

Statutes of the Agency for Quality Assurance in the Catalan University System

DECREE

93/2003, dated April 1, approving the Statutes of the Agency for Quality Assurance in the Catalan University System.

The Agency for Quality Assurance in the Catalan University System, created by Law 1/2003, dated February 19, of Catalan Universities, as a public law body of the Generalitat de Catalunya (Catalan Government) adapting its activities to the private law, has set as its prime aim the evaluation, accreditation and certification of quality standards in Catalan universities and higher education centres.

The Agency is the result of the transformation of the consortium Agency for Quality Assurance in the Catalan University System, created by Decree 355/1996, dated October 29, and made up of the Generalitat de Catalunya and the Catalan public universities. The consortium has been a useful instrument not only to promote and implement quality and evaluating measures in universities, but also to channel information between universities and their users.

The new agency has inherited all the experience acquired in more than six years of activities developed within the framework of the former consortium, activities of institutional evaluation, development of university quality evaluating models and methods, promotion of training and debate activities among the university community, promotion of a cooperation mutually beneficial with Catalan universities, cooperation and exchange of experiences with experts who have participated in activities organized by the Agency, as well as the external scope of the Catalan agency and the participation in events regarding to university quality, specially within the European area.

In accordance with the provisions established in Article 150 of Law 1/2003, dated February 19, it is the Catalan Government's responsibility to approve by Decree the Agency Statutes, at the suggestion of the head person in the department competent in university matters and at the initiative of the Board of Directors.

In accordance to all this regulations, at the suggestion of the Minister of Universities, Research and Information Society and prior agreement with the Government,

I DECREE:

Sole Article

The Statutes of the Agency for Quality Assurance in the Catalan University System are approved, and are enclosed to the annex of this Decree.

Repeal Regulation

In the time when this Decree comes into force, the Decree 355/1996, dated October 29, of constitution of the consortium Agency for Quality Assurance in the Catalan University System is expressly repealed.

Final Regulations

.1 The head of Department of Universities, Research and Information Society is authorized to take the required measures for launching the Agency for Quality Assurance in the Catalan University System.

.2 The present Decree comes into force the day after its publication in the DOGC (Catalan Official Gazette).

Barcelona, 1st of April, 2003

Jordi Pujol

President of the Generalitat de Catalunya

Andreu Mas-Colell

Minister of Universities, Research
and Information Society

Annex

Statutes of the Agency for Quality Assurance in the Catalan University System

Chapter 1

Nature and Domicile

Article 1

Nature

1.1 The Agency for Quality Assurance in the Catalan University System, created by Law 1/2003, dated February 19, of Catalan Universities, is a public law body of the Generalitat adapting its activities to the private law, with its own legal status, full capacity to act and its own patrimony to pursue the functions conferred on it by its creating Law, Decree 2/2002, dated December 24, passing the revised Text of Law 4/1985, dated March 29, of the Statute of Public Catalan Companies, the present Statutes and remaining regulations currently in force.

1.2 The Agency can acquire as beneficiary, even by compulsory purchase, and can possess, demand, exchange, levy or alienate all kinds of assets; it can also arrange credits, sign contracts, legalize agreements, execute, contract and exploit works and services, concede grants and loans, undertake, lodge appeals and exercise all the actions required to develop its functions.

Article 2

Domicile

2.1 The Agency headquarters are located in Barcelona, but other regional offices can be created, in accordance with the Board of Directors' decisions.

2.2 The registered office of the Agency is located in Barcelona, Via Laietana,

no. 28.

Chapter 2

Objective, Functions and Activities

Article 3

Objective

The Agency for Quality Assurance in the Catalan University System has as its prime objective the evaluation, accreditation and certification of the quality standards in Catalan universities and higher education centres, in accordance with the provisions established in Article 140.1 of Law 1/2003, dated February 19, of Catalan Universities.

Article 4

Functions

4.1 In accordance to the provisions in Article 140.2 of Law 1/2003, dated February 19, of Catalan Universities, the following functions are conferred on the Agency:

- a) Evaluating university programs which led to the obtaining of an official and recognized academic certifications offered by universities and higher education centres.
- b) Certifying the quality standards in degree courses, in their management and activities held in universities.
- c) Proving degree courses within the framework of the European Space of Higher Education.
- d) Assessing teaching institutions in Catalonia offering education programs linked to obtaining foreign higher education qualifications.
- e) Proving evaluating systems and procedures for assuring quality in universities, including the accreditation of the assessment on teaching functions carried out by the teaching staff.
- f) Issuing relevant reports for contracting tenure-track and collaborating lecturers.
- g) Issuing accreditations for research and advanced research.
- h) Evaluating activities developed by researchers as well as assessing individual research efforts made by teaching and research staff –working under contract or after having sat public examination- to designate additional salary rewards in accordance with the Articles 55 and 69 of the Organic Law of Universities 6/2001, dated December 21.
- i) Assessing research activities carried out by private universities teaching and research staff.

- j) Evaluating individual teaching and management efforts made by teaching and research staff –working under contract or after having sat public examination- to designate additional salary rewards in accordance with the Articles 55 and 69 of the Organic Law of Universities 6/2001, dated December 21, as well as assessing teaching activities carried out by the private universities’ teaching and research staff.
- k) Assessing activities, programs, services and management offered by universities and higher education institutions.
- l) Promoting assessment and comparison of quality criteria within the international and European contexts.
- m) Drawing up studies aimed for improving and innovating the patterns of assessment, certification and accreditation.
- n) Issuing assessment reports for universities, for the education administration, social organs and the general public.
- o) Assessing the educative administration, universities and other institutions on their own functions.
- p) Establishing cooperation and collaboration bonds between other regional, national and international agencies with functions on assessment, accreditation and certification.
- q) Working on assignments made by the relevant department on university matters and by the universities, under agreement.
- r) Other functions conferred on the Agency by Law 1/2003, dated February 19, of Catalan Universities, these Statutes and other legislation currently in force.

4.2 Given their institutional nature, functions described in letters m), o) and p) in section 1 of this article can be entrusted to any organ in the Agency.

Article 5

Activities of the Agency

5.1 The Agency’s activities follow the implementation of the activities program approved, and in accordance to the relevant department in university matters, by agreement.

5.2 The Agency’s activities can be extended to the analysis or evaluation of certain sectors’ needs or demands, with the agreement of the Board of Directors, and provided that the applied evaluations are related to quality standards and, specially, when those are of interest for adapting the higher education degrees offer and curricula contents to the changing needs, charging the public or private body which has applied for its services.

5.3 The Board of Directors must approve an internal quality system and a ethical code for the Agency, which will be the instruments to achieve a better development of its functions. These internal documents, which must be open and subject to periodical reviews, will contain the general principles that guarantee technical and performance independence of the commissions established in Article 13 of the present Statutes. Performances of people offering their services to the Agency or collaborating with it must observe the internal quality system and the principles established in the ethical code.

5.4 The Agency must act with rigor, quality and objectivity in its processes, and in accordance with the efficiency and efficacy principles in its management. The activities of the Agency will be determined by the transparency principle with regard to methods, criteria and results in justifying its activities to the society, carrying out an objective and responsible policy of communication and information.

5.5 The Agency and private universities must legalize the agreements corresponding to the evaluation on research activities carried out by teaching and research staff in those universities, in accordance to the provisions laid down in Article 140.3 of Law 1/2003, dated February 19, of Catalan Universities.

5.6 The Agency will draw up an annual report on its activities, which, once approved by the Board of Directors, will be sent to the relevant department in university matters and will be published.

Chapter 3

Government and Evaluating Organs

Section one

Government Organs

Article 6

Government Organs

As it is established in Article 141 of Law 1/2003, dated February 19, of Catalan Universities, the government organs of the Agency are the following:

- a) Chairman
- b) Board of Directors
- c) Chief Executive

Article 7

Chairman of the Agency

7.1 The Chairman of the Agency, who is also the Chairman of the Board of Directors and of its Permanent Commission, is appointed by the Govern de la Generalitat (Catalan Government) at the suggestion of the relevant department in university matters' head, and elected among a group of established figures from the university world, for a period of four years subject to renewal.

7.2 It is the Chairman's job to perform the following functions:

- a) Ensuring the achievement of the objectives ascribed to the Agency.
- b) Exercising the institutional representation of the Agency.
- c) Informing the Catalan Government and Parliament on the Agency's activities.
- d) Calling, chairing, postponing and adjourning the meetings of the Board of Directors and the Permanent Commission; setting the agenda; leading the deliberations and resolve ties with his/her casting vote; endorsing the minutes and certifications of the agreements reached.

- e) Ensuring the observance of the present Statutes.
- f) Supervising the Agency's work and submitting the reports he/she considers appropriate to the Board of Directors and the Permanent Commission.
- g) Signing the collaboration agreements with the universities in order to agree the activities of joint organization.
- h) Appointing the member of the Board of Directors or of its Permanent Commission who is to stand in for him in case of absence, illness or any other cause envisaged in the regulations currently in force.
- i) Any other functions typically ascribed to the presidency of a professional association, in accordance with the regulations currently in force; which are expressly entrusted or delegated by the Board of Directors, or which are conferred on him/her by these Statutes or other regulations currently in force.

Article 8

Board of Directors Makeup

8.1 The Board of Directors constitutes the supreme government organ of the Agency and it is made up, in accordance with Article 142.2 of Law 1/2003, dated February 19, of Catalan Universities, of the following members:

- a) The Chairman of the Agency, who also chairs the Board of Directors.
- b) Vice-chancellors of public universities and the Vice-chancellor of the Catalan Open University.
- c) Up to three vice-chancellors from private universities which have adopted a legal form traditionally bound to non-profit-making organs, elected by the Consell Interuniversitari de Catalunya (Catalan Interuniversity Board) and which have recourse to the Catalan University Planning in accordance with the provisions of the Article 116.2 of Law 1/2003, dated February 19.
- d) The Chairmen of the public universities Social Boards.
- e) Three established figures from the academic community appointed by the head of the relevant department on university matters.
- f) Two members from the relevant department on university matters, appointed by its head.
- g) The Chairman of the Research Assessment Commission.
- h) The Chairman of the Tenure-Track and Collaborating Lecturers Assessment Commission.
- i) The Chief Executive of the Agency

8.2 Members of the Board of Directors are appointed for a period of four years and are subject to be re-elected twice for a period of the same length. They are renewed by groups every two years, except for those who are members because of their post, who resign from representing the Board when they resign their post.

8.3 The Board of Directors must meet, at least and ordinarily, twice a year. In order to hold an extraordinary meeting, the chairman's decision or, at least, the agreement of a third of its members is required.

Article 9

Functions of the Board of Directors

9.1 It is the job of the Board of Directors to carry out the following functions:

- a) Approving the Activities Program, which must be enclosed to the budget project of the Agency, in accordance with the suggestions of the educative administration and of the respective universities.
- b) Approving the Agency's service catalogue and annual report, and assessing periodically the Agency's performance.
- c) Approving the budget draft of the Agency and submit it to the relevant department in university matters for its processing, in accordance with the regulations currently in force.
- d) Approving the balance, results account and the economic report, which must be submitted to the relevant department in university matters, and being familiar with the annual economic audit.
- e) Approving, when required, the internal order and performance regulations in different activities and programs launched by the Agency, and ratifying the internal regulations of the commissions, mentioned in Article 13 of these Statutes, which are approved by the commissions themselves.
- f) Approving, when necessary, the required measures for the proper running of the Agency commissions, and the general working conditions for its staff, at the suggestion of the Chief Executive, and in accordance with the regulations currently in force.
- g) Approving the Investments Plan, which must be attached to the Agency's budget draft.
- h) Approving the agreements of acquisition, alienation and tax of immovable and movable items which become part of the Agency's patrimony, in accordance with the regulations in force.
- i) Suggesting to the relevant department in university matters, when required, debts and guaranty provision transactions, in order to submit them to the Catalan Government for its approval, in accordance with the regulations currently in force, and authorizing credit and treasure transactions during the financial year.
- j) Approving, in accordance with the provisions laid down in Article 7 of the Statute of public Catalan company, fees for the Agency's services, without affecting those that must be approved in accordance with the regulations currently in force on fees and public prices of the Generalitat de Catalunya (Catalan Government).
- k) Approving program contracts to be legalized with the relevant department in university matters and contracts and agreements to be signed by the Agency, within the framework of the present Statutes' objectives.
- l) Approving the regulating bases for loans which, if required, the Agency will concede, as well as their official announcements and decisions.
- m) Set the Chief Executive's functions with regard to economic management and authorizing expenses surpassing the limits established.

n) Setting the salaries of the Chairman, the Chief Executive and the Secretary, and, when required, the attendance salary of its members. It is also their job setting the salaries of presidents and members of the different Agency commissions and/or committees.

o) Lodging any kind of actions, appeals and legal and administrative claims in defence of the rights and interests of the Agency.

p) Launching the initiative of modifying the Agency's Statutes.

q) Any other functions conferred on it by these Statutes, the remaining regulations in force or not expressly conferred on other Agency's organs.

9.2 The Board of Directors can delegate to the Permanent Commission, to the Chairman of the Agency and to the Chief Executive, its functions, with exception of those described in letters a), b), c) and p) of the previous section.

Article 10

The Permanent Commission

10.1 The Board of Directors can act as a whole or in Permanent Commission. The Permanent Commission is made up of the following Board of Directors' members:

a) The Chairman of the Agency.

b) Two Vice-chancellors representing public universities, appointed by the Vice-chancellors.

c) Two chairmen of the public universities Social Boards, appointed by the chairmen of Social Boards.

d) One member of those included in section e) of Article 8 in the present Statutes, appointed by the relevant department in university matters' head.

e) One person from the relevant department in university matters, appointed by its head.

f) Chief Executive of the Agency.

10.2 The Permanent Commission members' regime of continuance, renewal and re-election is laid down in Article 8.2 of these Statutes.

10.3 The Permanent Commission must carry out the functions conferred on it by the Board of Directors, amongst those stated in Article 9 of these Statutes.

10.4 The Permanent Commission will meet periodically, according to the period determined by the Board of Directors, and will inform on its activities.

Article 11

The Chief Executive of the Agency

11.1 The Chief Executive assumes the Agency's direction and full representation of the Board of Directors with regard to the implementation of the agreements signed by this organ. The Chief

Executive is appointed by the relevant department in university matters' head, with the consent of the Board of Directors, at the suggestion of the Agency's Chairman, for a period of four years, twice extendable.

11.2 The Agency's Chief Executive must carry out the following functions:

a) Managing, organizing, negotiating and inspecting the Agency's services, in accordance with the Board of Directors principles.

b) Carrying out and assuring the observance of the agreements of the Board of Directors and its Permanent Commission.

c) Drawing up the Agency activities program and service catalogue drafts and submit them to the Board of Directors, for their approval, when required.

d) Drawing up the working posts list draft and exercising the functions of contracting, managing, negotiating and supervising the staff that provides services to the Agency.

e) Drawing up and submitting the annual budget draft and its changes, for its examination and, when required, for its approval by the Board of Directors; managing the economic transactions of the Agency, authorizing the expenses within the limits established by the Board of Directors and ordering the payments.

f) Carrying out and assuring the observance of the Agency's Investment Plan.

g) Managing the Agency's patrimony, in accordance with the directives established by the Board of Directors, and within the delegations conferred on him/her regarding these matters, and assuring the preservation and maintenance of the Agency's facilities and equipment.

h) Exercising its competences as a contracting body, within the limits established by the Board of Directors, and in accordance to the provisions of the regulations on contracts in public administrations and these Statutes. Approving the signing of administrative clauses and specific technical prescriptions of contracts.

i) Signing, on behalf of the Agency, contracts and collaboration agreements, in accordance with these Statutes.

j) Legally representing the Agency and assuring the implementation of the sentences and final decisions imposing obligations or financial liability on the Agency.

k) Informing the Chairman of the Agency and the chairmen of the commissions established in Article 13 of these Statutes of all data required to ensure the adequate coordination and performance of activities carried out and to appropriately exercise the functions they have been entrusted with, as well as drawing up the proposals he/she considers adequate for the smooth running of the Agency.

l) Assuring the improvement and quality of working systems and methods and the implementation of technological innovation.

m) Any other functions he/she has been entrusted with by the Agency Chairman and/or by the Board of Directors, or which are conferred on him/her by these Statutes and remaining regulations currently in force.

Article 12

Secretary of the Agency

12.1 The Board of Directors will appoint a secretary, at the suggestion of the Agency Chairman, who will attend the meetings of the Board of Directors and of the Permanent Commission, with power to express his/her opinions, but with no say.

12.2 The Secretary of the Agency can also carry out the typical functions of this post in the Agency commissions that have not appointed their own secretary.

12.3 It is the Secretary's job:

a) Drawing up the minutes drafts of the meetings he/she has attended; guarding and keep them up-to-date, together with the body's books.

b) Issuing the meetings notifications, and the agreements certificates, subjecting them to the approval of the Chairman and transmitting them to the bodies and people affected.

c) Notifying the agreements of the Board of Directors and of the Permanent Commission.

d) The remaining functions typically conferred on secretaries in the professional associations.

12.4 The Secretary of the Agency will support the Chief Executive in the performance of her/his functions and will coordinate the secretarial work that the secretaries in different commissions carry out, when required.

Section Two

Organs of Evaluation, Accreditation and Certification

Article 13

Commissions

In order to carry out its functions, the Agency is divided in the following commissions of permanent nature:

a) Quality Assessment Commission

b) Tenure-Track and Collaborating Lecturers Commission

c) Research Assessment Commission

Article 14

Quality Assessment Commission

14.1 The Quality Assessment Commission has the following makeup:

a) The Chairman, who is appointed by the relevant department in university matters' head, and elected among a group of established teaching figures, with the approval of the Agency Chairman.

b) Up to six figures of teaching or professional renown in the Catalan university community.

c) Up to six figures of teaching and professional renown in the international university community.

14.2 Its members are appointed by the Agency's Chief Executive, with the approval of the Board of Directors. This appointment must be in accordance with the provisions stated in Article 144.2 of Law 1/2003, dated February 19, of Catalan Universities.

14.3 The Quality Assessment Commission performs the functions established in Article 4 of these Statutes, with the exception of Letters f), g), h) and i), as well as those functions entrusted by the relevant department in university matters, by the Board of Directors of the Agency and by the remaining regulations currently in force.

14.4 The Quality Assessment Commission can carry out its functions by means of the specific commissions that the Quality Assessment Commission itself constitutes. In order to do so, it must determine their makeup and the requirements and procedures to appoint its members.

Article 15

Tenure-Track and Collaborating Lecturers Commission

15.1 The Tenure-Track and Collaborating Lecturers Commission has the following makeup:

a) The Chairman, who is appointed by the relevant department in university matters' head, and elected among a group of established teaching figures.

b) Two members appointed by the relevant department in university matters' head.

c) Five members appointed by the Agency's Board of Directors, at the suggestion of the Commission's Chairman.

15.2 The Tenure-Track and Collaborating Lecturers Commission carries out the following functions:

a) Issuing the relevant reports for contracting tenure-track and collaborating lecturers, in accordance with the provisions laid down in Letter f) of Article 4 of these Statutes.

b) Any other functions it has been entrusted with by the relevant department in university matters, by the Agency's Board of Directors and by the remaining regulations currently in force.

15.3 In order to carry out its functions, the Tenure-Track and Collaborating Lecturers Commission must create specific commissions in the relevant fields, and must establish their makeup and the requirements and procedures to appoint their members.

Article 16

Research Assessment Commission

16.1 The Research Assessment Commission has the following makeup:

- a) The Chairman, who is appointed by the relevant department in university matters' head and elected among a group of established scientific figures.
- b) Four members appointed by the relevant department in university matters' head
- c) Sixteen members appointed by the Agency's Board of Directors, at the suggestion of the Commission's chairman.

16.2 The members appointed in accordance with letters b) and c) of Section 1 of this Article are elected from the group of active academic staff (working under contract or having sat a competitive examination) in Catalonia and who also meet any of the requirements established in Article 146.3 of the Law 1/2003, dated February 19, of Catalan Universities. With regard to the members' appointment, there must be a balance between the different areas of knowledge.

16.3 The Research Assessment Commission carries out the functions established in letters g), h) and i) of Article 4 of these Statutes, as well as those functions which are expressly conferred on it by the relevant department in university matters, by the Agency's Board of Directors and by the remaining regulations currently in force.

16.4 In accordance with Article 147 of Law 1/2003, dated February 19, of Catalan Universities, the Research Assessment Commission carries out its functions by means of the specific commissions, which can be of permanent nature, with functions of reporting, proposing and recommending. However, one or several commissions must be created to carry out the following specific functions:

- a) Research accreditation commissions, in the different areas of knowledge.
- b) Advanced research accreditation commission, in the different areas of knowledge.

16.5 The members of the commissions are appointed in accordance with the requirements and procedures established by the Research Assessment Commission, and they must have a number of members external to the Catalan university and research system.

Article 17

Performance and procedures in the different commissions

17.1 Each commission of those established in Article 13 of these Statutes must approve its own internal management regulations, as well as the relevant procedures for evaluating, accrediting and certifying, in accordance with these Statutes and the remaining regulations in force. The mentioned commissions can also approve the regulations to apply to the specific commissions they have created.

17.2 The Chairmen of the commissions envisaged in Article 13 of these Statutes are appointed for a period of four years, subject to be renewed once, and carry out the functions attached to the presidency of a professional association, in accordance with the regulations on professional associations applying to Catalonia. They must inform periodically the Chief Executive on the development of their activities and also on the reached agreements.

17.3 The members of the commissions envisaged in Article 13 of these Statutes are appointed for a non-renewable period of four years, without affecting the possibility that they can be

appointed for another four-year-period, once four years have passed since his/her previous appointment.

17.4 The Chairmen of the permanent and specific commissions must collaborate and take part in those activities that affect the smooth running of the Commission they belong to.

17.5 The different commissions, which work independently, approve the evaluations carried out by the Agency in their respective areas, and they are liable for the final results.

Article 18

Advisory Boards

The Agency can possess Advisory Boards of consultative nature, with the makeup and functions established by the Board of Directors, which is also liable for their setting up.

Section Three

Collaboration, Information and Confidentiality

Article 19

Information and confidentiality

19.1 The Agency, in the performance of its duties, is subject to the regulations on personal data protection, and in particular to Organic Law 15/1999, dated December 13, of personal data protection, and to the regulations it contains.

19.2 In order to set up, maintain, manage and change or suppress the files and databases required for the performance of its functions and which contain personal data, the Agency must act in accordance with the requirements and obligations imposed by the regulations on the matter currently in force.

19.3 With regard to the protection of personal data, the Agency is subject to the control of the Catalan Agency for Data Protection, in accordance with Law 5/2002, dated April 19. For this purpose, the Agency will register its files, databases and other personal data management systems in the Catalan Register for Data Protection, when required, and in accordance with the regulations currently in force.

19.4 In order to draw up the files and databases, the Agency can ask the collaboration and support of the universities, of the research centres and of other public administrations and gather the necessary information that these organs share with it, in order to perform the functions conferred on the Agency according to these Statutes.

Article 20

Participation and Collaboration

20.1 The Agency, in the performance of its functions, must promote the participation of the Catalan and non-Catalan university and scientific community, especially of the universities and research centres throughout Europe.

20.2 The Agency can participate and cooperate, according to the working criteria approved by the Board of Directors, and within its budgetary funds available, with the activities and programs regarding evaluation and quality in any area. For this purpose, it can sign agreements of coordination, of experience exchange, and of mutual recognition with other agencies or evaluating bodies of regional, national or European nature, which have competence or functions within the same working field.

20.3 The agency can sign agreements and contracts with foreign bodies in performance of its objectives and functions. For this purpose, the agreement or contract will establish the applying legal regime.

Section Four

Working Regime

Article 21

Meeting Convening

21.1 The call for meetings of the Board of Directors and commissions will be notified by means of a written note addressed to each member, with a minimum notice of 48 hours previous to the meeting date and it could be notified through data transmission systems, in accordance with the provisions of section 3 of Article 59 of Law 30/1992, dated November 26, of legal regime in the public administrations and of common administrative procedures. The notification must contain information on the date, time and place of the meeting, and also the agenda and documents required. If this procedure is not followed, no valid agreements could be reached, unless all members are present in the meeting and they expressly agree.

21.2 In case of an emergency, the notification of the meeting will be made with a minimum notice of 24 hours previous to the meeting, by means of any system that can report evidence on its receipt. In this case, and once considered the agenda, the Board of Directors or the commissions must decide, unanimously of the present members, the existence of the emergency. If they consider there is no such emergency, the meeting must be called according to the provisions described in the paragraph above.

Article 22

Agreements and Minutes

22.1 The agreements of the Board of Directors and of the commissions must be reached through the vote of the majority of the members present in the moment of the vote, provided that they represent at least half the number plus one of the full membership and everyone of them has been called to the meeting properly. Chairmen have casting vote. However, the favourable vote of two thirds of the legal number of members in the Board of Directors is required to validate the agreements reached on the Statutes modifications.

22.2 Minutes of every meeting of the Board of Directors and of the commissions must be taken, and they must contain the place, day, month, year and time of the beginning of the meeting, the present members, a brief description of the questions discussed, highlights, conclusions;

agreements reached, and the time of session closing. Minutes must be approved in the same session or in the next, and they must be signed by the Secretary and authorized with the agreement of the Chairman.

22.3 The members of the Agency's Board of Directors and of the commissions remain subject to the regulations currently in force in incompatibility matters and can receive the salaries approved and/or the compensations for reasons of attendance agreed in the terms established in Articles 18 and 19 of the Statute of Catalan Public Company.

22.4 In any case not envisaged in the Law 1/2003, dated February 19, and in these Statutes, the Agency's Board of Directors and its commissions will adjust their actions to the provisions established in Law 13/1989, dated December 14, and Law 30/1992, dated November 26, of professional associations.

Chapter 4

Human and Economic Resources; Economic, Patrimonial and Legal regime

Article 23

Human Resources

In accordance with the Article 151 of Law 1/2003, dated February 19, of Catalan Universities, the Agency's staff is made up of:

- a) In-house staff, contracted under labour law regime, observing the principles of capacity and worth.
- b) Staff from the Generalitat's Administration and public universities that are members of the Agency, in accordance to the regulations currently in force.

Article 24

Economic Resources

The Agency's economic resources are:

- a) Those resources conferred on it from the Generalitat's budget.
- b) The yields from the assets and from its own or attached rights.
- c) Income perceived from the performance of its duties.
- d) Loans and donations from public and private organs and from individuals.
- e) Credits and loans it perceives, when required, in accordance with the regulations currently in force.
- f) Any other appropriate economic resources it can receive.

Article 25

Contracts

25.1 The contracting organ is the Chief Executive of the Agency.

25.2 The contracting committees are made up of :

- a) The Chief Executive of the Agency, who is also their chairman.
- b) A lawyer, who will act as secretary of the committee, appointed by the Chief Executive of the Agency.
- c) The person in charge of the financial control of the Agency.

25.3 The Chief Executive can delegate the presidency of the contracting committee according to the terms established by the regulations on organization and administrative procedures applicable.

Article 26

Patrimony

26.1 The Agency's patrimony is regulated by the provisions of Article 152 of Law 1/2003, dated February 19, of Catalan Universities, by the Statutes of the Catalan Public Company and by the regulations on patrimony of the Generalitat de Catalunya (Catalan Government).

26.2 The assets attached to the Agency keep their original legal qualification, but their attachment does not involve their transmission or the refusal of the possession. The assets and rights attached to the Agency must revert in the same conditions they were when the attachment was carried out, in case that the Agency no longer exists or that the nature of its functions is changed and as long as these changes affect the assets and rights mentioned.

26.3 The Agency must draw up and keep up-to-date an inventory of its assets and rights with the sole exception of those of fungible nature. The inventory will be carried out annually, taking as its point of reference the date of December 31 and will be subject to the Board of Directors approval during the first semester of the following financial year.

Article 27

Budget, Accounting and Financial Control

27.1 The Agency's budget is determined by the provisions laid down in the Law of Catalan public finance; the Statute of Catalan Public Companies and the successive regulations on budgets of the Generalitat.

27.2 The Agency must draw up annually an exploitation budget and a capital budget, in accordance with the provisions in Article 30 of the Statute of Catalan Public Companies.

27.3 The accounting regime of the Agency is that corresponding to the public sector and must adjust to the special plan approved by the General Audit of the Generalitat de Catalunya.

27.4 The Agency's financial control aims to proof its financial and economic performance and is carried out by means of an audit, which replaces the relevant operations previous intervention.

The audit must be led by the General Audit of the Generalitat in accordance with the requirements envisaged in Article 16 of the Statute of the Catalan Public Company.

Article 28

Legal Regime and Dispute Regime of the events in the Agency's government organs

28.1 The Agency, in performance of its functions, and with regard to its legal regime, is subject to the prescriptions envisaged in Article 149 of the Law 1/2003, dated February 19, of Catalan Universities.

28.2 The events dictated by the Agency's bodies in performance of their administrative authority are considered as administrative events. However, the events of evaluation, accreditation and certification remain subject to the public law.

28.3 The administrative events dictated by the Board of Directors and by the Chairman of the Agency can be subject to an appeal in front of the relevant department in university matters' head. The decision pronounced exhausts the administrative procedures.

28.4 The administrative events dictated by the Chief executive of the Agency can be appealed in front of the Agency's board of Directors. The final decision pronounced exhausts the administrative procedures.

28.5 The claims previous to the civil and labour legal procedures and claims for the Administration's patrimonial liability must be addressed to the head of the relevant department in university matters, who is liable for their solution.

Article 29

Dispute Regime of the events in the Agency's commissions

29.1 The events of the Research Assessment Commission, the Tenure-Track and Collaborating Lecturers Commission and the Quality Assessment Commission are legalized by means of the relevant commission's agreement, and exhaust the administrative procedures.

29.2 The events of the specific commissions for research and advanced research accreditation are legalized by means of the relevant specific commission's agreement and can be appealed in front of the chairman of the Research Assessment Commission. The final decision announced exhausts the administrative procedures.

29.3 The events of the tenure-track and collaborating lecturers specific commissions are legalized by means of the relevant specific commission's agreement and can be appealed in front of the chairman of the Tenure-Track and Collaborating Lecturers Commission. The final decision reached exhausts the administrative procedures.

29.4 The events of the Quality Assessment Commission can be appealed in front of the permanent commission of the Agency. The final decision announced exhausts the administrative remedies.

Article 30

Administrative Silence

30.1 In accordance with the provisions in section two of the additional fifth regulation of the Law 1/2003, dated February 19, of Catalan Universities, reports on tenure-track and collaborating lecturers must be issued in a maximum period of three months, and, if that is not the case, after the three months, the reports will be considered positively assessed.

30.2 The Research and Advanced research accreditations must be issued in a maximum period of six months; if after this period no decision is given, they will be considered as conceded.

30.3 The maximum period to notify the express decision of the remaining procedures under the authority of the Agency subject to the administrative law is of six months. Once passed this period, and no express decision is given on the transaction, it will be considered resolved by positive silence in accordance with the terms laid down in Law 30/1992, dated November 26, of public administrations legal regime and of common administrative procedures and in Law 13/1989, dated December 14, of organization, procedures and legal regime of the Generalitat de Catalunya.

Provisional Regulation One

Labour Relations

1. The staff that in the entrance into force of the Law 1/2003, dated February 19, of Catalan Universities, was working in the consortium Agency for Quality Assurance in the Catalan University System, should also become part of the Agency for Quality Assurance in the Catalan University System, which is expressly subrogate in respect to the labour contracting relations of this staff. The Agency must observe the rights acquired by the staff in the moment of their inclusion.

2. In accordance with the additional regulation two of the 5th Unique Collective Agreement in Catalonia on the Staff of the Generalitat de Catalunya, this agreement applies to the Agency's staff as long as a specific agreement is not reached by the Agency.

Provisional Regulation Two

Structure

The Agency must develop its own structure. However, it must have its own legal consultancy, which will assure that all its activities are legal.

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