



«АККРЕДИТЕУ ЖӘНЕ РЕЙТИНГТИҢ
ТӘУЕЛСІЗ АГЕНТТІГІ» КЕМ

ИУ «НЕЗАВИСИМОЕ АГЕНТСТВО
АККРЕДИТАЦИИ И РЕЙТИНГА»

INDEPENDENT AGENCY FOR
ACCREDITATION AND RATING

REGULATIONS ON THE COMMISSION FOR THE REVIEW OF APPEALS AND COMPLAINTS

Astana 2016

Approved by the
Director's order of
Non-profit institution "Independent agency
for
accreditation and rating"
No.33-16-OD as of 01.09.2016
*(with amendments and additions in
accordance with the IAAR Director's order
№ 68-18 / 1-OD as of May 25, 2018)*

Regulations on the Commission for the Review of Appeals and Complaints

1. General provisions

1.1 For the purpose of ensuring the protection of interests, guarantees and observance of the rights of educational institutions, as well as to consider appeals or complaints of the educational institution undergoing or undergone the procedure of institutional and specialized accreditation, there is the IAAR Appeals and Complaints Commission (hereinafter - Commission)

1.2 Terms and definitions used in these Regulations:

An appeal - a reasoned written statement of a legal entity about disagreement with the results of the recommendations of the External Expert Panel (hereinafter - EEP) and / or with the decision of the Accreditation Council (hereinafter - AC) of the Independent agency of accreditation and rating (hereinafter - IAAR).

An individual - any interested person, including students, their parents, employers, etc., having direct or indirect relation to the accreditation of the educational institution conducted by the IAAR or the accredited organization of education with the valid term of accreditation, which has successfully passed accreditation in the IAAR.

A legal entity - any interested person, regardless of the form of ownership, including higher education institutions, technical and vocational educational organizations, medical educational organizations, etc., directly or indirectly related to accreditation of an educational institution conducted by the IAAR or an accredited educational institution, which has successfully passed accreditation in the IAAR.

An applicant - an individual or an educational institution in the form of a legal entity, filed an appeal or a complaint.

A complaint - an expression of dissatisfaction, the demand of an individual or a legal entity to restore and protect of violated rights or legitimate

interests related to the quality of services provided to an educational institution that has been accredited in the IAAR before the expiration of the certificate of accreditation, as well as related to the IAAR employees' actions, or the EEP members throughout institutional and/or specialized accreditation.

1.3 The Commission considers the applicant's appeal received in written form on official letterhead, signed by the head of the education institution, complaints are drawn up in a written and arbitrary form, signed by an individual or an authorized person from a legal entity, submitted to the IAAR at the following address: 010000, Astana city, 2 B.Momysuly Str., 4d, which is recorded in the incoming information book and is submitted to the Commission Chairman. Oral applications shall not be accepted.

2. Composition of the Commission

2.1 The Commission operates as a collegiate body of the IAAR.

The Commission in its operations is guided by:

- 1) The Constitution of the Republic of Kazakhstan;
- 2) The Civil Code of the Republic of Kazakhstan;
- 3) other laws and regulations of the Republic of Kazakhstan;
- 4) international treaties and agreements in the field of accreditation of educational establishments;
- 5) these Regulations and the IAAR regulatory documents.

2.2 The Commission shall consist of five (5) independent members, including 2 permanent members (the Chairman and vice chairman) and three non-permanent members (including Masters or doctoral graduates).

2.3 Permanent members of the Commission are formed on the basis of proposals from professional associations of employers and are approved by the decision of the IAAR Founder.

If the Commission Chairman cannot attend the meeting, his power shall be performed by his deputy.

The terms of office of the permanent members of the Commission shall be equal to three years. In the event the term of office of the Commission permanent members is expired, the new permanent members of the Commission shall be elected according to the principle above, or in the case of the proper performance of duties the term of the current permanent members of the Commission shall be extended by the IAAR Founder's decision.

A permanent member of the Commission can not be simultaneously a member of the AC.

2.4 Irregular Commission members (including those undertaking Masters or doctoral studies) shall be formed by the Chairman of the Commission from the number of employers, representatives of other educational institutions as highly qualified specialists based on the profile of educational institutions to

comprehensively and objectively consider appeals and complaints, as well as that pledged by other interested parties either not members of the AC nor the IAAR experts to be identified by the IAAR Director orders.

Prior to inclusion in the composition of the Commission, the member shall inform the IAAR Director on the existence of circumstances preventing its participation in the work of the Commission, if any.

Non-permanent members of the Commission who have a conflict of interest when considering the appeal or the applicant's complaints are not involved in making decision to appeal or complaint.

The term of office of non-permanent members of the Commission is the same as for consideration of appeals or complaints.

2.5 Administrative support for the Commission (the Commission Permanent Secretary) is provided by an IAAR officer, legal adviser, not being involved in the assessment procedures of the educational programs or educational institutions.

2.6 The Commission members shall comply with confidentiality.

2.7 The members of the Commission may be exempted on the basis of:
- a personal application or in the case if the activity of the Commission members is contrary to the regulatory documents referred to paragraph 4 of the IAAR Regulations and other internal documents of the IAAR.

2.8 The fulfillment by the members of the Commission of their functions is free of charge.

2.9 No person (a group of persons) should influence the decision-making of the Commission.

2.10 In case of production necessity, the IAAR can pay the travel expenses of the members of the Commission.

3. Grounds of appeal:

3.1. Appeals

3.1.1 Consideration of the applicant's appeal shall not be construed as re-conducting the procedures of institutional and/or specialized accreditation of an educational institution.

3.1.2 If the educational institution, on the basis of institutional and specialized accreditation does not agree with the decision of the IAAR AC or the timeframe of the accreditation period, it is entitled to apply to the Commission within 7 (seven) business days from the date of written notification to the educational institution on the decision adopted by the IAAR AC.

3.2. Complaints

3.2.1 Consideration of the applicant's complaint shall not be construed as re-conducting the procedures of institutional and / or specialized accreditation of educational institution.

3.2.2 The object of the complaint may be any decisions, actions or failure to act by the IAAR employees and external experts, if as a result such decisions and actions have violated the applicant's rights and obligations, as well as services rendered by an education institution on the quality of education after accreditation, both for the organization of education accredited by the IAAR, and for the education institution accredited by the IAAR.

4. Documents, procedure for consideration and decision:

4.1. On appeals

4.1.1 An educational institution receives a decision on accreditation/refusal of accreditation by the IAAR AC within 7 (seven) working days from the date of accreditation.

4.1.2 An appeal shall be filed within the next 7 (seven) working days from the receipt of a written notice by the educational institution on the decision adopted by the IAAR AC.

4.1.3 An appeal shall be submitted in the form of a written application addressed to the IAAR on official letterhead of the educational institution, signed by the chief executive officer, stating:

- the name of the educational institution and/or educational program being accredited, the outcomes of accreditation being disputed;
- substantiations with supporting documentation and information.

4.1.4 The Commission shall make a decision within 30 calendar days after the receipt of the appeal.

The Commission resolution is final; it shall be made in written form and recorded in the minutes.

Re-appealing shall not be carried out. Claims on the appeal results shall not be considered.

4.1.5 The meeting of the Commission is closed and can be conducted using interactive means of communication (video conference, Skype and others).

4.1.6 Meetings of the Commission is legally qualified if it is attended by at least half of the panel of the Commission members.

4.1.7 A decision on the appeal is made on the basis of a majority of votes of the Commission members and registered in the minutes signed by

the Chairman of the Commission and its members. In the event of equality of votes, the Commission Chairman's vote is decisive.

4.1.8 Following the consideration of the appeal, the Commission takes one of the following decisions:

- to satisfy, make a new resolution;
- to dismiss an appeal.

4.1.9 The decision of the Commission must be justified and contain specific facts refuting or confirming the applicant's arguments explaining their right to appeal against the adopted decision.

4.1.10 After the decision is taken by the Commission, the IAAR informs the applicant about the adopted decision of the Commission in writing within 14 (fourteen) calendar days.

4.1.11 In the event a decision is changed, the IAAR conducts the necessary procedures for its implementation.

4.1.12 The decision made by the Commission may be appealed by the applicant in the court according to the legislation of the Republic of Kazakhstan.

4.2. On complaints

4.2.1 The complaint shall be filled in any form (if it is an individual, then indicating the full name, contact information, exact postal address, the essence of the appeal, indicating the institution of education and/or educational program, specifically formulated requirements for the subject of the dispute, certified if it is a legal entity, then indicating the name of the institution, its location, the exact postal address, the reference number and date, the essence of the appeal, the specifically formulated requirements on the subject of the dispute, signed by the head of the educational institute).

4.2.2 The complaint of educational institution is registered in the IAAR and passed to the Commission Chairman for consideration.

4.2.3 The complaint can be submitted at any time, but before the expiry of the validity of the accreditation certificate issued by the IAAR.

4.2.4 If the education institution is not satisfied with the services at the time of the accreditation procedure provided by the IAAR, it must inform the representative of the IAAR or the Chairman of the external expert commission who is visiting the educational institution.

If the educational institution has not managed to solve the problem on the spot, it has the right to write a complaint to the IAAR.

4.2.5 In consideration of the complaint by the Commission the confidentiality of information representing trade secrets and personal data shall be kept.

4.2.6 The Commission requests the copies of all the documents used during the accreditation procedure, including materials prepared by the IAAR,

the educational institution itself and the external expert panel, as well as the documents which are needed to address the nature of the matter indicated in the complaint, including the educational institution.

If necessary, the Commission may request additional information (including in oral form) from the Chairman and members of the external expert commission.

4.2.7 In case of incorrect information by the Agency, the complaint is not accepted.

The applicants' complaints are not considered if they are submitted anonymously, with no indication of the name, surname and signature, where the essence of the matter is not stated, or the conditions, which served as the basis for the complaint, as well as complaints that have been eliminated on the spot.

4.2.8 The Commission makes a decision within 30 calendar days after receiving the complaint.

4.2.9 The meeting of the Commission is closed and can be conducted using interactive means of communication (video conferencing, Skype, etc.).

4.2.10 The meeting of the Commission is legally legitimate, if at least half of the members of the Commission took part in it.

4.2.11 The decision on the complaint shall be made on the basis of a majority of the Commission members and registered in the minutes signed by the Chairman of the Commission and its members. In case of the equality of votes, the Commission Chairman's vote is decisive.

4.2.12 As a result of the consideration of the application, the Commission takes one of the following decisions:

1) issues related to the status of accreditation:

- to suspend the valid certificate of accreditation;
- to withdraw the current certificate of accreditation.

2) issues related to accreditation processes:

- to take appropriate measures, depending on the nature of the complaint.

4.2.13 The decision made by the Commission may be appealed by the applicant in the court according to the legislation of the Republic of Kazakhstan.