

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

The HRK, the German Rectors' Conference, is the association of public and state-recognized universities in Germany. The member institutions are represented in the HRK by their executive boards and rectorates. The HRK currently has 268 member institutions, which account for more than 92 percent of all students in Germany.

Given its large membership, which represents all types of higher education institutions, the HRK serves as the voice of the universities in their dialogue with policymakers and the public, and as the central forum for shaping public opinion in the higher education sector.

The HRK addresses all issues related to the role and responsibilities of universities in academia and society, particularly teaching and learning, research, innovation and knowledge transfer, professional development, internationalization, and university self-governance.

Therefore, the state governments have entrusted the HRK with representing the universities and all their members within the accreditation system and have defined a number of responsibilities for the HRK within the legal framework established for the accreditation system and in the formation of the German Accreditation Council (GAC). On the other hand, as the voice of the universities, the HRK represents the views of its member institutions, raising issues of concern and identifying areas for improvement.

Summary

From the HRK's perspective, the changes to the accreditation system since 2018 are, in general, positive. A uniform nationwide framework has been established that creates comparable conditions for all universities. The role of academia has been significantly strengthened; the processes have become more transparent, and by transferring the accreditation decision to the GAC—as a single institution rather than multiple agencies—the adjudication process has become more consistent. The HRK views the broadening and differentiation of accreditation types through alternative accreditation procedures as a positive change, as it reflects the diversity within the German higher education system and its universities.

In the coming years, we anticipate greater involvement in European cooperation as the GAC resumes its role as a full member of ENQA. The HRK would very much welcome a stronger integration of the German accreditation system into the European context, as would be supported

by the GAC's inclusion in EQAR and its 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 explaining the HRK's views on these developments in greater detail to the peer expert group during the evaluation process.

A Role of the HRK within the Accreditation System under the Legal Framework

1 Interstate Study Accreditation Treaty, Article 3, Procedures

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

At its^{24th} General Meeting (April 24, 2018), the HRK adopted a resolution on “Binding guidelines for the appointment of university faculty members to expert groups in accordance with Article 3, Paragraph 3 of the Interstate Study Accreditation Treaty,” which sets forth the procedures and criteria for the three different types of accreditation available. Additionally, in 2018, the 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_Gu-tachter_1_2018_mit_Cover.pdf

The KMK delegation on the GAC Foundation Council has welcomed these detailed guidelines and asked the HRK to recommend them to the agencies for use. Accordingly, on June 11, 2018, the HRK sent a letter to each agency regarding this matter.

2 Interstate Study Accreditation Treaty, Article 9, Accreditation Council

“(2) ¹ The members of the Accreditation Council are:

1. Eight professors from state or state-recognized institutions of higher education in the Federal Republic of Germany who must represent at least four subject areas 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,

...

² The members referred to in paragraph 1(1) are appointed for a term 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) upon the recommendation of the German Rectors' Conference. ³ When making its recommendations, the German Rectors' Conference ensures that the different types of higher education institutions and the diversity of disciplines are appropriately taken into account and that the professors are not university administrators. ⁴ The members pursuant to clause 1, numbers 2 and 5, are nominated by the German Rectors' Conference ... and then appointed unanimously by the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors' Conference for a term of four years; the statutes may stipulate a shorter term of office for the students."

At its^{22nd} General Meeting (May 22, 2017), the HRK adopted a resolution on the procedures for nominating members of the GAC ([Attachment 1](#)) and called on the state rectors' conferences (LRK) and member groups to submit proposals.

Developing a "matrix" of professors from the proposals who possess the necessary breadth of expertise (as stipulated by the Interstate Treaty and intended to cover all academic fields) and the much-needed expertise in accreditation proved to be no small task. The HRK proposed enabling the GAC to broaden its range of expertise by creating the role of deputy members, a proposal that was well received by 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 program accreditations increased and the workload of reporting to the GAC could be distributed among a larger number of people. Nevertheless, the fact that active university rectors, presidents, vice-rectors, and vice-presidents are not considered members of academia and are therefore ineligible for membership limits the GAC's expertise when it comes to evaluating models of system accreditation or alternative accreditation procedures. The HRK sought to address this shortcoming by nominating professors who had held leadership positions at universities earlier in their careers.

In order to broaden the range of expertise even further without altering the voting ratios within the GAC, the HRK proposed introducing the category of "permanent guests." This made it possible to include representatives of private higher education institutions, of a field predominantly offered in state-administered degree programs (law), as well as of higher education research in the consultations. The provision was incorporated into the rules of procedure and has proven effective. The participation of these three experts has

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

The institutional representative of the HRK is nominated by the HRK Board. Currently, a former HRK Vice President and current university rector represents the HRK; he is a recognized expert in the fields of teaching and learning as well as accreditation. The HRK representative is expected to contribute the perspective gained from her or his experience in university governance and leadership, as well as the overall perspective of the universities, taking into account the HRK's policy initiatives in the field of quality management.

With regard to the student members, the HRK Board carefully reviewed the proposals submitted 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 serve as an excellent foundation for student representatives on the GAC and that the cooperation, which had already been successful, should continue, with the Student Accreditation Pool submitting proposals to the HRK, which are generally approved by the Board. The procedure for nominating student members was adapted to the needs of the student organizations at the beginning of 2021.

The foreign representatives with accreditation experience were selected from a range of proposals submitted by the HRK Board members themselves. Since 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 in the GAC. This was deemed necessary to provide expertise on governance issues that play a crucial role in decisions regarding system accreditations or alternative accreditations.

Four of the labor market representatives are nominated by the employers' and employees' organizations, respectively. The HRK and KMK review the nominations and appoint the experts as members of the GAC. These organizations follow internal procedures for identifying and nominating suitable candidates. The fifth labor market representative is nominated by the KMK.

3 Interstate Study Accreditation Treaty, Article 11, Foundation Council

“(1) The Foundation Council monitors the legality and economic efficiency of the management of the foundation's affairs by the Accreditation Council and the Board.

(2) ¹ The Foundation Council consists of:

1. Six representatives of the states,
2. Five representatives of the German Rectors' Conference.”

As a rule, HRK's representatives consist of four members of the Board and the Secretary General. Since the inception of the accreditation system, the GAC has traditionally been chaired by a university representative and the Foundation Council by a state representative, thereby balancing the influence on proceedings in the rare event of a qualitative majority. From the HRK's perspective, the proceedings and discussions in the Foundation Council have always been supportive and results-oriented, ensuring 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 foundation's organizational structure and operations as well as its other rules of procedure, on a regular basis and at appropriate intervals, beginning five years after this interstate treaty enters into force."

The HRK has agreed to undergo an evaluation in accordance with the ESG before the end of the five-year period. It is crucial that the GAC's inclusion in EQAR be implemented as soon as possible, as well as full ENQA membership. Both would send a clear signal that the German accreditation system is based on the ESG and applies them consistently, thereby creating a reliable basis for the recognition of accreditation decisions, periods of study, and degrees.

B Comments on the Accreditation System as of 2018

On November 8, 2016, the HRK General Assembly issued recommendations for the reorganization of the accreditation system (https://www.hrk.de/fileadmin/redaktion/hrk/02-Dokumente/02-01-Beschluesse/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 be accountable to the public through externally conducted quality assurance processes that are academically directed."

Furthermore, the HRK outlined options for how the required academic participation, as stipulated by the Constitutional Court, could be achieved, suggesting an increased number of academic members on the GAC who would represent a wide variety of disciplines and fields and possibly hold weighted votes.

Another issue that had been troubling universities across Germany was the fact that accreditation was conducted within legal frameworks that varied slightly, depending on the provisions of the respective state higher education laws. This resulted in different timelines and hurdles for universities in the federal states, depending on their home state.

In this regard, the HRK considers the accreditation framework established by the Interstate Treaty and the Model Decree¹ to be a significant improvement. Both documents demonstrate the states' willingness to lay a new foundation that is implemented consistently across all federal states and that puts into practice the Constitutional Court's ruling on the role of academia as well as the HRK's recommendations.

The HRK played a key role in developing a form of accreditation that placed greater emphasis on universities' internal quality assurance and quality management. In this regard, the introduction of System Accreditation in 2008 was welcomed, but the rules and regulations established by the GAC at that time were considered too detailed and prescriptive. The HRK continued to advocate for audit procedures based solely on the ESG.

Given these facts, the HRK views the expansion and diversification of accreditation types through alternative accreditation procedures as a positive development, as it reflects the diversity within the German higher education system and its universities. Having the choice between three types of accreditation provides universities with an opportunity to develop a customized approach to external quality assurance that is better aligned with their individual internal quality management systems. A thematic analysis of the experiences gained in system accreditation over the past decade could influence future developments and lead to an increase in the number of such accreditations.

On the other hand, the fact that the Model Decree—based on the Constitutional Court's decision—focuses on program accreditation and gives relatively little attention to system accreditation, expecting the quality management system to cover all criteria for program accreditation, could reinforce the tendency to create internal quality assurance systems that “reconstruct” program accreditation. Overcoming this shortcoming and developing more tailored solutions is one of the major challenges. The alternative accreditation procedures open the door to new pathways.

¹ Specimen Decree = “Model Regulation” (in German)

The 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 full membership in ENQA, and thus a strengthening of the role of the ESG in the procedures as laid down in the Specimen Decree (especially in system accreditation and the alternative accreditation procedures).

In general, the HRK considers the Specimen Decree to be reliable, practical, and flexible, allowing for some leeway in its application. In day-to-day practice, however, there are details that might be reconsidered, particularly the full implementation of the "European Approach to Quality Assurance of Joint Programs," including joint degrees. Further comments on the Model Decree will be reserved for its evaluation, which will be conducted later this year.

Attachment 1

Resolution of the 22nd General Meeting of the German Rectors' Conference in Bielefeld on May 22, 2017

Procedures for the Nomination of Members of the Accreditation Council

According to the draft of the “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),” the university and student members of the Accreditation Council are to be nominated by the HRK and appointed by the KMK. The legal basis for regulating the procedure for the nomination of council members is Article 9(2) of the draft Interstate Study Accreditation Treaty:

“(2)¹ The members of the Accreditation Council are:

1. Eight professors from state or state-recognized higher education institutions in the Federal Republic of Germany who must represent at least four subject groups 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 labor and collective bargaining law,
5. Two students,
6. Two foreign representatives with experience in accreditation,
7. One representative of the agencies in an advisory capacity.

² The members referred to in paragraph 1(1) are appointed for a term 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) upon the recommendation of the German Rectors' Conference. ³ When making its recommendations, the German Rectors' Conference ensures that the various types of higher education institutions and the diversity of disciplines are appropriately taken into account and that the professors are not university administrators. ⁴ The members pursuant to clause 1, numbers 2 and 5, are nominated by the German Rectors' Conference ... and then appointed unanimously by the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors' Conference for a term of four years; the statutes may stipulate a shorter term of office for the students.”

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

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

Member universities that are not organized within the aforementioned (state) rectors' conferences may submit proposals to the HRK independently.

Each of the rectors' conferences addressed may 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 current university executives.

The HRK Board collects these proposals and selects a panel in accordance with the draft Interstate Study Accreditation Treaty, the decision of the Federal Constitutional Court, and general criteria. The selection criteria therefore include, among other things

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

At the same time, the relevant rectors' conferences submit a proposal to the HRK Board for the appointment of the two student members of the Accreditation Council. Member universities that are not part of the aforementioned (state) rectors' conferences may submit proposals to the HRK independently.

The main criteria

- professional and personal suitability,
 - diversity of disciplines,
 - accreditation experience and, if applicable, committee experience,
- should be taken into account.

The HRK Board also collects these proposals and selects a shortlist in accordance with the draft Interstate Study Accreditation Treaty, the decision of the Federal Constitutional Court, and general criteria.

The individuals selected through these procedures are proposed to the KMK by the HRK Board for nomination.