

Music Quality Enhancement

MUSIQUE

COMPLAINTS AND APPEALS PROCEDURE

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Introduction

For all the services provided, MusiQuE has procedures in place for dealing with complaints and appeals. The following definitions are to be considered for this purpose:

- **Complaints:**

An institution may submit a formal complaint when it considers that the service provided by MusiQuE has not been delivered in line with the MusiQuE Guidelines applicable for the procedure, and/or with the MusiQuE Code of Conduct for Peer Reviewers. A complaint may therefore concern a procedural failure, or may relate to the conduct of one or more individuals involved in the process. Complaints submitted to challenge the outcome of a review are considered invalid. The Appeals process, described below, should be used for this purpose.

- **Appeals:**

An institution may submit an appeal when it considers that the statements in the review report constitute a flagrant misjudgement and all other means of obtaining what is considered a just outcome have been exhausted. Since, according to MusiQuE guidelines, institutions are given the opportunity to correct factual errors in review reports before these reports are deemed final, issues pertaining to factual accuracy will not be considered as valid grounds for appeal. The appeal represents an action of last resort for revising the judgements expressed in the review report. As such, the procedure should be undertaken only in the following circumstances: failure to explore relevant facts, disregard for, or misinterpretation of the evidence provided, or judgements contrary to the weight of evidence provided.

1 Complaints

Institutions are encouraged to offer feedback with regard to the quality of the services provided by MusiQuE in several phases of an ongoing procedure. Such feedback helps MusiQuE to apply principles of continuous quality enhancement to its own activities.

Once a procedure has been closed – upon publication of the review report, or upon formal receipt of the outcomes of a specific consultancy service – an institution may file a formal complaint where it can provide relevant evidence that grounds for such a complaint (as defined in the section above) exist. In this regard, when submitting a complaint to MusiQuE, an institution should: (a) clearly indicate the object of complaint by referring to the specific provisions in the applicable framework (MusiQuE guidelines, regulations, code of conduct), (b) explain in a credible and substantiated way the manner and extent of the deviation from the specific framework of reference (MusiQuE guidelines, regulations or code of conduct), and (c) indicate in which ways the perceived failings can be corrected.

MusiQuE will only consider complaints that include these elements, supported by appropriate evidence, references, examples, etc.

Complaints should be submitted to the MusiQuE Office, in writing (by email and in hard copy). Any documents provided as evidence should be attached in plain text or PDF format.

The complaint will normally be considered by the MusiQuE Board. The only exception to this is in the case of a complaint relating to the Board itself (see below). The MusiQuE Board reserves the right to reject complaints that are missing one or more of the elements described above, or that are unsubstantiated by relevant evidence. The Board will decide if and what action to take, as appropriate and in line with MusiQuE's procedures and regulations. The Board will inform the complainant of its decision and any action taken after the complaint has been considered.

In the event that the complaint should relate directly to the Board or any of its members, the matter will be referred in the first instance to the standing member of the Appeals Committee (see below). This person will decide whether they can act upon the matter unaided or whether they require the assistance of other individuals. If the latter, they will make their own selection of up to two further persons. These may be contacted directly or, if preferred, contact can be made via the MusiQuE staff. Having considered the matter, the standing member of the Appeals Committee will report his/her conclusions to the MusiQuE Board. As well as undertaking any action that may be called for, the Board will communicate to the complainant the outcome of the complaint.

2 Appeals

The provision of appropriate opportunities for appeal is an important feature of any quality assurance procedure. The following sections describe first the routine opportunities within the process for correcting factual errors, and then the more exceptional paths of action open to an institution that considers it has genuine cause to contest the judgement delivered through the review report.

2.1 Correction of factual errors

In all MusiQuE review procedures, institutions are provided with the first draft of the review report in order to enable them to correct any factual inaccuracies. With large quantities of data to absorb, and without an intimate and long-standing familiarity with the institution they are reviewing, there is always the possibility that occasional errors occur in review reports. Normally, these will not be so significant as to materially affect the outcome of the report, but it is still important for them to be corrected. Institutions that find factual errors are encouraged to correct them, providing evidence for the correction. On the basis of any such corrections, the draft report will be amended. This process is described in greater detail in MusiQuE Guidelines for Institutions.

Once the draft report is adjusted and finalized, it is submitted to the MusiQuE Board for endorsement and then it is formally submitted to the institution. At this point, the opportunities for appeal that are built into the process depend upon the nature of the procedure: quality enhancement or accreditation.

2.2 In the case of a Quality Enhancement Review

There is no appeals procedure in the case of a Quality Enhancement Review as there is no formal approval decision made in the context of such a procedure. The Review Team simply notes examples of good practice and offers suggestions for the institution to consider which it believes might lead to an enhancement of quality. It is to be hoped that the institution will engage with these suggestions in the spirit of enhancement; however, ultimately, it may choose to disregard them, and it is under no further obligation in relation to the procedure.

The feedback questionnaire (see MusiQuE Guidelines for Institutions) provides the institution with an opportunity to comment on the recommendations formulated by the Review Team. This feedback is of direct benefit to the MusiQuE Board in terms of future adjustments it might wish to make to its procedures and/or its choice of peer-reviewers. However, it will not result in any change to the report.

2.3 In the case of an accreditation procedure

The review report, once confirmed by the MusiQuE Board and delivered to the institution, contains a concrete quality judgement in terms of each of the standards of the relevant MusiQuE procedure and the extent to which they are being met.

An institution should only resort to an appeal where it believes that it has been incorrectly given the outcome: “Accredited with conditions” or “Not accredited”. In either case, the Review team will have decided that a significant proportion of the standards have been only partially met, or not met at all. It is towards these judgements on standards, and any conditions arising from them, that the appeal should be directed. The appeal should be constructed on the basis of solid argumentation, and should identify the specific sections in the final report where the institution believes the Review Team to have been in error in forming its judgement. Appeals made without substantiating evidence will not be accepted. The appeal must be sent to the MusiQuE Board by the institution as described in Section 2.6 below.

Since the MusiQuE Board will have endorsed the judgement of the Review Team before endorsing the final report to be sent to the institution, it is important that the appeal is handled by someone independent from the earlier stages of the process and therefore able to be impartial. As a result, MusiQuE uses an Appeals Committee, formed of one standing member and one individual appointed in response to each specific appeal, chosen for their specialist knowledge in relation to the issues raised.

2.4 Appeals Committee

The standing member of the Appeals Committee is appointed by the MusiQuE Board for a fixed term of three years. The standing member of the Appeals Committee should be experienced in quality assurance processes and, for the period of his or her appointment, may not participate in MusiQuE reviews. In the unlikely event that during the period of office of the standing member, an appeal arises from an institution with which he or she is connected, they should declare a conflict of interest and withdraw from the appeals process. In this case, two members will be specially appointed by the Director of the MusiQuE Office.

The member of the Appeals Committee specially appointed for a particular appeal is chosen by the MusiQuE Board based upon any specialist knowledge required. He or she must not be connected with the institution that has submitted the appeal but may be an active member of the MusiQuE Register of Peer Reviewers.

The two members of the Appeals Committee should meet, or confer by Skype, as soon as possible after the special member is appointed. They should carefully consider the appeal document and take whatever action is necessary to investigate the appeal.

The review report that is the object of the appeal procedure shall be temporarily removed from MusiQuE’s website until the outcome of the appeal is officially communicated to the institution.

2.5 Outcome of the appeal

The final outcome of the Appeals Committee will take one of three forms:

- The appeal is rejected
- The appeal is partly upheld
- The appeal is fully upheld (*sur dossier* and not in a visit).

In each case, the outcome of the Appeals Committee is considered valid and complete only if accompanied by a written justification. When the appeal is partly upheld or fully upheld, in addition to the outcome and its written justification, the Appeals Committee will provide a list of recommendations that could be followed by the MusiQuE Board (e.g. from altering a particular judgement in the report to undertaking a fresh review visit).

The MusiQuE Board will normally implement the recommendation of the Appeals Committee and, where this calls for an alteration in the judgement delivered by the review, it will confirm this alteration. Similarly, if a further visit is called for, the Board will normally endorse this. In

exceptional circumstances, the MusiQuE Board may implement an alternative course of action to that recommended by the Appeals Committee in order to implement the outcome of the appeal.

The result of the appeal will be communicated by the MusiQuE Board to the institution. The final review report published on the MusiQuE website will reflect the outcome of the appeal and will not record that this result was only reached after an appeals process.

Where an appeal is partly upheld, the Appeals Committee may either decide that the strength of the institution's case is sufficient to alter the overall result or that, notwithstanding the points made, the overall judgement delivered in the review report is still appropriate. In practice, this decision will focus on two questions:

- Does the partial upholding of the appeal mean that the Review Team's decision regarding the level of compliance for a particular standard be revised?
- If so, should an overall condition arising from the original verdict be mitigated to a recommendation, or removed altogether?

Should the Appeals Committee recommend that a fresh review visit be considered for an impartial weighting of the contested elements in the Review Team's judgement, the MusiQuE Office will take the necessary steps to organise it, ensuring that all conflicts of interest be avoided.

2.6 How to appeal

Appeals should be submitted in writing within 60 days of the date of the formal notification of result communicated by the MusiQuE Board. The appeals documentation should be sent both electronically and in hard copy and the date of the electronic mailing will be taken as definitive in determining whether the 60-day deadline has been met or exceeded.

Prior to the deadline, the institution should contact the MusiQuE office as soon as possible indicating its intention to appeal.

The appeal should consist of the following:

- A covering letter, signed by the Head of the Institution confirming the appeal and outlining briefly its nature
- A detailed argumentation dealing with each standard where a decision is being contested and/or each condition that is being appealed against. In each case, the reason(s) for the appeal should be set out and evidence supporting the appeal should either be provided within the text or, where it is to be found in separate documentation (see below) the reference for this should be given
- Supporting documentation.

The appeal must be submitted to the MusiQuE registered office. Both the electronic and the hard copy versions of the appeal will be acknowledged on receipt. In both cases, the acknowledgement will be by email.

The MusiQuE Office will forward the appeal to the standing member of the Appeals Committee and notify the MusiQuE Board that a second member of the Committee requires to be appointed as soon as possible. At the latest, this person should be confirmed and engaged three weeks after receipt of the appeal.

2.7 Communication of the Appeals Committee's decision to the Board and the institution

The Appeals Committee should submit its outcome and report to the MusiQuE Board within 30 days since the second Committee member was confirmed and a full set of the documentation was sent to both Committee members by the MusiQuE Office. Initially, this will be sent by email to the MusiQuE Office who will forward it immediately to individual Board members. The Board will

meet to receive the outcome of the Appeals Committee and to consider any recommendations made by the Appeals Committee. The outcome of the Appeals Committee and the outcome of the Board's consideration will be communicated to the institution as soon as possible after the meeting of the Board.

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