

Eligibility of Review Coordinators and Panels

*(Register Committee policy according to §2.5
of the Procedures for Applications)*

Register Committee
2 November 2020

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1. Introduction

According to EQAR's Procedures for Applications, the Register Committee checks and decides on the eligibility of the applications for registration/renewal.

The eligibility check of relates to (a) the activities of the applicant (see Use and Interpretation of the ESG for details about this aspect) and (b) the external review process, including the suitability of the review coordinator.

The Procedures set out the requirements for external reviews in principle, without specifying them further. The present policy elaborates on the Register Committee's specific understanding and application of these requirements, which are quoted in boxes below.

The European Association for Quality Assurance in Higher Education (ENQA) has operated a system of agency reviews for considerable time, which functions independently of the agency under review and has consistently been aligned with EQAR requirements. External reviews of quality assurance agencies coordinated by ENQA are thus automatically considered eligible, since EQAR has already verified the fulfilment of the requirements.

Quality assurance agencies seeking to choose another suitable coordinator should be guided by the minimum requirements set out below.

The Register Committee will evaluate the present policy once it has been applied in a sufficient number of actual cases.

2. Review Coordinator

1.6 The applicant's substantial compliance with the ESG needs to be evidenced through an external review by an independent expert panel [...].

1.7 The review shall be coordinated by an organisation that has the necessary professional capacity and is independent of the applicant. The review shall be conducted in an unbiased, objective and independent manner.¹

In the selection of the review coordinator the applicant agency is expected to assess the professional capacity and independence considering at least the minimum requirements listed below.

In the application process, the burden of proof that these requirements are met lies with the applicant. Since EQAR has no direct formal relationship

¹ <https://www.eqar.eu/kb/official-documents/#procedures-for-applications>

with the (potential) coordinator before it has been approved, the applicant will be responsible to obtain and provide any evidence that EQAR may request to assess whether these requirements are fulfilled.

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2.1 Professional Capacity

For a review coordinator to be considered as having the necessary professional capacity, the following minimum requirements have to be met:

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- The coordinator has at least five years experience in carrying out comparable external reviews in the field of higher education (i.e. formal reviews of organisations in higher education against pre-defined sets of standards); such experience relates to at least three European countries during the last 10 years.
- The organisation and the staff member(s) responsible for the review have direct and proven experience in recent years working with the ESG (for a period of at least 3 years).
- The coordinator has sufficient organisational and financial capacity to engage in the external review:
 - the coordinator has legal personality and is able to engage in contracts with both the applicant quality assurance agency and the experts for the review according to applicable laws of the country where it is based;
 - the coordinator is able to handle the payments of the review panel, including expert fees, travel and subsistence reimbursement or booking of such travels undertaken as part of the review.
- In case the coordinator is engaged in any type of regulated activity, it holds all required licenses or authorisations, as required by the country(-ies) it operates in.
- In case the coordinator is itself a QA agency, the coordinator has not been denied registration by EQAR, unless it has successfully reapplied since.

2.2 Independence

For a review coordinator to be considered as independent of the applicant agency, the following minimum requirements have to be met:

- The coordinator takes appropriate measures in preventing conflicts of interests (see also point §4. *Conflict of Interest* and §6. *Incompatibilities of EQAR's Code of Conduct*²).

² <https://www.eqar.eu/kb/official-documents/#code-of-conduct>

- The coordinator has not provided remunerated (e.g. consultancy) or unremunerated services to the agency during the past 5 years, or vice-versa.
- The coordinator has not previously been reviewed by the applicant (e.g. research institute). The coordinator is expected to commit itself not to be reviewed (in the next 5 years) by the agency for which it coordinates the review.
- The coordinator's senior staff (senior management, director, superior) and staff involved in coordinating the review do not have a real or apparent conflict of interest as defined in §4 of *EQAR's Code of Conduct*³.
- The Ultimate Beneficial Owners⁴ of the applicant QA agency and the coordinator may not overlap.
- No direct financial transactions may be made between the selected experts conducting the review and the applicant quality assurance agency.
- In case of a coordinator that it is also a QA agency, the coordinator may not be carrying out regular external quality assurance activities within the same higher education system as the applicant. This does not apply to applicant QA agencies that have an exclusively international focus, i.e. all their activities are considered cross-border QA activities.

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3. Review Panel

1.9 The review panel shall consist of at least four persons. The panel members shall possess the knowledge, experience and expertise required to understand, analyse and judge the applicant's activities against the ESG. The review coordinator shall provide the review panel with appropriate training and guidance for its role.

1.10 The review panel members shall represent a range of expertise, covering the different perspectives of the key stakeholders. The panel shall include at least (at the time it is composed):

- a. one academic staff member of a higher education institution;
- b. one student of a higher education institution; and
- c. one individual from a country other than that of the applicant.

³ <https://www.eqar.eu/kb/official-documents/#code-of-conduct>

⁴ Ultimate Beneficial Owner refers to the natural person(s) who ultimately own(s) or control(s) an organisation, as defined in EU anti-money-laundry legislation.

1.11 The coordinator shall select and appoint the panel members according to a fair and transparent selection process, to be specified in the terms of reference.

1.12 The panel members shall be independent from the applicant and exercise their role objectively and without conflict of interest. It is the coordinator's responsibility to ensure the panel's independence; §9.1 applies accordingly.⁵

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Minimum requirements considered in terms of the review panel's professional capacity and independence:

- The coordinator ensures that experts are carefully selected, have appropriate skills and are competent to perform their task; the selection of experts needs to be documented in detail in the terms of reference (ToR, see §3.1 Nomination and appointment of the review team members in the model) in order for EQAR to vet its fairness and transparency.
- Experts should have either completed a formal training for agency reviews against the Standards and Guidelines for Quality Assurance in the EHEA⁶, or have participated in at least two reviews of quality assurance agencies against the Standards and Guidelines for Quality Assurance in the EHEA that were accepted to support an application to EQAR (not necessarily by the same coordinator).
- The composition of the expert panel should reflect an appropriate balance in terms of expertise, scientific field/discipline, nationality and gender.
- The coordinator does not select experts who have been previously involved in providing services to the applicant quality assurance agency or otherwise have a real or apparent conflict of interest as defined in §4 of *EQAR's Code of Conduct*.
- The coordinator ensures that all experts sign a no conflict of interest declaration to confirm the above.
- The coordinator assures that content of the review report is entirely under the review panel's authority; this should be affirmed in the final review report submitted to EQAR.

4. Documentation

As part of the eligibility assessment, the applicant and coordinator are requested to provide the following documentation:

⁵ <https://www.eqar.eu/kb/official-documents/#procedures-for-applications>

⁶ The training of experts may have been organised by another organisation than the coordinator.

- draft tripartite terms of reference for the review, using the model provided by EQAR or using the coordinator's own model including equivalent provisions;
- written assurance by the coordinator that its staff involved in coordinating the review (as outlined above) do not have a conflict of interest with regard to the applicant, including the persons' CVs;
- up-to-date lists of Ultimate Beneficial Owners from both the applicant quality assurance agency and the coordinator, using the same format as submitted to a financial institution or a national authority⁷.

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⁷ If not required in your jurisdiction, please provide information on your UBOs in line with the definitions applicable to Belgium, see <https://finance.belgium.be/en/E-services/register-beneficial-owners>