



REGULATION ON THE SETTLEMENT OF PETITIONS SUBMITTED TO THE NATIONAL AGENCY FOR QUALITY ASSURANCE IN EDUCATION AND RESEARCH

First Edition, Revision 0

Approved by the Governing Board
of the National Agency for Quality Assurance in Education and Research,
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President

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I. General provisions

1. The Regulation on the settlement of petitions submitted to the National Agency for Quality Assurance in Education and Research (hereinafter - Regulation) establishes the manner of initiation, conduct and completion of the administrative procedure initiated by the National Agency for Quality Assurance in Education and Research (hereinafter - ANACEC) to resolve the appeals submitted to ANACEC.
2. The Regulation is developed in accordance with the following national and European legislation (international recommendations) in this field:
 - Administrative Code of the Republic of Moldova (no. CA116/2018);
 - Education Code of the Republic of Moldova (no. 152/2014);
 - Methodology for confirming scientific-didactic titles in higher education (GD 209/2020);
 - Methodology for awarding and confirming scientific titles (GD 497/2019);
 - Methodology for approving doctoral supervisors (GD 326/2019);
 - Regulation on the organization and operation of the National Agency for Quality Assurance in Education and Research (GD 201/2018);
 - Methodology of external quality evaluation for the authorization of provisional operation and accreditation of vocational education and training, higher education and professional continuous training study programmes and institutions (GD no.616/2016);
 - Regulation on the recognition and equivalence of documents of high scientific and scientific-didactic qualification obtained abroad (GD 472/2004);
 - Methodology for evaluating general education institutions (MECR Order no. 581 of 23.06.2020);
 - Methodology for evaluating the management staff in general education (MECR Order no. 581 of 23.06.2020);
 - Methodology for the selection of expert evaluators (ANACEC GB Decision no. 70 of 27.11.2020);
 - Regulation on the operation of specialized scientific councils and the awarding of scientific titles (ANACEC GB Decision no. 38 of 10.10.2018);
 - Standards and Guidelines for Quality Assurance in the European Higher Education Area, ESG 2015, developed by the European Association for Quality Assurance in Higher Education (ENQA);
 - Recommendation of the European Parliament and of the Council of 18 June 2009 on the establishment of a European Quality Assurance Reference Framework for Vocational Education and Training (2009/C 155/01).
3. A petition, for the purposes of this Regulation, means any complaint, appeal, notifications addressed to ANACEC by a natural or legal person.
4. (1) Complaints are petitions made before or during the external evaluation processes of the quality of study programmes / educational institutions / institutions in the field of research and innovation or of the attestation processes of the scientific and scientific-didactic staff.
(2) The object of the complaint may be:
 - 1) Incompatibility of the expert evaluators to participate in the process of evaluation or attestation of the scientific and scientific-didactic staff;

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- 2) Violation by the expert evaluators and / or ANACEC staff, in the evaluation or attestation process, of the rules of conduct established in the Methodology for the selection of expert evaluators and of the norms of professional deontology stipulated in the ANACEC Code of Professional Ethics.
5. (1) Appeals are petitions challenging the decisions of the ANACEC Governing Board (hereinafter - GB) regarding the results of the external evaluation of the quality of study programmes / educational institutions / institutions in the field of research and innovation or the results of attestation of scientific and scientific-teaching staff.
(2) The object of the appeal may be the violation of the procedures of external evaluation of the quality of study programmes / educational institutions / institutions in the field of research and innovation or of the attestation processes of the scientific and scientific-didactic staff.
6. The notifications are the petitions by which ANACEC is informed about a problem of personal or public interest, but which does not refer to the process and / or the result of the evaluation or attestation.
7. (1) The general deadline for resolving the petition is 30 working days from its registration.
(2) For justified reasons related to the complexity of the subject matter of the petition, the general deadline may be extended by a maximum of 15 working days.

II. Submission of petitions

8. (1) The petition shall be submitted in writing to the ANACEC Document Management Service (hereinafter - DMS), sent by mail to the official address of ANACEC (38A Hîncești road, MD-2028, Chisinau, Republic of Moldova), sent electronically to the email address contact@anacec.md, and the notification can also be submitted orally, being recorded in a minutes.
(2) The petitions shall be registered by DMS, on the same day they were received, in the e-management system of ANACEC.
9. In the case of petitions submitted in electronic form, ANACEC shall communicate within 2 days, by the same means, the registration number of the petition.
10. If the petition falls within the competence of another public authority, the original of the petition shall be sent to the competent public authority within 5 working days from the date of registration of the petition, of which the petitioner is informed.
11. The petition shall contain the following elements:
 - a) the name and surname of the petitioner, in case it came from the natural person / persons or the name of the petitioner, in case it came from the legal person;
 - b) the home address or address of the registered office of the petitioner and the e-mail address if a reply is requested by it;
 - c) the object of the petition and its reasoning;
 - d) the evidence on which it is based;
 - e) the signature of the petitioner or of their legal or authorized representative, and in the case of the petition sent in electronic form - the electronic signature.
12. Complaints concerning the incompatibility of the expert evaluators to participate in the evaluation or attestation process shall be submitted within a maximum of 5 working days from the date on which the institution was informed.

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13. Complaints regarding the violation by the expert evaluators and / or ANACEC staff of the rules of conduct and professional deontology shall be submitted during the evaluation or attestation process or within maximum 5 working days from the date of concluding the external evaluation visit or the attestation process.
14. (1) Appeals challenging the decisions of the GB regarding the results of the external evaluation of the quality of study programmes / educational institutions / institutions in the field of research shall be submitted within a maximum of 10 working days from the date of informing / publishing the GB decision that is being appealed.
(2) Appeals challenging the decisions of the GB regarding the results of the attestation of the scientific and scientific-didactic staff shall be submitted within a maximum of 30 working days from the date of informing / publishing the GB decision that is being appealed.
15. The period for lodging notifications is not restricted.

III. Endorsement of petitions

16. The President of ANACEC shall approve the petition and forward it to a competent organizational structure of ANACEC for consideration.
17. Anonymous petitions or those submitted without indicating the postal or electronic address of the petitioner shall not be examined.
18. If the petition does not comply with the requirements set out in point 11, the applicant shall be informed of the shortcomings and shall be given a reasonable time to remove them. If the petitioner does not remove the shortcomings within the prescribed period, the petition shall not be examined.
19. ANACEC shall not examine, on the merits, petitions containing uncensored or offensive language, threats to national security, public order, the life and health of the official, and members of their family.
20. If the petitioner submits to ANACEC at the same time and / or consecutively several petitions notifying the same issue, they shall be merged and examined, respecting the deadlines, and the petitioner shall receive a single answer, which should refer to all petitions received.
21. Complaints or appeals submitted to ANACEC after the end of the aforementioned period or those submitted to other public authorities, which then submit them to ANACEC for settlement after the expiry of the mentioned period, shall not be examined.
22. The petitioner shall be informed of the reason for not examining the petition.

IV. Examination and resolution of complaints

23. The complaint regarding the incompatibility of the expert evaluator shall be examined within a maximum of 3 working days from the receipt of the complaint, by the specialized department. Depending on the case, it shall decide whether or not to replace the expert evaluator in the evaluation or attestation process.
24. (1) The complaint regarding the violation by the expert evaluators and / or ANACEC staff of the rules of conduct and professional deontology is examined within a maximum of 1 working day from the receipt of the complaint, by the specialized department. If the complaint is reasonable, the visit or the attestation process shall be suspended and the complaint shall be sent for resolution to the Ethics Commission of ANACEC.

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(2) The complaint submitted after the evaluation visit or after the completion of the attestation process shall be sent for resolution to the Ethics Commission.

25. If the Ethics Commission finds that the alleged violations are not real, the President of ANACEC shall issue an order rejecting the complaint as unfounded.
26. If the Ethics Commission finds that the alleged violations are real, the President of ANACEC shall order the exclusion of the expert evaluator and / or the ANACEC employee from the evaluation or attestation process and the resumption of the evaluation or attestation process.
27. ANACEC shall officially communicate to the applicant by e-mail the decisions regarding the modification of the evaluation or attestation panel.

V. Examination and settlement of appeals

28. (1) Appeals shall be examined within a maximum of 5 working days from their registration, by the specialized department which shall propose 3 members of the Appeals Commission, competent in the field to which the appeal refers, selected from the Register of expert evaluators.
 - (2) Members of the Appeals Commission can not be appointed from among the members of the GB, the expert evaluators who are in a conflict of interest or who have been involved in the evaluation or attestation process in the case examined.
 - (3) The Appeals Commission for the examination of appeals regarding the results of the evaluation of general education institutions and / or the evaluation of management staff is composed of at least 3 members, including an employee of ANACEC and two members of the Profile Committee.
 - (4) The president of ANACEC shall appoint by order the members and the chairman / chairwoman of the Appeals Commission.
29. The chairman / chairwoman of the Appeals Commission shall organize and shall be responsible for the activity of the Appeals Commission, shall chair the meetings of the Appeals Commission.
30. In the process of examining appeals, the members of the Appeals Commission shall be independent and act in accordance with the legislation and other normative acts in force.
31. The members of the Appeals Commission are obliged to ensure the confidentiality of the information presented, under the conditions established in the Confidentiality Agreement.
32. The specialized department shall ensure the logistics of the meetings of the Appeals Commission and provide its members with the necessary materials for making the decision.
33. The members of the Appeals Commission shall examine the evidence presented and its veracity, and shall ascertain whether or not the evaluation or attestation procedure has been infringed.
34. The procedure for examining the appeal shall be carried out at the working meeting of the Appeals Commission, beginning with the presentation of the substance of the appeal, reported by the chairman / chairwoman, followed by the presentation of the expertise carried out by the members of the commission.
35. Appellants may also be invited to attend the meetings of the Appeals Commission, which shall state the factual and legal grounds on which the appeal is based and shall answer questions asked by members of the Appeals Commission.

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36. (1) Decisions of the Appeals Commission shall be taken by a vote of at least 2 members.
(2) If a member of the Appeals Commission does not agree with the decision of the majority, they shall sign the minutes, but shall be entitled to state in writing the separate opinion, which shall be annexed to the minutes of the meeting of the Appeals Commission.
37. If the Appeals Commission finds that the alleged infringements are not true, the Commission shall decide to dismiss the appeal as unfounded.
38. If the Appeals Commission finds that the alleged infringements are genuine and have affected the results of the evaluation or attestation, the commission shall decide to accept the appeal as well founded.
39. The meeting of the Appeals Commission shall be recorded in the minutes, which shall indicate:
- a) the place and date of the meeting of the Appeals Commission;
 - b) the composition of the Appeals Commission;
 - c) the appeal examined;
 - d) brief description of the meeting;
 - e) the Appeals Examination Report.
40. The Appeals Examination Report consists of the introductory part, the descriptive part, the statement of reasons and the operative part:
- a) the introductory part shall indicate the place and date of adoption, the names of the members of the Appeals Commission, the object of the appeal;
 - b) the descriptive part shall briefly introduce the objections and claims presented in the appeal;
 - c) the reasoning shall indicate the arguments according to which the Appeals Commission accepted or rejected the objections and claims of the appellant, the references to the legislation in the field on the basis of which the decision of the commission was adopted;
 - d) the operative part shall include the decision of the Appeals Commission regarding the acceptance or rejection of the appeal.
41. As a result of the examination of the appeal and the Appeals Examination Report of the Appeals Commission, the GB may take the decision to amend or maintain the previous decision.
42. ANACEC shall officially communicate to the appellant by e-mail the decisions taken by the GB regarding the settlement of the appeal.

VI. Examination and resolution of notifications

43. The organizational structure in charge of resolving the notification shall examine and formulate the answer to the petition directed by the President of ANACEC.
44. The response should indicate, obligatorily, the legal basis of the solution adopted and then shall be submitted for signature / approval to the President of ANACEC.
45. The organizational structure responsible for resolving the notification sends to DMS the reply addressed to the petitioner to be registered and sent by e-mail or post.

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VII. Final provisions

46. The remuneration of the activity of the members of the Appeals Commission shall be made according to the normative framework in force from the financial means provided for this purpose in the ANACEC budget.
47. This Regulation shall be public and placed on the ANACEC website.