

Statements, appeals, complaints and legal actions

(Resolution of the Accreditation Council of 26.02.2019)

1 Preliminary remark

The following is intended to inform higher education institutions and other parties involved in accreditation procedures.

The German Accreditation Council is committed to the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG). The options for action described below satisfy 2.7 ESG, according to which appeals and complaints processes are part of external quality assurance and must be clearly defined. According to 2.7 ESG, appeals are directed against the outcome of a process, whereas complaints concern purely procedural errors. The appeals and complaints to the Accreditation Council are non-formal legal remedies in accordance with 2.7 ESG.

In the following, reference is made to the Specimen Decree. As a rule, the decrees of the states - which alone have legal force - follow the Specimen Decree. If the legal decree in the state in which your higher education institutions is based differs from the sections of the Specimen Decree referred to here and if this gives rise to questions regarding the possibilities of appeal and complaint, please contact the head office of the Accreditation Council.

2 Assessment procedure at the agency

The agencies have complaint and appeal procedures in accordance with 2.7 ESG. The agencies are responsible for complaints against any procedural errors in their area of responsibility and appeals against decisions taken by them (for example, pursuant to § 25 (6) of the specimen decree, appeals may be raised against the composition of the review panel). The respective agency is responsible for more detailed information in this regard. As the agencies are organised under private law, civil law proceedings are open for legal action against them.

3 Possibility to comment on the accreditation report

Pursuant to article 3 (4) of the Interstate Study Accreditation Treaty, higher education institutions may attach a statement to their application for accreditation, which they submit to the Accreditation Council. Higher education institutions should use this opportunity if they wish to raise objections to the recommendations for resolutions in the accreditation report.

If the Accreditation Council intends to take an accreditation decision that deviates significantly from the recommendation of the review panel, the higher education institution is given the opportunity to submit a (further) statement within one month in accordance with § 22 (3) of the specimen decree.

4 Appeals and complaints to the Accreditation Council

Both higher education institutions and third parties have the possibility to appeal to the Accreditation Council against its decisions or to complain to the Accreditation Council about procedural errors.

In addition to internal higher education complaints mechanisms, deficiencies in internal accreditation procedures of system-accredited higher education institutions can be brought to the attention of the Accreditation Council.

The Accreditation Council sets up a commission to deal with appeals and complaints. This commission consists of three external members: a professor, a student member and a member proposed by the agencies. It discusses appeals and complaints and submits a recommendation to the Accreditation Council for final decision.

The Accreditation Council provides information on how it has decided the appeal or complaint.

In many cases, discrepancies can be resolved in advance of a lawsuit through these appeal and complaint procedures. The period of one month for appeals against decisions of the Accreditation Council (cf. § 74 Administrative Court Rules - VwGO) is, however, not extended by such an out-of-court settlement attempt.