

## **GOVERNMENT DEPARTMENT FOR BUSINESS AND KNOWLEDGE**

DECREE 315/2016, of 8 November, approving the Statute of the Catalan University Quality Assurance Agency (AQU Catalunya).

This Decree is fundamentally grounded on the shared competence which the Autonomy Statute of Catalonia attributes to the Government of Catalonia, without prejudice to the university autonomy, in relation to the assessment and the assurance of quality and of excellence in university education and of teaching and research staff (Article 172.2.f); and on the exclusive competence in matters of organisation of its administration and of the various organisational and instrumental modalities for administrative action (Article 150.b).

Act 15/2015, of 21 July, has implemented a new regulation of AQU Catalunya, for the purpose of facilitating its adaptation to the new scenarios which are derived from the evolution of the culture of quality and which favour innovation in university teaching, research and governance; and so that it may be a reference as a creator of knowledge in this field, exportable as well to other sectors.

AQU Catalunya has the mission of facilitating the strengthening and the assurance of the Catalan model of universities and its international standing, and of helping to guarantee and to improve its quality. It shall help to determine Catalonia's own system of higher education, within the scope of competences of the Catalan Government, and an assessment system which will identify the best practices and which will lend them added value. It shall also act as an instrument of qualified support for the various agents which intervene in the processes of introduction of innovation and assessment of new university policies. The work carried out by the Agency in order to demonstrate internationally the levels of quality and excellence of the university system of Catalonia shall help position Catalonia as a centre of attraction of talent, innovation and creation of knowledge which will contribute actively to the creation of new areas and spaces of social progress.

The Statute is structured in six chapters, which cover systematically the aspects which shall be contained in the statute of a public-law entity operating under private law, with the particularities derived from AQU Catalunya's special characteristics which are defined in its regulatory law as a university quality assessment entity. Chapter 1 deals with the nature, headquarters and registered office of the Agency, which acts with technical and professional independence and objectivity in the accomplishment of its goals.

Chapter 2 establishes the purpose, goals and functions of the Agency, and determines the principles of action and the values which shall govern its action under the terms provided by Act 15/2015, of 21 July. It also regulates aspects which affect its activity, notable among which are the establishment of an internal quality system and of a code of ethics as instruments for the better development of its functions, its external and collaborative relations, and the international external assessment of the quality of the services which it provides, to which assessment the Agency shall periodically submit itself.

Chapter 3 deals with the governing bodies of the Agency, and to the Advisory Committee, which is one of the novelties of the new legal regulation of the Agency. The governing bodies' functions are specified and Act 15/2015, of 21 July, is supplemented.

Chapter 4, which is devoted to the assessment bodies in which the Agency is structured for the exercise of its functions, regulates the Research Assessment Committee, the Institutional and Programme Assessment Committee, the Appeals Committee – which is another novelty of the new legal regulation of the Agency – and the specific committees of non-permanent character. The regulation includes the aspects which are essential for assuring the technical and professional independence of the committees in the exercise of their assessment functions, notably including the approval of both the criteria and procedures of assessment, accreditation, certification and auditing, which shall be made public.

Chapters 5 and 6 regulate, respectively, the operating system of the collegiate bodies and the aspects relating to human and financial resources; to contracting and to the assets regime; to the budgetary, accounting and financial control regime; to the legal system and the system for the challenge of acts; to administrative silence, and to its organisational structure. Another prominent feature is the regulation of the programme contract as an instrument with which to organise the relations of the Agency with the Government of Catalonia, through the Government department which is competent in matters of universities.

This Decree, approving the Statute of AQU Catalunya, is issued in fulfilment of the mandate set out in Article 20 of Acts 15/2015, of 21 July, and it adapts the Statute in force to the new legal regulation.

In compliance with the provisions of Article 39.1, with respect to Article 40.1 of Act 13/2008, of 5 November, on the Presidency of the Generalitat and of the Government of Catalonia.

At the proposal of the Minister for Business and Knowledge, in accordance with the opinion of the Legal Advisory Committee, and in accordance with the Government of Catalonia,

I decree:

Sole article

The Statute of the Catalan University Quality Assurance Agency (AQU Catalunya), which follow below, are approved.

Sole additional provision

References to the Board of Directors

The references which the regulations in force make to AQU Catalunya's Board of Directors shall be understood to refer to AQU Catalunya's Governing Board.

Repeal provision

Decree 93/2003, of 1 April, approving the Statute of the Catalan University Quality Assurance Agency (AQU Catalunya) is repealed.

Sole final provision

## Entry into force

This Decree goes into force on the day following its publication in the Official Gazette of the Government of Catalonia (DOGC).

Barcelona, 8 November 2016

Carles Puigdemont i Casamajó

President of the Government of Catalonia

Jordi Baiget i Cantons

Minister for Business and Knowledge

Statute of the Catalan University Quality Assurance Agency (AQU Catalunya)

## Chapter 1

### Nature and headquarters

#### Article 1

##### Nature

1.1 The Catalan University Quality Assurance Agency (AQU Catalunya) is a public-law entity subject to the private legal system, with legal personality, full capacity and its own assets for the fulfilment of its purpose, of its goals and of its functions.

1.2 AQU Catalunya, in the exercise of its functions of promotion and assurance of the quality of higher education, acts with technical and professional independence and objectivity, without receiving instructions from the public administrations or from other institutions in relation to the accomplishment of its goals.

1.3 AQU Catalunya is attached to the Government department which is competent in matters of universities, which exercises the control of the effectiveness and efficiency of its activity.

1.4 AQU Catalunya may acquire, possess, claim, exchange, encumber or alienate its own assets which are not tied to the exercise of its functions; it may also arrange loans; establish contracts; formalise agreements; carry out, contract and operate works and services; issue grants and subsidies; bind itself; lodge appeals and carry out all the actions which may be necessary for the performance of its functions.

#### Article 2

##### Headquarters and registered office

2.1 AQU Catalunya has its headquarters in the city Barcelona, without prejudice to the establishment of branches in the territorial areas which may be determined by its Governing Board.

2.2 It is incumbent on the Governing Board to establish the registered office of AQU Catalunya and also to change it.

## Chapter 2

Purpose, goals, functions, principles of action, values and activity

### Article 3

Purpose and goals

3.1 The purpose of AQU Catalunya is to promote and assure the quality of higher education in accordance with international and European academic and social standards of quality and in accordance with the regulations in force, and to provide the agents of higher education with criteria and references for achieving the maximum standards of quality in the performance of their functions, while attending to the interest which society has in a higher education of quality.

3.2 AQU Catalunya has the following goals:

- a) The external assurance of the quality of the teaching, research and innovation of the university system of Catalonia and of the institutions of higher education.
- b) To facilitate the assurance and improvement of Catalonia's own university model and of its international standing.
- c) To provide support to the development of Catalonia's own system of higher education, within the scope of the competences of the Catalan Government, with the deployment of a framework of qualifications which will include international programmes.
- d) To become an agency of international reference in the accreditation and assurance of quality, which offers services to universities and to other entities in Spain, Europe and the world at large, with special attention to the Catalan universities.
- e) To develop the methodology, the tools and the proposals within the field of quality, which will help to situate the Catalan university system and the Catalan institutions of higher education in a leading position on the international scene.
- f) To introduce an assessment system which will identify the best practices, promote changes and provide added value to assessment.
- g) To offer qualified support to the agents who intervene in the processes of introduction of innovations and in the assessment of new university policies.

### Article 4

Functions

4.1 In accordance with Article 3 of Act 15/ 2015, of 21 July, on the Catalan University Quality Assurance Agency (AQU Catalunya), the following functions are incumbent on the Agency:

- a) The assessment of the teaching, research, transfer of knowledge, and governance of the university system.
- b) The assessment, certification, auditing and accreditation of the quality of universities, of their institutions of research and innovation, and of the institutions of higher education.
- c) The assessment, certification, follow-up and accreditation, in accordance with international academic and social standards, of the study programmes leading to the earning of official and university-specific degrees which are issued by the universities and other institutions of higher education.
- d) The promotion of assessment and the comparison of criteria of quality, in accordance with international standards, especially in relation to teaching, research and transfer of knowledge.
- e) The issue of research and advanced research accreditations in accordance with the Act on Universities of Catalonia.
- f) The issue of the pertinent reports for the contracting of tenure-track lecturers in accordance with the Act on Universities of Catalonia.
- g) The assessment of the activity of the teaching and research staff of the private universities and of the institutions attached to the universities.
- h) The assessment of the activity carried out by the research staff of the universities and the evaluation of the individual merits of the civil-service and non-civil-service teaching and research staff, in accordance with the Act on Universities of Catalonia.
- i) The observation, analysis and discussion of trends and development in the field of higher education, and also expert guidance and advice aimed to help to promote the excellence of the services provided by the universities and the institutions of higher education.
- j) The preparation and communication of information on the deficiencies of quality detected in universities, their institutions of research and innovation, and the institutions of higher education, for the purpose of improving their quality.
- k) The preparation of statistical information and of indicators on higher education and research at universities in order to facilitate the analysis of their situation and evolution.
- l) The fostering of generation of knowledge and provision of public information that demonstrates the state of the quality and of the quality assessment processes of the universities and the institutions of higher education, and of the services which they offer, in order to contribute to accountability to society.
- m) The promotion and fostering of research and innovation in relation to the models and processes of assessment, certification and accreditation of quality.
- n) The international representation of the system of external quality assurance pertaining to the university system of Catalonia, the participation in networks or bodies and in institutions or organisations which are competent in matters of quality assurance, and the participation in the development of the European Higher Education Area, all in compliance with the regulations in force.

o) The promotion of thematic assessments and internal assurance processes of the quality of the universities and institutions of higher education, and the development of external quality assurance and assessment processes.

p) The tasks which, within the scope of its functions, are entrusted to the Agency by the Government department which is competent in matters of universities, by the universities, by the institutions of higher education, by the linked institutions of research and innovation, by other departments of the Administration of the Catalan Government, by European institutions or centres of higher education and by other entities which carry out an activity similar to that of the Catalan universities.

q) Other functions which are assigned to it by the acts relating to the Agency, by this Statute and by other rules in force.

4.2 AQU Catalunya shall inform the Government and the Parliament of Catalonia, whenever so required, about the evolution of the quality of teaching, research and innovation of the university system of Catalonia and about the quality of the institutions of higher education, and it shall draft an annual report in accordance with Article 6.3 of this Statute.

## Article 5

### Principles of action and values

5.1 AQU Catalunya shall act in accordance with the principles of scientific and technical competence, legality, legal security and independence, and in accordance with the international academic and social standards and guidelines on quality assurance.

5.2 The values which shall guide the action of AQU Catalunya are the following:

- a) The European approach should be considered in the actions taken to integrate the university system into the European Higher Education Area.
- b) Cooperation with universities, institutions of higher education and the Administration of the Catalan Government to generate more added value in their services and activities. The Agency shall take diversity and plurality into consideration in the field of quality assessment.
- c) Cooperation and coordination with other agencies and organisations which have the same purpose.
- d) Participation of the collectives involved in the quality assurance processes: students, teaching staff and researchers.
- e) Openness, receptiveness and integration with respect to the social demands relating to the quality of higher education.
- f) Transparency, understood as the public access to complete, accurate and clear information on the activity of the Agency and the situation of the university system.
- g) Internal and external quality assurance.
- h) Continuous innovation in methodologies and processes.
- i) Networking with the staff and collaborating staff of the Agency.

j) The assurance of the expertise and of the professionalism of the own staff and the collaborating staff of the Agency.

k) The effectiveness of the Agency, understood in the sense that it shares the benefit of the knowledge and experience of its work with the Administration, the universities and the rest of society, and provides information which facilitates decision-making in the area of higher education.

l) Compliance, in the exercise of its functions, with the principles of effectiveness and efficiency, acting with the maximum diligence and the generation of value.

5.3 The assessment of quality, the certification of processes and the accreditation of the study programmes of the university system of Catalonia shall strive for permanent adaptation of said programmes to the social demands and to the quality requirements of university training, and for the continuous improvement of their processes, within the framework of the European Higher Education Area.

## Article 6

### Activity

6.1 AQU Catalunya acts in the execution of the programme contract, of the strategic plan in force and of the annual activities plan, and also as assigned by the institutions mentioned in Article 4.1.p) of this Statute.

6.2 The Governing Board or the governing body of AQU Catalunya to which the former delegates, shall approve an internal quality system and a code of ethics, as instruments for the better performance of its functions. The quality policy and the code of ethics shall be public documents which shall be periodically revised, and they shall contain the principles of action and the values which assure the technical and operational independence of AQU Catalunya. The actions of the persons who provide their services or who cooperate with the Agency shall respect the internal quality system and the principles established by the code of ethics.

6.3 AQU Catalunya shall draft an annual report on its activities which, once it is approved by its Governing Board, shall be made public in accordance with the rules in force in matters of transparency.

## Article 7

### Information and protection of data

7.1 AQU Catalunya, in the exercise of its functions, is subject to the rules on the protection of personal data, and to the provisions which develop such rules.

7.2 In matters of protection of personal data, AQU Catalunya is subject to the control of the Catalan Authority for Data Protection, and it must register its files, databases and other forms of personal data processing in the Register of Data Protection of Catalonia, when so required, in accordance with the laws in force.

7.3 For the preparation of files and databases, AQU Catalunya may request the cooperation and support of the universities, of the research institutions and of the other public administrations, and it may avail itself of the necessary information which same may

communicate to it, in order to exercise the functions which are incumbent on it in accordance with this Statute.

## Article 8

### External relations and cooperation

8.1 In order to achieve its goals and to exercise its functions, AQU Catalunya maintains relations with other entities or organisations with assessment functions in the fields of its competence and in accordance with the rules in force.

8.2 The external relations with the (autonomous) regional, national, European and international agencies shall be based on the principle of cooperation and they have the purpose of improving the operation of the respective entities or organisations with assessment functions in accordance with the rules in force.

8.3 AQU Catalunya may consider the assessments and accreditations made by other assessment agencies or organisations in a matter of the competence of the Agency, through the pertinent standing committees, for the effects of the provisions of Act 15/2015, of 21 July.

8.4 In the exercise of its functions, AQU Catalunya shall promote the participation of the university and scientific community inside and outside Catalonia, and especially that of the European universities and research institutions.

8.5 In accordance with the criteria of action approved by the Governing Board and within its budgetary availabilities, AQU Catalunya may participate in and cooperate on the actions and programmes of assessment and quality in any area. To this end, it may establish agreements of coordination, exchange of experiences and mutual recognition with other (autonomous) regional, national and international assessment agencies or organisations which have been assigned competences or functions in this same area of action.

8.6 AQU Catalunya may sign contracts and agreements, with the prior authorisation of the Government of Catalonia, when it is appropriate in accordance with the applicable rules, with entities outside Catalonia, in the fulfilment of its goals and functions. To this end, the contract or agreement shall establish the applicable legal system.

## Article 9

### External assessment of AQU Catalunya

In accordance with the international standards and guidelines for quality assurance, AQU Catalunya, at the proposal of the Governing Board, shall submit itself periodically to an international external assessment of the quality of the services it provides, aimed at its constant improvement and external recognition.

## Chapter 3

### Governing bodies and Advisory Committee



## Article 10

### Governing bodies

In accordance with the provisions of Article 5 of Act 15/ 2015, of 21 July, the governing bodies of AQU Catalunya are:

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

## Article 11

### The president

11.1 The president of AQU Catalunya, who is also the president of the Governing Board and of its Standing Committee, holds the institutional representation of the Agency.

11.2 The president of AQU Catalunya is appointed by the Government of Catalonia at the proposal of the minister of the Government department which is competent in matters of universities, from among figures of acknowledged merits and prestige in the academic field, with proven experience in quality of higher education and research, for a period of four years, renewable only once.

11.3 The Government of Catalonia, at the proposal of the minister of the Government department which is competent in matters of universities, may remove the president of AQU Catalunya for the following reasons:

- a) For incapacity declared by a final judicial decision.
- b) For being the subject of a conviction by final judgement.
- c) For breach of the functions of the position held.
- d) For resignation.
- e) For lapse of the term of office.

11.4 In the hypotheses to which reference is made in Letters d) and e) of Paragraph 3, the president continues to hold the position on an acting basis until such time as the successor takes possession of the position.

11.5 The following functions are incumbent on the president of the Agency:

- a) To watch out for the achievement of the goals assigned to the Agency.
- b) To hold the institutional representation of the Agency.
- c) To inform the Government and the Parliament of Catalonia about the activity of the Agency.
- d) To call, preside over, suspend and close the sessions of the Governing Board, of the Standing Committee, and of the Advisory Committee; to set the agenda; to lead the deliberations and to settle the ties with the deciding vote; and to endorse the minutes and the certifications of the resolutions which are adopted.

- e) To watch out for the fulfilment of this Statute.
- f) To supervise the activities of the Agency and to submit to the Governing Board and to the Standing Committee the reports which the president considers pertinent.
- g) To sign the cooperation agreements in order to establish the activities to be carried out.
- h) To appoint the member of the Governing Board or of its Standing Committee who is to substitute the president in the cases of absence, illness or any other cause provided in the rules in force.
- i) To appoint as director the candidate who is so selected in accordance with the open competitive process provided for in Article 15.2 of this Statute.
- j) Any other functions specific to the presidency of a collegiate body, in accordance with the rules in force, which are expressly entrusted to the president or delegated by the Governing Board, or which are assigned to the president by this Statute or by the rest of the rules in force.

## Article 12

### The Governing Board

12.1 The Governing Board is the supreme governing body of AQU Catalunya.

12.2 The Governing Board is 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 boards of the public universities of Catalonia.
- d) Three academic figures of acknowledged international prestige, chosen by the Interuniversity Council of Catalonia.
- e) Two students chosen by the Student Council of the Catalan universities, preferably one graduate student and one post-graduate student.
- f) Two persons from the Government department which is competent in matters of 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 from among those forming part of the Interuniversity Council of Catalonia.

The members of the Governing Board who do not hold such status by reason of their position, shall hold it in accordance with criteria of knowledge of the higher education and research system in the local and international spheres.

The presidents of the committees which the Governing Board has created may be admitted to the Governing Board, with the right to speak but without the right to vote, if it is so resolved by the selfsame Governing Board.

12.3 The members of the Governing Board to whom reference is made in Paragraph 2.d) are appointed for a period of four years, which is renewable only once.

12.4 The members of the Governing Board to whom reference is made in Letters e) and i) of Paragraph 2 are appointed for a period of two years, which is renewable only once, as long as they continue to be students or teaching or research staff, respectively.

12.5 The members of the Governing Board who are appointed by reason of their position cease to hold their representation when they cease to hold such position. The members who do not form part of the Governing Board by reason of their position continue to hold their status as such on an acting basis until such time as the successors take possession of such status.

12.6 The Governing Board appoints a secretary, at the proposal of the president, who also acts as secretary of the Standing Committee. The secretary attends the meetings of these bodies with the right to speak but without the right to vote.

12.7 The Governing Board shall hold an ordinary meeting minimum twice a year. In order for the Governing Board to assemble in an extraordinary meeting, the pertinent decision of the president or the pertinent resolution of one third of the members of the Governing Board is required.

12.8 The Governing Board acts in plenary meetings or as the standing committee.

## Article 13

### Functions of the Governing Board

13.1 The following functions are incumbent on the Governing Board:

- a) To approve the strategic plan of AQU Catalunya.
- b) To approve the annual Activities Plan which is to be attached to the preliminary draft of the budget of AQU Catalunya, in accordance with the proposals of the educational administration and of the respective universities.
- c) To approve the catalogue of services and the annual report of AQU Catalunya, and to assess periodically the action of the Agency.
- d) To approve, at the proposal of the president of AQU Catalunya, the creation, modification and suppression of the standing committees for assessment, accreditation and certification provided for in Article 23 of this Statute for the performance of the functions of AQU Catalunya.
- e) To approve, at the proposal of the president of AQU Catalunya, the creation, the modification and the suppression of the specific committees which are not of standing character for the performance of specific assignments.
- f) To approve the preliminary draft of the budget of AQU Catalunya, which is proposed by the director, and to submit it to the Government department which is competent in matters of universities so that the latter may process it, in accordance with the rules in force.
- g) To approve the balance sheet, the profit and loss account, the financial and activity report and the settlement of the budget, which shall be conveyed to the Government department

which is competent in matters of universities, and to get acquainted with the annual audit of accounts.

h) To approve or ratify the internal rules of procedure of the Advisory Committee and of the committees which are regulated in Chapter 4 of this Statute, which rules are approved by the selfsame committees.

i) To approve its internal rules of procedure and those of the Standing Committee of the Governing Board.

j) To approve, if appropriate, the measures necessary for the correct functioning of the committees of AQU Catalunya and the general working terms and conditions for its staff, at the proposal of the director, in accordance with the rules in force.

k) To approve the investment plan, which is to be attached to the preliminary draft of the budget of AQU Catalunya.

l) To approve, at the proposal of the director, the organisational structure and the jobs list of AQU Catalunya.

m) To approve the resolutions on acquisition, alienation and encumbrance of the immovable and movable property which come to form part of the assets of AQU Catalunya, in accordance with the applicable rules.

n) To propose to the Government department which is competent in matters of universities, when appropriate, indebtedness operations and the provision of bank guarantees, in order that they may be submitted to the Government of the Catalan Government so that the latter may approve them, in accordance with the rules in force, and to authorise the credit and cash transactions during the business year.

o) To propose to the Government department which is competent in matters of universities, the creation, modification and suppression of public prices and fees, in accordance with the rules regulating the public prices and fees of the Catalan Government.

p) To approve the private prices which may be requested as consideration for the rendering of services or the performance of activities by AQU Catalunya which are carried out under the private law system.

q) To approve the programme contract, which is to be formalised with the Government department which in matters of universities, and to ratify the agreements which are to be signed by AQU Catalunya within the framework of the goals of the present Statute.

r) To approve the terms regulating the subsidies which, if any, may be granted by AQU Catalunya, as well as their calls and decisions.

s) To establish the functions of the director with respect to financial governance and to authorise the expenses as from the limits which have not been delegated.

t) To set the remunerations of the president, of the director and of the secretary and of the members of the various commissions or committees of AQU Catalunya. The persons concerned shall refrain from voting.

u) To call upon the director to undertake all types of judicial and administrative actions, appeals and claims in defence of the rights and interests of AQU Catalunya. In the event of

urgency, this authority may be exercised by the director, who shall communicate same to the Governing Board in the first following meeting to be called.

v) To take the initiative of modification of the Statute of AQU Catalunya.

w) Any other functions which are assigned to it by this Statute or by the rest of the rules in force, or the functions which are not expressly assigned to other bodies of AQU Catalunya.

13.2 The Governing Board may delegate its functions to the Standing Committee, to the president of AQU Catalunya and to the director, except those functions described in Letters a), b), c), d), f), g), i), j), k), l), q), s), t) and v) of the preceding paragraph.

## Article 14

### The Standing Committee of the Governing Board

14.1 The Standing Committee of the Governing Board exercises the functions which are delegated to it by the Governing Board.

14.2 The Standing Committee is formed by the following members:

a) The president of AQU Catalunya.

b) Two rectors.

c) Two presidents of the social boards of the Catalan public universities.

d) One student.

e) One academic figure of acknowledged prestige.

f) One person from the Government department which is competent in matters of universities.

g) The director of AQU Catalunya.

h) The president of the Research Assessment Committee.

i) One representative of the teaching and research staff.

14.3 The members of the Standing Committee are appointed by the Governing Board, at the proposal of the president of AQU Catalunya, from among its members.

14.4 The Standing Committee of the Governing Board of AQU Catalunya shall assemble at least once a year, and whenever so required for the exercise of the functions delegated to it by the Governing Board.

14.5 The Governing Board shall approve the internal rules of procedure of the Standing Committee, which shall determine, as a minimum, the system of continuity, renewal and re-election of its members and the system of adoption of the resolutions of the Committee.

## Article 15

### The director

15.1 The director exercises the technical and administrative direction of AQU Catalunya, and carries out the resolutions of the Governing Board and of the Standing Committee.

15.2 The director is appointed by means of an open process of competition and free concurrence, following the criteria established by the Governing Board, for a period of four years, renewable only once, in accordance with the principles of merit and capacity and the criterion of suitability.

15.3 The following functions are incumbent on the director of AQU Catalunya:

- a) To run, organise and manage the services of the Agency, in accordance with the guidelines of the Governing Board.
- b) To carry out and to watch out for the good performance of the resolutions of the Governing Board and of its Standing Committee.
- c) To prepare the proposal for the programme contract, the strategic plan, the annual activities plan and the catalogue of services of the Agency, and to submit them to the Governing Board for the latter's approval, if appropriate.
- d) To create, modify and suppress the committees of advisory character which are necessary for the performance of the activities and services of the Agency.
- e) To prepare the proposal of the jobs list and to exercise the functions of contracting, direction, management and supervision of the staff who render their services at the Agency.
- f) To prepare and submit the preliminary draft of the annual budget and its modifications, so that the Governing Board may examine it and, if appropriate, approve it; to direct the financial governance of the Agency, to authorise the expenses within the limits set by the Governing Board and to order payments, and the formulation of the annual accounts.
- g) To carry out and to watch out for the good performance of the investment plan of the Agency.
- h) To administer the assets of the Agency, in accordance with the guidelines set by the Governing Board and within the framework of the delegations which are made to it in this field, and to watch out for the upkeep and maintenance of its facilities and its equipment.
- i) To exercise the competences specific to it as a contracting body, with the limits established by the Governing Board, in accordance with the provisions of the rules on contracts of the public sector and this Statute.
- j) To sign contracts, in the name of the Agency, in accordance with this Statute.
- k) To hold the legal representation of AQU Catalunya and to enforce the final sentences and decisions which impose financial responsibilities or obligations on the Agency.
- l) To inform the president of AQU Catalunya and the presidents of the committees about all that may be necessary to assure the adequate coordination and operation of the activities which they carry out, and to exercise suitably the functions which they have entrusted, and to formulate the proposals which the director considers appropriate for the good functioning of the Agency.
- m) To watch out for the improvement and the quality of the working methods and procedures, and for the introduction of technological innovations.
- n) Any other functions which are expressly entrusted or delegated to the director by the president of AQU Catalunya or by the Governing Board, or which are attributed to him by this Statute and by the rest of the rules in force.

15.4 The director of the Agency is responsible for the application of gender mainstreaming in the terms provided for in Article 8 of Act 17/2015, of 21 July, on effective equality between women and men.

## Article 16

### The secretary

16.1 The Governing Board appoints, from among the staff of AQU Catalunya, a secretary, at the proposal of the president of AQU Catalunya, which secretary shall attend the meetings of the Governing Board and of the Standing Committee, with the right to speak but not to vote.

16.2 The secretary of AQU Catalunya may, moreover, carry out the functions specific to this position on the committees of the Agency which have not appointed their own secretary.

16.3 The following functions are incumbent on the secretary:

- a) To call the meetings by order of the president.
- b) To issue the minutes of the meetings.
- c) To see that the necessary acts of communication are carried out.
- d) To issue the pertinent certificates.
- e) To keep and to file the minutes.
- f) To provide the members of the collegiate body with the necessary information for the exercise of their functions.
- g) To carry out other functions specific to the secretaries of the collegiate bodies.

16.4. The secretary of the Agency provides support to the director in the exercise of his or her functions and coordinates the secretariat tasks which, as the case may be, are performed by the secretaries of the various committees.

## Article 17

### The Advisory Committee

17.1 The Advisory Committee is the consultative body which cooperates with AQU Catalunya on the advising of strategies, on the definition and improvement of procedures, and on the drafting of proposals of actions, with the aim to assure the quality of the activities of the Agency, in accordance with international references.

17.2 The Advisory Committee is formed by the following members:

- a) The president of AQU Catalunya, who holds the presidency.
- b) The director of AQU Catalunya.
- c) Up to four national academics and two international academics with international experience and acknowledged prestige, appointed by the president of AQU Catalunya after hearing the Governing Board.

d) Two graduate, post-graduate or doctoral students of the Catalan universities, appointed by the president of the Agency at the proposal of the Student Council of the Catalan universities, after hearing the Governing Board.

e) Two representatives of the majority trade unions of Catalonia, who shall be academics, appointed by the president of the Agency at the proposal of the trade unions, after hearing the Governing Board.

17.3 The members of the Advisory Committee shall have experience in matters of quality in higher education and research.

17.4 The Advisory Committee shall approve the internal rules of procedure, which must be ratified by the Governing Board.

17.5 The president of the Advisory Committee carries out the functions specific to the presidency of a collegiate body, in accordance with the rules regulating collegiate bodies which are applicable in Catalonia. The president of the Advisory Committee shall inform annually the Governing Board of AQU Catalunya about the performance of Committee's activities.

17.6 The members of the Advisory Committee are appointed for a period of four years, which is renewable only once, as long as status of student is maintained in the case of the member to whom reference is made in Letter d) of Paragraph 2. Once their term of office has ended, the members shall continue to hold their position on an acting basis until such time as their successors take possession of such position.

## Chapter 4

### Assessment, accreditation and certification bodies and non-standing specific committees

#### Section One

#### Standing Committees

#### Article 18

#### Standing Committees

For the exercise of its functions, AQU Catalunya is structured in the following standing committees:

- a) The Institutional and Programme Assessment Committee.
- b) The Research Assessment Committee.
- c) The Appeals Committee.
- d) The other standing committees which may be created by the Governing Board.

#### Article 19

#### The Institutional and Programme Assessment Committee



19.1 The Institutional and Programme Assessment Committee, which is of standing character, exercises the functions which are established in Letters a), b), c), d), j), m) and o) of Article 4.1 of this Statute.

19.2 The Institutional and Programme Assessment Committee is formed by the following members:

- a) The director of AQU Catalunya, who holds its presidency.
- b) Up to ten academics of acknowledged professional merit.
- c) Up to two professionals of acknowledged prestige with experience in the field of quality management.
- d) Up to two students who are carrying out graduate, post-graduate or doctoral university studies in a university of the Catalan university system.

19.3 The president of the Institutional and Programme Assessment Committee carries out the functions specific to the presidency of a collegiate body, in accordance with the rules regulating the collegiate bodies which are applicable in Catalonia. The president of the Institutional and Programme Assessment Committee shall inform annually the Governing Board of AQU Catalunya about the performance of the Committee's activities and about the resolutions adopted.

19.4 The members of the Institutional and Programme Assessment Committee are appointed by the Governing Board, at the proposal of the president of the Committee, in accordance with the procedure established in the internal rules of procedure of the Committee.

19.5 The Institutional and Programme Assessment Committee may exercise its functions by means of the specific committees which the selfsame Committee forms. The president of each of these specific committees shall be a member of the Institutional and Programme Assessment Committee, appointed by the president of this Committee.

19.6 The members of the specific committees are appointed by the president of the Institutional and Programme Assessment Committee, in accordance with the procedure established in the internal rules of procedure of the Committee. In any case, members external to the Catalan university and research system shall also be appointed to the specific committees.

19.7 The members of the Institutional and Programme Assessment Committee and of the specific committees are appointed for a period of four years, which is renewable only once, as long as such members maintain the status of student in the case of the members to whom reference is made in Letter d) of Paragraph 2. Once their term of office has ended, they shall continue to hold their position on an acting basis until such time as their successors take possession of such position.

## Article 20

### Research Assessment Committee

20.1 The Research Assessment Committee, of standing character, exercises the functions which are established in Letters e), f), g) and h) of Paragraph 4.1 of this Statute and the functions which are expressly assigned to it by the other rules in force.

20.2 The Research Assessment Committee is formed by the following members:

- a) The president, who is appointed by the Governing Board from among the persons proposed by the minister of the Government department which is competent in matters of universities, who must have prominent scientific merits.
- b) Four persons appointed by the Governing Board, at the proposal of the minister of the Government department which is competent in matters of universities.
- c) Sixteen people appointed by the Governing Board, at the proposal of the president of the Committee.

20.3 The members to whom reference is made in Letters b) and c) of Paragraph 2 are appointed from among the collective of civil-service or non-civil-service full professors and civil-service tenured professors or tenured-assistant professors with indefinite contracts, and of working research staff in a category equivalent to those aforementioned from the Catalan Institution for Research and Advanced Studies (ICREA), from the Research Centres of Catalonia (CERCA Centres) and from other agents performing research in Catalonia; and from among academic figures of acknowledged international prestige. At least two thirds of the total members of the Research Assessment Committee shall be civil-service or non-civil-service full professors who meet one of the following conditions:

- a) They have passed three positive assessments of their research activity.
- b) They have been awarded the National Research Prize, the Narcís Monturiol Medal for Scientific and Technological Merit, the Distinction of the Catalan Government for the Promotion of University Research or another distinction of similar or higher level, in the judgment of the Governing Board.

The Research Assessment Committee shall approve the criteria and requirements of the members who form part of the remaining third of the Committee, while assuring conditions which are suited to the goal of the Committee.

20.4 The president of the Research Assessment Committee carries out the functions specific to the presidency of a collegiate body, in accordance with the rules regulating collegiate bodies which are applicable in Catalonia. The president shall inform annually the Governing Board and the director about the performance of the Committee's activities and about the resolutions adopted.

20.5 The president and the members of the Research Assessment Committee shall act independently and in accordance with technical criteria in the exercise of their functions.

20.6 The president and the members of the Research Assessment Committee are appointed for a period of four years, which is renewable only once, and they shall continue to hold their positions on an acting basis until such time as their successors take possession of such positions.

20.7 In the appointment of the members of the Research Assessment Committee, a balance between the various areas of knowledge shall be established. The majority of the members shall belong to the collective of civil-service or non-civil-service full professors or they shall have an equivalent academic level.

## Article 21

## Operation of the Research Assessment Committee

21.1 The Research Assessment Committee carries out its activity by means of subcommittees, which may be of standing character, with functions of informing, proposing and recommending. The president of each of these subcommittees shall be a member of the Research Assessment Committee appointed by the president of this Committee.

21.2 The members of the subcommittees are appointed by the president of the Research Assessment Committee, in accordance with the requirements and the procedure established in Article 12 of Act 15/2015, of 21 July. In any case, the subcommittees shall have members external to the Catalan university and research system. The Research Assessment Committee shall approve the criteria and requirements of the members who form part of the remaining third of each of the subcommittees, assuring conditions suited to the goal of each subcommittee.

21.3 The following are the specific subcommittees of the Research Assessment Committee:

a) The specific committee for the accreditation of research, in the various fields of knowledge. As a minimum, the president and two members shall belong to the Research Assessment Committee. The other members shall meet the requirements established in Article 12 of Act 15/2015, of 21 July. The issue of the research accreditation and the assessment of the research activity of the teaching and research staff and of the research staff of the universities are incumbent on this specific committee.

b) The specific committee for the accreditation of advanced research, in the various fields of knowledge. As a minimum, the president and two members shall belong to the Research Assessment Committee. The other members shall meet the requirements established in Article 12 of Act 15/2015, of 21 July, and all the members shall be civil-service or non-civil-service full professors or research staff of equivalent category. The issue of the accreditation of advanced research is incumbent on this specific committee.

c) The specific committee for the assessment of tenure-track lecturers. As a minimum, the president and two members shall belong to the Research Assessment Committee. The other members shall meet the requirements established in Article 12 of Act 15/2015, of 21 July. The issue of the preliminary report for the contracting of tenure-track lecturers is incumbent on this specific committee.

d) The specific committee for the assessment of the teaching and management activity of the teaching and research staff. The president shall belong to the Research Assessment Committee. The other members shall meet the requirements established in Article 12 of Act 15/2015, of 21 July. The assessment of the teaching activity and of the management activity of the teaching and research staff are incumbent on this specific committee.

21.4 The Research Assessment Committee may form other standing or non-standing specific subcommittees in order to carry out specific assignments.

21.5 The Research Assessment Committee shall approve the rules of procedure of the subcommittees, which will be ratified by the Governing Board.

## Article 22

### The Appeals Committee

22.1 The Appeals Committee is the committee in charge of deciding on the appeals lodged against the decisions of the Institutional and Programme Assessment Committee, of the Research Assessment Committee, of the other standing assessment, certification and accreditation committees, and of the non-standing specific committees. Its decisions exhaust the administrative procedure. Also incumbent on this Committee is the issue of revision reports on other acts issued by the committees when it is so established in the processes of assessment, certification and accreditation.

22.2 The Appeals Committee is formed by the following members:

- a) One member of the Governing Board from among the persons of Article 7.3.d) of Act 15/2015, of 21 July, who holds the presidency of the Committee.
- b) Two or more people, to be determined by the Governing Board, with academic, scientific or professional prestige, and with technical competence, who do not belong to any other committee of AQU Catalunya.

22.3 The members of the Appeals Committee are appointed by the Governing Board, at the proposal of the president of AQU Catalunya, for the following periods of time:

- a) The president of the Committee is appointed for the same period which applies as a member of the Governing Board.
- b) The other members of the Committee are appointed for a period of four years, which is renewable only once, and they are to be renewed by halves every two years.

22.4 The members of the Appeals Committee continue to hold their position, on an acting basis, until such time as their successors take possession of such position.

## Article 23

Other standing committees created by the Governing Board

23.1 Incumbent on the Governing Board, at the proposal of the president of AQU Catalunya, are the creation, modification and suppression of the other standing committees for assessment, accreditation and certification, for the performance of the functions of AQU Catalunya.

23.2 The committees formed by the Governing Board shall be presided over and integrated by persons of acknowledged academic, scientific or professional prestige. The presidents of these committees are appointed by the Governing Board, at the proposal of the president of AQU Catalunya.

23.3 The presidents of the standing committees carry of the functions specific to the presidency of a collegiate body, in accordance with the rules regulating collegiate bodies which are applicable in Catalonia. They shall inform annually the director of AQU Catalunya about the performance of their activities and about the resolutions adopted.

23.4 The members of the committees formed by the Governing Board are appointed by the Governing Board, at the proposal of the presidents of the committees.

23.5 The presidents and the members of the committees created by the Governing Board are appointed for a period of four years, which is renewable only once. When their term of office

has ended, they shall continue to hold their position, on an acting basis, until such time as their successors take possession of such positions.

23.6 The committees shall approve their internal rules of procedure and they may exercise their functions by means of specific or thematic committees which the selfsame committees resolve to form.

## Section Two

### Specific committees of non-standing character

#### Article 24

##### Specific committees of non-standing character

24.1 The Governing Board may delegate to the president of AQU Catalunya and to the director of AQU Catalunya the creation, modification and suppression of the non-standing specific committees for the performance of specific assignments, which are ruled by the provisions of Article 14 of Act 15/2015, of 21 July.

24.2 The director of AQU Catalunya shall inform annually the governing bodies about the tasks which the non-standing specific committees carry out.

24.3 These committees shall be appropriate in both composition and number for the assignment which has been entrusted to them, and they shall act in accordance with the principles of action and the values of AQU Catalunya.

## Section Three

### Guarantees of technical and procedural independence and rights and duties of the members of the standing and non-standing committees

#### Article 25

##### Technical and professional independence and publicity of criteria and procedures

25.1 The standing committees and the non-standing specific committees shall act with technical and professional independence and with an absence of conflict of interest; they shall prepare and approve the criteria and the procedures of assessment, accreditation, certification and auditing; and they shall carry out, in their respective fields, the assessments, certifications and accreditations which are incumbent on AQU Catalunya, being ultimately responsible for same. The Governing Board shall watch out for the technical independence of all the committees.

25.2 The criteria of the assessments to which reference is made in Article 21 of this Statute shall be public and they shall also allow the self-assessment of the candidate.

25.3 The procedures of assessment, accreditation, certification and auditing and the internal rules of procedure of the committees shall be published, in all cases, on the website of AQU Catalunya.

## Article 26

### Operation and procedures of the committees

The standing committees provided for in this Statute shall approve their internal rules of procedure and the respective procedures for assessment, accreditation and certification, in accordance with the rules in force. The aforementioned committees may, moreover, approve the rules of procedure which are applicable to the specific committees which stem from themselves. The aforementioned rules of procedure shall be ratified by the Governing Board.

## Article 27

### Rights and duties of the members of the committees

27.1 The presidents and members of the standing committees and of the non-standing specific committees shall cooperate on and participate in the activities which are relevant for the good performance of the committee to which they belong.

27.2 The presidents and members of the standing committees and of the non-standing specific committees have the right and the duty to exercise their functions with full technical independence and neutrality, with freedom of expression, and without receiving any instructions or indications.

## Chapter 5

### Operating system of the collegiate bodies

## Article 28

### Call of meetings

28.1 The collegiate bodies of AQU Catalunya may hold their meetings and adopt their resolutions in person, remotely or in a mixed way. The valid electronic media are considered to include e-mail, electronic vote, audio conferences and video conferences, among others.

28.2 The call of the meetings of the collegiate bodies shall be notified to the members at least 48 hours in advance, except in the event of urgency so considered by the president, in which case such urgency shall be stated in the call. The call of the meeting shall preferably be made by electronic media, it shall state the agenda, the conditions under which the meeting will be held and the corresponding connection system, and it shall be accompanied by the documentation necessary for the deliberation and adoption of resolutions, without prejudice to the availability of such documentation on a website, the accessibility and security of which shall be assured.

28.3 In order for the collegiate bodies to be considered validly assembled on the first call, the presence of the president and of the secretary as well as that of at least one half of its members is required. On the occasion of the second call, the quorum is achieved with the presence of the president, of the secretary and of one third of the members, with a minimum of three.

28.4 In the event of urgency, the call shall be made at least 24 hours in advance by means of any procedure which provides a record of its reception. The collegiate body shall uphold, by unanimity of the members present, the existence of the urgency, once the agenda has been considered. If it is considered that no urgency exists, the meeting shall be called in accordance with the provisions of Paragraph 1.

28.5 In remote meetings the following must be assured: the availability of the electronic media during the meeting, the identity of the members in attendance, the content and the time in which their statements are made, and the interactivity and intercommunication between them in real time or else with successive interventions in a virtual forum within the limits of time set by the president. It is understood that the remote meetings take place at the headquarters of AQU Catalunya.

## Article 29

### Resolutions and minutes

29.1 The resolutions of the collegiate bodies of AQU Catalunya are adopted by simple majority of votes. In the case of tie, the results of the votes are decided by the president's vote.

29.2 The favourable vote of two thirds of the legal number of members of the Governing Board is necessary in order for the resolutions adopted on the modification of the Statute to be valid.

29.3 Minutes are to be drafted on each meeting. They shall state the place of the meeting, the day, the month, the year and the time when it starts, a brief description of the matters discussed, the incidents, the conclusions, the resolutions which are adopted, and the time when the meeting is closed.

29.4 The members who have their contrary vote or their abstention in relation to an adopted resolution recorded in the minutes are exempt from the responsibility which may be derived from such resolution, and they may formulate a dissenting vote in writing within a time of 72 hours, which are to be added to the text of the resolution.

29.5 The minutes shall be approved in the selfsame meeting or in the next following meeting, and they shall be signed by the secretary and authorised with the countersignature of the president. It shall be assured that the members can access the minutes in electronic format in order to consult in them the content of the adopted resolutions.

29.6 In all that is not established in Act 15/2015, of 21 July, on the Catalan University Quality Assurance Agency (AQU Catalunya), in this Statute or in the respective rules of procedure, the collegiate bodies of AQU Catalunya shall operate in accordance with what is established in the legal system of the collegiate bodies of the Catalan Government.

## Chapter 6

Human and financial resources; financial, property-related and legal system

#### Article 30

Human resources

The staff of the Agency is formed by:

- a) Its own staff, contracted under the labour law system, while respecting the principles of equality, merit, capacity and publicity.
- b) The staff of the Administration of the Catalan Government, of the universities and of the institutions of higher education who are attached to the Agency, in accordance with the rules in force.

#### Article 31

Financial resources

The following are the financial resources of AQU Catalunya:

- a) The resources which are assigned to it for the account of the budgets of the Catalan Government.
- b) The income from the Agency's own assets and rights or from those which are attached to it.
- c) The income derived from the exercise of its activity.
- d) The subsidies and the donations from public or private entities or from private persons.
- e) The credits and loans which are granted to it, if any, in accordance with the rules in force.
- f) The other resources which pertain to it.

#### Article 32

Programme contract

32.1 The programme contract, by means of which the relations of AQU Catalunya are organised with the Government of Catalonia through the Government department which is competent in matters of universities, in accordance with Article 19 of Act 15/2015, of 21 July, has a maximum duration of four years, without prejudice to the fact that the parties may demand its modification or termination.

32.2 The programme contract shall be subject to the laws on public finances of Catalonia and it shall include, as a minimum and for its period of effectiveness, the following elements:

- a) The strategic and operational goals and the results which the entity is to achieve.
- b) The Action Plan.
- c) The forecasts of annual contributions which must be included in the budgets of the Catalan Government, and the mechanisms linking these contributions to the fulfilment of the goals and results.



d) The indicators and the criteria for the assessment of the achievement of the established goals and results.

e) The functions and the composition of the Follow-up Committee.

f) The Financial Plan of the entity, with itemisation of the programming by years of all the envisaged incomes and expenses.

32.3 In the event in which the budget of the Catalan Government for given a business year establishes some contributions which are different from those envisaged in the programme contract in force, it will be necessary to promote the modification of the latter in order to adapt it to the budgetary forecast.

32.4 The director of AQU Catalunya prepares the proposal of the programme contract which is to be approved by the Governing Board and which is to be submitted to the Government department which is competent in matters of universities so that it may process it and, if appropriate, subscribe it with the prior approval of the Government of Catalonia.

32.5 The programme contract shall establish the annual follow-up mechanisms between AQU Catalunya and the Government department which is competent in matters of universities.

32.6 The programme contract is to be published on the website of AQU Catalunya.

## Article 33

### Assets

33.1 The assets of AQU Catalunya are formed by the property and the rights which are attached to it and the Agency's own property and rights of any nature which it may acquire or receive under any title, which shall be registered in the respective inventory.

33.2 The property of AQU Catalunya assigned to the exercise of its functions has the consideration of public domain and is under the legal system and the tax exemptions applicable to the property of such nature.

33.3 The management of the assets of AQU Catalunya is subject to the rules on the assets of the Administration of the Catalan Government.

33.4 The property assigned to AQU Catalunya preserves its original legal qualification, without such assignment implying the transmission or the release of ownership. The property and the rights which are assigned to the Agency shall revert under the same conditions which they had when the assignment was made in the hypothesis that AQU Catalunya becomes extinguished or that the nature of its functions changes, insofar as such change were to affect the aforementioned property and rights.

33.5 AQU Catalunya shall prepare and keep updated the inventory of its property and rights with the sole exception of those of expendable nature. The inventory shall be made annually with reference to 31 December and it is to be submitted to the approval of the Governing Board.

## Article 34

### Contracting

34.1 The contracting of AQU Catalunya is governed by the rules on contracts of the public sector.

34.2 The contracting body is the director of AQU Catalunya.

34.3 The contracting boards are appointed by the director and they shall have a presidency, a minimum of three members and a secretary. In all cases, among the members there shall be:

a) A lawyer of AQU Catalunya.

b) One person from the unit in charge of the economic-financial control of AQU Catalunya.

34.4 The director may delegate the presidency of the contracting board under the terms established by the rules on organisation and administrative procedure which are applicable.

## Article 35

### Budget, accounting and financial control

35.1 The budget of AQU Catalunya is annual and it is subject to the rules regulating the entities which form the public sector of the Catalan Government, the rules regulating its public finances, and the successive budget laws.

35.2 The accounting system applicable to AQU Catalunya is that which the rules regulating the public finances of the Catalan Government establish for this type of entities.

35.3 AQU Catalunya shall prepare annually an operating and capital budget, in accordance with what is provided in Article 30 of the Catalan Public Enterprise Statute.

35.4 The financial control of the activity of AQU Catalunya is carried out by means of the auditing procedure, performed according to the Catalan Public Enterprise Statute, with the rules regulating public finances and with the rules regulating the entities of the public sector of the Administration of the Catalan Government. The audit shall be made under the direction of the General Audit Office of the Catalan Government.

## Article 36

### Legal system

36.1 AQU Catalunya is governed by Act 15/2015, of 21 July; by the Recast Text of Act 4/1985, of 129 March, on the Catalan Public Enterprise Statute, approved by Legislative Decree 2/2002, of 24 December; by this Statute, and by the other rules in force which are applicable to it.

36.2 AQU Catalunya submits its activity in external relations, on a general basis, to the rules of civil, mercantile and labour law which are applicable to it. AQU Catalunya remains subject to public law in the following areas:

a) The relations with the Administration of the Catalan Government, with the public universities and with the other public administrations and entities.

b) The acts of assessment, accreditation and certification which involve the exercise of public authority.

c) The system of pecuniary liability to users.

## Article 37

### System for challenging acts

37.1 The acts of the Governing Board, of the Standing Committee, of the president of AQU Catalunya and of the Appeals Committee exhaust the administrative procedure.

37.2 The acts of the director of AQU Catalunya do not exhaust the administrative procedure and they may be the object of an appeal to the president of AQU Catalunya.

37.3 The acts of assessment, accreditation and certification adopted by the Institutional and Programme Assessment Committee, the Research Assessment Committee and by the other standing committees and the non-standing specific committees do not exhaust the administrative procedure and may be the object of an appeal to the Appeal Committee.

37.4 The acts of the specific committees mentioned in Paragraph 3 do not exhaust the administrative procedure and may be the object of an appeal to the Appeals Committee, in accordance with the approved procedures of assessment, certification and accreditation.

37.5 The claims for pecuniary liability are to be addressed to the director, who is the competent body for the appointment of an examiner and for the resolution of such claims.

## Article 38

### Administrative silence

In accordance with the provisions of Paragraph 2 of Additional Provision Five of Act 1/2003, of 19 February, on Universities of Catalonia:

a) The reports relating to teachers shall be issued within a maximum time of six months and upon the lapse of such time without any decision having been notified, they shall be understood to be positively evaluated. Research and advanced research accreditation shall be issued in a maximum time of six months, and upon the lapse of such time without any express decision having been notified, they shall be understood to be granted.

b) The maximum time for notification of the express decision on the rest of procedures which are the competence of AQU Catalunya and which are subject to administrative law is six months. Upon the lapse of such time without any express decision having been notified, the respective application shall be considered to be granted by administrative silence, except in the hypotheses in which the contrary is established by law.

## Article 39

### Organisational structure

39.1 The Governing Board, at the proposal of the director, approves the organisational structure of AQU Catalunya.

39.2 AQU Catalunya is endowed with its own legal services, which shall provide the legal advice for this organisation and watch out for the legality of all its acts, in accordance with the rules regulating the legal services of the Administration of the Catalan Government. In their action, they shall act in coordination with the legal advisory service of the Government department which is competent in matters of universities, under the terms which are provided in Article 15 of Decree 57/2002, of 19 February, on the Amendment of the Decree 257/1997, of 30 September, approving the Regulations of the Legal Services of the Administration of the Catalan Government.