
  - (d) Raising inquiries and questions during the meetings.
  - (e) Having access to all the necessary information for the exercise of their functions and, if required, requesting any additional information.
  - (f) Contacting the individual who filed the complaint/claim/suggestion to request clarifications or additional information, as well as to seek the technical opinion on it from the process subject to the complaint/claim/suggestion.
  - (g) Any other function associated with being a member of this Commission.
2. In the case of justified absences, members will not be replaced, and the minimum number of attendees for a session (Article 7) must be maintained for it to be valid.

## **Article 6. Secretariat**

1. In accordance with Article 2, a member of the Agency will serve as the secretary of the Commission, with voice but without a vote.
2. The functions of the secretary include:
  - (a) Ensure the formal and material legality of the actions of the Commission, certify its proceedings, and guarantee that the procedures and rules for the establishment and adoption of agreements are respected.
  - (b) Issuing the call for Commission's meetings, as directed by the president.
  - (c) Drafting the minutes for the meetings, signing them, and archiving them once countersigned by the president.
  - (d) Creating documents related to formal consultations, opinions, and agreements approved by the Commission.
  - (e) Providing the commission members with the necessary information.
  - (f) Issuing the corresponding certificates.
  - (g) Undertaking any other function associated with the role of secretary.
3. In the event of an absence for any justified reason, the director of the Agency will designate another person from the Agency to fulfil the role.

## **CHAPTER II. RULES OF FUNCTIONING**

### **Article 7. Types of Actions of the Guarantees Commission**

1. The Commission can act on three types of cases:
  - (a) Complaints, claims, or appeals regarding the Agency procedures that result in decisions of the Agency. In this case, the Guarantees Commission resolves with a report that is notified to the affected person or institution, concluding the administrative process.
  - (b) Complaints, claims, or appeals against final decisions of another body based on a report from one of the Agency commissions. In this case, the respective body may request a report from the Agency to consider it in the resolution of the appeal. The Guarantees Commission prepares this report, with the possibility of seeking technical reports from the commission that drafted the original report.

(c) Notifications regarding the violation of AQUIB Code of Ethics.

## **Article 8. Violations of the Code of Ethics and Appeals Against Certification or Accreditation Decisions and Evaluation Reports Issued by AQUIB**

1. Any complaint, claim or appeal is addressed to the president of the Guarantees Commission following the procedure outlined on the Agency's website. The sender is notified of the receipt of the request, and if applicable, its processing through this channel.
2. The application must specify the reason for the communication, request or appeal.
3. If deemed necessary for the assessment of the complaint, upon receiving the communication, request, or appeal, the Guarantees Commission may request additional information from the individuals or organizations initiating the procedure. It may also forward the appeal to the mentioned parties for any relevant clarifications.
4. Once the analysis of the communication, request or appeal is complete, the Commission issues a binding decision.
5. In the case of violations of the Agency Code of Ethics, after completing the analysis of the complaint, the Commission issues a non-binding report providing recommendations to the individuals and bodies of the Agency mentioned in the procedure regarding Code of Ethics compliance. The report is sent to the individuals and bodies involved in the procedure.

## **Article 9. Convening and Conduct of Meetings**

1. The Guarantees Commission convenes as deemed necessary. Meetings are convened by the president or upon the agreement of a simple majority of its members.
2. Notice of regular meetings must be sent to all members no later than seven (7) calendar days before the scheduled date. Members will receive notifications electronically and are required to confirm receipt of such notices.
3. The meeting notice shall include the agenda, format, and necessary documentation required to address the issues to be discussed.

4. For the Commission's constitution to be valid, the physical or remote presence of the president, the secretary, and at least half of the permanent members of the Commission is required. Experts designated according to Article 2 attend meetings where the subject for which they were designated is discussed. Additionally, individuals invited by the president may attend the meeting. In both cases, they have the right to speak but not to vote.
5. Any matter not included on the agenda will not be considered unless all Commission members are present. If this occurs, the urgency of the issue must be declared by the favorable vote of the majority.

### **Article 10. Format of the Sessions**

Meetings may take place in an in-person, blended or virtual format. The chosen format will be specified in the meeting notice and agenda. In any case, the requirements for the validity of the meeting are those outlined in Article 7.

For the remote or hybrid formats, Commission members can be in different locations as long as their identity, the content of their statements, the timing of these statements, real-time interactivity and communication between them, and the accessibility of means during the session are safeguarded through electronic methods. This encompasses telephone and audiovisual means, with valid electronic options extending to email, audio conferences, and videoconferences, among others.

### **Artículo 11. Agreements and Minutes**

1. Resolutions of the Guarantees Commission are adopted by a simple majority of the board members, with abstentions considered valid votes. Ties shall be decided by the casting vote of the president.
2. Proxy votes from one member of the Commission to another are admissible if evidence for this is submitted.
3. Any member may cast an individual vote dissenting from the majority vote. In this case, they shall be exempt from liability arising from the Commission's decision.
4. Voting will be conducted by a show of hands. Any member may request that votes be secret. In this case, voting will be done by ballots or a valid electronic system.

5. Reports of the Guarantees Commission will be non-binding unless otherwise indicated.
6. Minutes must be approved in the same session or the following one. They will specify the session's format, attendees, agenda, and the agreements or decisions made. The minutes will be signed by the secretary and endorsed by the president. They will be distributed to the other members electronically. Members may express their agreement or raise objections to the text through the same means for approval. In the case of an affirmative response, it is considered approved in the same meeting.
7. A summary of the minutes with the agreements or decisions made will be published on the Agency's website, following data protection regulations.
8. The Guarantees Commission operates independently, and its actions cannot be altered by any other body or member of the Agency.

#### **Article 12. Decision-Making Through Electronic**

1. Agreements can be reached through virtual means, adhering to the criteria outlined in Article 11. In this scenario, votes are cast via email.
2. The process commences with an email from the secretary, acknowledging receipt, sent to all commission members. This email outlines the topics to be addressed, includes the necessary documentation, and, if applicable, provides suitable working tools.
3. In the minutes, in addition to the details outlined in Article 11.5, it is explicitly mentioned that the agreements have been conducted through virtual means.

### **CHAPTER III. APPROVAL AND AMENDMENT OF THE INTERNAL OPERATING RULES**

#### **Article 13. Adoption of the Regulations**

The initial version of these regulations is approved during the constitutive meeting of the Guarantees Commission.

#### **Article 14. Amendment of the Regulations**

1. These rules of procedure may be modified at the request of the Commission's president or a majority of its members. This request must be accompanied by a



draft of the proposed changes.

2. A favourable vote from two-thirds of the members of the Guarantees Commission is required to validate agreements regarding the modification of this Regulation.