



«АККРЕДИТТЕУ ЖӘНЕ РЕЙТИНГТИҢ  
ТӘУЕЛСІЗ АГЕНТТІГІ» КЕМ

НУ «НЕЗАВИСИМОЕ АГЕНТСТВО  
АККРЕДИТАЦИИ И РЕЙТИНГА»

INDEPENDENT AGENCY FOR  
ACCREDITATION AND RATING

# Regulations on the Commission for Review of Appeals and Complaints, Independent Agency for Accreditation and Rating



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Approved by  
order of the Director  
NI "Independent Agency  
for Accreditation and Rating »  
No. 33-16-OD as of 01.09.2016  
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order No. 68-18/1-PA dated May 25,  
2018)

## Regulations on the Commission for Review of Appeals and Complaints, Independent Agency for Accreditation and Rating

### 1. General Provisions

1.1 The Commission for Review of Appeals and Complaints (hereinafter - the Commission) operates with the purpose of assuring the protection of interests, guarantees and observance of the rights of educational organizations, as well as for appeals or complaints filed by the educational organization which is undergoing or has undertaken the procedure of institutional and specialized accreditation.

1.2 Terms and definitions used herein:

**Appeal** is a reasoned written statement of a legal entity about disagreement with the results of the recommendations of the External Expert Panel (hereinafter referred to as "EEP") and (or) with the decision of the Accreditation Council (hereinafter - AC) of the Independent Agency for Accreditation and Rating (hereinafter - IAAR).

**An individual person** is any party involved, including students, their parents, employers, etc., who have direct or indirect relation to the accreditation of an educational organization being conducted by the IAAR or an accredited educational organization with a valid accreditation period that has been successfully accredited by the IAAR.

**A legal entity** is any party involved, regardless of the form of ownership, including higher education institutions, technical and vocational education organizations, medical education organizations, etc., having a direct or indirect relation to the accreditation of an educational organization being conducted by the IAAR or an accredited educational organization which has successfully completed the accreditation procedure with the IAAR.

**An appellant** is an individual person or an educational organization in the form of a legal entity, which has filed an appeal or a complaint.

**A complaint** is an expression of dissatisfaction, the demand of an individual person or legal entity to restore and protect violated rights or legitimate interests

related to the quality of educational services rendered that has successfully passed accreditation by the IAAR before the expiration of the certificate of accreditation, a complaint may also be related to the IAAR staff or the EEP members during the procedure of institutional and (or) specialized accreditation.

1.3 The Commission shall consider an appeal of an appellant, received in writing on the official letterhead signed by the head of the education organization. Complaints shall be made in writing in an arbitrary form signed by an individual or the authorized person from a legal entity addressed to the IAAR director at the following address: 010000, Astana, B. Momysuly, 2, N.P. 4. An appeal shall be registered in the journal of incoming information and is sent to the Commission's Chair. Oral appeals shall not be accepted.

## **2. Composition of the Commission**

2.1 The Commission carries out its activities as a collegiate body of the IAAR. The Commission in its activity 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 organizations;
- 5) these Regulations and the IAAR statutory documents.

2.2 The commission consists of 5 (five) independent members, of which 2 are permanent members (Chair and Vice-chair) and 3 non-permanent members (including students enrolled on a master's or doctoral degree programmes).

2.3 The permanent members of the Commission are formed based on recommendations of employer professional associations and are approved by the decision of the IAAR founder.

If the Chair of the Commission cannot attend the meeting, then his deputy shall perform his functions.

The term of office of the Commission's permanent members is three years. At the end of the term of office of the Commission's permanent members, a new composition of permanent members is elected based on the principle above. In case of proper performance of their duties, the term of office of the acting Commission's permanent members may be extended by the decision of the IAAR founder.

A permanent member of the Commission cannot be a member of the AC at the same time.

2.4 Non-permanent members of the Commission (including those embarked on master's or doctoral studies) shall be selected by the Chair of the Commission from among employers, representatives of other educational organizations, as qualified professionals in the field of activity to comprehensively and objectively review an appeal or complaint, as well as be chosen from other stakeholders, who are not

members of the AC and the IAAR experts, and are approved by the order of the IAAR Director.

Before joining the Commission, an appellant must inform the IAAR director about the existence of circumstances that prevent his participation in the work of the Commission.

Non-permanent members of the Commission who have a conflict of interests in the review of an appeal or complaint of an appellant shall not be involved in the decision-making regarding such an appeal or a complaint.

The term of office of non-permanent members of the Commission is the same as the time period for review of an appeal or a complaint.

2.5 Administrative support for the Commission (the Permanent Secretary of the Commission) is provided by the employee of the IAAR, who does not participate in the evaluation of study program or the organization of education.

2.6 Members of the Commission must respect confidentiality.

2.7 Members of the Commission may be discharged on the basis of:

- a personal application;
- an activity of a the Commission member which contradicts the statutory and legal documents listed in paragraph 4 of these Regulations, the Charter of the IAAR and its other internal documents.

2.8 The members of the Commission perform their functions without compensation.

2.9 None (or no group of individuals) should influence the decision-making of the Commission.

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

### **3. Grounds:**

#### **3.1. for filing an appeal**

3.1.1 Review of an appellant's appeal shall not be deemed as a re-procedure of institutional and (or) specialized accreditation of an educational organization.

3.1.2 If the organization of education, following institutional or specialized accreditation does not agree with the IAAR's decision or the term of accreditation, it has the right to apply to the Commission within 7 (seven) working days from the date of written notification of the IAAR's AC decision.

#### **3.2. for lodging a complaint**

3.2.1 Review of an appellant's complaint shall not be deemed as a repeat procedure for institutional and (or) specialized accreditation of the education organization.

3.2.2 A complaint may be lodged against any decisions, actions and omissions to act of employees and external experts of the IAAR if such decisions and actions have violated the rights and obligations of an appellant, as well as the services rendered by the education organization related to the quality of education after the accreditation procedure, filed both against the organization accredited by the IAAR, and the organization accredited by the IAAR itself.

#### **4. Documents, procedure for review and decision:**

##### **4.1. related to an appeal**

4.1.1 The organization of education receives a decision on accreditation or refusal on accreditation by the IAAR's AC within 7 (seven) working days from the date of such procedure.

4.1.2 An appeal shall be filed within the next 7 (seven) working days from the receipt of a written notification by the education organization about the IAAR's correspondent accreditation decision.

4.1.3 An appeal shall be filed as a written statement addressed to the director of the IAAR on the official letterhead of the education organization signed by the chief executive officer, stating:

- the name of the organization of education and (or) the study program for which an accreditation process was conducted, an accreditation results, which are disputed;
- facts supporting an appeal.

4.1.4 The Commission shall make a decision within 30 calendar days after receiving an appeal.

The decision of the Commission shall be deemed as final, made in writing and recorded in the minutes.

An appeal shall not be repeatedly reviewed. Complaints on an appeal results shall not be reviewed.

4.1.5 The meeting of the Commission shall be convoked as a closed session and may be conducted using interactive means of communication (videoconference, Skype, etc.).

4.1.6 The meeting of the Commission shall be valid when a quorum of at least half of the members of the Commission is present and voting.

4.1.7 A decision regarding an appeal shall be made on the basis of the majority of votes of the Commission's members and is formalized by a protocol that is signed by the Chair of the Commission and its members. In the event of tie, the Commission's Chair will have a casting vote.

4.1.8 Based on the outcomes of an appeal review, the Commission takes one of the following decisions:

- make a new resolution;
- to deny in satisfying an appeal.

4.1.9 The Commission's decision must be justified and contain concrete facts that refute or confirm the appellant's arguments explaining their right to appeal against the decision.

4.1.10 Within 14 (fourteen) calendar days after the IAAR's Commission decision is adopted, an appellant shall be notified in writing on such decision.

4.1.11 In case of a change in the decision, the IAAR conducts the necessary procedures for its implementation.

4.1.12 The decision taken by the Commission may be appealed by an appellant in court under the current legislation of the Republic of Kazakhstan.

## **4.2. related to a complaint**

4.2.1 A complaint shall be submitted in an arbitrary form (if it is an individual, a complaint shall contain his full name, contact information, exact postal address, the essence of an appeal shall be specified for which educational organization and (or) the study program is filing therein, clearly formulated requirements for the subject matter of the dispute, the signature, if this is a legal entity, indicating the name of the organization, its location, the exact postal address, an appeal's reference number and the date, its essence, clearly formulated requirements for the subject matter of the dispute, signed by the head of the organization).

4.2.2 A complaint shall be registered with the IAAR and sent to the Chair of the Commission.

4.2.3 A complaint may be submitted any time, but before the expiration of the validity of the accreditation certificate issued by the IAAR.

4.2.4 If the educational organization is not satisfied with the services throughout the accreditation procedure conducted by the IAAR, the IAAR's representative or the Chair of the external expert panel, who is visiting the education organization, shall be duly informed on the matter.

If the education organization has not managed to solve the problem on the spot, it has the right to lodge a complaint to the IAAR.

4.2.5 When considering a complaint, the Commission respects the confidentiality of information that represents commercial secrets and personal data.

4.2.6 The Commission requests copies of all documents used during the accreditation procedure, including materials prepared by the IAAR, the education organization itself and the external expert panel, as well as documents that are necessary to address the nature of the matter indicated in the complaint, including those owned by the education organization.

If necessary, the Commission may request additional information (including orally) from the Chair and members of the external expert panel.

4.2.7 In the event of incorrect information to the Agency, the complaint shall not be accepted for review.

An appellants' complaints filed anonymously shall not be reviewed, whereby the surname, first name, patronymic name is not indicated, if there is no signature, the

essence of the matter is not stated, or the facts serving as the basis for a complaint, as well as complaints that were subsequently satisfied on the spot.

4.2.8 The Commission takes a decision within 30 calendar days after receipt of a complaint.

4.2.9 The meeting of the Commission shall be convoked as a closed session and may be conducted using interactive means of communication (videoconference, Skype, etc.).

4.2.10 The meeting of the Commission shall be valid when a quorum of at least half of the members of the Commission is present and voting.

4.2.11 The decision on the complaint is made on the basis of the majority of votes of the members of the Commission and is formalized by a protocol that is signed by the Commission Chair and its members. In the event of tie, the Commission's Chair will have a casting vote.

4.2.12 After the review of an application, the Commission takes one of the following decisions:

1) on issues related to the status of accreditation:

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

2) on issues related to the accreditation processes:

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

4.2.13 The decision taken by the Commission may be appealed by an appellant in court under the current legislation of the Republic of Kazakhstan.