



# ENSURING THE EXPERTISE TO GROW SOUTH AFRICA

## Procedure for Managing Appeals against Accreditation Decisions

**E-16-PRO**

**REVISION No. 3: 29 January 2019**

<b>Document No.:</b> E-16-PRO	<b>Revision No.:</b> 3	<b>Effective Date:</b> 29/01/2019	
<b>Subject: Procedure for Managing Appeals against Accreditation Decisions</b>			
<b>Compiler:</b> MB Mtshali	<b>Approving Officer:</b> EL Nxumalo	<b>Next Review Date:</b> 29/01/2023	Page 2 of 7

## TABLE OF CONTENTS

DEFINITIONS .....	3
1. DOCUMENT CUSTODIAN .....	4
2. PURPOSE OF THIS DOCUMENT .....	4
3. APPEAL PROCEDURE .....	4
REVISION HISTORY .....	7

**CONTROLLED DISCLOSURE**

When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rests with the user to ensure that it is in line with the authorised version on the database. If the 'original' stamp in red does not appear on each page, this document is uncontrolled.

<b>Document No.:</b> E-16-PRO	<b>Revision No.:</b> 3	<b>Effective Date:</b> 29/01/2019	
<b>Subject: Procedure for Managing Appeals against Accreditation Decisions</b>			
<b>Compiler:</b> MB Mtshali	<b>Approving Officer:</b> EL Nxumalo	<b>Next Review Date:</b> 29/01/2023	Page 3 of 7

## DEFINITIONS

For the purpose of this policy:

**Act** means the Engineering Professions Act (No. 46 of 2000).

**Appeal Committee** means a committee constituted in terms of Rule 5.

**Appellant** means the education provider who is the applicant in Rule 1.

**CEO** (Chief Executive Officer) is the person appointed in terms of section 8(1) of the Engineering Professions Act (No. 46 of 2000).

**Council** means the Engineering Council of South Africa established in terms of Section 2 of the Engineering Professions Act (No. 46 of 2000).

**Education Committee** means a committee with delegated power of Council to make decisions on education programmes, to grant accreditation with or without conditions and to withhold or withdraw accreditation.

**Provider** means a higher education institution that provides engineering education programmes.

### CONTROLLED DISCLOSURE

When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rests with the user to ensure that it is in line with the authorised version on the database. If the 'original' stamp in red does not appear on each page, this document is uncontrolled.

<b>Document No.:</b> E-16-PRO	<b>Revision No.:</b> 3	<b>Effective Date:</b> 29/01/2019	
<b>Subject: Procedure for Managing Appeals against Accreditation Decisions</b>			
<b>Compiler:</b> MB Mtshali	<b>Approving Officer:</b> EL Nxumalo	<b>Next Review Date:</b> 29/01/2023	Page 4 of 7

## 1. DOCUMENT CUSTODIAN

The custodian of this document is the Research Policy and Standards Division. The Regulatory Functions Division is responsible for its implementation.

## 2. PURPOSE OF THIS DOCUMENT

The Engineering Profession Act (No. 46 of 2000) defines appeal procedures for persons aggrieved by decisions regarding registration and disciplinary matters. The Act does not make explicit provision for appeals against accreditation decisions. Decisions by the Engineering Council of South Africa (ECSA) in regard to the accreditation of higher education programmes affect both the providers of the programmes and their students and graduates. Natural justice, therefore, dictates that an appeal mechanism relating to adverse accreditation decisions should be open to providers of programmes.

This policy follows the approach of the ECSA policies on appeals against registration and disciplinary decisions. The policy is guided by Section 40(2) of the Engineering Profession Act, 2000 that allows the Council to delegate powers to its committees but does not permit the delegation of power to hear an appeal. This policy prescribes the procedure for appeals by education providers against decisions of the Education Committee in terms of the policy in document **E-01-POL**.

This policy applies to appeals after the accreditation decision has been conveyed to the provider by the CEO. The policy does not provide for appeals before the Education Committee has considered the report and recommendation of the accreditation team.

## 3. APPEAL PROCEDURE

In the normal course of events and in terms of its procedures, the Education Committee must

- consider the findings and recommendations of the team together with any representations made by the provider;

### CONTROLLED DISCLOSURE

When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rests with the user to ensure that it is in line with the authorised version on the database. If the 'original' stamp in red does not appear on each page, this document is uncontrolled.

<b>Document No.:</b> E-16-PRO	<b>Revision No.:</b> 3	<b>Effective Date:</b> 29/01/2019	
<b>Subject: Procedure for Managing Appeals against Accreditation Decisions</b>			
<b>Compiler:</b> MB Mtshali	<b>Approving Officer:</b> EL Nxumalo	<b>Next Review Date:</b> 29/01/2023	Page 5 of 7

- make the decision in terms of the powers delegated to it by the Council; and advise the provider of its decision accordingly.

If a provider is aggrieved by the decision of the Education Committee in relation to one or more of its programmes, the following procedure must be followed:

1. The provider may appeal to the Council by lodging such an appeal in writing with the CEO within 30 days of the date on which the provider was notified by the CEO of the decision of the Education Committee.
2. Such an appeal must be in writing and must set out the grounds on which the provider seeks to rely. The necessary information to support these grounds must be provided.
3. The CEO may grant an extension of time for the lodging of an appeal for reasons deemed sufficient and reasonable.
4. The CEO must submit the appeal together with all documentation lodged with the appeal to the Education Committee within 14 days of receipt and request the Committee to examine the grounds for the appeal and to furnish its comments to the CEO within 21 days after receipt of the request. The Chairperson of the Education Committee must determine the process by which the Education Committee formulates its comments.
5. The CEO must appoint an Appeal Committee that consists of no more than four members from a panel of persons pre-approved by the Council. These persons must be appropriately qualified to hear the particular case under appeal. No appointed member of the Appeal Committee may be a member of the Committee from which the original decision emanated or a member of the team that visited the provider.
6. The CEO must designate the Chairperson from the members of the Appeal Committee.
7. After receipt of the comments of the Committee referred to in Rule 4, the CEO must immediately submit the appeal in question with all supporting

**CONTROLLED DISCLOSURE**

When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rests with the user to ensure that it is in line with the authorised version on the database. If the 'original' stamp in red does not appear on each page, this document is uncontrolled.

<b>Document No.:</b> E-16-PRO	<b>Revision No.:</b> 3	<b>Effective Date:</b> 29/01/2019	
<b>Subject: Procedure for Managing Appeals against Accreditation Decisions</b>			
<b>Compiler:</b> MB Mtshali	<b>Approving Officer:</b> EL Nxumalo	<b>Next Review Date:</b> 29/01/2023	Page 6 of 7

documentation and comments to the Appeal Committee for consideration. At the same time and in consultation with the members of the Appeal Committee, a date and venue for considering the appeal must be determined.

8. The Appeal Committee must invite the appellant to present his/her case and may call on a representative of the committee referred to in Rule 4 to present the views of that committee.
9. The Appeal Committee must consider all evidence presented and reach a decision by majority vote. This decision will have the status of a recommendation. If there is an equality of votes, the chairperson has the casting vote.
10. The CEO must, without delay, submit the recommendation of the Appeal Committee to the Council for decision at its next scheduled meeting. If such a meeting is not scheduled to take place within 60 days of receipt of the appeal, the CEO must, in consultation with the President of Council, convene a special meeting of Council as soon as practicable.
11. The Council may confirm, vary or revoke the recommendation of the Appeal Committee or reach its own decision. The CEO must notify the appellant of the decision and provide him/her with adequate reasons for its decision within 21 days.
12. Any member of Council who was a member of the accreditation team or the Committee that made the decision being appealed may not vote on the appeal at Council.
13. The notification referred to in Paragraph 11 must contain an advice to the appellant that he/she may appeal against the decision to the Council for the Built Environment in terms of Section 21 of the Council for the Built Environment Act (No. 43 of 2000).

**CONTROLLED DISCLOSURE**

When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rests with the user to ensure that it is in line with the authorised version on the database. If the 'original' stamp in red does not appear on each page, this document is uncontrolled.

Document No.: E-16-PRO	Revision No.: 3	Effective Date: 29/01/2019	
Subject: Procedure for Managing Appeals against Accreditation Decisions			
Compiler: MB Mtshali	Approving Officer: EL Nxumalo	Next Review Date: 29/01/2023	Page 7 of 7

## REVISION HISTORY

Revision Number	Revision Date	Revision Details	Approved By
Rev. 0 Draft A	24 May 2007	Adapted from appeal procedure for registration decisions	APWG
Rev. 1	7 Feb 2008		Council
Rev. 1.1	30 July 2009	Paragraph 12 added	Council
Rev. 2 Draft A	4 June 2014	Revised section 1 Last sentence added to Step 4	Proposed by EPAC
Rev. 2	31 July 2014		Approved by Council
Rev. 3	29 January 2019	Approval	RPSC
Rev. 3	11 December 2020	No material change. Document Numbers changed from E-16-p to E-16-PRO and reference to E-10-P to E-01-POL in line with Document Management System. Added "Document Custodian" to align the document to Policy & Standards Development Framework	EL Nxumalo

The Procedure for:

### Managing Appeals against Accreditation Decisions

Revision 3 has been reviewed for adequacy by the Business Unit Manager and is approved by the Executive: Research Policy and Standards (RPS).

  
 .....  
 Business Unit Manager

14/12/2020  
 .....  
 Date

  
 .....  
 Executive: RPS

14/12/2020  
 .....  
 Date

This definitive version of this policy is available on our website.

#### CONTROLLED DISCLOSURE

When downloaded for the ECSA Document Management System, this document is uncontrolled and the responsibility rests with the user to ensure that it is in line with the authorised version on the database. If the 'original' stamp in red does not appear on each page, this document is uncontrolled.