
Regulation for the functioning of the Appeals Commission

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of the Appeals Commission**

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The General Director

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The Directive Council

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The President

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REGULATION FOR THE FUNCTIONING

OF THE APPEALS COMMISSION

FOREWORD

The present regulation was drawn up in compliance with Article 21 of the Statute and with Article 16 of the General Regulation for the application of the ACCREDIA Statute in order to set out the proceedings of ACCREDIA's Appeals Commission in conformity with the statutory requirements and to establish criteria for the effective organization and good working procedures and practices of the Commission.

The present Regulation may be modified at any moment in time following proposal by the Appeals Commission with approval by the ACCREDIA Directive Council.

ART. 1 – PRESENTATION OF APPEALS TO THE COMMISSION

(Art. 21 of the Statute and article 16 of the General Regulation)

The Appeals Commission is the competent statutory body¹ for dealing with appeals presented by accredited or applicant bodies requesting the reconsideration of any adverse decision concerning accreditation taken by the Sector Accreditation Committees and Sub-committees or by other ACCREDIA Bodies. These cases may regard both the operations of the department staff (e.g. non-acceptance of an application for accreditation/extension/renewal, failure to present a file to the Sector Accreditation Committee or Sub-committee etc.) as well as the operations of the Sector Accreditation Committees (the adoption of negative deliberations for the non-issuance of accreditation/extension/maintenance/renewal, including the imposition of sanctions) and they can refer to both the procedural and also technical motives (correctness of the procedures followed) concerning the proper conduct of procedures and the evaluations made on the basis of the applicable provisions.

If such cases are addressed to other statutory bodies, they shall duly send them on to the Appeals Commission.

If the appeals do not expressly fall within the above-mentioned cases, the General Direction submits the request to the President of the Appeals Commission, for the appropriate assessment as to its admissibility. If inadmissibility is confirmed, the appellant and the other Members of the Appeals Commission are informed.

An appeal does not interrupt the provisions adopted with regard to a CAB until or unless the Appeals Commission decides otherwise.

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¹ The Members of the Commission of Appeals shall possess competence and experience in all matters concerning accreditation activities and familiarity with the reference standards and the procedures of accreditation.

Appeals shall be addressed to the Appeals Commission through the Department Direction within thirty days of receipt of the appeal issued by the competent ACCREDIA bodies which are asked to perform the review.

Within the given timeframe, the appellant shall submit a written complaint signed by the legal representative to the office of the relevant Department containing as follows:

- a precise description of the action taken;
- a full description of the motives of the request for review;
- all the documents which the appellant intends to present in support of the action.

The Appeals Commission can take into consideration any documents presented out of the pre-established timeframe and can delay its final ruling beyond the timeframe described in Article 2 below.

The files are submitted for examination by the Appeals Commission by the competent Department Direction following preliminary formal verification, conducted in collaboration with the General Director, of their content against the requirements of the presentation as described above.

The handling of the appeal is undertaken by the Appeals Commission and does not involve the Sector Accreditation Committees and Sub-committees, although they are informed with regard to the outcome of appeals. Meetings may also be attended, only at the express invitation of the President of the Appeals Commission, without voting rights, by the President of the Sector Accreditation Committee that made the appeal decision.

ART. 2 –CONVENING AND PROCEEDINGS OF THE COMMISSION

(Art. 21 of the Statute and article 16 of the General Regulation)

In accordance with the requirements of Article 1, a meeting of the Appeals Commission is convened within 30 calendar days of receipt of the appeal.

Meetings of the Appeals Commission are called by the ACCREDIA General Director who acts as secretary at such meetings, with the support of the relevant Department Direction and in agreement with the President of the Commission.

Meetings of the Appeal Commission may be held in presence, by videoconference or in mixed mode. In the latter two cases, attendance is verified by video camera, or in any case in the manner permitted by law.

The convening notice must specify the date, time and place of the meeting, or the connection platform if it is held by videoconference, and the agenda.

The documents presented by the appellant are made available in the reserved area for the Members of the Commission at least 10 calendar days before the meeting, together with a descriptive report prepared by the

relevant Department Direction and, if relevant, with an extract of the report of the Sector Committee or Sub-committee handling the decision and signed by the President and the Secretary.

Any further documents of relevance (correspondence, accreditation files, evaluation reports and documents, deliberations of the Sector Accreditation Committee or Sub-committee or any other useful document) which can be obtained from the competent Department, can be made available directly at the meeting.

Meetings of the Appeals Commission are valid with a presence of at least three-fifths of the Members (rounding off at a higher number if it is a fraction) and they are chaired by the President of the Commission.

In case of absence of the President the meeting is chaired by a member appointed by the Commission for the meeting in question.

Members of the Commission shall be present in person and substitution or delegations are not allowed.

The meetings of the Commission are attended, without voting rights, by the Department Direction competent for the appeal presented to the Body and, having heard the Commission President, any other ACCREDIA personnel involved in the management of the appeal (e.g., Legal Area Manager, Management System Manager, etc.). The Directive Council, the Steering and Guarantee Committee and the Committee for Accreditation Activities are promptly informed regarding all appeals and decisions taken by the Commission.

The Members of the Commission shall verify and declare, in advance, any conflict of interests that may occur in dealing with every single file.

If there is a conflict of interests the Members involved (including the President) shall suspend themselves from the Commission for the duration of the case in question.

If this occurs the Commission may use temporary substitutes possessing the competencies mentioned in note 1 (with functions limited to the file in question) and their nomination shall be endorsed by the ACCREDIA Directive Council.

The procedure for substitution is applicable also in cases of prolonged hindrance of a Member. The nominated substitute shall retain his/her position until the case in question has been completely resolved.

Resolutions and decisions require a three-fifths majority vote of the Members of the Commission. Abstentions are considered as a negative vote concerning the proposal of the President.

If such majority is not attained, the President and the Department Direction send a detailed report to the Directive Council which they jointly sign and the Directive Council will decide by majority vote.

Competence is guaranteed collectively by the Members taking the decisions and by absent member who may send statements prepared by the General Director to be read during the meetings.

The Commission organises its work and undertakes all necessary meetings for the full examination of the files and dossiers it deals with. It gathers and evaluates all the information, data and other useful items for the conduct of examination and for the implementation of the decisions it takes.

In order to do this the Commission:

- requests that the competent Department asks for and examines all the necessary documents (of both internal and external origin);
- conducts hearings of the appellant and of those who took part in the process of handling of the appeal (ACCREDIA dependent technical and management personnel, and collaborators) as well as any other interested party and any external experts.

In order to guarantee the necessary competences for dealing with the appeal, the Commission can also:

- entrust consultation tasks to external persons, giving reasons, and asking the ACCREDIA President to authorise the relative payments and requesting their participation at meetings of the Commission;
- assign analysis tasks to one or more of its Members.

The Appeals Commission shall issue a statement concerning the case within 90 (ninety) calendar days of the presentation of the appeal. In the period before the Commission's decision, ACCREDIA shall provide, upon request to the appellant, an update concerning the progress of the handling of the appeal.

The deliberations of the Commission regarding the cases it has dealt with are reported in detail, with the relative motives, in the minutes of the meeting at which they are adopted, drawn up by the Secretary of the Commission and countersigned by the Secretary and by the President of the Commission following agreement about the text, and sent by email to the participants.

The provisions of the decision are approved immediately and formalized as follows:

- in cases of rejection of the appeal: by recorded delivery post or by certified email, containing the decision of the Commission, sent to the appellant and signed by the ACCREDIA President with a copy sent to the competent Sector Accreditation Committee and Sub-committee;
- in cases of acceptance (partial or complete) of the appeal, in the terms established by the Commission and in compliance with the conditions which it has set down: by means of a copy of the decision of the Commission, promptly sent to the Sector Accreditation Committee and Sub-committee, signed by the ACCREDIA President. The decision of the Commission is immediately communicated to the appellant and to the competent Sector Accreditation Sub-committee.

The resolutions of the Appeals Commission are communicated by the ACCREDIA President to the Directive Council, to the Committee for Accreditation Activities and to the Steering and Guarantee Committee for their knowledge.

The resolutions of the Commission cannot be contested either by the appellant or by ACCREDIA personnel.

Until the decision regarding the appeal, if further negative decisions are taken, concerning the accreditation of the CAB in question (e.g., for renewal, transition or extension), these decisions are submitted to the Appeals Commission for incontestable appraisal, with the involvement of an expert without voting rights nominated ad hoc by the competent Sector Accreditation Committee or Sub-committee.

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