

## **PRESIDENTIAL DEPARTMENT**

### **Act 15/2015, of 21 July, on Agència per a la Qualitat del Sistema Universitari de Catalunya.**

I, the president of the Government of Catalonia, hereby state:

Let it be known by all citizens that the Parliament of Catalonia has approved and, on behalf of the King of Spain and in accordance with the provisions of article 65 of the Statute of Autonomy of Catalonia, I am enacting the following

ACT

#### **Preamble**

In line with the development of European external quality assessment systems and the set-up of the first quality assurance agencies in Europe, in 1996 the Government of Catalonia and the seven public Catalan universities founded the consortium responsible for the quality of universities in Catalonia under the name Agència per a la Qualitat del Sistema Universitari de Catalunya. Its goals are to assess the university system in Catalonia, to examine the outcomes of such assessments and to put forward measures for improving the services provided by public universities, particularly in the areas of research and teaching. All in all, it was established with the challenge of fostering quality in and continual improvement of the system.

In 2003 the Parliament of Catalonia approved Act 1/2003, of 19 February, on Universities in Catalonia, stipulating that quality assurance and promotion of Catalan universities shall be incumbent on the universities themselves and on the competent department for universities. It also defines the Agency as the primary tool in promoting and assessing quality. The Act on Universities in Catalonia altered the legal structure of AQU Catalunya which, ever since, has taken the name Agència per a la Qualitat del Sistema Universitari de Catalunya and bears the internationally acknowledged title AQU Catalunya.

Subsequently, in 2006 the Statute of Autonomy of Catalonia took a significant step forward. Notwithstanding university autonomy, in the field of university teaching article 172.2.f bestows shared authority on the Government of Catalonia for the assurance and assessment of excellence and quality with respect to university teaching and to teaching and research staff. AQU Catalunya is the instrumental body for exercising this authority and the driving force in this sphere within the university system in Catalonia as a whole. Hence, it must contribute in a determined fashion to ensuring universities take on primary responsibility for quality assurance in line with the principle of institutional autonomy.

AQU Catalunya has been a significant actor on the European stage since 2000 when it became a founding member of the European Association for Quality Assurance in Higher Education (ENQA). It cooperates closely with universities in order to promote quality assurance systems with a view to forming part of the European Higher Education Area.

Following its transformation and the acknowledgment of new functions, since 2003 AQU Catalunya has contributed substantially to fostering quality improvement in Catalan universities within the benchmark European framework. Indeed, within that framework AQU Catalunya was the first agency in Spain to receive international recognition for compliance with European quality guidelines and standards by means of an external assessment coordinated by the ENQA. This accreditation has allowed the Agency to become one of the first external university quality bodies to be admitted to the European Quality Assurance Register for Higher Education (EQAR).

On 18 May 2010, the Executive Council of the Government of Catalonia approved the Draft Act on Agència per a la Qualitat del Sistema Universitari de Catalunya achieving broad consensus among the Inter-University Council of Catalonia. The Parliamentary Board admitted the Draft on 1 June 2010, although it was ultimately dismissed owing to the end of the term of office.

Finally, in a meeting held on 26 August 2014, the Government of Catalonia approved a new Draft Act, bringing the previous one up-to-date.

International recognition heightens the leading role played by AQU Catalunya in the assessment, accreditation and certification of quality in the sphere of universities and higher education centres in Catalonia. Moreover, it lends the Agency externally acknowledged authority to act as an assessment body in any member country of the European Higher Education Area or any country that applies European standards, provided it is in keeping with the respective legislation.

The act shall enable AQU Catalunya to adapt to new circumstances arising from the development of a culture of quality and encouraging innovation in teaching, research and university management. It shall also allow the Agency to become a benchmark in generating knowledge in this area, which may also be extended to other sectors. AQU Catalunya seeks to become an exemplary institution in ensuring the notions of quality and excellence – for which the higher education and university system of Catalonia should be renowned at present and in future – are kept up-to-date, aligning itself with its international setting and paying attention to the needs of the sector and society as a whole.

The mission of AQU Catalunya is to foster the strengthening and assurance of the Catalan university model and its international image, and to contribute to guaranteeing and improving the quality of the model. It must cooperate in establishing a unique system of higher education within the scope of authority of the Government of Catalonia and an assessment system that identifies best practices and incorporates added value. It must also operate as a qualified instrument of support for the various agents involved in the processes of introducing innovations and assessing new university policies.

The endeavours of AQU Catalunya in internationally showcasing the excellence and quality levels of the Catalan university system should transform Catalonia into a magnet for talent, innovation and knowledge creation, actively contributing to the establishment of new fields and areas of social progress. Furthermore, it must serve as an instrument for promoting the international image of universities in the Catalan system, globally disseminating the processes it employs for external quality assurance, illustrating their objectivity and producing information of interest to international users.

The act is organised into four chapters. Chapter I – general provisions – defines AQU Catalunya as a public law body bound by private law, acting with objectivity and independence. It sets out the goals and functions of the Agency, along with the principles of action and the values it must adhere to in line with international quality assurance guidelines and standards. It goes on to grant AQU Catalunya a more extensive body of functions, which are adapted to those fulfilled by internationally active external quality assurance agencies.

Chapter II regulates the governing bodies: it maintains a president, a Governing Board and a director, and within the Governing Board it sets up a Standing Committee. The amendment introduced by this act sets out a new organisational structure of governance for AQU Catalunya, akin to that of the best developed international agencies. A greater balance is struck between the importance of elements of expertise in the field of quality at higher education level and elements of representation of the parties involved and associated stakeholders. A consultancy body is also formed: the Advisory Committee.

Chapter III regulates assessment, accreditation and certification. AQU Catalunya performs its functions through its Research Assessment Committee when it comes to teaching and research staff hired in accordance with the Act on Universities in Catalonia, and through the other committees set up by the Governing Board. It describes the flexible nature of AQU Catalunya's organisation in greater depth, stemming from the fact that the Governing Board may establish standing or temporary committees in order to perform the functions incumbent on the Agency and for the purpose of carrying out specific assignments, depending on the specific priorities of the Catalan university system. Indeed, at all times it is necessary to bear in mind that the definition of quality, as a concept, is constantly evolving in line with new needs and demands within the international context and according to how Catalan society undergoes transformation. In order to carry out their functions, the assessment committees operate within their respective fields with due guarantees of technical independence and professionalism. This chapter also defines the establishment of an Appeals Committee as an assurance of legal protection and objectivity in the proceedings

carried out by the Research Assessment Committee and other committees set up by the Governing Board of AQU Catalunya.

Chapter IV – the legal system, human resources, financial resources, assessment and external relations of AQU Catalunya – identifies the legal system applicable, the contract programme, the articles of association, the system for challenges, human resources, equity, procurement, financial resources, the budget and the accounts and financial oversight systems, taking into consideration the fact that AQU Catalunya is an institution within the public sector of the Government of Catalonia. Moreover, it stipulates that AQU Catalunya shall submit its operations to regular international assessments. In order to reach its objectives, AQU Catalunya engages with other assessment bodies or institutions with a view to mutually improving their respective operations.

## **Chapter I. General provisions**

### Article 1. Nature

1. Agència per a la Qualitat del Sistema Universitari de Catalunya is a public law body bound by the provisions of private law, with its own legal status, full capacity and its own equity to be able to reach its goals.
2. In the exercise of its duties to promote and assure the quality of higher education, Agència per a la Qualitat del Sistema Universitari de Catalunya operates with objectivity and professional and technical independence, without receiving directions from the public administration or other institutions with regard to the attainment of its objectives.
3. Agència per a la Qualitat del Sistema Universitari de Catalunya is attached to the competent department for universities which oversees the efficiency and efficacy of its activity.

### Article 2. Purpose and objectives

1. The purpose of Agència per a la Qualitat del Sistema Universitari de Catalunya is to promote and assure the quality of higher education in line with European and international academic and social quality standards and pursuant to current regulations. Its aim is also to provide higher education agents with criteria and benchmarks in order to attain the utmost standards of quality in the fulfilment of their duties, taking into consideration society's interest in benefitting from higher education of excellence.
2. The goals of Agència per a la Qualitat del Sistema Universitari de Catalunya are as follows:
  - a) To provide external quality assurance of teaching, research and innovation in the Catalan university system and higher education centres.
  - b) To promote the assurance and improvement of Catalonia's own university model and the international image of it.
  - c) To support the development of Catalonia's own system of higher education within the area of authority of the Government of Catalonia, implementing a framework of qualifications encompassing international programmes.
  - d) To become an internationally benchmark agency in quality assurance and accreditation, offering services to universities and other institutions from Spain, Europe and worldwide, centring its efforts particularly on Catalan universities.
  - e) To develop a methodology, tools and proposals in the field of quality to help place the Catalan university system and higher education centres at the fore of the international stage.
  - f) To introduce an assessment system that identifies best practices, promotes changes and incorporates added value into assessment.

g) To provide qualified support for the agents involved in the processes of introducing innovations and assessing new university policies.

### Article 3. Functions

1. Agència per a la Qualitat del Sistema Universitari de Catalunya is responsible for performing the following functions:

a) Assessment of teaching, research, knowledge transfer and management in the university system.

b) Assessment, certification, auditing and accreditation of the quality of universities, their research and innovation centres and higher education centres.

c) Assessment, certification, monitoring and accreditation – in line with international social and academic standards – of programmes leading to the obtainment of recognised and institution-specific qualifications which are taught by universities and other higher education centres.

d) Promotion of assessment and comparison of criteria on quality in line with international standards, particularly with respect to teaching, research and knowledge transfer.

e) Issue of research and advanced research accreditations pursuant to the Act on Universities in Catalonia.

f) Issue of pertinent reports for the tenure-track lecturer hiring system pursuant to the Act on Universities in Catalonia.

g) Assessment of the activity of teaching and research staff in private universities and centres attached to universities.

h) Assessment of the activity carried out by research staff of universities and assessment of the individual merits of official and contracted teaching and research staff pursuant to the Act on Universities in Catalonia.

i) Observation, analysis and discussion on trends and development in the field of higher education, and expert guidance and consultancy to help promote excellence in the services provided by universities and higher education centres.

j) Preparation and reporting of information on quality shortcomings identified in universities, their research and innovation centres and higher education centres in order to improve quality.

k) Preparation of statistical information and indicators on higher education and research of universities in order to make it easier to analyse their circumstances and development.

l) Promotion of knowledge generation and provision of public information illustrating the situation in terms of quality and quality assessment processes of universities and higher education centres and of the services they offer in order to ensure accountability within society.

m) Promotion and fostering of research and innovation in relation to quality assessment, certification and accreditation processes and models.

n) International representation of the external quality assurance model pertaining to the Catalan university system, participation in networks, organisations, institutions and bodies responsible for quality assurance, and participation in the development of the European Higher Education Area, all in line with current regulations.

o) Fostering of subject-based assessments and internal quality assurance processes of universities and higher education centres and development of external quality assurance and assessment processes.

p) Tasks within the sphere of its functions which are commissioned by the competent department for universities, by universities themselves, by higher education centres, by associated research and innovation centres, by other departments of the administration of the Government of Catalonia, by European higher education centres or institutions and by institutions carrying out an activity similar to Catalan universities.

q) Other functions assigned to it by legislation referring to AQU Catalunya, the Agency's articles of association and other regulations in force.

2. Agència per a la Qualitat del Sistema Universitari de Catalunya shall report to the Government and the Parliament of Catalonia about the development of quality in teaching, research and innovation in the Catalan university system and about the quality of higher education centres.

#### Article 4. Principles of action and values of AQU Catalunya

1. Agència per a la Qualitat del Sistema Universitari de Catalunya must operate in accordance with the principles of technical and scientific expertise, the rule of law, legal protection and independence, and in line with academic and social standards and international quality assurance guidelines.

2. The values by which the action of Agència per a la Qualitat del Sistema Universitari de Catalunya should be underpinned are as follows:

a) A European focus on initiatives for integrating the university system into the European Higher Education Area.

b) Cooperation with universities, higher education centres and the administration of the Government of Catalonia in order to generate more added value in their services and activities. AQU Catalunya must give due consideration to diversity and plurality in the area of quality assessment.

c) Cooperation and coordination with other agencies and bodies with the same purpose.

d) Involvement on the part of interested groups in quality assurance processes: students, lecturers and researchers.

e) Openness, responsiveness and inclusion with regard to social demands linked to the quality of higher education.

f) Transparency, understood as public access to comprehensive, precise and clear information about the activity of AQU Catalunya and the status of the university system.

g) Internal and external quality assurance.

h) Continual innovation in methodologies and processes.

i) Networking with staff and partners of AQU Catalunya.

j) Assurance of the expertise and professionalism of staff and partners of AQU Catalunya.

k) Effectiveness on the part of AQU Catalunya, understood as sharing the benefit of the knowledge and experience gained from its work with the administration, universities and society at large and providing information that simplifies decision-making in the sphere of higher education.

l) Adherence to the principles of efficiency and efficacy in the performance of its functions, acting with the utmost diligence and value generation.

3. Assessment of quality, certification of processes and accreditation of programmes in the Catalan university system must ensure they are always tailored to suit social demands, quality requirements in university education and continual improvement of processes on the context of the European Higher Education Area.

## Chapter II. Governing bodies and Advisory Committee

### Article 5. Governing bodies

The governing bodies of Agència per a la Qualitat del Sistema Universitari de Catalunya are as follows:

- a) The president
- b) The Governing Board
- c) The director

### Article 6. The president

1. The president of Agència per a la Qualitat del Sistema Universitari de Catalunya, who is also president of the Governing Board and the Standing Committee of the Agency, is responsible for the institutional representation of AQU Catalunya.
2. The duties of the president are specified in the articles of association of Agència per a la Qualitat del Sistema Universitari de Catalunya.
3. The president of Agència per a la Qualitat del Sistema Universitari de Catalunya is appointed by the Government of Catalonia at the proposal of the minister of the competent department for universities. He shall be elected from a number of figures with acknowledged standing and merits in the academic field and with proven experience of quality in higher education and research, for a four-year term, and may only be re-elected for a second term.
4. At the proposal of the minister of the competent department for universities, the Government of Catalonia may remove the president of Agència per a la Qualitat del Sistema Universitari de Catalunya on the following grounds:
  - a) Owing to incapacity declared by a final legal resolution.
  - b) Owing to a conviction for a crime issued in a final judgment.
  - c) Owing to failure to fulfil the duties of the post.
  - d) Owing to resignation.
  - e) Owing to the end of the term of office.
5. In the circumstances described in paragraphs *d* and *e* of section 4, the president of Agència per a la Qualitat del Sistema Universitari de Catalunya will remain in his post until his successor is sworn in.

### Article 7. The Governing Board

1. The Governing Board is the supreme governing body of Agència per a la Qualitat del Sistema Universitari de Catalunya.
2. The functions of the Governing Board are stipulated in the articles of association of Agència per a la Qualitat del Sistema Universitari de Catalunya.
3. The Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be formed by the following members:
  - a) The president of AQU Catalunya.
  - b) The rectors of the public and private universities of Catalonia.

- c) The presidents of the social councils of the public universities of Catalonia.
- d) Three scholars of acknowledged international standing elected by the Inter-University Council of Catalonia.
- e) Two students chosen by the Council of Students of Catalan Universities, preferably one undergraduate and one postgraduate student.
- f) Two individuals from the competent department for universities, appointed by the respective minister.
- g) The director of AQU Catalunya.
- h) The president of the Research Assessment Committee.
- i) Two representatives proposed by the most representative trade union organisations of those on the Inter-University Council of Catalonia.

4. Members of the Governing Board who do not hold that capacity on account of their specific post must serve as members on the basis of criteria of acquaintance with the higher education and research system locally and internationally.

5. The presidents of committees that are set up may join the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya with speaking rights but no vote, provided the Board so resolves.

6. The members of the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya referred to in section 3.d shall be appointed for a four-year term and may only be re-elected for a second term.

7. The members of the Governing Board referred to in paragraphs e and i of section 3 shall be appointed for a two-year term and may only be re-elected for a second term, provided they are still students or teaching and research staff, as the case may be.

8. Members of the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya who hold that capacity on account of their specific post shall cease to be members when they no longer hold the respective post. Members who are not on the Governing Board on account of their specific post will remain on the Board until their successors are sworn in.

9. The Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya shall appoint a secretary, at the proposal of the president, who shall also act as secretary of the Standing Committee. The secretary shall attend meetings of these bodies with speaking rights but no vote.

10. The Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya must hold an ordinary meeting at least twice each year. In order for an extraordinary meeting to be held, the decision must be made by the president or a resolution must be adopted by a third of the Board members.

11. The Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya shall act in a plenary session or as a standing committee.

#### Article 8. The Standing Committee of the Governing Board

1. Within the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya a standing committee must be set up to perform the functions entrusted to it by the Governing Board in addition to those assigned to it by the articles of association of AQU Catalunya, if applicable.

2. The Standing Committee of the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be formed by the following members:

- a) The president of AQU Catalunya.

- b) Two rectors.
- c) Two presidents from the social councils of the public universities of Catalonia.
- d) One student.
- e) One scholar of acknowledged standing.
- f) One individual from the competent department for universities.
- g) The director of AQU Catalunya.
- h) The president of the Research Assessment Committee.
- i) One representative of the teaching and research staff.

3. Members of the Standing Committee of the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be appointed by the Governing Board, at the proposal of the president of AQU Catalunya, from the Board members.

4. The Standing Committee of the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya shall meet as frequently as stipulated in the articles of association of AQU Catalunya.

#### Article 9. The director

1. The director shall be responsible for technical and administrative management of Agència per a la Qualitat del Sistema Universitari de Catalunya and shall execute the resolutions of the Governing Board and the Standing Committee.

2. The director shall be appointed through an open, competitive and freely contested process, in accordance with criteria set by the Governing Board, for a four-year term and may only be re-elected for a second term based on the principles of merit and capacity and a criterion of suitability.

#### Article 10. The Advisory Committee

1. The Advisory Committee is the consultancy body that cooperates with Agència per a la Qualitat del Sistema Universitari de Catalunya in advisory matters concerning strategies, in the definition and improvement of procedures and in the preparation of proposals for action. It does so with a view to assuring quality in the activities of AQU Catalunya in line with international benchmarks.

2. As specified in the articles of association of AQU Catalunya, the Advisory Committee shall be formed by national and international scholars with international experience and acknowledged standing, by students from Catalan universities and by representatives of the majority trade unions in Catalonia who must also be scholars. They are all required to possess experience in the field of quality in higher education and research.

#### Chapter III. Committees established to perform the functions of assessment, accreditation and certification

#### Article 11. Performance of the functions of AQU Catalunya through committees

Agència per a la Qualitat del Sistema Universitari de Catalunya fulfils its functions through the Research Assessment Committee and other committees set up by the Governing Board.



## Article 12. Research Assessment Committee

1. The Research Assessment Committee, a standing committee, carries out the functions detailed in letters *e*, *f*, *g* and *h* of article 3.1 in addition to those assigned to it in accordance with other applicable regulations.
2. The Research Assessment Committee may only be changed or terminated by law.
3. The Research Assessment Committee shall be formed by the following members:
  - a) The president, who is appointed by the Governing Board from the individuals proposed by the minister of the competent department for universities and who must have attained prominent scientific merits.
  - b) Four individuals appointed by the Governing Board at the proposal of the minister of the competent department for universities.
  - c) Sixteen individuals appointed by the Governing Board at the proposal of the president of the Committee.
4. The members referred to in letters *b* and *c* of section 3 shall be appointed from the group of official or contracted full professors and tenured assistant or official senior lecturers with open-ended contracts and research staff active in Catalonia in a category similar to those above, and from scholars of acknowledged international standing. At least two thirds of the members of the Research Assessment Committee must be official or contracted full professors who meet any of the following requirements:
  - a) Having successfully received three positive assessments for their research activity.
  - b) Having obtained the National Award for Research, the Narcís Monturiol Medal for Scientific and Technological Merit, the Distinction from the Government of Catalonia for the promotion of university research or any other similar or higher distinction, according to the judgment of the Governing Board.
5. The president and the members of the Research Assessment Committee must serve in observance of technical criteria and independence in the performance of their duties.
6. The appointment of members to the Research Assessment Committee must seek to strike a balance among the various fields of knowledge. A majority of members should be official or contracted full professors or of a similar academic level.
7. The president and the members of the Research Assessment Committee shall be appointed for a four-year term and may only be re-elected for a second term, and they must remain in their positions until their successors are sworn in.

## Article 13. Operation of the Research Assessment Committee

1. The Research Assessment Committee carries out its activity through sub-committees, which may be standing and whose functions are to report, propose and recommend. The president of each of these sub-committees must be a member of the Research Assessment Committee appointed by the president of said Committee.
2. Members of sub-committees shall be appointed by the president of the Research Assessment Committee in accordance with the requirements and procedure set out in article 12. In any event, it must comprise members from outside the Catalan research and university system.
3. One or more sub-committees of the Research Assessment Committee must be set up and regulated by the articles of association under the following forms:
  - a) For accreditation of research in the various fields of knowledge. At least the president and two members must be from the Research Assessment Committee. The remaining members shall meet the requirements set out in article 12.

b) For accreditation of advanced research in the various fields of knowledge. At least the president and two members must be from the Research Assessment Committee. The remaining members shall meet the requirements set out in article 12 and all members must be official or contracted full professors or research staff of a similar category.

c) For assessment of tenure-track lecturers. At least the president and two members must be from the Research Assessment Committee. The remaining members shall meet the requirements set out in article 12.

#### Article 14. Committees set up by the Governing Board

1. At the proposal of the president of Agència per a la Qualitat del Sistema Universitari de Catalunya it shall be incumbent on the Governing Board to set up, change and terminate standing assessment, accreditation and certification committees in order to carry out the functions pertaining to AQU Catalunya, in addition to non-standing specific committees in order to perform certain assignments.

2. Committees set up by the Governing Board must be presided over and formed by individuals of acknowledged academic, scientific or professional standing. The presidents of such committees shall be appointed by the Governing Board at the proposal of the president of Agència per a la Qualitat del Sistema Universitari de Catalunya.

3. Members of the committees set up by the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be appointed by the Governing Board at the proposal of the president of the committees.

4. Presidents and members of committees set up by the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be appointed for a four-year term and may only be re-elected for a second term. Upon the finalisation of their term, they must remain in their positions until their successors are sworn in.

#### Article 15. Assessments and accreditations conducted by other assessment agencies

Assessments and accreditations conducted by other assessment agencies or bodies in fields falling under the authority of Agència per a la Qualitat del Sistema Universitari de Catalunya may be taken into consideration by said agency for the purposes of this act.

#### Article 16. The Appeals Committee

1. The Appeals Committee is responsible for addressing appeals lodged in objection to the resolutions of the Research Assessment Committee and the remaining assessment, certification and accreditation committees referred to in article 11. Resolutions issued by this Committee exhaust administrative proceedings.

2. The Appeals Committee of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be formed by the following members:

a) A member of the Governing Board chosen from the individuals referred to in article 7.3.d, who shall act as president of the Committee.

b) Two or more individuals to be determined by the Governing Board with academic, scientific or professional standing and with technical expertise, provided they are not members on any other AQU Catalunya committee.

3. Members of the Appeals Committee shall be appointed by the Governing Board at the proposal of the president of Agència per a la Qualitat del Sistema Universitari de Catalunya for the following terms:

a) The president of the Committee shall be appointed for the same period for which he is appointed as member of the Governing Board.

b) The remaining members of the Committee shall be appointed for a four-year term and may only be re-elected for a second term. Half of these members shall be renewed every two years.

4. Members of the Appeals Committee must remain in their positions until their successors are sworn in.

5. The internal operating regulations and procedures of the Appeals Committee shall be approved by the Governing Board at the proposal of the Committee itself and, in any event, must be posted on the website of Agència per a la Qualitat del Sistema Universitari de Catalunya.

Article 17. Professional and technical independence and dissemination of criteria and procedures

1. In line with current regulations, the committees referred to in articles 12, 13 and 14 must operate with professional and technical independence, must prepare and approve the criteria and procedures for assessment, accreditation, certification and auditing, and must perform the assessments, certifications and accreditations incumbent on Agència per a la Qualitat del Sistema Universitari de Catalunya within their respective fields for which they are ultimately responsible. The Governing Board shall ensure all committees are granted technical independence.

2. The assessment criteria referred to in article 13 must be publicly disclosed and enable the candidate in question to perform a self-assessment.

3. The assessment, accreditation, certification and auditing procedures, in addition to the internal regulations of operation of committees, must be published on the website of Agència per a la Qualitat del Sistema Universitari de Catalunya.

Chapter IV. Legal system, human and financial resources, external assessment and external relations of AQU Catalunya

Article 18. Legal system

1. Agència per a la Qualitat del Sistema Universitari de Catalunya is governed by this act; by the consolidated text of Act 4/1985, of 29 March, on the Statute of Catalan Public Sector Enterprise, approved by Legislative Decree 2/2002, of 24 December; by its articles of association; and by all other applicable regulations.

2. Agència per a la Qualitat del Sistema Universitari de Catalunya generally submits its activity in the area of external relations to the provisions of applicable civil, commercial and labour legislation. AQU Catalunya is bound by public law in the following areas:

a) The system of operation and for adoption of resolutions by its associated bodies. For all aspects not envisaged in this act, the articles of association of AQU Catalunya or its internal regulations, the legal system for collegiate bodies of the administration of the Government of Catalonia shall be applicable.

b) Relations with the administration of the Government of Catalonia, with public universities and with other administrations and public bodies.

c) Assessment, accreditation and certification proceedings and those entailing the exercise of public powers.

d) The system of pecuniary liability towards users.

3. The system of operation and for adopting resolutions of the collegiate bodies of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be subject to the regulations of the administration of the Government of Catalonia applicable to said bodies.

#### Article 19. Contract programme

Relations between Agència per a la Qualitat del Sistema Universitari de Catalunya and the Government of Catalonia, through the competent department for universities, shall be arranged within the frame of a contract programme that must at least specify the goals, the funding associated with outcomes obtained and the instruments for monitoring its activity.

#### Article 20. The articles of association

1. The articles of association of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be approved by the Government of Catalonia at the proposal of the minister of the competent department for universities and at the initiative of the Governing Board of AQU Catalunya.
2. The articles of association must at least determine the functions of governing bodies, the organic structure and the regulations governing the operation of Agència per a la Qualitat del Sistema Universitari de Catalunya.

#### Article 21. System for challenges

1. The proceedings of the Governing Board, the Standing Committee and the president of Agència per a la Qualitat del Sistema Universitari de Catalunya exhaust administrative proceedings.
2. The proceedings of the director of Agència per a la Qualitat del Sistema Universitari de Catalunya do not exhaust administrative proceedings and may be subject to an appeal lodged to the president of AQU Catalunya.
3. Assessment, accreditation and certification acts adopted by the Research Assessment Committee and other committees referred to in article 11 do not exhaust administrative proceedings and may be subject to an appeal lodged to the Appeals Committee.

#### Article 22. Human resources

The staff of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be formed by:

- a) Its own staff, hired on a contract of employment, adhering to the principles of equality, merit, capacity and publicity.
- b) Staff of the administration of the Government of Catalonia, universities and higher education centres in line with current regulations.

#### Article 23. Equity and procurement

1. The equity of Agència per a la Qualitat del Sistema Universitari de Catalunya comprises the assets and rights assigned to it and the assets and rights of any nature belonging to it, acquired or received by any means, which must be recorded in the pertinent inventory.
2. The assets of Agència per a la Qualitat del Sistema Universitari de Catalunya earmarked for the exercise of its functions are considered to be in the public domain and benefit from the legal system and tax exemptions applicable to such assets.
3. Management of the equity of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be subject to the regulations of the Government of Catalonia governing the equity of the administration.
4. The procurement system of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be governed by the regulations governing public sector contracts.

#### Article 24. Financial resources

The financial resources of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be as follows:

- a) Resources allocated through the budgets of the Government of Catalonia.
- b) Earnings stemming from its own assets and rights or those assigned to it.
- c) Income stemming from the exercise of its activity.
- d) Subsidies and donations from public and private institutions or individuals.
- e) Credit and loans granted to it, if applicable, in line with current regulations.
- f) Other resources pertaining to it.

#### Article 25. Budget, accounts and financial oversight

1. The budget of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be organised on a yearly basis and subject to regulations governing institutions within the public sector of the Government of Catalonia, regulations governing their public finances and subsequent budgetary legislation.

2. The accounting system applicable to Agència per a la Qualitat del Sistema Universitari de Catalunya shall be as established for such institutions in the regulations governing the public finances of the Government of Catalonia.

3. Financial oversight of the activity of Agència per a la Qualitat del Sistema Universitari de Catalunya shall be carried out by means of an audit performed in accordance with the regulations governing the public finances of the Government of Catalonia.

#### Article 26. External assessment of AQU Catalunya

In accordance with international guidelines and standards for quality assessment, Agència per a la Qualitat del Sistema Universitari de Catalunya must be regularly submitted to an external international quality assessment, at the proposal of the Governing Board, in relation to the quality of services it provides in order to ensure continual improvement and external recognition.

#### Article 27. External relations

1. In the fulfilment of its goals and in the exercise of its functions, Agència per a la Qualitat del Sistema Universitari de Catalunya associates with other bodies or institutions performing assessment functions within the scope of its authority pursuant to current regulations.

2. External relations with autonomous regional, national, European and international agencies must be based on the principle of cooperation and unfold with a view to improving the operations of the respective bodies or institutions performing assessment functions pursuant to current regulations.

#### Article 28. Dissolution and amendment

1. The process for the dissolution of Agència per a la Qualitat del Sistema Universitari de Catalunya must be carried out by means of an act setting out the liquidation procedure and the means by which the bodies of AQU Catalunya will provisionally continue to perform their functions until the Agency is fully liquidated.

2. The amendment of the legal nature of Agència per a la Qualitat del Sistema Universitari de Catalunya must be carried out by means of an act approved by the Parliament of Catalonia.

## Transitional provisions

### One. Adaptation of the Governing Board

Within a period of three months counting from the entry into force of this act, the Governing Board of Agència per a la Qualitat del Sistema Universitari de Catalunya must adapt its structure in accordance with the provisions of article 7. Members of the Governing Board must be designated and appointed within this period.

In the meantime, the term of the members of the Board existing when this act comes into force shall be extended.

### Two. The Research Assessment Committee, the Quality Assessment Committee and the Tenure-Track Lecturer and Collaborating Lecturer Committee

1. The term of the president and members of the Research Assessment Committee appointed prior to the entry into force of this act shall continue until the expiry of said term according to the periods established by the regulations applicable to their appointment. Once their term has expired, they will continue in their positions until their successors are appointed as laid down in article 12.

2. The Quality Assessment Committee and the Tenure-Track Lecturer and Collaborating Lecturer Committee shall continue to perform their functions until assessments started prior to the entry into force of this act have been concluded. Once complete, both committees shall be terminated.

### Three. Application of new criteria and procedures

Until six months have elapsed following the entry into force of this act, the assessment applications referred to in article 13 must be assessed in line with the terms applicable prior to this act.

## Repealing provision

Chapters II and III of title VII of Act 1/2003, of 19 February, on Universities in Catalonia are hereby repealed.

## Final provisions

### One. Adaptation of the articles of association of AQU Catalunya

The articles of association of Agència per a la Qualitat del Sistema Universitari de Catalunya, approved by Decree 93/2003, of 1 April, shall be adapted in line with the provisions of this act within a period of six months counting from the date following the day on which the Governing Board is established. In the meantime, the current articles of association shall remain applicable in all aspects where they do not run counter to this act.

### Two. Entry into force

This act shall come into force on the date following the day on which it is published in the *Official Gazette of the Government of Catalonia*.

Accordingly, I hereby call on all citizens to whom this act is applicable to cooperate in ensuring compliance with it, likewise calling on the respective authorities and courts to enforce such compliance.

The Palace of the Government of Catalonia, 21 July 2015

Artur Mas i Gavarró  
President of the Government of Catalonia

Andreu Mas-Colell  
Minister of Economy and Knowledge

(15.202.108)