

**Comments on Germany's Accreditation System****(adopted by the HRK Board, 26 April 2021)**

HRK, the German Rectors' Conference, is the association of public and government-recognised universities in Germany. The member institutions are represented in the HRK by their executive boards and rectorates. The HRK currently has 268 member institutions, in which more than 92 per cent of all students in Germany are enrolled.

Due to this large membership, representing all types of higher education institution, the HRK functions as the voice of the universities in dialogue with politicians and the public and as the central forum for opinion-forming in the higher education sector.

The HRK deals with all issues relating to the role and tasks of universities in academia and society, especially teaching and studying, research, innovation and transfer, scientific further training, internationalisation, and university self-administration and governance.

Therefore, the State governments have assigned the representation of the universities and all their members within the accreditation system to HRK and have defined a number of responsibilities for HRK in the legal framework set up for the accreditation system and in forming the German Accreditation Council (GAC). On the other hand, as the voice of the universities HRK represents the opinion of its member institutions, raising issues of concern and areas for improvement.

**Summary**

From the HRK's perspective, the changes in the accreditation system since 2018 are, in general, positive. A uniform nationwide framework has been created that establishes comparable conditions for all universities. The role of academia has been significantly strengthened; the processes have become more transparent, and by shifting the accreditation decision to the GAC - as a single institution instead of multiple agencies - the adjudication practice has become more consistent. HRK rates the broadening and differentiation of types of accreditation through alternative accreditation procedures as a positive change, as it mirrors the differentiation within the German higher education system and its universities.

For the coming years, we foresee a clearer involvement in European co-operation due to the GAC taking up its role as a full ENQA member again. HRK would very much welcome a stronger integration of the German accreditation system into the European context, as would be supported

by GAC's inclusion in EQAR and the full membership in ENQA, and thus a strengthening of the role of the ESG in the procedures (especially in system accreditation and the alternative accreditation procedures).

We look forward to elucidating the HRK's perceptions of the developments in more detail to the peer expert group during the evaluation process.

## **A Role of HRK within the Accreditation System according to the Legal Framework**

### **1 Interstate Study Accreditation Treaty, Article 3, Procedures**

"(3) <sup>1</sup>The German Rectors' Conference shall develop a procedure to ensure that, when appointing the professors within the meaning of paragraph 2 clause 1 number 5, academia is sufficiently represented."

HRK's 24<sup>th</sup> General Meeting (24 April 2018) issued a resolution on "Binding guidelines for the appointment of university teachers for expert groups according to Art. 3 Para. 3 Interstate Study Accreditation Treaty" which stipulates the processes and criteria for the three different types of accreditation available. Additionally, in 2018 HRK published "Guidelines on the appointment of experts and the composition of expert groups for accreditation procedures", proposing processes and criteria for the appointment of all stakeholder representatives. The guidelines are publicly available: [https://www.hrk.de/fileadmin/redaktion/hrk/02-Dokumente/02-04-Lehre/02-04-01-Qualitaetssicherung/Leitlinien\\_Gueltiger\\_1\\_2018\\_mit\\_Cover.pdf](https://www.hrk.de/fileadmin/redaktion/hrk/02-Dokumente/02-04-Lehre/02-04-01-Qualitaetssicherung/Leitlinien_Gueltiger_1_2018_mit_Cover.pdf)

The KMK representation in the Foundation Council of the GAC has welcomed these detailed guidelines and asked the HRK to recommend them to the agencies for use. Therefore, on 11 June 2018, HRK sent a letter to each agency on that issue.

### **2 Interstate Study Accreditation Treaty, Article 9, Accreditation Council**

"(2) <sup>1</sup>Members of the accreditation council are:

1. Eight professors from state or state-recognised higher education institutions in the Federal Republic of Germany who have to represent at least four groups of subjects from the humanities, social sciences, natural sciences and engineering sciences,
2. One representative of the German Rectors' Conference,
- ...
5. Two students,

6. Two foreign representatives with accreditation experience,

...

<sup>2</sup>The members pursuant to clause 1 number 1 are appointed for a period of four years by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder [States] in the Federal Republic of Germany (Standing Conference of the Ministers of Education and Cultural Affairs) at the suggestion of the German Rectors' Conference. <sup>3</sup>When making its suggestions, the German Rectors' Conference ensures that the different types of higher education institutions and the diversity of subjects are taken into appropriate account and that the professors are not university executives. <sup>4</sup>The members pursuant to clause 1 numbers 2 and 5 are nominated by the German Rectors' Conference ... then appointed unanimously by the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors' Conference for a period of four years; the statutes can stipulate a shorter period of office for the students."

HRK's 22<sup>nd</sup> General Meeting (22 May 2017) issued a resolution on the procedures for the Nomination of Members of the GAC ([attachment 1](#)) and called on the state rectors' conferences (LRK) and member groups for proposals.

Developing a "matrix" of professors from the proposals who provide the necessary scope (as stipulated by the Interstate Treaty and intended to cover all academic fields) and the much-needed expertise in accreditation, did prove no mean feat. HRK proposed to enable the GAC to enlarge its range of expertise by creating the role of deputy members, a proposal which found favour with the KMK and the GAC itself. It was also adopted by other stakeholder groups. Meanwhile the deputy members have proven to be a valuable asset for the GAC, especially as the number of programme accreditation increased and the workload of reporting to the GAC could be distributed over a larger number of persons. Nevertheless, the fact that active university rectors, presidents, vice-rectors, and vice-presidents are not regarded as members of academia and hence not eligible as members limits GAC expertise when it comes to evaluating models of system accreditation or alternative accreditation procedures. HRK sought to remedy that deficit by nominating some professors who were active in university leadership in their former career.

In order to expand the range of expertise even further without changing the voting ratios in the GAC, HRK proposed introducing the category of "permanent guests". In this way, it was possible to include representatives of private higher education institutions, of a subject that is predominantly offered in state examination programmes (law) as well as of higher education research in the consultations. The regulation was included in the rules of procedure and has proven its worth. The participation of these three experts has

enriched the discussions in the GAC and in some cases facilitated decision-making.

The institutional representative of HRK is nominated by the HRK Board. At the time, a former HRK Vice President and current rector of a university represents HRK; he is an acknowledged expert in the field of teaching and learning as well as accreditation. The HRK representative is expected to provide the perspective of her/his experience in university governance and leadership as well as the overall perspective of the universities, taking the political initiatives of HRK in the field of quality management into account.

Concerning the student members, the HRK Board carefully scrutinised the proposals by the LRK and the additional proposals made by the Student Accreditation Pool. The Board decided that the training and expertise provided by the members of the Student Accreditation Pool are an excellent basis for student representatives in the GAC and that the cooperation, that was already successful before, should be continued, with the Student Accreditation Pool submitting proposals to the HRK, which are generally confirmed by the Board. The procedure for the nomination of student members was adapted to the student organisations' needs at the beginning of 2021.

The foreign representatives with accreditation experience were selected from a range of proposals made by the HRK Board members themselves. As the legal framework prevents active university rectors, presidents, vice-rectors, and vice-presidents from representing the academic perspective, the HRK Board placed importance on including the leadership perspective into the GAC. This was deemed to be a necessity to provide expertise on issues of governance that play a crucial role when deciding on System Accreditations or Alternative Accreditations.

Four of the labour market representatives are nominated by the employers' and employees' organisations respectively. HRK and KMK respect the proposals and nominate the experts as members of the GAC. These organisations follow internal procedures for identifying and nominating suitable candidates. The fifth labour market representative is nominated by KMK.

### **3 Interstate Study Accreditation Treaty, Article 11, Foundation council**

"(1) The foundation council monitors the lawfulness and economic efficiency of the management of the foundation's business by the accreditation council and the Board.

(2) <sup>1</sup>The foundation council consists of:

1. Six representatives of the states,
2. Five representatives of the German Rector's Conference."

As a rule, HRK's representatives are four members of the Board and the Secretary General. From the beginnings of the accreditation system, traditionally the GAC itself has been chaired by a university representative and the Foundation Council by a State representative, balancing the influence on the proceedings when the rare case of a qualitative majority occurs. From HRK's view, the proceedings and discussions in the Foundation Council have always been supportive and results-oriented to provide smooth administrative processes.

#### **4 Interstate Study Accreditation Treaty, Article 15, Evaluation**

"The accreditation system shall be evaluated on behalf of the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors' Conference, in particular with respect to the organisational structure and work of the foundation as well as the other rules of procedure, regularly and at appropriate intervals, for the first time five years after this interstate treaty comes into effect."

HRK has agreed to the Evaluation according to the ESG before the end of the five-year period. It is crucial that the inclusion of the GAC into EQAR should be set in effect as soon as possible, as well the full ENQA membership. Both would be a clear signal that the German accreditation system is based on the ESG and applies them consistently, creating a reliable basis for the recognition of accreditation decisions, study periods and degrees.

## **B Comments on the Accreditation System as of 2018**

On 8 November 2016, the HRK General Meeting issued recommendations for the reorganisation of the accreditation system ([https://www.hrk.de/fileadmin/redaktion/hrk/02-Dokumente/02-01-Beschlusse/Entschliessung\\_Akkreditierung\\_MV\\_08112016\\_EN.pdf](https://www.hrk.de/fileadmin/redaktion/hrk/02-Dokumente/02-01-Beschlusse/Entschliessung_Akkreditierung_MV_08112016_EN.pdf)), stating that

"... in line with the principle of institutional autonomy, the primary responsibility for quality assurance in higher education lies with each university itself. This autonomy not only constitutes the foundation, but also creates the need to answer to the public in external quality assurance processes that are academically directed."

Furthermore, HRK formulated options how the required academic participation as stipulated by the Constitutional Court could be achieved, suggesting a raised number of academic members in GAC, representing a wide variety of disciplines and fields, possibly carrying weighted votes.

Another area that had been troubling the universities across Germany was the fact that accreditation was carried out in legal frameworks that varied slightly, depending on the regulations in the respective State Higher Education Acts. This created different timeframes and hurdles for the universities in the Länder, according to their home state.

Insofar, HRK considers the framework for accreditation that came into effect with the Interstate Treaty and the Specimen Decree<sup>1</sup> to be a significant improvement. Both documents show the willingness of the States to lay a new foundation that is implemented consistently across all of the federal states and that puts the decision of the Constitutional Court concerning the role of academia as well as HRK's recommendations into practice.

HRK was instrumental in developing a type of accreditation that took the internal quality assurance and quality management of universities into greater account. Insofar the introduction of System Accreditation in 2008 was welcomed, but the rules and regulations that GAC set up at that time were considered to be too detailed and prescriptive. HRK kept campaigning for auditing procedures based on the ESG alone.

Given these facts, HRK rates the broadening and differentiation of types of accreditation through alternative accreditation procedures as a positive change, as it mirrors the differentiation within the German higher education system and its universities. Having the choice between three types of accreditation, opens a chance for universities to develop a tailor-made approach for external quality assurance that is more compatible with their individual internal quality management systems. A thematic analysis of the experiences made in system accreditation over the past decade could impact the development and lead to a rise in numbers.

On the other hand, the fact that the Specimen Decree focuses – based on the decision of the Constitutional Court – on programme accreditation and gives system accreditation relatively short shrift, expecting the quality management system to cover all criteria for programme accreditation, could strengthen the tendency to create internal QA systems that “reconstruct” programme accreditation. It is one of the major challenges to overcome this drawback and develop more individual solutions. The alternative accreditation procedures open up a door to new pathways.

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<sup>1</sup> Specimen Decree = „Musterrechtsverordnung“ (in German)

HRK would very much welcome a stronger integration of the German accreditation system into the European context, as would be supported by GAC's inclusion in EQAR and the full membership in ENQA, and thus a strengthening of the role of the ESG in the procedures as they are laid down in the Specimen Decree (especially in system accreditation and the alternative accreditation procedures).

In general, HRK considers the Specimen Decree as dependable, well applicable, and flexible, opening up leeway in its application. In day-to-day practice, however, there are details that might be reconsidered, above all the full application of the "European Approach for Quality Assurance of Joint Programmes", including joint degrees. Further comments on the Specimen Decree are reserved for its evaluation, which will be carried out later this year.

Attachment 1

**Resolution of the 22nd General Meeting of the German Rectors' Conference at Bielefeld on 22<sup>nd</sup> May 2017**

**Procedures for the Nomination of Members of the Accreditation Council**

According to the draft of the "Interstate Treaty on the organisation of a joint accreditation system to ensure the quality of teaching and learning at German higher education institutions (Interstate study accreditation treaty)" the university and student members of the Accreditation Council are to be proposed by the HRK and appointed by the KMK. The legal basis for the regulation of the procedure for the nomination of the council members is the draft of the Interstate study accreditation Treaty article 9 (2):

"(2) <sup>1</sup>Members of the accreditation council are:

1. Eight professors from state or state-recognised higher education institutions in the Federal Republic of Germany who have to represent at least four groups of subjects from the humanities, social sciences, natural sciences and engineering sciences,
2. One representative of the German Rectors' Conference,
3. Four representatives of the states in the Federal Republic of Germany,
4. Five representatives from professional practice, one of whom is a representative of the state ministries responsible for service and collective bargaining law,
5. Two students,
6. Two foreign representatives with accreditation experience,
7. One representative of the agencies in an advisory capacity.

<sup>2</sup>The members pursuant to clause 1 number 1 are appointed for a period of four years by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (Standing Conference of the Ministers of Education and Cultural Affairs) at the suggestion of the German Rectors' Conference. <sup>3</sup>When making its suggestions, the German Rectors' Conference ensures that the different types of higher education institutions and the diversity of subjects are taken into appropriate account and that the professors are not university executives. <sup>4</sup>The members pursuant to clause 1 numbers 2 and 5 are nominated by the German Rectors' Conference ... then appointed unanimously by the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors' Conference for a period of four years; the statutes can stipulate a shorter period of office for the students."



The previous procedure [i.e. until 31 Dec 2017] provided for a joint right of appointment of KMK and HRK for university teachers, whereas the new procedure provides for a sole right of nomination of the HRK and an appointment by the KMK. The proposals for the appointment of the (eight) representatives of academia in the Accreditation Council are made via the bodies represented in the HRK Senate:

- State Rectors' Conferences (Universities / Universities of Applied Sciences),
- Conference of the Universities of Education,
- Rectors' Conference of the Colleges of Art,
- Rectors' Conference of the Colleges of Music,
- Theological / Church run member universities.

The member universities that are not organised in the aforementioned (state) rectors' conferences can submit proposals to the HRK independently.

Each of the rectors' conferences addressed can submit a maximum of two proposals to the HRK Board. A personal profile of requirements should already be taken into account:

- Academic qualification (doctorate) or equivalent qualification,
- experience in accreditation,
- special teaching experience,
- willingness to and experience in committee work,
- preferably management experience, but no active university executives.

The HRK Board collects these proposals and selects a tableau according to the draft Interstate study accreditation Treaty, the decision of the Federal Constitutional Court and general criteria. The selection criteria therefore include, among others

- Professional and personal suitability of the proposed candidates,
- diversity of subjects,
- size of the universities,
- types of higher education institutions.

At the same time, the addressed rectors' conferences submit a proposal to the HRK Board for the appointment of the two student members of the Accreditation Council. The member universities, which are not organised in the aforementioned (state) rectors' conferences, can independently submit proposals to the HRK.

The main criteria

- professional and personal suitability,
- diversity of subjects,
- accreditation experience and, if applicable, committee experience,

should be taken into account.

The HRK Board also collects these proposals and selects a tableau according to the draft Interstate study accreditation Treaty, the decision of the Federal Constitutional Court and general criteria.

The persons selected in these procedures are proposed to the KMK by the HRK Board for nomination.