



**KULTUSMINISTER
KONFERENZ**

**Specimen decree pursuant to Article 4, paragraphs 1 – 4
of the interstate study accreditation treaty**

**(Resolution of the Standing Conference of the Ministers of Education and
Cultural Affairs of the Länder in the Federal Republic of Germany
of December 7, 2017)**

Substantiation of the specimen decree

pursuant to Article 4 paragraph 1 to 4 of the interstate study accreditation treaty

Preliminary remarks

The Standing Conference of the Ministers of Education and Cultural Affairs agreed on the draft of an interstate treaty on the organization of a joint accreditation system to ensure the quality of teaching and learning at German higher education institutions (interstate study accreditation treaty) on December 8, 2016, which in the meantime has been signed by the heads of government of all of the states. With this treaty, the states have implemented the stipulations of the Federal Constitutional Court, which defined the legal requirements on the accreditation system as a quality assurance instrument in the higher education sector by way of a resolution from February 17, 2016. The interstate study accreditation treaty has now created the legal bases for accreditation as a binding, science-led external procedure for quality assurance and enhancement in teaching.

Apart from content-related as well as procedural and organisational requirements that have to be set by the legislature itself, the Federal Constitutional Court has also defined formal regulatory requirements, in particular with respect to the adequate scientific composition of the protagonists, as well as the procedures to set out and revise the assessment criteria. Resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs and the accreditation council have not been considered as sufficient as they are executive agreements.

Article 4 of the interstate study accreditation treaty therefore contains an authorisation for decrees of the states to regulate the details of

- the formal criteria
- the academic criteria
- the procedure and courses of the procedure
- the composition of the panels.

On this basis, the present specimen decree regulates the requirements on the indispensable structural and qualitative standards for the accreditation of Bachelor's and Master's study programmes that are common for all states, which are needed to ensure the obligation of the states resulting from Article 1 paragraph 2 of the interstate study accreditation treaty to guarantee the equivalence of corresponding study and examination results as well as qualifications and the possibility of transfer between higher education institutions.

The regulations are based on the respective resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs on the Bachelor and Master's system¹ and on quality assurance through accreditation, in particular the Common structural guidelines, the existing rules for the accreditation of the accreditation council,

¹ In particular "Common Structural Guidelines of the Länder for the accreditation of Bachelor's and Master's study" courses (resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 10, 2003 as amended on February 4, 2010), see https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2003/2003_10_10-Laendergemeinsame-Strukturvorgaben.pdf

suggestions from its working group on “Rule revisions” as well as the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG). However, the opportunity was also taken here of making the procedures more flexible and optimising these on the basis of former experience with accreditation, and thus of making a contribution to cutting costs and dismantling bureaucracy. Furthermore, the results of hearings with representatives of the German Rector's Conference, the accreditation council, the agencies, the Verband der Privaten Hochschulen (association of private universities), the students and the school authorities have also been taken into account.

Regulations for the charges to be levied by the agencies, for which the interstate study accreditation treaty also offers legal grounds (Article 4 paragraph 5), are not the subject matter of this specimen decree but remain – wherever necessary – reserved to special regulations on the basis of a further specimen decree from the Standing Conference of the Ministers of Education and Cultural Affairs. It is planned to evaluate the development of costs after two years to decide on the necessity of a cost limitation on the basis of this evaluation.

When drawing up this specimen decree, the Standing Conference of the Ministers of Education and Cultural Affairs was guided by the principle anchored in the interstate study accreditation treaty that ensuring and enhancing the quality of teaching and learning is primarily the task of the higher education institutions. The Standing Conference of the Ministers of Education and Cultural Affairs assumes that the higher education institutions independently and nation-wide focus on the quality of the study programme when designing their study programmes.

The following substantiation aims to provide explanations and interpretation aids for the implementation of the state regulations to be enacted on the basis of the specimen decree so as to ensure that the consistency of actions within the scope of the accreditation is guaranteed and the aim of the treaty pursuant to Article 1 paragraph 2 is not jeopardised by divergent practice. The principle that has been expressly advocated up to now continues to apply, namely that the existing freedoms, expressed in the specimen decree through a large number of indicative or directory provisions and restrictive phrasings, be exploited flexibly and productively. However, the exercise of these freedoms requires a comprehensible substantiation by the higher education institutions, which has to be explained and verified during the accreditation of the study programmes and in the corresponding processes of internal quality assurance.

II. On the individual regulations

Part 1 - General regulations

§ 1 - Scope

Paragraph 1 determines the scope of the specimen decree, which in accordance with Article 2 paragraph 2 and paragraph 3 as well as Article 3, relates to the formal criteria, the academic criteria and the procedure.

Paragraph 2 takes account of the decision of the Standing Conference of the Ministers of Education and Cultural Affairs on the "Classification of Bachelor's study programmes at colleges of cooperative education in the consecutive structure of higher education studies" from October 15, 2004², that courses at colleges of cooperative education that lead to the qualification title "Bachelor" are to be accredited. The regulations for the programme accreditation are applicable, unless specific provisions that can be found in § 8 paragraph 6 and § 21 and that are substantiated in the dual concept of the training apply. The qualification title of "Bachelor" that is awarded at colleges of cooperative education is not a higher education degree but a state qualification title.

The accreditation according to the regulations of the (specimen) decree is the basis for the equation under higher education law of Bachelor's degrees from colleges of cooperative education with Bachelor's degrees from higher education institutions, which in particular grants access to Master's study programmes and therefore increases the transfer opportunities between the education systems. It is expected that the equation under higher education law also entails the equation under professional law.

§ 2 - Forms of accreditation

The following regulations of this decree apply to the possible subjects of the accreditation defined in § 2 in accordance with Article 3 (paragraph 1) of the interstate study accreditation treaty.

Part 2 - Formal criteria for study programmes

Part 2 above all addresses the Common structural guidelines, with which the states have agreed on the core elements of the two-cycle graduation system as a basis for mobility during the study programme and mutual recognition of qualifications within Germany and the European Higher Education Area.

² http://www.Kultusministerkonferenz.org/fileadmin/veroeffentlichungen_beschluesse/2004/2004_10_15-Bachelor-Berufsakademie-Studienstruktur.pdf

§ 3 - Structure and duration of higher education studies

Paragraph 1 establishes the principle that the Bachelor's degree is the standard qualification in a two-cycle graduation system. It has to be characterised by a distinctive profile qualifying for a profession that allows a professional activity to be taken up in the respective specialist field. This does not rule out the possibility that the requirements stipulated under professional law for certain professional activities are only achieved at the Master's level.

The Master's degree is defined as a another professional qualification at a higher education level.

Paragraph 2 represents the orientation framework for the planning and conception of Bachelor's and Master's study programmes for the higher education institutions; it does no regulate the individual study behaviour.

The variability of 3, 3.5 and 4-year Bachelor's study programmes and 1, 1.5 or 2-year Master's study programmes in a full-time study programme allows the study programme to be organised according to the requirements of the respective discipline and disciplinary culture. Study programmes on a Bachelor's level with a full-time standard period of study of less than three years are excluded. The total standard period of study up to the Master's level in consecutive study programmes is 10 semesters.

Exceptions are possible in the core artistic subjects at colleges of art and music. Consecutive Bachelor's and Master's study programmes with a total standard period of study of 6 years can also be established in these subjects subject to the provisions of the relevant state legislation³. Moreover, state legislation can also allow for an adjustment of the standard period of study with a corresponding organisation of the study programme.

Paragraph 3: The derogation for the "full-time theology course" is worded with reference to Article 17 paragraph 2 of the interstate study accreditation treaty and with a view to the agreement of the Standing Conference of the Ministers of Education and Cultural Affairs with the Protestant church in Germany and with the German Catholic Bishop's Conference "Key Points for the Structure of Studies in Study Courses involving Catholic and Protestant Theology/Religion" - resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of December 13, 2007"⁴. In this agreement, the churches agreed to follow the structural guidelines applicable to study programmes.

³ Note: the core artistic subjects are not defined in more detail here. Each state and higher education institution decides on the inclusion of the study programmes in fine arts in the two-cycle structure of higher education studies and assignment of a subject to the core artistic subjects.

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http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2007/2007_12_13-Eckpunkte-Studienstruktur-Theologie.pdf

However, divergent regulations can apply in individual cases with respect to study programmes leading to a qualification for a church office. According to this, the graduation in Bachelor and Master is not compulsory. As for the rest, however, the full-time study programmes in theology with a standard period of study of ten semesters are governed fully by the formal and academic criteria of the accreditation, with the exception of the qualification (see here § 6 paragraph 2 clause 6 and substantiation).

§ 4 - Profiles for study programmes

Paragraph 1 defines regulations for the profile of Master's study programmes. Master's study programmes can be assigned to the profile types "application-oriented" and "research-oriented" irrespective of the type of higher education institution. In view of the waiver of a differentiation between study programmes at universities of applied science and higher education institutions, the differentiation allows transparency for students and the labour market. If a profile type is identified, this has to be expressed very clearly in the design of the study programme.

Master's study programmes at colleges or art and music may have a specifically artistic profile.

Master's study programmes that teach the educational requirements for a teacher training qualification, on the other hand, must have a particular teacher training-related profile. To this end, the professional requirements for teacher training programmes that are common for all states (standards in educational sciences and requirements on the content of the subjects and their didactics that are common for all states) as well as any state-specific content-related and structural specifications are to be established as assessment standards.

The respective profile shall be verified in the accreditation.

Paragraph 2: Irrespective of the type of higher education institution a differentiation is made between Master's study programmes that are consecutive and those providing further education; the latter are defined in more detail in § 11 paragraph 3.

Master's study programmes that provide further education lead to the same degree level and the same rights as consecutive Master's study programmes. The same requirements on the standard period of study and the requirement of a final thesis therefore apply for these too.

Paragraph 3 makes it clear that the requirement of a final thesis is an indispensable quality feature for all study programmes. In artistic study programmes, the term "final thesis" can also be understood in the sense of a "final project". The final thesis serves to prove the ability to deal with a problem from the respective subject independently by

means of scientific or artistic methods within a set period of time. With respect to the scope of the final theses, please refer to § 8 paragraph 3.

§ 5 - Admission requirements and transitions between different courses

Paragraph 1: Admission to a Master's study programme assumes a first professional qualification at a higher education level⁵. This takes account of the character of the Master's degree as another professional qualification at a higher education level (see § 3 paragraph 1).

An exemption from the requirement of a first professional qualification at a higher education level in Master's study programmes providing further education and those of an artistic nature is possible under state legislation if the first professional qualification at a higher education level is replaced by an entrance examination. Clause 3 determines that admission requires a qualified, i.e. professional experience relevant for the qualification goal of the study programme of usually no less than one year, with a view to the profile of Master's study programmes providing further education as specified in § 4 paragraph 2.

Paragraph 2 clause 1 takes into account the interests of colleges of art and music, that are primarily concerned with special artistic skills when it comes to admission to Master's study programmes. When it comes to admission to artistic Master's study programmes providing further education – and unlike other Master's study programmes providing further education – professional activities that are only completed during the study programme can also be taken into account if allowed by state legislation.

Paragraph 3: Further requirements for admission to Master's study programmes can be stipulated according to state legislation.

§ 6 - Qualifications and qualification designations

Paragraph 1 regulates the principle that only one degree can be awarded for the successful completion of a study programme. Exceptions are only possible within the scope of international cooperation projects leading to a double or multiple degree from the higher education institutions involved. This rules out the possibility of degrees being awarded simultaneously under the old and the new graduation system. There is no differentiation between the qualification degrees depending on the length of the standard period of study or the type of higher education institution where the degree was earned.

⁵ Note: The specimen decree does not contain any specific regulations on transitions between the study programmes in the different graduation systems for which the general provisions governing credits apply. The higher education institutions and the states are free to regulate details in the examination regulations or the higher education regulations.

Paragraph 2 conclusively defines the qualification designations for the Bachelor's and consecutive Master's study programmes. The Latin designations *Baccalaureus/Baccalaurea* and *Magister/Magistra* can be used in place of the qualification designations Bachelor and Master. In the case of study programmes that cannot be clearly assigned to one of the groups of subjects named in clause 1 numbers 1 to 7, the qualification designation depends on the subject focus of the study programmes. This applies for interdisciplinary and combined study programmes, but also in particular for polyvalent study programmes in the field of teacher training, for which the qualification designations according to numbers 1 – 7 can be awarded. Different designations may still be used for Master's study programmes providing further education. Subject additions to the qualification titles and mixed-language qualification titles are excluded, as are Bachelor's degrees with the supplement "honours".

Exceptions from the specifications for the qualification designations exist for full-time, non-graduated study programmes in theology. These are usually concluded with one academic degree. If the examination regulations stipulate an academic graduation, the qualification designation "*Magister Theologiae*" can be used in accordance with number 3 of the "key points". Reference is thus made in a Latin form to the academic degree of "Master", and in this respect the relationship established to the extensive Bologna framework. The theological faculties are free to award this academic degree in a feminine form too.

Paragraph 2 number 7 regulates the designations for Bachelor's and consecutive Master's degrees for study programmes that teach the educational requirements for a teacher training qualification. In the interests of transparency, and to avoid false expectations of mobility the qualification designation "Master of Education" (section B 2. of the latest version of the "Common structural guidelines of the Länder for the accreditation of Bachelor's and Master's study courses", resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 10, 2003) should in any case be reserved for those qualifications that grant admission – usually nationwide – to a preparatory service for a teacher training qualification pursuant to state law.

Paragraph 3 allows the possibility of issuing attestations of equivalence and therefore serves the establishment of transparency with respect to the degree level of the Bachelor's and Master's degree compared to Diploma degrees from a single-stage system. Attestations of equivalence are already common practice at some higher education institutions.

Paragraph 4 regulates that the Diploma supplement is an obligatory and integral part of

every degree certificate. The Diploma supplement is an additional document with standardised information on describing qualifications at a higher education level and associated qualifications that should facilitate and improve the assessment and classification of these qualifications for both study and professional purposes. The latest version of the Diploma supplement agreed between the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rector's Conference must be used.

§ 7 - Modularisation

Paragraph 1 defines the requirements on the modularisation that have to be proven during the accreditation. Modules combine subjects in thematically and chronologically complete, self-contained study units assigned with a number of credits. They can be made up of different teaching and learning formats (such as lectures, tutorials, practical work assignments, e-learning, research training, etc.). A module can comprise the content of a single semester or an academic year, but can also cover several semesters in exceptional cases. The temporal limitation to two consecutive semesters in principle has two main intentions. On the one hand, modules serve the transparent internal structuring of study programmes and should therefore not be too large. On the other hand, modules that last for a longer period of time could restrict mobility. If the higher education institution departs from the specified limitation, it has to be demonstrated that this has no negative effect on the objectives pursued or that this is compensated by corresponding measures. Clause 3 takes account of the particularities of artistic study programmes.

Paragraphs 2 and 3 regulate the requirements on the description of modules. The description of the modules should offer students reliable information on the study progress, contents, qualitative and quantitative requirements and integration in the overall programme concept as well as the relationship to other modules on offer. The description should also allow an assessment of the module with a view to the recognition and transfer of credits when changing to a different higher education institution.

Paragraph 2 does not contain any rigid stipulations that would prevent a flexible organisation of the course. Notwithstanding the responsibility of the higher education institutions for organising the modules in detail, the standards for the description of modules recommended in numbers 1 to 9 do, however, assume that information be provided on the following aspects:

1. Content and qualification goals of the module
 - a) subject-specific, methodical, practical and interdisciplinary content,

- b) subject-related, methodical, interdisciplinary competences, key qualifications,
 - c) learning and qualification goals that are aligned to an overall qualification (envisaged degree) to be defined;
2. Teaching formats
Description of the individual teaching and learning formats (lectures, tutorials, seminars, practical work assignments, project work, self-study);
 3. Requirements for participation (in conjunction with paragraph 3)
Description of the knowledge, abilities and skills for a successful participation as well as possibilities for preparing the participation (including bibliographical references, references to multimedia-based teaching and learning programmes);
 4. Usability of the module (in conjunction with paragraph 3)
Description of the relationship between the module and other modules in the same study programme and the extent to which it is suitable for use in other study programmes;
 5. Requirements for the award of credit points
Description of the requirements for the award of credit points - in particular examinations (type of examination, e.g. oral or written examination, presentation, seminar paper as well as the scope and duration of the examination), attendance records,
Compensation possibilities are to be regulated in the examination regulations;
 6. Credit points and grades
Separate specification of credit points and grades; apart from the grade on the basis of the German grades from 1 to 5, a relative grade must also be shown for the final grade. It is recommended that this be calculated according to the latest version of the ECTS Users' Guide;
 7. Frequency with which the modules are offered
Specification of whether the module is offered every semester, every academic year or only at longer intervals;
 8. Workload
Specification of the total workload involved and the number of credit points that are awarded for each module;

9. Duration of the modules

Specification of the duration of the modules on account of their influence over the order of study, the examination workload and the frequency of the offer.

§ 8 - Credit points system

Paragraph 1 deals with the award of credit points. They are a quantitative measure for the student's overall workload and comprise both the direct teaching as well as the time needed for the preparation and follow-up of the syllabus (class time and self-study), the examination workload and the examination preparations including the final theses and seminar papers as well as any practical work assignments.

Credit points are awarded on the basis of the European Credit Transfer System (ECTS), which is applied in the European Higher Education Area in the course of the Bologna process and therefore facilitates mutual recognition.

60 credit points are awarded in each academic year, i.e. 30 per semester. One credit point is assumed for a student workload in class time and self-study of 25 to a maximum of 30 hours, so that the total workload in a full-time study programme amounts to 750 to 900 hours per semester in the lecture and lecture-free period. This corresponds to between 32 and 39 hours a week for 46 weeks a year. The concrete specification of how many working hours form the basis of an ECTS credit point within the given range takes place in the study and examination regulations.

Credit points are assigned to the individual modules. They are awarded if the achievements stipulated in the examination regulations are proven, whereby an examination is not necessarily assumed but the successful completion of the respective module is.

Paragraph 2 stipulates that at least 180 ECTS credit points are needed to achieve the Bachelor's degree, and a total – i.e. including the previous study programme up to the first professional qualification – of 300 ECTS credit points to achieve the Master's level. No exceptions to these planning specifications are foreseen for the higher education institutions. The deviations from the standard period of study that are allowed pursuant to § 3 relate exclusively to the specified times and do not allow any deviation from the specified number of ECTS credit points.

According to clause 4, the 300 ECTS credit points required for the Master's degree can be waived in individual cases with a corresponding qualification of the student. This exception, however, relates exclusively to the student and not the study programme. Accordingly, applicants can also be admitted to the Master's study programmes who do not achieve the sum total of 300 ECTS credit points on account of the number of ECTS

credit points from the Bachelor's study programme. A requirement is proof of the qualification necessary for the admission.

In accordance with the possible total standard period of study of 6 years (§ 3 paragraph 2), the Master's level in case of consecutive Bachelor's and Master's study programmes in the core artistic subjects at colleges of art and music can be achieved with 360 credit points. The possibility of large modules in the core artistic subjects in the Bachelor's study programme takes into account the particularities of the artistic training, which is opposed to a small-scale modularisation on account of the integrated approach.

Paragraph 3 regulates the scope of work of the final theses. In order to guarantee a scope of work that is based on the training goal and level and is commensurate to the number of hours in the respective study programme, this may not fall below 6 ECTS or exceed 12 ECTS credit points for the Bachelor's thesis. A lower limit of 15 and upper limit of 30 ECTS credit points applies for the Master's thesis. The specifications serve both to ensure the quality as well as the interests of the students in study programmes that are not overloaded in terms of either content or time. The ranges allow a flexible organisation in consideration of the particularities of specific subjects.

The specifications apply in principle for colleges of art and music too. In study programmes in fine arts, the scope of work can be up to 20 ECTS credit points for the Bachelor's thesis and up to 40 ECTS points for the Master's thesis in duly substantiated exceptional cases.

Paragraph 4 determines that deviations from the specifications of the number of credit points in each semester are in principle possible with certain types of study programmes, e.g. intensive study programmes. The upper limit here is 75 ECTS credit points on the basis of 30 hours for each credit point. In these cases, special attention must be paid to the academic feasibility. The higher education institutions can contribute to the academic feasibility in such study programmes by means of special study-related organisational measures.

Paragraph 5 takes up the recommendation of the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rector's Conference of June 12, 2007/July 8, 2008⁶ on awarding a Master's degree in teacher training with a designated inclusion of the achievements from the preparatory service. One option to include the preparatory service in the Master's study programme is to credit parts of the preparatory service. A benchmark for practical school training in the study programme and in the preparatory service are the "Standards for teacher training: educational sciences"

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https://www.Kultusministerkonferenz.org/fileadmin/Dateien/pdf/PresseUndAktuelles/Beschluesse_Veroeffentlichungen/Kultusministerkonferenz-Hochschulrektorenkonferenz-Empfehlung_12-06-08_08-07-08.pdf

(resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of December 16, 2004)⁷. On this basis, the higher education institutions and the institutions of the second phase of training agree on state-specific qualification frameworks, on the basis of which the higher education institutions and the institutions of the second phase of training will jointly and unanimously develop training formats and examination procedures with a scope of up to 60 ECTS points for a one-year training period as the basis for crediting to a study programme at an higher education institution.

Paragraph 6 regulates particularities of the structure of higher education studies at colleges of cooperative education. colleges of cooperative education are tertiary sector institutions that offer science-related and at the same time practically-oriented training lasting at least three years. The number of ECTS credit points to be achieved and the ratio of theoretical and practical elements of training is based on the aforementioned resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 15, 2004⁸.

The comparability with Bachelor's study programmes at higher education institutions as a requirement for the equation under higher education law makes it necessary that the theory-based elements of training are commensurate with the practically-oriented elements of training. The classification as "theory-based" and "practically-oriented" should not be carried out relative to a specific institution but to the learning content so that theory-based ECTS credit points can also be earned during the training phases in the company if the corresponding requirements are given, which also relate to the teaching staff (see § 21). The definition of a range from 120 to 150 ECTS credit points for the theory-based elements allow a flexible organisation corresponding to the requirements of the respective training courses.

§ 9 - Special criteria for cooperations with non-university institutions

§ 9 stipulates the specific formal criteria for non-university cooperation projects pursuant to § 19. Paragraph 1 clause 1 stipulates the requirement of a written cooperation agreement between the higher education institution awarding the degree and cooperating training providers with respect to the nature, scope and mutual achievements of the existing cooperation from the point of view of quality assurance and transparency. In addition, a transparent description of the scope and type of cooperation on the website of the higher education institution is necessary for reasons of consumer protection.

⁷ Standards for teacher training: educational sciences (resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of December 16, 2004, as amended on June 12, 2014) under http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2004/2004_12_16-Standards-Lehrerbildung-Bildungswissenschaften.pdf

⁸ See footnote 2

Paragraph 1 clause 2 emphasises that the higher education institutions, as guarantors for the quality of the qualifications and degrees at a higher education level they award, are responsible for ensuring the quality of the study programmes and the recognition of prior learning. Only those competences that are equivalent in terms of content and level to that part of the study programme they are to replace can be credited. The knowledge and skills acquired outside of higher education may replace no more than 50% of a study programme at a higher education institution. This ensures that an essential part of the training on which the qualification at a higher education level is based, takes place under the direct responsibility, i.e. through the own performances of the awarding higher education institution.

Paragraph 2 makes it clear that cooperation projects with non-university institutions with respect to a study programme can only be regarded as being of an equivalent quality on condition that this generates additional verifiable scientific and educational policy benefits for future students and the higher education institution awarding the degree. This added value must be presented comprehensibly.

§ 10 - Special regulations for joint degree programmes

The regulation serves the implementation of the so-called European Approach for Quality Assurance of Joint Programmes (EA) resolved at the Conference of Ministers of Education from the European Higher Education Area⁹ in May 2015 in Yerevan¹⁰. This should enable the external quality assurance of study programmes developed and answered for jointly by higher education institutions in different states, in particular in the European Higher Education Area, on the basis of uniform rules of procedure and criteria that are oriented on the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)¹¹ on which the European Higher Education Area is also based. Corresponding regulations on the academic criteria and the rules of procedure can be found in Part 3 and 4 of this decree (§§ 16 and 33). The regulations contained in part 2, 3 and 4 of this decree are only applicable for joint degree programmes wherever this is explicitly stipulated.

The regulations on joint degree programmes set out the legal framework for accreditation decisions based on divergent criteria and rules of procedure. They hereby open up the possibility of taking accreditation decisions that differ from the criteria and rules of procedure defined in this decree, above and beyond the right of the Accreditation Council Foundation contained in Article 5 paragraph 3 number 2 of the interstate study accreditation treaty to stipulate the requirements for the recognition of

⁹ <https://www.ehea.info/> , currently 48 European states

¹⁰ <http://bologna->

[yerevan2015.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20Programmes_v1_0.pdf](http://www.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20Programmes_v1_0.pdf)

¹¹ <http://www.ehea.info/cid105593/esg.html>

accreditation decisions by foreign institutions. Article 5 paragraph 3 number 2 of the interstate study accreditation treaty only gives the Accreditation Council Foundation the mandate to regulate the requirements for the performance of corresponding recognition procedures on the basis of the criteria and rules of procedure enacted in the interstate study accreditation treaty and the decrees enacted on the basis of Article 4 of the interstate study accreditation treaty, without allowing any deviation from these stipulations. This does not entail an authorisation of the Foundation to define its own criteria and rules of procedure that differ from these stipulations in such procedures, with a view to the goals set out in Article 1 paragraphs 2 and 3, Article 4 paragraph 6 of the interstate study accreditation treaty, though also with a view to constitutional law principles (in particular the principle of legal certainty and the theory of “legislative reservation”).

Paragraph 1 defines the scope of application. This is initially restricted to study programmes that lead to a joint degree, in view of divergent criteria that are associated with the application of the EA - in particular, from a structural point of view 300 ECTS credit points do not necessarily have to be taken as a basis for a Master’s degree, including the first qualification - and definition issues related to the scope of application that still have to be clarified apart from that. According to this, a joint degree programme is a study programme offered by a domestic higher education institution together with one or more foreign higher education institutions that leads to a degree awarded jointly by these higher education institutions.

The participating higher education institutions must be recognised as higher education institutions by the competent authorities in their states. Their respective national legal framework must allow their participation in joint degree programmes and the award of a joint degree (see B 1.1 EA).

Numbers 1 to 5 define the constitutive requirements on the organisation of the study programme and the cooperation needed for applicability.

Number 1 stipulates that the study programme must be based on a jointly coordinated and systematic, coherently interrelated curriculum. This excludes an application on models where higher education institutions only cooperate in recognizing competences, but do not offer a joint curriculum (see introduction to EA).

Number 2 stipulates that each student must complete at least 25% (measured in ECTS credit points) of the study programme at at least one of the foreign partner higher education institutions. This rules out an application of the special regulations for joint degree programmes on cooperation projects with optional study abroad or cooperation projects in which only foreign students have to be mobile.

Number 3 postulates the requirement of a contractually agreed cooperation between the participating higher education institutions so as to guarantee the sustainability of the study programme in the interests of the students in particular. The cooperation agreement concluded by the participating higher education institutions within the scope of their contractually agreed cooperation must contain in particular regulations on: the designation of the qualification awarded in the study programme; Coordination and responsibilities of the partners involved regarding management and financial organisation; admission and selection procedures for students; mobility of students and teaching staff; examination regulations, student assessment methods, recognition of credit points and degree awarding procedures and the involvement of all cooperating institutions in the design and delivery of the study programme (see B 1.3 EA).

Number 4 ensures that in the interests of students, the study programme has a coordinated admissions and examination system (see B 1.3 EA).

Number 5 stipulates that the participating higher education institutions must have a joint quality management system. This also includes the application of joint internal quality assurance processes by the participating higher education institutions. These comprise in particular the quality assurance strategy, standards to design and approve study programmes, consideration of the principles of study-centred learning, teaching and examining, transparent regulations on admissions and study progress, recognition and qualification, ensuring the competence of the teaching staff, the provision of appropriate means to ensure the learning environment, a sound information management system and an ongoing monitoring and periodic review of the study programmes (see B 9 EA in conjunction with the ESG 1.1 and Part 1 of the ESG).

Paragraph 2 stipulates formal criteria that apply for joint degree programmes.

With a view to the involvement of foreign higher education institutions and the political agreements reached in the European Higher Education Area, Clause 1 expressly stipulates the application of the recognition principles of the so-called Lisbon Recognition Convention, that already applies qua Federal and state legislation for higher education institutions in Germany, as criterion¹² (see B 4.2 EA). These comprise:

- A right to the recognition of competences acquired as qualification for a study programme at a higher education institution/within the scope of a study programme at a higher education institution in the event that there are no substantial differences between the acquired competences and those that have to be proven. This is to be measured in particular by the qualification goal of the respective study

¹² law from April 11, 1997 on the Convention on the Recognition of Qualifications concerning Higher Education in the European Region from May 16, 2007 (BGBl. (German Federal Law Gazette) 2007 II p. 712 f, <http://www2.fzs.de/uploads/lissabonkonvention.pdf>)

- programme that is to be achieved,
- reversal of the burden of proof in favour of the applicant,
 - an obligation on the part of the higher education institution to substantiate negative decisions,
 - the right to a review of the decision.

Clause 2 makes it clear that the principles set out in §§ 7 and 8 paragraph 1 on modularisation and the credit points system apply here too and that the distribution of credit points must be clear (see B 3.2 EA).

Clause 3 stipulates in accordance with the political agreements in the European Higher Education Area that a Bachelor's study programme must comprise at least 180 and a maximum of 240 credit points, a Master's study programme at least 60 credit points (see B 3.3 EA). Clause 4 makes it clear, in particular in the interests of internationally mobile students, that the relevant information on the programme, such as admission requirements and procedures, course catalogue, examination and assessment procedures must be published and accessible to students at all times (see B 8 EA).

Paragraph 3 extends the scope of the criteria and rules of procedure set out in §§ 10 paragraphs 1 and 2, 16 paragraph 1 and § 33 paragraph 1 of the so-called European Approach to joint degree programmes conducted in cooperation with higher education institutions outside the European Higher Education Area if the cooperation partner outside Europe has pledged to apply these principles in a cooperation agreement with the domestic higher education institution.

Part 3 Subject-content criteria for study programmes and quality management systems

This section serves to concretize the academic criteria named in Article 2 paragraph 3 of the interstate study accreditation treaty.

§ 11 - Qualification goals and qualification level

§ 11 regulates the criteria according to which the consistency of the qualification goals and the qualification level of the respective programme concept is to be assessed within the scope of the accreditation procedure.

Paragraph 1 makes reference to Article 2 paragraph 3 number 1 of the interstate study accreditation treaty which lists the scientific or artistic proficiency that corresponds to the envisaged qualification level and the employability as well as the development of personality as qualification goals of a study programme. In view of the particular significance of the connection to society of teaching and learning as part of the

personality development characteristic, this is mentioned explicitly in accordance with the definition of the German Council of Science and Humanities in the recommendations on the relationship between university education and the labour market from 2015¹³. Within the scope of the accreditation, it should be assessed whether the qualification goals and intended learning outcomes that are to be specified by the higher education institution for each study programme actually reflect these goals.

Paragraph 2: The aspects of the subject-related, scientific artistic, methodological and character-forming requirements described in paragraph 2 are based on the descriptors and competence dimensions of the latest version of the qualifications framework for German qualifications at a higher education level¹⁴, which was drawn up in a cooperation between the German Rector's Conference and Standing Conference of the Ministers of Education and Cultural Affairs and agreement with the Federal Ministry of Education and Research and resolved by the Standing Conference of the Ministers of Education and Cultural Affairs on February 16, 2017. This implements the qualifications framework for the European Higher Education Area¹⁵ on a national level and comprises the teaching of current subject-related knowledge, interdisciplinary knowledge and the generally recognised principles of good scientific practice as well as the acquisition of methodological, personality and social competences and the guarantee of employability and lifelong learning skills. It should be assessed in the accreditation whether the programme concept covers these aspects and these correspond to the qualification level that is taught.

Paragraph 3 stipulates the requirements on the Bachelor's and Master's levels in a two-cycle system and on the different profiles for the study programmes to be verified in the accreditation, based on the respective resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs¹⁶ that have proven themselves in former accreditation practice.

Clause 1 hereby clarifies the function of the Bachelor's degree as a first professional qualification, which teaches a broad qualification as a basic qualification at a higher education level and thus has to ensure the ability to take up a professional activity as well as for further scientific qualification and lifelong learning. In accordance with the differentiation of the Master's study programmes pursuant to § 4 paragraph 2, clause 2 defines consecutive Master's study programmes as consolidating, extending, multi-

¹³ <https://www.wissenschaftsrat.de/download/archiv/4925-15.pdf>, p. 40f

¹⁴ https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2017/2017_02_16-Qualifikationsrahmen.pdf

¹⁵ http://media.ehea.info/file/WG_Frameworks_qualification/85/2/Framework_qualificationsforEHEA-May2005_587852.pdf

¹⁶ See footnote 1

disciplinary study programmes, or ones with other subjects. Clauses 3 and 4 regulate the special requirements on Master's study programmes providing further education. Master's study programmes providing further education are characterised by an emphasis on professional qualification. Therefore, the preceding professional activity is a constitutive element that has to be reflected in both the duration as well as the type of activity. If the minimum duration of the preceding professional activity is fallen short of by one year, this hence requires particular justification. The professional activity builds on the preceding first professional qualification and therefore cannot be replaced by either mandatory internships in the Bachelor phase or professional activity before the Bachelor study programme is begun. According to the qualification objective, special attention must be paid during the accreditation to the relationship between the professional qualification and programme concept as explained by the higher education institution. The same applies for the verification of the requirements that – despite the predominantly professional focus – have to meet the qualification level defined for the Master's stage in terms of structure (see also § 4 paragraph 2) and content (see also paragraph 2). Clause 5 specifies the qualification goals for artistic Bachelor's and Master's study programmes.

Bachelor's and Master's study programmes can be studied at various higher education institutions, and at different kinds of higher education institution as well as with phases of professional activity between the first and second degree.

§ 12 - Coherent programme concept and adequate implementation

§ 12 concretizes the criteria for the assessment of the respective programme concept based on the structural requirements set out in § 3 ff. and defines the framework that has to be verified for an adequate implementation. A particular focus here is on the academic feasibility. The regulations are based on the standards included in the ESG adopted by the participating countries in the European Higher Education Area at their Ministerial Conference in May 2015 for the internal quality assurance of higher education institutions, in particular as to the design of study programmes (standard 1.2), student-centred learning, teaching and assessment (standard 1.3), admission, progression, recognition and certification (standard 1.4), teaching staff (standard 1.5) and the requirements on the learning environment (standard 1.6).

Paragraph 1 clause 1 calls for a coherent curriculum with a view to the ability to achieve the qualification goals in consideration of the entry qualification (see standard 1.2). Clause 2 demands a contextualisation of qualification goals (see also § 11 paragraphs 1 and 2), name of the study programme, qualification level and designation (see also § 6) and module concept (see also § 7). Clause 3 postulates a variety of teaching and learning methods adapted to the respective disciplinary cultures and the study programme format as well as any necessary practical parts (see standard 1.3). Clause

4 stipulates that the study programme must offer a suitable framework to encourage student mobility, allowing students to attend other higher education institutions without losing time. This includes in particular the consideration of mobility windows in the programme concepts and recognition procedures that consistently apply the principles of the Lisbon Recognition Convention¹⁷ for not only study periods at higher education institutions abroad but also those in the home country. Admission requirements for Master's study programmes must also encourage mobility and enable a transfer between higher education institutions as well as between different types of higher education institutions. Clause 5 ensures that the students are encouraged to take an active part in designing the teaching and learning process. This guarantees student-centred learning, teaching and assessment within the meaning of standard 1.3 of the ESG.

Paragraphs 2 and 3: Apart from those aspects related to the study programme, the institutional framework should also be included in the assessment, wherever this is directly relevant for the implementation of the study programme. This covers both the teaching staff as well as the resources and equipment (see standard 1.5 teaching staff and 1.6 learning environment). The phrasings hereby guarantee a discretion depending on the concrete study programme.

Paragraph 2 clause 1 stipulates that the teaching staff must offer both a quantitative and qualitative guarantee for the adequate implementation of the curriculum. This also includes the communicative skills of the teaching staff. Clause 2 demands that the connection between research and teaching be guaranteed by an adequate number of professors (main job)¹⁸ who teach on a regular basis. This applies for both the undergraduate and graduate study programmes. Clause 3 demands suitable measures for the choice and qualification of staff to ensure content-related and didactic qualified teaching in each study programme. This includes structured processes for appointment procedures or a systematic offer for higher education didactic qualification.

Paragraph 3 regulates that the resources and equipment must also be included in the assessment, wherever these are important for the implementation of the concept and the achievement of the qualification goals. The supplement in brackets contains an exemplary list of possible equipment features, though this is by no means exhaustive and can be replaced or supplemented by others depending on the individual case.

Paragraph 4: The envisaged examinations and types of examination must enable the students to demonstrate the extent to which they have achieved the intended learning outcomes. The examinations must be related to the module – and not the individual

¹⁷ See footnote 12

¹⁸ On account of different definitions of the title "Professor" in state law, divergent titles may be used here in the decrees of the states.

lectures – and be competence-oriented. In order to ensure this, a permanent review and further development of the types of examination used must be guaranteed.

Paragraph 5 ensures that the study programme is designed in such a way that it can typically be completed with success by a student within the standard period of study and clause 2 lists the components that have to be checked indispensably in the assessment. This list is not exhaustive. Depending on the concrete programme concept (for example, study programmes with a particular profile requirement, see paragraph 6), further factors may have to be taken into account here.

One criterion for the academic feasibility according to number 1 is a predictable and reliable implementation of the study programme. This comprises in particular informing students promptly and comprehensively of all organisational aspects related to the study programme and the transparent and reliable planning and performance of courses and examinations.

Number 2 also requires the absence of overlaps in courses and examinations to a large extent. This applies above all for the compulsory module area and the frequently chosen combinations of subjects and elective modules. As for the rest, if an absence from overlaps cannot be guaranteed, it must be ensured that applicants/students are informed in due time and transparently.

Number 3 also requires that in the programme concept, in consideration of the formal requirements in § 7 and § 8 the workload involved and examination load be determined plausibly and that these determinations are checked continuously and adjusted wherever necessary, in particular through regular workload surveys. In order to ensure an active design of the order of study by students, sufficient flexibility, in particular with a view to changing the higher education institution, and predictability for students, the learning results of a module shall be calculated so that these can usually be achieved within one semester, though at most within one year.

An adequate frequency and organisation of examinations is also indispensable according to number 4. This is why modules should usually only be concluded with one examination to reduce the examination load and usually comprise no more than five ECTS credit points. Consequently, no more than six examinations can be assumed each semester with 30 ECTS credit points per semester in a full-time study programme. Examination here means the legally sound proof that the module's qualification goal has been reached. This includes preliminary work, academic achievements or other proofs, such as the completion of a practical work assignment, performance of a laboratory test, participation in excursions.

These are directory regulations, i.e. deviations are possible in justified exceptions. The

consistency of the respective module concepts and the consistency of the examination concept relative to the qualification goals of the respective module hereby have to be taken into account as well as the overall examination load in the respective study programme¹⁹.

Paragraph 6: The study programme's profile as published by the higher education institution has to be included in the assessment too. If the higher education institution advertises or identifies a study programme with certain features (e.g. international, dual, extra-occupational, virtual, on-the-job, part-time), these features are part of the programme profile and thus also a subject matter of the assessment.

In these cases, the criteria named in paragraphs 1 to 5 are applicable depending on the specific profile and from the specific point of view in each case and must be measured against the particular requirements to be defined in each case by the higher education institutions. These include in particular aspects such as the specific target group, a particular organisation of the study programme, different places of learning and the involvement of practical partners, for example in dual models, specific teaching and learning formats or the existence of a sustainable quality management system that covers the different places of learning. A study programme may be called and advertised as "dual" if the places of learning (at least higher education institution/college of cooperative education and company) are systematically geared to each other in terms of content, and organisation and on contract-level.²⁰

§ 13 - Subject-content organisation of the study programmes

§ 13 defines the framework for the subject-content assessment of study programmes and specifies the special requirements for teacher training programmes.

Paragraph 1: In view of Article 5 paragraph 3 of the German Basic Law, the regulation is limited to checking compliance with the procedural requirements to ensure a sound programme concept regarding the subject and leaves the experts a wide margin of discretion in terms of content. In accordance with clause 1, this includes the existence of mechanisms/measures to determine the consistency of the subject-related and scientific requirements. Moreover, clause 2 requires proof of a regular check and readjustment of not only the subject-content design of the curriculum but also the methodical-didactic approaches so as to guarantee a teaching of the breadth and diversity of current scientific theories in the respective subject. According to clause 3, this can only be ensured if the professional discourse on a national and, if necessary, international level, is taken into systematic account. This includes a critical reflection on

¹⁹ "Common structural guidelines of the Länder for the accreditation of Bachelor's and Master's study courses" of February 4, 2010 – interpretation aids – of February 25, 2011, number 5

²⁰ On account of different definitions of the designation "dual studies" in state legislations, divergent definitions may be used here in the decrees of the states.

various subject-related reference systems as well as a continuous analysis of the latest research.

The use of modules from Bachelor's study programmes in Master's study programmes is only allowed in exceptional cases if the partial qualification goal achieved by the successful completion of the respective module serves the achievement of the overall qualification goal of the Master's study programmes in an adequate manner. This applies for both the consecutive study programmes and those providing further education. On the other hand, the duplication of modules in parts of the study programme with consecutive content is to be excluded. It also has to be ruled out that modules with essentially the same content can be taken in both the Bachelor's study programme and again in the Master's study programme.

Paragraphs 2 and 3 define the subject-content criteria for the assessment of study programmes that teach the educational requirements for a teacher training qualification. With a view to the requirement of ensuring a high quality of instruction and thus of guaranteeing comparable educational opportunities (state responsibility for the school system), uniform stipulations are required here. The regulations are based on standards resolved by the Standing Conference of the Ministers of Education and Cultural Affairs in this respect.²¹

Paragraph 2 regulates the requirement of checking that the curriculum corresponds to the standards in specialist sciences and teaching methodologies as well as educational sciences that are common for all states. These result in each case from the requirements on content that are common for all states and possibly state-specific, on the basis of the Standing Conference resolutions in the currently applicable version.²²

Paragraph 3 determines the structural and conceptional criteria to be verified in the accreditation and hereby adopts the stipulations made in the respective Standing Conference resolution. The exceptions for the subjects art and music that this allows for the respective teacher training course must be taken into account. Clause 2 makes it clear that exceptions to clause 1 numbers 1 and 2 for teacher training programmes for vocational schools according to the applicable resolutions of the Standing Conference

²¹ In particular: Key points for the mutual recognition of Bachelor's and Master's degrees in study programmes that teach the educational requirements for a teacher training qualification, resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of June 2, 2005 at http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2005/2005_06_02-gegenseitige-Anerkennung-Bachelor-Master.pdf

²² For educational sciences refer to: [Footnote 7](#); For specialist sciences and didactics refer to: "Requirements on content for specialist sciences and teaching methodologies in teacher training that are common for all Länder" (resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 16, 2008 as amended on March 16, 2017) at https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2008/2008_10_16-Fachprofile-Lehrerbildung.pdf

Framework agreements for the individual teacher training courses

of the Ministers of Education and Cultural Affairs (framework agreement for the teacher training qualification 5) are allowed.

§ 14 - Academic success

In order to ensure an efficient study design and thus the academic success, a continuous monitoring and adjustment of study programmes that integrates the experience of students as well as graduates is indispensable in the interests of students and graduates, though also in the interests of a sustainable use of resources and time. § 14 stipulates the criteria to be checked. These comprise a closed loop with a regular review (clause 1), the introduction of measures based on the results of the review (clause 2) and a continuous monitoring of the success as well as use of the results for continued enhancement (clause 3). Suitable monitoring measures are in particular course evaluations, workload surveys or graduate surveys, though also statistical analyses of the study and examination progress and student / graduate statistics. The measures to be introduced may be very diverse and relate to those aspects named in §§ 11 and 12 in particular. In order to guarantee an efficient and sustainable implementation, clause 4 stipulates that the parties involved are informed of the results and any measures taken, in consideration of data protection issues.

§ 15 - Gender equality and compensation of disadvantages

In order to ensure equal opportunities, it is indispensable that the higher education institution has sustainable and comprehensive concepts for gender equality and support for students in special circumstances, and that these are also implemented on the level of the study programme. § 15 therefore stipulates that this must be checked in the assessment.

§ 16 - Special regulations for joint degree programmes

§ 16 contains special regulations on the academic criteria for joint degree programmes.

Paragraph 1: Clause 1 regulates the corresponding application of the academic criteria named therein.

In accordance with § 11 paragraphs 1 and 2, the intended learning outcomes in joint degree programmes should align with the corresponding level of the qualifications framework for the European Higher Education Area as well as to the applicable national qualifications framework. These must contain knowledge, skills, and competencies in the respective disciplinary field(s) (see B 2.1 and 2.2 EA). According to § 12 paragraph 1 clauses 1 and 3, the structure and content of the curriculum should be fit to enable the students to achieve the intended learning outcomes (see B 3.1 EA). The programme should be designed to correspond with the intended learning outcomes, and the learning and teaching approaches applied should be adequate to achieve those (see B

5.1 EA). According to § 12 paragraph 2 clause 1 and paragraph 3, it has to be ensured that the staff is sufficient and adequate (qualifications, professional and international experience) to implement the study programmes (see B 7.1 EA). The facilities provided should be sufficient and adequate in view of the intended learning outcomes, too (see B 7.2 EA). According to § 12 paragraph 4 it has to be ensured that the examination regulations and the assessment of the achieved learning outcomes correspond with the intended learning outcomes and that these are applied consistently by the partner higher education institutions (B 5.2 EA). According to § 14, the workload and the average time to complete the programme should be monitored (B 3.3 EA).

Clause 2 regulates further requirements arising from the political agreements on the European Approach.

Number 1 also stipulates that it has to be checked that the admission requirements and selection procedures are appropriate in light of the programme's level and discipline (B 4.1 EA). The term selection procedures hereby means tests/talks and the like that are common abroad and not a selection procedure in a regulatory sense.

Number 2 determines that the programme should be able to demonstrate that the intended learning outcomes can be achieved (B 2.3 EA).

Number 3 clarifies that the respective regulations of Directive 2005/36/EC²³ of the European Council and the European Parliament of September 7, 2005 on the Recognition of Professional Qualifications, in the currently valid version, have to be taken into account in the field of regulated professions in particular during the conception and implementation. This applies particularly with respect to minimum agreed training conditions specified or relevant common trainings frameworks (B 2.4 EA).

Number 4 stipulates that the programme and the learning and teaching approaches applied and the support for students should be designed to respect and attend to the diversity of students and their needs (especially in view of potential different cultural backgrounds) as well as the specific needs of mobile students (see B 5.1 and B.6 EA).

Number 5 ensures that if the EA is applied at system-accredited higher education institutions, the formal and academic criteria applicable for joint degree programmes are taken into account as part of the quality management system.

Paragraph 2 extends the scope of the criteria and rules of procedure set out in §§ 10 paragraphs 1 and 2, 16 paragraph 1 and § 33 paragraph 1 of the so-called European Approach to joint degree programmes conducted in cooperation with higher education

²³ https://www.anerkennung-in-deutschland.de/html/de/eu_anerkennungsrichtlinie.php

institutions outside the European Higher Education Area if the cooperation partner outside Europe has pledged to apply these principles in a cooperation agreement with the domestic higher education institution.

§ 17 – Concept of the quality management system (goals, processes, instruments) and § 18 Measures to implement the quality management concept

§§ 17 and 18 contain special regulations for the procedures pursuant to Article 3 paragraph 1 numbers 1 and 3 of the interstate study accreditation treaty wherever these are concerned with the verification of internal quality management systems. The central requirements on a functional quality management system in teaching are defined therein. The specific form is left up to the individual higher education institution, depending on the respective circumstances.

§ 17 - Concept of the quality management system (goals, processes, instruments)

Paragraph 1 contains stipulations on the verification of content-related requirements for a functional quality management system in teaching. According to clause 1, the existence of general principles for teaching that reflect the study programmes has to be proven. What is meant here is the description of binding general principles for teaching at the higher education institution in which the teaching staff, university executives, faculties, programme directors and student representatives have agreed on the overriding educational goals in harmony with the respective profile of the higher education institution. This covers a basic clarification of the self-concept of the teaching institution, the interdisciplinary didactic guidelines and if necessary the basic qualification goals.²⁴ The general principles must be reflected in the teaching profile of the individual study programmes, with respect to the competence goals and level. According to clause 2, the quality management system is an integral part of the overall strategy to implement the general principles; it therefore has to fit in perfectly with the corresponding measures of the higher education institution that are aimed at further improving the quality of studies in a structured and sustainable development process. According to clause 3, proof must be provided that the quality management system is structured and implemented in such a way that it permanently, sustainably and regularly guarantees the implementation of the formal and academic criteria for the individual study programmes stipulated in Part 2 and Part 3 (§§ 11 to 15) throughout the entire accreditation cycle. Clause 4 names key elements for the quality management system for which decision-making processes, responsibilities and accountabilities have to be defined and implemented in the system, namely

- Processes for the establishment, verification, further development and

²⁴ see position paper of the German Council of Science and Humanities on “Strategies for teaching at institutions of higher education”, April 2017, p. 16 f, <https://www.wissenschaftsrat.de/download/archiv/6190-17.pdf>

discontinuation of study programmes, and

- the procedure for the internal accreditation of study programmes according to the formal and academic criteria stipulated in Part 2 and Part 3 (§§ 11 to 15).

All processes and procedures must be defined with binding force and communicated throughout the entire higher education institution.

Paragraph 2 regulates the formal requirements on the quality management system of the higher education institution and is hereby based on the ESG²⁵. This includes

- The development of the quality management system with the involvement of all member groups in the higher education institution, i.e. the academic and non-academic staff and students as well as the involvement of external expertise, for example from professional practice, of (international) representatives of other higher education institutions, of agencies with experience in quality management at higher education institutions according to standard 1.1 of the ESG for the development of the quality assurance strategy (clause 1);
- Mechanisms to ensure the independence of quality assessments, in particular during the selection and appointment of experts and during internal decision-making processes according to standard 2.4 of the ESG with respect to requirements on peer review experts (clause 2, 1st semi clause);
- The definition of regular processes to deal with conflicts and the establishment of an internal complaints system, in particular for “internal” accreditation decisions according to standard 2.7 of the ESG with respect to complaints and appeals (clause 2, 2nd semi clause);
- The existence of closed loops that ensure in a structured, transparent, sustainable and reliable way that the quality of study programmes is permanently improved according to standard 1.9 of the ESG with respect to ongoing monitoring and periodic review of the study programmes (clause 3, 1st semi clause);
- The involvement of all areas that are directly relevant for teaching and learning (including student counselling, application, entrance and admissions processes), examination administration, teaching (including any cooperation projects), examination system, student services, staff development, higher education didactic continuous education) clause 3 2nd semi clause);
- Appropriate and sustainable resources and equipment to implement the measures and processes stipulated in the quality management system. This includes in particular adequate staff for the conception, implementation and administration of the processes in the quality management system and appropriate IT equipment,

²⁵ See footnote 11

which is of particular importance for the provision of informative data, see § 18 paragraph 3;

- Regular checks of the efficacy of the quality management system with reference to the quality of study programmes and its further development based on a continuous evaluation of the processes created in the system and a data-based check of the results (clause 4).

§ 18 - Measures to implement the quality management concept

Paragraph 1 regulates the key instruments of the quality management system. According to clause 1 this comprises regular assessments of the study programmes and those areas that are relevant for teaching and learning (see § 17 paragraph 2, clause 3, 2nd semi clause) by students from inside and outside the higher education institution, academic experts from outside the higher education institution, representatives from professional practice and graduates. These ensure that assessments within the scope of the internal quality management system are implemented such that impetus is permanently given to improve the quality. The regular involvement of external expertise is indispensable for this. According to standard 1.9 of the ESG (ongoing monitoring and periodic review of the study programmes) the following aspects should be taken into particular account in the assessments: timeliness of the study programmes, the changing needs of society, the students' workload, progression and completion, the effectiveness of procedures for assessment of students, the student expectations and needs, the learning environment and support services. The results should be made accessible to the university public in a suitable manner, in consideration of data protection issues, so as to establish the necessary transparency and acceptance.

Clause 2 demand that if any action has to be taken, appropriate measures will be initiated and their implementation has to be checked.

Paragraph 2 makes it clear that for the internal accreditation of study programmes, the cooperation and approval requirements regulated in § 25 paragraph 1 clauses 3 to 5 in teacher training programmes, teacher training programmes with the combination subject Protestant or Catholic theology/religion, Protestant-theological study programmes as a qualification for the office of pastor, and other Bachelor and Master's study programmes with the combination subject Protestant or Catholic theology have to be taken into account. Insofar as the internal procedure stipulates formal reports, the approval requirement pursuant to § 24 paragraph 3) applies accordingly.

Paragraph 3 ensures that the data necessary to establish and implement the quality management system and to measure the level of implementation and effect of the measures that have been introduced (see paragraph 1) can be collected throughout the

higher education institution on a regular basis. The following data may be of particular relevance depending on the profile of the higher education institution and the quality management system: Key performance indicators, profile of the student population, student progression, success and drop-out rates, students' satisfaction with their programmes, learning resources and student support available, career paths of graduates. During data collection, care must be taken to ensure that the affected party in each case (academic and non-academic staff as well as students) are involved in the supply and evaluation of the data and in the planning of follow-up activities (see also standard 1.7 of the ESG, information management).

Paragraph 4 clause 1 guarantees that the higher education institution documents its internal accreditation procedure extensively and that all relevant parties concerned are informed appropriately and regularly of any measures taken to ensure the necessary transparency. Data protection issues have to be taken into account here. Clause 2 makes it clear that the higher education institution not only has to inform the public in a suitable manner on the result of its internal accreditation procedure, but that it also has to provide the accreditation council with the information necessary for the documentation of the results as regulated in § 29 clause 3.

§ 19 - Cooperations with non-university institutions

§ 19 regulates the conditions under which a higher education institution can carry out a cooperation with non-university institutions with respect to a study programme. A characteristic of such cooperation projects with respect to study programmes is that study programmes, or programmes recognized as being equivalent, are carried out partly or wholly outside the higher education institution awarding the degree and that the cooperating training provider is in an asymmetric, subordinate relationship to the higher education institution awarding the degree. In the event of such a cooperation, the applicant in accordance with § 22 paragraph 1 of this decree is always the higher education institution. Cooperations with joint scientific institutions for several higher education institutions are not covered by the regulatory content of § 19. Clause 1 makes it clear that the formal and academic criteria pursuant to Part 2 and 3 of this decree are also applicable for such study programmes. Clause 2 lists the decisions that may not be delegated to a cooperating training provider in accordance with the final academic responsibility of the higher education institution for the study programme. The criterion "Procedure to select the teaching staff" hereby relates primarily to the professional teaching staff. The determination of the standardised criteria is hereby based on the corresponding recommendation of the German Council of Science and Humanities "Review and recommendations for cooperation projects with respect to a study programme: franchise, validation and credit-transfer model" from 2017. Clause 2 is not applicable to cooperation projects with state seminars in the second phase of

teacher training or phases of practical experience in schools in teacher training programmes.

§ 20 - Cooperations between higher education institutions

§ 20 regulates the cooperations with respect to study programmes between higher education institutions, unless the special regulations in §§ 10, 16 and 33 of this decree are applicable at the request of the domestic higher education institution or higher education institutions in the case of joint degree programmes.

The catalogue of reservations for non-university cooperation partners in § 19 clause 2 does not apply in principle for cooperations between higher education institutions. The institution(s) of higher education awarding the degree do however bear responsibility for the implementation and quality of the programme concept. The type and scope of the cooperation must be documented in a cooperation agreement between the higher education institutions.

The institution(s) of higher education awarding the degree is/are the applicant(s) within the meaning of § 22 paragraph 1 of this decree.

If a system-accredited higher education institution carries out such a cooperation with respect to a study programme, it can award the accreditation council's seal for the study programme, provided it awards a higher education degree itself and guarantees the implementation and quality of the programme concept.

It follows from paragraph 3, that higher education institutions can also cooperate on the level of their quality assurance systems to facilitate the procedure and that the organisational combination of several procedures is admissible; a coordinated application is required from the cooperating higher education institutions pursuant to paragraph 3 clause 2. This option is particularly attractive for smaller or even private higher education institutions. A joint use of quality assurance service facilities, for example, is in principle conceivable to optimise the use of resources. However, a decision on the system accreditation has to be taken for each cooperating higher education institution. The agency's proposal for a decision shall be prepared accordingly.

§ 21- Special criteria for Bachelor training course at colleges of cooperative education

Paragraph 1 clauses 1 and 2 stipulate the requirements that persons have to satisfy if they wish to work as teachers (main job) at colleges of cooperative education. Further requirements with respect to ensuring the quality of teaching and staff are listed in clauses 3 and 4: 40 percent of teaching at the college of cooperative education must be

provided by teaching staff (main job). Professors at universities of applied science or universities who teach part-time at a college of cooperative education long term will be credited to the quorum for the share of full-time teaching staff on the course. All requirements are based on the aforementioned resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 15, 2004²⁶ and must also be specified in the accreditation of study programmes at colleges of cooperative education.

Paragraph 2 determines the requirements on persons who wish to work part-time as teachers at colleges of cooperative education so as to ensure the quality of teaching. They are also based on the aforementioned resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 15, 2004. Teaching staff (main job) will also be allowed to teach the defined courses by way of exception.

Paragraph 3 regulates further requirements on study programmes at colleges of cooperative education that have to be determined in the accreditation resulting from their particular staff structure and the specific nature of the study programme at various places of learning. These too are based on the aforementioned resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 15, 2004.

Part 4 Rules of procedure for the programme and system accreditation

§ 22 – Decision of the accreditation council; award of the seal

Paragraph 1 regulates the key procedural elements for the programme and system accreditation. Divergent from the former procedure in which the respective agency decided on the accreditation, the interstate study accreditation treaty stipulates that the accreditation process be split into two: According to Article 3 paragraph 2 clause 1 number 1 of the interstate study accreditation treaty, the higher education institution has to apply to the accreditation council for the accreditation, on the basis of which this decides on the accreditation through an administrative act pursuant to Article 3 paragraph 5 clause 4 of the interstate study accreditation treaty. The administrative procedure therefore begins at the time the higher education institution submits its application to the accreditation council.

According to Article 3 paragraph 5 of the interstate study accreditation treaty, the accreditation council's decision comprises the determination of compliance with the formal criteria pursuant to Article 2 paragraph 2 of the interstate study accreditation treaty on the one hand and the academic criteria pursuant to Article 2 paragraph 3 of the interstate study accreditation treaty on the other. If these criteria are fulfilled, the

²⁶ See footnote 2

accreditation is to be pronounced. This is a mandatory administrative act within the meaning of § 35 paragraph 1 of the German Administrative Procedure Act (VwVfG).

The accreditation council checks compliance with the formal criteria on the basis of a formal report. Compliance with the academic criteria is verified by the accreditation council on the basis of a review report. Since these are recommendations by the agency in each case, the accreditation council is not bound by these assessments.

Paragraph 2 makes it clear that the accreditation council's decision takes the form of a written notice. Administrative acts must always be justified pursuant to § 39 VwVfG. Clause 2 is therefore declaratory. Pursuant to Article 3 paragraph 4 clause 3 of the interstate study accreditation treaty, in the justification of the notice any deviations between the accreditation council's decision and the recommendations in the report on the academic criteria must be mentioned in particular.

Paragraph 3 takes up Article 3 paragraph 4 of the interstate study accreditation treaty, according to which the higher education institution is to be given the opportunity to submit a statement before the final decision. In order to avoid any delays in the procedure, the statement to be obtained by the accreditation council is restricted in accordance with administrative procedural law to those cases in which the accreditation council intends to differ greatly from the recommendation in the report. The higher education institution is free to enclose a statement with the agency's report within the scope of the application. This honours the right to be heard as manifested in Article 3 paragraph 4 of the interstate study accreditation treaty.

Besides, clause 2 stipulates a period of one month to submit the statement. The deadline helps to accelerate the procedure.

Paragraph 4 stipulates that the accreditation council awards the accredited study programme or quality assurance system its seal in the event of a successful accreditation. This continues the former practice. This seal serves transparency.

In the event of a system accreditation, the higher education institution is entitled to award itself the accreditation council's seal for the study programmes it assesses on its own and according to the rules of accreditation.

A conditional accreditation does not lead to a postponement of the award of the seal. This ensures that in the event of conditions, a careful distinction must be made between shortcomings that do not affect the accreditation decision as such and serious deficits that lead to a refusal of the accreditation.

This regulation excludes the study programmes named in paragraph 5 from the possibility of inclusion in the system accreditation and in alternative accreditation

procedures. In principle, this kind of inclusion appears conceivable in consideration of the respective ecclesiastic rights of participation but is disproportionately complicated from a procedural point of view. This applies in particular to the qualification of the role of the Agency for Quality Assurance and Accreditation of Canonical Programmes of Studies in Germany (AKAST) in such a procedure.

The approval requirement of the responsible ecclesiastic office for the accreditation council's decision on full-time and part-time study programmes in theology takes into account the fact that the review report is of an advisory nature and is not binding for the accreditation council. It applies analogously for decisions of the accreditation council pursuant to §§ 26, 27 and 28.

§ 23 – Documents to be submitted

Paragraph 1: A self-evaluation report from the higher education institution and the accreditation report commissioned by the higher education institution from an agency authorized by the accreditation council, consisting of a formal report and a review report, are to be enclosed with the application for accreditation. The self-evaluation report is required pursuant to Article 3 paragraph 2 number 2 of the interstate study accreditation treaty.

During the initial system accreditation, the formal report relates to the proof that at least one study programme has passed through the quality management system (section 3); with a system reaccreditation to the proof that all Bachelor's and Master's study programmes have passed through the quality management system at least once (section 4).

Paragraph 2: Foreign agencies can in principle be authorized by the accreditation council pursuant to Article 5 paragraph 3 number 5 of the interstate study accreditation treaty. Accreditation reports commissioned from foreign agencies must be submitted to the accreditation council together with a German translation if they have not been drawn up in German. This aids procedural economy in the accreditation council.

Paragraph 3 stipulates the obligation to submit an electronic application in the interests of a speedy and smooth procedure as soon as the accreditation council has created the corresponding requirements.

§ 24 – Commissioning an agency; accreditation report; inspection

Paragraph 1: The basis for the accreditation council's decision in accordance with Article 3 paragraph 2 clause 1 number 4 of the interstate study accreditation treaty is an accreditation report that the higher education institution has commissioned in advance from an agency authorized by the accreditation council.

The agency is commissioned under private law pursuant to Article 3 paragraph 2 clause 2 of the interstate study accreditation treaty.

Clause 2 regulates the peculiarity that in the case of full-time study programmes in Catholic theology, the assessment must be prepared by the Agency for Quality Assurance and Accreditation of Canonical Programmes of Studies in Germany (AKAST) in accordance with the named “key points”²⁷. The role of AKAST has to be taken into account in a broader sense too. According to Article 5 paragraph 3 number 5 of the interstate study accreditation treaty, the accreditation council authorizes the agencies according to the requirements indicated therein. In the case of agencies listed with the EQAR (European Quality Assurance Register for Higher Education), it is “refutably assumed” that they satisfy these requirements. AKAST, however, is not listed in the EQAR. The accreditation council has nevertheless accredited AKAST for the German area. Thus, the agency effectively works as a quality assurance agency in its field. Affirmative reference is made to this accreditation by the accreditation council in the text of the decree. However, this does not rule out a renewed authorization after an appropriate period of time.

Paragraph 2: The programme and system accreditations are carried out pursuant to Article 3 paragraph 2 clause 1 number 2 of the interstate study accreditation treaty on the basis of a self-evaluation report from the higher education institution that must contain details of at least the quality goals of the higher education institution as well as the formal and academic criteria for the accreditation. The student population must be involved in the preparation of the self-evaluation report. The report must be placed at the disposal of the agency – as was normal in the former procedure – and later submitted to the accreditation council.

The formal and the academic criteria must be listed separately in the self-evaluation report. The report should not exceed 20 pages for the programme accreditation or 50 pages for the system and cluster accreditation. This should make the procedure simpler and more efficient.

Paragraphs 3 and 4: Paragraph 3 stipulates that the formal report shall be prepared by the commissioned agency. This is normally the task of the office of the agency. This discharges the experts on the review panel from assessing purely formal criteria. The review panel is responsible for drawing up the review report on the academic criteria. To this end, it receives the formal report by way of preparation. Since the formal and the academic criteria may be inter-related, the formal report is not binding for the review panel.

²⁷ See footnote 4

In the case of teacher training programmes as well as fully or partly theological study programmes the formal report requires the approval of the competent authority in each case. This takes into account the resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of June 2, 2005 “Key points for the mutual recognition of Bachelor’s and Master’s degrees in study programmes that teach the educational requirements for a teacher training qualification” (so-called Quedlinburg resolution)²⁸ as well as the named “key points”.

Both the formal report and the review report contain suggestions on the determination of compliance with the decisive criteria for the accreditation council, though these are not binding. The accreditation report thus has the character of an expert opinion.

The stipulations relating to the formal report and review report do not contain any regulations on possible conditions because these should only come into question in future in exceptional cases. If when assessing the formal criteria the agency discovers that these have not been fulfilled, the higher education institution must be informed immediately so that it can terminate the accreditation process if a positive accreditation decision is not to be expected from the accreditation council. The report may contain proposals for conditions concerning academic criteria that are limited to those shortcomings that do not justify a negative accreditation decision and can be rectified within a certain period of time.

There are no further stipulations on the content of the review report. This does not rule out the possibility of the review report containing recommendations for enhancing the quality of the study programme and/or the quality management system, for example, which are aimed at improving the quality above and beyond the standards on which the accreditation by the accreditation council is based and therefore cannot form the basis for any conditions. Furthermore, the review report can also name best-practice models for the study programme. By publishing the review report – and if necessary monitoring by the accreditation council – these models can serve as an example for other higher education institutions. Both can therefore contribute to the enhancement of quality in the future.

One requirement for a speedy processing of applications by the accreditation council is that the documents to be submitted follow a set structure. The decree transfers the task of developing a standardised structure for review reports and formal reports to the accreditation council.

²⁸ See footnote 21

In order to keep the workload for the agencies and the accreditation council low, the scope of the review report is limited, whereby different specifications apply for programme, cluster and system accreditations.

Paragraph 5: One part of the review report is, as before, a site-visit of the higher education institution by the review panel, during which the review panel sees for itself the framework conditions for the study programme to be accredited and can talk to the responsible professors as well as the students and university administration. With a view to the obligatory random samples during the system accreditation to verify the relevant features of the programme design, the delivery of study programmes and quality assurance as well as the consideration of criteria for the accreditation of regulated study programmes, if necessary, two appointments are usually needed for the system accreditation procedure.

In the case of new study programmes that are being developed by the higher education institution and not yet on offer, the review panel can unanimously waive the site-visit if this has no added value over the assessment of the academic criteria on the basis of the documents (concept accreditation). The same applies in the case of a re-accreditation.

§ 25 – Composition of the review panel; requirements on the experts

Paragraph 1 regulates the minimum size of the review panel and its composition for a programme accreditation. This means that larger review panels are possible for more complicated procedures – such as cluster accreditations – whereby the ratio between the represented groups must be maintained.

Based on Article 4 paragraph 3 clause 2 of the interstate study accreditation treaty, the majority of the review panel is made up of professors. This implements the requirement of the interstate study accreditation treaty, that professors must have the majority of votes (if necessary through weighting) in the panel responsible for the assessment. Moreover, Article 3 paragraph 2 clause 1 number 3 of the interstate study accreditation treaty is substantiated and implemented with respect to the persons to be involved in the accreditation.

Clause 3, 1st semi clause, determines with respect to the particularities of study programmes that teach the proficiency for admittance to the preparatory service for a teacher training qualification, that a representative of the highest state authority responsible for the school system shall replace a representative from professional practice. This safeguards the expertise of the panel without this being further enlarged. The regulation defines minimum standards. The states can stipulate further participation requirements.

When assessing the study programmes named in clause 3, second semi clause and clause 4, the responsible ecclesiastic office must be involved. The determination of this regulation hereby follows the principle that on the whole, work in the service of the church is the most chosen profession in case of full-time and part-time study programmes in theology. It is therefore obvious that a representative with professional ecclesiastic experience be present here. Public service is usually the most common professional perspective for teachers of religion. The representative from professional practice in this case will thus be from the highest state authority responsible for the school system, as for all other teacher training courses. The representative of the church then joins the review panel as a further member.

All of the experts must be from a discipline that is close to the study programme to be accredited.

Clause 5 determines that in the case of teacher training programmes and the named study programmes in theology, the submission of the review report requires the approval of the corresponding representative(s). This takes into account the resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of June 2, 2005 “Key points for the mutual recognition of Bachelor’s and Master’s degrees in study programmes that teach the educational requirements for a teacher training qualification” (so-called Quedlinburg resolution)²⁹. Since the interstate study accreditation treaty transfers the accreditation decision to the accreditation council, the approval requirement, without which the report cannot be presented to the accreditation council, also corresponds to the intention of the named “Key points ...”³⁰ for full-time study programmes in Catholic religion, since this means that the accreditation decision can only be taken after a positive assessment by AKASt and thus cannot be taken against its vote.

Paragraph 2: The composition of the review panel for a system accreditation in principle corresponds to that for a programme accreditation. However, the minimum number of experts is higher in view of the complexity and workload for a system accreditation. There are no professional requirements on the experts because no study programmes are assessed in a system accreditation, rather the higher education institution’s own quality assurance system. Consequently, the experts do not have to be from a profession related to a specific field.

Paragraph 3 clause 1 should ensure that professors have the majority of votes in review panels whose size exceeds the minimum size named in paragraph 1 and 2. This takes into account Article 3 paragraph 2 number 5 of the interstate study accreditation treaty,

²⁹ See footnote 21

³⁰ See footnote 4

according to which the accreditation procedure takes place with the participation of this group.

Clauses 2 and 3 regulate that the majority of persons on the review panel must already have some experience with the respective type of accreditation. This serves the efficiency of the procedure and raises the quality and acceptance of the assessment.

Paragraph 4: The review panel is assembled by the commissioned agency. When appointing the individual experts, the agencies are bound by the procedure to be developed by the German Rector's Conference in accordance with Article 3 paragraph 3 clause 3 of the interstate study accreditation treaty.

Paragraph 5: The interstate study accreditation treaty assumes external and independent experts in Article 3 paragraph 2 clause 1 number 3. According to numbers 1 and 2, persons who work or study at the higher education institution whose study programmes or quality management system are to be assessed, are excluded from cooperating in a review panel. Furthermore, the regulations with respect to a conflict of interests that are common in science apply for the experts pursuant to number 3, in particular those of the German Research Foundation (DFG).

Paragraph 6: The higher education institution will be informed of the composition of the review panel by the agency before it appoints the experts and has the opportunity to comment on this. This greatly increases the acceptance of the review panel and the assessment within the higher education institution as well as the study programme to be accredited.

§ 26 – Period of validity for the accreditation; extension

Paragraph 1: The period of validity for the initial accreditation is eight years in every case. In a legal sense, this is a limitation within the meaning of § 36 VwVfG. The hitherto common accreditation periods of five years (programme accreditation) and six years (system accreditation) are hereby standardised and greatly prolonged. This should reduce the workload for and costs of the accreditation. Clause 1 determines the beginning of the period of validity as the start of the semester or trimester in which the accreditation decision is announced so as to avoid any disadvantages for students who complete their study programme in the semester or trimester in which the accreditation decision is taken. This also synchronises the semester or trimester with the accreditation period.

Clause 2 regulates cases of concept accreditation, in which the study programme has not yet begun at the time the accreditation decision is announced. With a concept accreditation, the accreditation term starts at the beginning of the semester or trimester in which the study programme is offered for the first time, though at the latest at the

beginning of the second semester or trimester following the announcement of the accreditation decision. This means that an accreditation decision remains up-to-date and that there is no disproportionately long re-accreditation term on account of a delayed start for a study programmes.

Paragraph 2 clause 1 defines the term re-accreditation as a further accreditation that follows the period of validity of the initial accreditation with no interruption.. The period of validity of the re-accreditation has also been set at a standard eight years, compared to the hitherto common period of seven years for a programme accreditation and eight years for a system accreditation. The waiver of different re-accreditation periods helps simplify matters and also takes account of the interest of higher education institutions in legal certainty as well as the goal of continuous and reliable quality assurance.

Paragraph 3 clause 1 deals with the special situation whereby an accredited study programme is not continued by the higher education institution beyond the accreditation period. Since a re-accreditation for an expiring study programme would lead to disproportionately high costs, the accreditation council can extend the period of validity of the accreditation until students have completed their study programme.

Clauses 2 and 3 contain regulations for the situation in which a higher education institution aspires to a cluster accreditation or wishes to switch from a programme accreditation to a system accreditation. In these cases, the higher education institution should be able to concentrate on preparing the cluster or system accreditation and not have to worry about the programme accreditation of study programmes that will be covered by the planned cluster or system accreditation. For this purpose, the accreditation council can prolong the period of validity for a programme accreditation by up to two years if the higher education institution can prove that it has prepared a corresponding accreditation application (clause 2). If the accreditation period for an accredited study programme expires at a point in time when the higher education institution has already applied to the accreditation council for accreditation, the period of validity can be prolonged for the duration of the administrative procedure in the accreditation council plus one year (clause 3). The possible extension by a further year is necessary to give the higher education institution time for an assessment of the corresponding study programmes according to the quality management system it has developed before the seal is awarded in the event of a switch to a system accreditation.

As for the rest, it will no longer be possible to extend the period of validity of an initial accreditation because a re-accreditation report has not been prepared in due time. The periods of validity for accreditations have been standardised so that if the agency is commissioned in due time, there is no longer any need for a derogation. Moreover,

compliance with deadlines within the scope of quality assurance measures should be acceptable.

§ 27 – Conditions

The higher education institutions have a right to accreditation on the basis of the interstate study accreditation treaty if and insofar as the subject of the accreditation satisfies the formal and academic accreditation criteria. The accreditation is therefore a mandatory administrative act. In accordance with Article 9 paragraph 1, clause 2, 2nd semi clause of the interstate study accreditation treaty, an ancillary clause (proviso, reservation of subsequent revocation, condition, reservation of the subsequent imposition of a condition) may be added if its aim is to ensure that the statutory requirements of the accreditation are satisfied.

Paragraph 1 stipulates that a deadline of usually twelve months should be set to fulfil a condition. This period takes into account the fact that changes to study programmes or quality management systems are often very time-consuming. In special cases that require the performance of an appointment procedure, for example, a deadline extension may be granted at the request of the higher education institution (paragraph 2).

Paragraph 3 makes it clear that the fulfilment of the condition has to be proven to the accreditation council that imposed the condition and not the agency commissioned to prepare the accreditation report. The agency does not have to confirm that the condition has been fulfilled; this has to be verified by the accreditation council itself. This serves to reduce costs.

§ 28 – Duty of disclosure of any changes

Paragraph 1: Since the accreditation is a permanent administrative act and changes may arise with respect to the formal or academic criteria during the period of validity of the accreditation, substantial changes must be reported to the accreditation council immediately. Substantial changes can in particular be changes related to the name of the study programme, standard periods of study, degrees, conception, qualification goals, profile and content of the study programmes. A substantial change may also be given in the event of the creation of specialisations that lead to substantially different competences of the graduates or if an identical curriculum is offered in various teaching formats, at different places of learning or by different partners.

The duty of disclosure allows the accreditation council to review the topicality of its accreditation decision and in the event of substantial changes, to adjust this to the new circumstances wherever necessary (e.g. by issuing a subsequent condition or revoking the accreditation decision).

Paragraph 2 makes it clear that a notification of change by the higher education institution obliges the accreditation council to verify whether the substantial change affects the accreditation decision. The subsequent decision of the accreditation council is a declaratory administrative act that can be contested separately by the higher education institution. If the accreditation decision is revoked, it is appropriate to submit an application for a renewed accreditation. The clarification serves to ensure legal certainty.

§ 29 – Publication

Article 3 paragraph 6 clause 2 of the interstate study accreditation treaty stipulates that the decisions of the accreditation council and the reports be published in a suitable manner. This is specified in § 29 clause 1, whereby in view of the requirements of the European Standards and Guidelines, the disclosure requirement covers not only the accreditation decision but also, and expressly, the accreditation report – and therefore the review report and formal report.

The publication on the website of the accreditation council allows timely and suitable access by interested students, applicants, academics and authorities.

Clause 2 regulates the treatment of personal data. This includes in particular the names of the experts.

Clause 3 extends the duty of disclosure to the internal accreditation decisions of system-accredited higher education institutions. The data protection law regulations of clause 2 apply accordingly.

§ 30 – Cluster accreditation; partial system accreditation

Paragraph 1: The former possibility of bringing together several study programmes in a cluster accreditation for a programme accreditation is retained. However, no more than ten study programmes should be assessed by a review panel so as to guarantee practicability and to ensure the quality of the procedure. Several clusters should be formed if more than ten study programmes with a high affinity on subject-level are up for a programme accreditation. Because this is a directory regulation, exceptions for large clusters are only possible in atypical constellations provided the quality of the assessment can be retained. Reference is made to the possibility of adjusting the size of the review panel to the cluster accreditation in accordance with § 25 paragraph 1.

Common structural features of several study programmes alone do not constitute an affinity on subject-level.

Clause 2 makes it clear that each study programme has to satisfy the academic criteria and this must be verified separately. This applies in any case for the formal criteria pursuant to Part 2 and the formal report.

Paragraph 2: Since the composition of a cluster is quite significant for the further assessment and the composition of the review panel, there is the possibility of a prior approval of the concrete composition of the cluster by the accreditation council. This serves legal certainty in the further procedure and is in accordance with former practice.

Paragraph 3 allows the system accreditation of a study-related organisational -entity of a higher education institution in exceptional cases (e.g. advanced training institutes or individual faculties). The requirements in clause 2 are cumulative. The main goal of a partial system accreditation is to make it easier for higher education institutions to begin with a system accreditation. Several, permanent partial system accreditations within a higher education institution are not the goal of the regulation. This is why the quality management system of the entity must be embedded in the higher education institution (clause 2 number 2).

On § 31 – Random samples

Paragraph 1: The review panel carries out random sampling during the system and partial system accreditation. This remains justified in view of the extension of the period of validity of the system accreditation.

Paragraph 2: According to number 1, the random sample should demonstrate on the basis of a study programme to be determined by the review panel that the quality management system guarantees a consideration of all formal and academic criteria during the internal accreditation by the higher education institution. Furthermore, according to number 2, the random sample relates to formal and academic criteria that are to be determined by the review panel, compliance with which must be guaranteed by the quality management system under assessment.

Paragraph 3: The rules of involvement from § 25 paragraph 1 also apply analogously for the random samples. Please refer to the substantiation therein.

Part 5 – Rules of procedure for special types of study programmes

§ 32 – Combined study programmes

Paragraph 1 determines the features of a combined study programme. This is made up of two or more subjects. Students and applicants can choose between several possible combinations. The subjects in a combined study programme are partial study programmes within the meaning of this decree.

Paragraph 2 makes it clear that the subject of the accreditation is the combined study programme. The criteria for the accreditation (parts 2 and 3 of this decree) are to be related to the combined study programme as such. This applies in particular for the requirements pursuant to § 12. The higher education institution must have a coherent concept for the entirety of the combinatorial offer that integrates the qualification goals of the partial study programmes. In principle, the academic feasibility must be given for all possible combinations.

In accordance with paragraph 3, further partial study programmes can be included in the accreditation of a combined study programme at a later date. The aforementioned requirements apply accordingly. The accreditation period for the combined study programme remains unchanged.

Paragraph 4 regulates the design of the accreditation certificate for combined study programmes. As for the rest, the rules of procedure pursuant to part 4 apply in accordance with paragraph 5.

§ 33 – Joint degree programmes

The regulation contains particular rules of procedure for joint degree programmes. It is hereby based on the political agreements on the European Approach (EA). Accordingly, the accreditation decision of the accreditation council is designed here as a decision to recognise an assessment by an agency registered with the EQAR (see A 1st bullet EA). Such a decision is only required in procedures pursuant to Article 3 paragraph 1 number 2 of the interstate study accreditation treaty (programme accreditation) since the application of criteria relevant for joint degree programmes with system-accredited higher education institutions is ensured by § 16 number 5 of this decree (see A 2nd bullet EA).

Since the European Approach is not applicable for fully and partly theological study programmes, the general regulations apply for joint degree programmes in these study programmes.

Paragraph 1 clause 1 stipulates that the assessment by an agency registered with EQAR can be made at the request of the cooperating higher education institution and that this decision can form the basis for an accreditation decision at the request of the domestic institution(s) of higher education. It is hereby irrelevant that the agency has been authorized by the accreditation council. If an agency authorized by the accreditation council is active, this is outside the field of work for which it has been authorized by the accreditation council. The scope is also restricted to study programmes in which only domestic higher education institutions and higher education

institutions from participating countries in the European Higher Education Area cooperate.

Clause 2 demands proof of compliance with the criteria for joint degree programmes as set out in part 2 and 3 of this decree as a requirement for a positive accreditation decision. It also sets out the requirements on the assessment procedure.

Number 1 contains a duty to notify the accreditation council before the performance of a corresponding procedure. This should ensure that before the start of the procedure, it is checked if the specific rules for joint degree programmes apply.

Numbers 2 to 5 correspond to the requirements in EA on procedures for the external quality assurance of joint degree programmes. This includes a self-evaluation report that is submitted jointly by the cooperating higher education institutions. This must contain comprehensive information that demonstrates compliance with the requirements that apply for joint degree programmes. The self-evaluation report also contains the necessary information on the respective national frameworks for the cooperating higher education institutions that foreign agencies and experts may need to be able to appreciate the context, especially the positioning of the programme within the national higher education systems. The self-evaluation report concentrates expressly on the distinctive feature of the joint degree programme as a joint endeavour by higher education institutions from more than one national system of higher education (number 2; see C 1 EA). The site-visit allows the review panel to discuss the programme on the basis of the self-evaluation report and to assess whether the programme satisfies the requirements for joint degree programmes. The site-visit thus includes discussions with representatives from all cooperating higher education institutions, in particular with the university executives and programme coordinators, the staff, students as well as other relevant stakeholders such as alumni and the professional field. Even if the site visit is normally restricted to one location, the provision of the study programme at all locations is taken into account in the assessment (number 3, see C 3 EA). The review panel draws up a review report that contains relevant evidence, analyses and conclusions with reference to the requirements on joint degree programmes. The review report also contains recommendations for the further development of the programme. Moreover, the review panel also makes a recommendation for the decision. The conclusions and recommendations pay particular attention to the distinctive features of the joint degree programme. The higher education institutions are given the opportunity to comment on the draft review report, so as to be able to point out factual errors too (number 4, see C.4 EA). With respect to the review panel, which must comprise at least 4 members, these must bring together expertise in the corresponding subjects or disciplines, including the labour market/world of work in the corresponding fields, as well as expertise in the field of quality assurance in the higher education sector. Thanks to their

international expertise and experience, the review panel can take account of the distinctive features of the joint degree programme. The review panel as a whole has knowledge of the systems of higher education of the higher education institutions involved as well as the languages of instruction employed. The review panel has members from at least two countries involved in the consortium that offer the programme. The review panels must have at least one student representative. The regulations in § 25 paragraph 3 clause 1 (majority of professors in the assessment), paragraph 5 (exclusion of experts to avoid a conflict of interests) and paragraph 6 (right of the higher education institution to submit a statement) apply accordingly (number 5, see C.2 EA).

Number 6 stipulates that a positive accreditation decision based on a corresponding assessment can only be taken if this assessment has been substantiated, any possible conditions have been fulfilled and the decision is final. This means that it is not the responsibility of the accreditation council, but the agency commissioned with the assessment to ensure that the decision is comprehensible for the higher education institutions and the follow-up process including the fulfilment of any conditions has been completed. The agency is also obliged to publish the assessment on its website. If the assessment has not been drawn up in English, at least the English summary of the review report and an English version of the assessment including its substantiation must be published (see C 5, 7 and 8 EA).

Clause 3 clarifies that the accreditation decision of the accreditation council on the recognition of the assessment must also take the form of a written notice, which must be substantiated, and that the higher education institution must be given the opportunity to comment on this beforehand within one month and that the accreditation decision award its seal in the event of a positive decision (§ 22 paragraphs 2, 3 and 4 clause 1). The accreditation decision becomes effective in accordance with § 26 paragraph 1 clause 1 at the beginning of the semester or trimester following its announcement. A re-accreditation is to be initiated in due time before its expiry (§ 26 paragraph 2 clause 1). The higher education institution must also notify the accreditation council of substantial changes (§ 28) and the decision has to be published along with the review report by the accreditation council in the event of accreditation decisions on joint degree programmes too. The same also applies for internal accreditation decisions by system-accredited higher education institutions on joint degree programmes. Clause 4 stipulates that the accreditation period for accreditation and re-accreditation, by way of derogation from § 26 paragraph 1 and paragraph 2 clause 1, is only 6 years according to the European Approach (see C 9 EA). Clause 5 ensures in the interests of transparency that accreditation decisions taken on the basis of the recognition of an assessment of joint degree programmes are indicated as such in the publication. The same applies

pursuant to clause 6 for the information on the study programme in the degree documents (in particular the Diploma supplement).

Paragraph 2 extends the scope of the criteria and rules of procedure set out in §§ 10 paragraphs 1 and 2, 16 paragraph 1 and § 33 paragraph 1 of the so-called European Approach to joint degree programmes conducted in cooperation with higher education institutions outside the European Higher Education Area if the cooperation partner outside Europe has pledged to apply these principles in a cooperation agreement with the domestic higher education institution.

Part 6 – Alternative accreditation procedures pursuant to Article 3 paragraph 1 number 3 of the interstate study accreditation treaty

§ 34 – Alternative accreditation procedures

Paragraph 1: The regulation in § 34 implements the possibility offered in Article 4 paragraph 4 in conjunction with Article 3 paragraph 1 number 3 of the interstate study accreditation treaty of other accreditation paths as an alternative to system and programme accreditations, which are similarly governed by the criteria pursuant to Article 2.

Paragraph 2 also obliges the alternative methods to comply with the formal and academic criteria pursuant to part 2 and part 3. Moreover, the requirements on the appropriate involvement of academia in accordance with the ESG and the specifications of the Federal Constitutional Court in its resolution of February 17, 2016 as regulated in the interstate study accreditation treaty – in particular Article 3 paragraph 2 clause 1 – and in the specimen decree, must be observed. If the alternative procedures also include teacher training programmes and study programmes in Catholic or Protestant theology, the cooperation and approval requirements regulated in the specimen decree also apply. The higher education institutions are not obligated to commission an agency.

Paragraph 3: If a higher education institution intends to employ an alternative procedure, it requires the prior approval of both the accreditation council as well as the responsible scientific authority of the respective state. This ensures that the scientific authority is involved from the very start, and thus guarantees the requirements on regulated professions. The basis for the approval is a description of the intended procedure, for the assessment of which with respect to its suitability to satisfy the requirements on quality assurance resulting from the interstate study accreditation treaty and the specimen decree, the accreditation council can also call in external expertise. The application to be made after the approval must also be presented to the accreditation council through the competent scientific authorities.

Within the scope of the agreement with the state, the accreditation council can only refuse its approval if the alternative procedure cannot guarantee compliance with the requirements pursuant to Article 2 of the interstate study accreditation treaty and the principles for the appropriate involvement of academia. In addition, the alternative procedure should also convey a deeper knowledge of quality assurance that goes above and beyond the programme and system accreditation.

Paragraph 4: The details of the procedure will be regulated in rules of procedure.

Paragraph 5: The alternative procedure will be limited to a maximum of eight years, i.e. shorter periods can also be stipulated in these cases. As is the case with a system accreditation, the higher education institution is also entitled to award itself the accreditation council's seal for the study programmes it assesses on its own within the scope of the alternative procedure. The extension options provided in § 26 paragraph 3 clause 3 apply accordingly. Attention should also be paid to an unbroken accreditation chain within the scope of alternative procedures in the interests of students.

The accreditation council accompanies the alternative procedure, which must be evaluated in due time before expiry of the project period by an independent institution with close ties to science as a requirement for the continuation of the procedure.

Part 7 – Miscellaneous

§ 35 – Combination with professional licensing procedures

Paragraph 1 offers the possibility, which also existed before, of the organisational combination of accreditation procedures with professional licensing procedures also within the scope of the new accreditation system. The regulation should be understood in the sense of an offer to the responsible state authority to use the accreditation procedure to verify the suitability of a study programme with a view to access to regulated professions in the interests of students. This possibility has been used up to now in particular in the field of auditing and social work/social pedagogy. In future, this possibility could play a role within the scope of the planned academic training in healthcare professions. The combination of procedures assumes a corresponding application from the higher education institution.

Paragraph 2 makes it clear that the external experts to be consulted with a view to the suitability of the study programme under professional law have only an advisory function and exercise no influence over the accreditation decision. The accreditation decision on the one hand and the decision on the ascertainment of the suitability under professional law on the basis of the professional law regulations on the other are legally separate decisions. The latter is taken by a separate notification of the higher education institution by the responsible state authority in each case.

The regulation only relates to those models that distinguish between a study programme and practical phases (for example to achieve state recognition). Single-phase models with integrated practical times remain unaffected.

§ 36 – Evaluation

Paragraph 1 stipulates an evaluation three years after the decree comes into effect to review its applications and effects.

Paragraph 2: The result of the evaluation is to be presented to the Standing Conference of the Ministers of Education and Cultural Affairs so that any measures that are necessary can be taken.

§ 37 Entry into force

There are no transitional regulations with regard to the expected discrepancy between the times the interstate study accreditation treaty and the decrees come into effect in the states since a retroactive enactment of the decrees ensures that there will be no gaps in the accreditation procedures. Since all relevant protagonists have been sufficiently informed about the changes to the accreditation system through the resolution of the Federal Constitutional Court and the preparation of the interstate study accreditation treaty, such a retroactive enactment is legally permissible.

As for the rest, the former regulations, including the regulations on the period of validity of the accreditation, apply for the conclusion of programme and system accreditation procedures that had already begun before the interstate study accreditation treaty came into effect, pursuant to Art. 16 paragraph 1 of the system accreditation. The regulations of this decree apply exclusively for re-accreditation procedures, insofar as the contract was not concluded before the treaty came into effect. This applies in particular for questions related to the extension of the accreditation, the duty of disclosure in the event of changes and the application requirements for a re-accreditation. This means that proof of an interim evaluation is no longer needed for an application for a system reaccreditation.