

Explanatory Memorandum to the Thuringian Ordinance on the Implementation of the State Treaty on University Accreditation

A. General

The joint system of the federal states for the accreditation of bachelor's and master's degree programs at German universities will be placed on a new legal basis as of January 1, 2018, following the decision of the Federal Constitutional Court of February 17, 2016 (Ref.: 1 BvL 8/10).

With the State Treaty on Study Program Accreditation of June 1–12, 2017 (GVBl. p. 240), which the State Parliament approved with the Thuringian Act on the State Treaty on Study Program Accreditation of November 23, 2017 (GVBl. p. 239), and which, following its ratification in accordance with the announcement of February 12, 2018 (GVBl. p. 31), entered into force in Thuringia on January 1, 2018, the states have jointly implemented the requirements of the Federal Constitutional Court. This has now established the legal basis for the joint state system for the accreditation of bachelor's and master's degree programs at German universities.

Article 4 of the State Treaty on Study Program Accreditation contains an authorization for the states to issue statutory regulations governing the details of

1. the formal criteria under Article 2(2) of the State Treaty on Study Program Accreditation,
2. the subject-specific and content-related criteria pursuant to Article 2(3) of the State Treaty on Study Program Accreditation,
3. the procedure under Article 3 of the State Treaty on Study Program Accreditation, specifically regarding the procedures under items 1 and 2, in particular
 - a) the details regarding the initiation of the procedure, in particular with regard to the university's commissioning of the agency,
 - b) the specification of a uniform framework and uniform standards for the reports on the subject-matter and content criteria as well as the audit report on the formal criteria,
 - c) the composition of the committee responsible for the evaluation and preparation of the report,
 - d) the professional requirements for the evaluators,
 - e) the period of validity of the accreditation decisions, and
 - f) the details regarding the connection with procedures that determine the eligibility of a degree program under professional licensing law.

Accordingly, the model legal ordinance adopted by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (Kultusministerkonferenz) on December 7, 2017, contains the joint requirements of the Länder regarding the indispensable structural and qualitative standards for the accreditation of bachelor's and master's programs, which are necessary to ensure the states' obligation under Article 1(2) of the State Treaty on Study Accreditation to guarantee the equivalence of corresponding academic and examination achievements as well as degrees and the possibility of transferring between higher education institutions (see § 9(2) of the Higher Education Framework Act). The provisions of the Model Statutory Ordinance are based in particular on:

1. the relevant resolutions of the Conference of Ministers of Education and Cultural Affairs on the bachelor's and master's system, in particular
 - a) "Joint State Structural Requirements for the Accreditation of Bachelor's and Master's Degree Programs" of October 10, 2003, as amended on February 4, 2010 (Joint State Structural Requirements),
 - b) "Qualifications Framework for German Higher Education Degrees" of February 16, 2017,
 - c) "Key Points for the Structure of Degree Programs in Catholic or Protestant Theology/Religion" of December 13, 2007, as an agreement between the Conference of Ministers of Education and Cultural Affairs, the Evangelical Church in Germany, and the German Catholic Bishops' Conference,
 - d) "Key Points for the Mutual Recognition of Bachelor's and Master's Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career" dated June 2, 2005 (Quedlinburg Resolution),
 - e) "Standards for Teacher Education: Educational Sciences" of December 16, 2004, and
 - f) "Joint State Requirements for Content in Subject-Specific Sciences and Didactics in Teacher Education" of October 16, 2008, as amended on March 16, 2017in their currently applicable versions,
2. on quality assurance through accreditation:
 - a) the previous regulations of the Accreditation Council and
 - b) the Convention of April 11, 1997, on the Recognition of Qualifications in Higher Education in the European Region, as amended on May 16, 2007 (Federal Law Gazette 2007 II, pp. 712–713) (the so-called Lisbon Convention),
3. the relevant agreements of the Conference of Ministers of Education of the European Higher Education Area, in particular
 - a) "Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)," May 2015 (Yerevan),
 - b) the so-called "European Approach for Quality Assurance of Joint Programs," May 2015 (Yerevan),
 - c) "Guide to the Implementation of the European Credit Transfer System" (ECTS Users' Guide) of the European Commission, adopted in May 2015 (Yerevan),
 - d) "Framework of Qualifications for the European Higher Education Area," May 2005 (Bergen), as well as
4. the Diploma Supplement, most recently agreed upon in 2015 between the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors' Conference (HRK).

In doing so, the existing accreditation system was modified based on the experience gained, with the particular aim of increasing flexibility and optimization, as well as promoting consistency in accreditation decisions.

In drafting the model statutory regulation, the Standing Conference of the Ministers of Education and Cultural Affairs was guided by

the principle enshrined in the State Treaty on Study Program Accreditation that ensuring and developing the quality of study and teaching is primarily the responsibility of the universities. The Conference of Ministers of Education assumes that higher education institutions will, on their own responsibility and across the board, place the quality of studies at the center of their program design. In doing so, the principle previously and emphatically upheld—that existing scope for flexibility, expressed in the Model Statutory Ordinance through a multitude of discretionary or mandatory provisions and restrictive formulations, must be utilized flexibly and productively—continues to apply. The exercise of this discretion requires a transparent justification by the universities, which must be presented and verified within the framework of program accreditation or in the corresponding internal quality assurance processes.

In Thuringia, accreditation is established as a quality assurance measure for academic programs and teaching in Section 49 of the Thuringian Higher Education Act (ThürHG). The Model Statutory Ordinance is transposed into state law by this ordinance, based on the authorization in Section 2 of the Thuringian Act on the State Treaty on Study Accreditation. In doing so—apart from editorial adjustments—changes are made to the Model Statute only where state-specific adaptation is required (for example, § 1(2), § 3(2), § 4(2), §§ 5 and 8(6)).

B. Regarding the individual provisions

Section 1 – General Provisions

Regarding § 1 – Scope of Application

Section 1(1) defines the subject matter of the statutory regulation, which, pursuant to Article 4 of the State Treaty on Study Program Accreditation, relates to the formal criteria under Article 2(2) of the State Treaty on Study Program Accreditation, the subject-specific criteria under Article 2(3) of the State Treaty on Study Program Accreditation, and the procedure under Article 3 of the State Treaty on Study Program Accreditation.

Regarding § 2 – Forms of Accreditation

Section 2 lists the possible accreditation procedures under Article 3(1) of the State Treaty on Study Program Accreditation, to which the subsequent provisions of this statutory regulation apply.

Regarding Sections Two and Three – Formal and Academic Content Criteria for Degree Programs and Quality Management Systems

The criteria set forth in Sections 2 and 3 are incorporated into the design of degree programs at universities in Thuringia pursuant to Section 19(1), sentence 1, no. 2, and (2), sentence 1, no. 2

and 3, as well as Sections 46 through 60 and 67 through 70 of the Thuringian Higher Education Act (ThürHG).

Section Two – Formal Criteria for Degree Programs

Section Two primarily addresses the structural guidelines agreed upon by the federal states, through which the states have agreed on the core elements of the tiered degree system as the basis for mobility during studies and mutual recognition of degrees within Germany and the European Higher Education Area.

Regarding Section 3 – Program Structure and Duration

Paragraph 1 establishes the principle that, in a tiered degree system, the bachelor's degree constitutes the standard degree. It must be characterized by an independent, professionally qualifying profile that enables the holder to take up professional activity in the respective field. This does not preclude the possibility that, for certain activities, the requirements prescribed by professional regulations are only met at the master's level. The master's degree is defined as a further professional qualification at the university level.

Paragraph 2 provides the framework for the planning and design of bachelor's and master's degree programs for higher education institutions; it does not regulate individual study patterns. The flexibility of 3-, 3.5-, or 4-year Bachelor's programs and 1-, 1.5-, or 2-year Master's programs in full-time study allows for a program structure that meets the requirements of the respective discipline and academic culture. Excluded are Bachelor's-level programs with a standard period of study of less than three years in full-time study. The total standard period of study until the master's level is reached in consecutive degree programs is ten semesters. Exceptions in the core artistic disciplines at art and music colleges are possible in justified individual cases based on an agreement between the college and the ministry, typically within the framework of the agreement to establish the degree program pursuant to § 48 (2) ThürHG. Subject to further provisions of state law, consecutive bachelor's and master's degree programs with a total duration of six years may also be established in these subjects. Furthermore, state law may also provide for the adjustment of standard periods of study in accordance with § 52 (2) sentence 2 of the Thuringian Higher Education Act (ThürHG), provided the program is organized accordingly.

The exception in paragraph 3 for the "full theological program" is formulated with reference to Article 17(2) of the State Treaty on Study Accreditation and the agreement of the Conference of Ministers of Education with the Evangelical Church in Germany and the German Catholic Bishops' Conference, "Key Points for the Study Structure in Programs in Catholic or Evangelical Theology/Religion" dated December 13, 2007. Accordingly, the division into Bachelor's and Master's degrees is not mandatory. However, full-time theological degree programs with a standard period of study of ten semesters are otherwise fully subject to the formal and substantive criteria of accreditation, with the exception of the degree (see § 6 (2), sentence 6, and the explanatory memorandum).

Regarding § 4 – Program Profiles

Paragraph 1 sets forth provisions regarding the profile of master's degree programs. Regardless of the type of institution, master's degree programs may be classified as either "application-oriented" or "research-oriented."

. Given the decision not to distinguish between programs at universities of applied sciences and traditional universities, this differentiation serves to enhance transparency for students and the labor market. If a profile type is specified, it must be clearly reflected in the structure of the program.

At colleges of art and music, master's programs may have a special artistic profile.

Master's programs that provide the educational prerequisites for a teaching position must have a specific teaching-related profile. For this purpose, the joint state-level subject-specific requirements for teacher training—in particular standards in the educational sciences, as well as joint state-level content requirements for the subjects and their didactics, and any state-specific content and structural guidelines—must be applied as assessment criteria.

The respective profile must be verified during the accreditation process.

For master's programs, pursuant to paragraph 2, a distinction is made—regardless of the type of institution—between consecutive and continuing education programs, which are defined in more detail in § 11(3). The requirements for continuing education master's programs are set forth in § 57 of the Thuringian Higher Education Act (ThürHG).

Continuing education master's programs lead to the same level of qualification and the same entitlements as consecutive master's programs. The same requirements therefore apply to them, in particular regarding the standard period of study and the requirement for a thesis.

Paragraph 3 clarifies that the requirement for a thesis is an indispensable quality criterion for all degree programs. In artistic degree programs, the term “thesis” may also be understood to mean a “final project.” The thesis serves as proof of the ability to independently address a problem within the respective field using scientific or artistic methods within a specified timeframe. For the scope of theses, see § 8(3).

Regarding § 5 – Admission Requirements and Transfers Between Programs

Admission to a master's program requires a first professional degree. This takes into account the nature of the master's degree as a further professional degree (see § 3 (1)). Pursuant to § 53(4)(2) of the Thuringian Higher Education Act (ThürHG), additional requirements for admission to master's degree programs may be stipulated, in particular proof of program-specific aptitude in accordance with §§ 68 and 69 of the ThürHG. The general credit transfer provisions apply to transitions between degree programs under different degree systems. An exception to the requirement of a first professional degree is possible under § 70(3) of the Thuringian Higher Education Act (ThürHG) for continuing education master's programs if the first professional degree is replaced by an aptitude examination.

is required. Paragraph 1, sentence 3, stipulates—with regard to the profile of professional master’s programs as defined in § 4(2)—that admission requires qualified professional experience, i.e., experience relevant to the program’s qualification objectives, which generally must be at least one year in duration. Since professional activity builds upon the preceding first professionally qualifying degree, it generally cannot be replaced either by mandatory internships from the bachelor’s phase or by professional activity prior to the commencement of bachelor’s studies. Pursuant to Section 67(1), Sentence 1, No. 4 of the Thuringian Higher Education Act (ThürHG), the completion of an accredited bachelor’s program at a state or state-recognized vocational academy is, under higher education law, equivalent to a bachelor’s degree from a university. The degree title “Bachelor” awarded by vocational academies is not a university degree, but a state-recognized degree title. In accordance with the resolution of the Conference of Ministers of Education and Cultural Affairs on

“Classification of Bachelor’s degree programs at vocational academies within the consecutive study structure” of October 15, 2004, degree programs at vocational academies leading to the degree title “Bachelor” must be accredited. Accreditation in accordance with the provisions of the Model Statutory Ordinance based on the State Treaty on Study Accreditation forms the basis.

Regarding § 6 – Degrees and Degree Titles

Paragraph 1 establishes the principle that only one degree may be awarded for a successfully completed program. Exceptions are possible only within the framework of international collaborations leading to a double or multiple degree from the participating institutions of higher education. This precludes the simultaneous awarding of degrees from both the old and the new degree systems. There is no differentiation of degrees based on the standard duration of study or the type of institution at which the degree was earned.

Paragraph 2 conclusively establishes the degree titles for Bachelor’s and consecutive Master’s degree programs. Instead of the degree titles “Bachelor” and “Master,” the Latin terms “Baccalaureus” or “Baccalaurea” and “Magister” or “Magistra” may also be used. For degree programs that cannot be clearly assigned to one of the subject groups listed in sentence 1, nos. 1 through 7, the degree title is determined by the program’s academic focus. This applies to interdisciplinary and combined degree programs, but in particular also to polyvalent degree programs in the field of teacher education, for which degree titles under nos. 1 through 7 may be awarded. For continuing education Master’s programs, alternative titles remain permissible. Subject-specific additions to degree titles and mixed-language degree titles are excluded, as are Bachelor’s degrees with the addition “honors.”

An exception to the guidelines on degree titles applies to fully theological, non-tiered degree programs, for which the degree title “Magister Theologiae” is to be used in accordance with item 3 of the “Guidelines for the Structure of Degree Programs in Catholic or Protestant Theology/Religion.” This refers to the academic degree of “Master” in Latinized form and thus establishes a connection to the comprehensive Bologna Framework. The theological faculties are free

to award this academic degree in the feminine form as well.

Paragraph 2, sentence 1, item 7 governs the titles for bachelor's and consecutive master's degrees in degree programs that provide the educational qualifications required for a teaching career. The degree title "Master of Education" (Section B 2 of the "Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs") shall be reserved for such degree programs that—as a rule, nationwide—provide access to a preparatory service for a teaching career in accordance with state law, in the interest of transparency and to avoid false expectations regarding mobility.

Paragraph 3 provides for the issuance of certificates of equivalence, thereby promoting transparency regarding the qualification level of Bachelor's and Master's degrees in comparison to the Diplom degree in the single-tier system. Certificates of equivalence are already standard practice at some universities.

Paragraph 4 stipulates that the Diploma Supplement is a mandatory component of every degree certificate. The Diploma Supplement is an additional document containing standardized information describing higher education degrees and associated qualifications, intended to facilitate and improve the evaluation and classification of these degrees for both academic and professional purposes. The version of the Diploma Supplement agreed upon by the Conference of Ministers of Education and Cultural Affairs and the German Rectors' Conference, in its currently valid form, must be used.

Regarding § 7 – Modularization

Paragraph 1 defines the requirements for modularization that must be demonstrated as part of the accreditation process. Modules consist of self-contained units of study, both thematically and in terms of time, that are assigned credit points. They may be composed of various forms of teaching and learning (e.g., lectures, exercises, internships, e-learning, teaching research). A module should cover the content of a single semester, but may, in exceptional cases, also extend over several semesters. The fundamental time limit serves two primary purposes. On the one hand, modules serve to provide a transparent internal structure for degree programs and should therefore not be too large. On the other hand, modules that extend over a longer period of time could restrict mobility. If the institution deviates from this time limit, it must demonstrate that this has no adverse effect on the intended objectives or that such effects are offset by appropriate measures. Sentence 3 takes into account the specific characteristics of artistic degree programs.

Paragraphs 2 and 3 regulate the requirements for the description of modules. The description of the modules should provide students with reliable information regarding the course of study, content, qualitative and quantitative requirements, and integration into the overall concept of the degree program, as well as the relationship to other modules offered. The description should also enable an assessment of the module with regard to credit transfer and recognition when changing institutions.

Paragraph 2 does not contain any rigid stipulations that would prevent the flexible design of the course offerings. Without prejudice to the universities' responsibility for the specific design of the modules, the standards recommended in items 1 through 9 for the description of modules assume that information on the following aspects will be provided:

1. Content and learning outcomes of the module, in particular
 - a) subject-specific, methodological, practical, and interdisciplinary content,
 - b) subject-specific, methodological, and interdisciplinary competencies, key competencies,
 - c) learning and qualification objectives aligned with a to-be-defined overall qualification (target degree),
2. Teaching formats in the form of a description of the individual teaching and learning formats (lectures, exercises, seminars, internships, project work, self-study),
3. Requirements for participation (in conjunction with paragraph 3) by describing the knowledge, skills, and abilities necessary for successful participation, as well as options for preparing for participation (including references to literature and information on multimedia-supported teaching and learning programs),
4. Applicability of the module (in conjunction with paragraph 3) by describing the relationship between the module and other modules within the same degree program and the extent to which it is suitable for use in other degree programs,
5. Requirements for the awarding of ECTS credits:
 - a) Description of the requirements for awarding credits, in particular through examinations, including the type of examination (e.g., oral or written examination, presentation, term paper) as well as the scope and duration of the examination, proof of attendance,
 - b) Regulations regarding opportunities for compensation in the examination regulations,
6. ECTS credits and grades:
 - a) Separate reporting of credits and grades,
 - b) additional display of a relative grade alongside the grade based on the German grading scale from 1 to 5; it is recommended that this be determined in accordance with the ECTS Guidelines in their currently valid version,
7. Frequency of module offerings by specifying whether the module is offered every semester, every academic year, or only at longer intervals,
8. Workload by specifying the total workload and the number of ECTS credits to be earned for each module,
9. Duration of the modules by specifying the duration of the modules due to their impact on the course of study, the examination load, and the frequency of offering.

Regarding § 8 – Credit Point System

Paragraph 1 deals with the awarding of credit points. These serve as a quantitative measure of the total workload for students and encompass both direct instruction and the time spent on preparation and follow-up work for the course material in both in-person and self-directed

studies, the effort required for exams, and exam preparation, including theses and term papers, as well as internships where applicable. The awarding of credit points is based on the European Credit Transfer System (ECTS), which is applied within the European Higher Education Area as part of the Bologna Process and thus facilitates mutual recognition. Sixty ECTS credits are awarded per academic year, which corresponds to 30 ECTS credits per semester. For one ECTS credit, a student's workload in classroom and self-study is assumed to be 25 to a maximum of 30 hours, so that the total workload for a full-time student per semester, including both lecture and non-lecture periods, amounts to 750 to 900 hours. This corresponds to 32 to 39 hours per week over 46 weeks per year. The specific determination of how many working hours within this range constitute one ECTS credit is set forth in the study and examination regulations.

ECTS credits are assigned to individual modules. They are awarded once the requirements specified in the examination regulations have been met, whereby a successful completion of the respective module—rather than necessarily an examination—is required.

Paragraph 2 stipulates that at least 180 ECTS credits are required to obtain a Bachelor's degree, and a total of 300 ECTS credits to reach the Master's level—that is, including prior studies up to the first professionally qualifying degree. No exceptions to these planning requirements for higher education institutions are provided for. The deviations from the standard period of study permitted under § 3 relate exclusively to the time requirements and do not allow for any deviation from the ECTS credit requirements.

According to sentence 4, deviations from the 300 ECTS credit requirement for the Master's degree may be permitted in individual cases if the student possesses the appropriate qualifications. However, this exception applies exclusively to individual students and not to the degree program. Accordingly, applicants may also be admitted to master's programs who, based on the total number of ECTS credits from their bachelor's studies, do not reach a total of 300 ECTS credits. The prerequisite is proof of the qualifications required for admission.

In accordance with the possible total standard period of study of 6 years under Section 3(2), the master's level may be attained with 360 ECTS credits in consecutive bachelor's and master's programs in the core artistic disciplines at art and music colleges. The option of large-scale modules in the core artistic subject during the bachelor's program takes into account the unique characteristics of artistic education, which, due to its holistic approach, precludes a highly granular modularization.

Paragraph 3 regulates the scope of the final theses. To ensure a scope of work that is aligned with the educational goals and level and is proportionate to the course load of the respective program, the scope for the bachelor's thesis must not be less than 6 ECTS credits and must not exceed 12 ECTS credits

. For the master's thesis, a lower limit of 15 ECTS credits and an upper limit of 30 ECTS credits apply. These requirements serve both quality assurance and the students' interest in degree programs that are not overburdened in terms of content or time. These ranges allow for flexible structuring while taking into account subject-specific characteristics. In principle, these requirements also apply to art and music colleges. In justified exceptional cases, the scope of work for the Bachelor's thesis in fine arts programs may be up to 20 ECTS credits and for the Master's thesis up to 40 ECTS credits.

Paragraph 4 stipulates that deviations from the guidelines regarding the credit volume per semester are generally permissible for certain program formats, such as intensive programs. The upper limit is 75 ECTS credits, based on 30 hours per ECTS credit. In these cases, special attention must be paid to the feasibility of the program. Through measures related to the organization of studies, universities offering such programs should contribute to ensuring that the program is feasible.

Regarding § 9 – Special Criteria for Cooperation with Non-Higher Education Institutions

Section 9 establishes the specific formal criteria for non-higher-education collaborations pursuant to Section 19. Paragraph 1, sentence 1, stipulates—from the perspective of quality assurance and transparency—the requirement for a written cooperation agreement between the degree-granting institution and the collaborating educational provider regarding the nature, scope, and mutual obligations of the existing collaboration. Furthermore, for reasons of consumer protection, a transparent presentation of the scope and nature of the cooperation on the university's website is required.

Paragraph 1, sentence 2, emphasizes that higher education institutions are responsible for ensuring the quality of the degrees and academic titles they confer, for the quality assurance of study programs, and for the procedures for recognizing competencies acquired outside of higher education. Only those competencies may be recognized that are equivalent in content and level to the part of the program they are intended to replace. Such knowledge and skills acquired outside the higher education system may replace no more than 50 percent of a higher education program. This ensures that a substantial part of the education underlying the higher education degree takes place under the direct responsibility—that is, through the own efforts—of the awarding institution.

Paragraph 2 makes it clear that program-specific collaborations with non-higher-education institutions can only be considered qualitatively equivalent if they generate verifiable additional academic and educational benefits for future students and for the degree-granting institution. This added value must be clearly demonstrated.

Regarding § 10 – Special Provisions for Joint Degree Programs

This provision implements the European Approach to Quality Assurance of Joint Programs, adopted at the Conference of Ministers of Education

of the European Higher Education Area in May 2015 in Yerevan. This is intended to enable the external quality assurance of degree programs—particularly those jointly developed and administered by higher education institutions in different countries within the European Higher Education Area—based on uniform procedural rules and criteria aligned with the “Standards and Guidelines for Quality Assurance in the European Higher Education Area” (ESG), which also underpin the European Higher Education Area. Corresponding provisions regarding the academic and content-related criteria and the procedural rules are found in Sections 16 and 32 of the third and fourth sections of this regulation.

Sections 16 and 32. The provisions contained in Sections 2 through 4 of this regulation apply to joint degree programs only to the extent expressly specified.

The provisions on joint degree programs establish the legal framework for accreditation decisions based on deviating criteria and procedural rules. They thus provide, beyond the right of the Accreditation Council Foundation to establish the conditions for the recognition of accreditation decisions by foreign institutions as set forth in Article 5(3)(2) of the State Treaty on Study Accreditation, the possibility of making accreditation decisions that deviate from the criteria and procedural rules defined in this statutory order. Article 5(3)(2) of the State Treaty on Study Program Accreditation merely mandates the Accreditation Council Foundation to regulate the requirements for conducting corresponding recognition procedures on the basis of the criteria and procedural rules set forth in the State Treaty on Study Program Accreditation and in the regulations enacted pursuant to Article 4 of the State Treaty on Study Program Accreditation, without permitting any deviation from these requirements. Authorizing the Foundation to independently define criteria and procedural rules in such proceedings that deviate from these requirements is not consistent with the objectives set forth in Article 1(2) and (3) as well as Article 4(6) of the State Treaty on Study Program Accreditation, but also in light of constitutional principles—in particular the principle of specificity and the theory of materiality—is not associated with this.

Paragraph 1 defines the scope of application. In view of the differing criteria associated with the application of the European approach to quality assurance for joint programs—in particular, the requirement of 300 ECTS credits is not structurally mandatory for a master’s degree including the first degree—and pending clarification of other issues regarding the scope of application, this is initially limited to degree programs leading to a joint degree. Accordingly, a joint degree program is a program offered by a domestic higher education institution in collaboration with one or more foreign higher education institutions and leading to a degree awarded jointly by these institutions.

The participating institutions must be recognized as higher education institutions by the competent authorities in their respective countries. Their respective national legal frameworks must permit them to participate in joint degree programs and to award a

joint degree (see B 1.1 of the European Approach to Quality Assurance in Joint Programs).

Paragraphs 1 through 5 set forth the requirements for the structure of the study program and cooperation that are essential for the scope of application to be established.

Point 1 stipulates that the degree program must be based on a jointly coordinated and systematically interrelated coherent curriculum. This excludes models in which higher education institutions cooperate only in the recognition of credits but do not maintain a joint curriculum (see the introduction to the European Approach to Quality Assurance for Joint Programs).

Paragraph 2 stipulates that each student must complete at least 25 percent of the program, measured in ECTS credits, at at least one of the foreign partner institutions. This excludes the application of the special regulations for joint degree programs in cases of cooperation involving optional study abroad or in cases where only foreign students are required to be mobile.

Paragraph 3 stipulates the requirement for a contractually regulated collaboration between the participating institutions to ensure the sustainability of the study program, particularly in the interest of the students. The cooperation agreement concluded by the participating institutions within the framework of their contractually regulated collaboration must, in particular, contain provisions regarding:

1. the designation of the degree awarded in the program,
2. coordination and responsibilities of the partners with regard to management and financial organization,
3. Admission and selection procedures for students,
4. student and faculty mobility;
5. examination regulations, methods for assessing students, recognition of credits, and procedures for awarding degrees; and the involvement of all cooperating institutions in the design and implementation of the program

(see B 1.3 of the European Approach to Quality Assurance in Joint Programs).

Point 4 ensures, in the interest of the students, that the study program has a coordinated admissions and examination system (see B 1.3 of the European Approach to Quality Assurance in Joint Programs).

Section 5 stipulates that participating universities must have a common quality management system. This includes the requirement that participating universities apply common internal quality assurance processes. These include, in particular, a quality assurance strategy, standards for the design and approval of degree programs, adherence to the principles of student-centered learning, teaching, and assessment, transparent regulations regarding admission and the course of study, recognition, and graduation, ensuring the competence of faculty, the provision of adequate resources to ensure the learning environment, sound information management, and continuous

monitoring and regular review of degree programs (see B 9 of the European Approach to Quality Assurance of Joint Programs in conjunction with ESG 1.1 and Part 1 of ESG).

Paragraph 2 sets out the formal criteria applicable to joint degree programs.

Sentence 1, with regard to the participation of foreign higher education institutions and the political agreements reached within the European, explicitly establishes as an assessment criterion the application of the recognition principles of the Lisbon Convention that already apply to higher education institutions based in Germany under federal or state law (see B 4.2 of the European Approach to Quality Assurance in Joint Programs). These include:

1. a right to recognition of competencies acquired as qualifications for or within the context of higher education studies, provided there are no significant differences between the competencies acquired and those to be demonstrated. This is to be assessed in particular against the qualification objective of the respective degree program,
2. a reversal of the burden of proof in favor of the applicants,
3. an obligation on the part of the institution to provide reasons for negative decisions,
4. the right to a review of the decision.

Sentence 2 clarifies that the principles regarding modularization and the credit system set forth in Sections 7 and 8(1) also apply here and that the distribution of credits must be clearly regulated (see B 3.2 of the European Approach to Quality Assurance in Joint Programs).

Sentence 3 stipulates, in accordance with the political agreements within the European Higher Education Area, that a bachelor's program must comprise a minimum of 180 and a maximum of 240 credit points, and that a master's program must comprise a minimum of 60 credit points (see B 3.3 of the European Approach to Quality Assurance in Joint Programs). Sentence 4 clarifies, particularly in the interest of internationally mobile students, that relevant information about the program—such as admission requirements and procedures, the course catalog, and examination and assessment procedures—must be published and accessible to students at all times. (See B 8 of the European Approach to Quality Assurance in Joint Programs).

Paragraph 3 extends the scope of application of the criteria and procedural rules of the so-called European Approach, as set forth in § 10(1) and (2), § 16(1), and § 32(1) to joint degree programs conducted in cooperation with higher education institutions outside the European Higher Education Area, provided that the non-European cooperation partners have committed to applying these principles in a cooperation agreement with the domestic higher education institution.

Section Three – Academic Content Criteria for Degree Programs and Quality Management Systems

This section serves to specify the academic and content-related criteria referred to in Article 2(3) of the State Treaty on Study Program Accreditation.

Regarding § 11 – Qualification Objectives and Degree Level

Section 11 sets forth the criteria according to which the consistency of the qualification objectives and the degree level of the respective program concept must be assessed within the framework of the accreditation procedure.

Paragraph 1 refers to Article 2(3)(1) of the State Treaty on Study Program Accreditation, which lists as the qualification objectives of a study program the scientific or artistic competence corresponding to the intended degree level, as well as the ability to engage in qualified gainful employment and personal development. In view of the particular importance of the social relevance of study and teaching as part of the characteristic of personal development, this is explicitly mentioned in accordance with the definition provided by the Science Council in its 2015 recommendations on the relationship between higher education and the labor market. As part of the accreditation process, it must be verified whether the qualification objectives and intended learning outcomes to be specifically defined by the institution for each degree program reflect these goals.

The aspects of the subject-specific, scientific, artistic, methodological, and personal development requirements are based on the descriptors and competence dimensions of the Qualifications Framework for German Higher Education Degrees in its current version, which was developed in collaboration between the German Rectors' Conference and the Standing Conference of the Ministers of Education and Cultural Affairs, in consultation with the Federal Ministry of Education and Research, and adopted by the Standing Conference of the Ministers of Education and Cultural Affairs on February 16, 2017. This framework implements the Qualifications Framework for the European Higher Education Area at the national level and encompasses the imparting of up-to-date subject-specific knowledge, interdisciplinary knowledge, and the generally accepted principles of good scientific practice, as well as the acquisition of methodological, personal, and social competencies and the assurance of employability and the ability to engage in lifelong learning. During the accreditation process, it must be verified whether the program concept encompasses these aspects and whether they correspond to the level of the degree awarded.

Paragraph 3 sets forth, based on relevant resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs that have proven effective in previous accreditation practice, the requirements to be reviewed in the accreditation process for the bachelor's and master's levels within the tiered system and for different program profiles.

Sentence 1 clarifies the function of the bachelor's degree as the first professionally qualifying degree, which, as an undergraduate university degree, must provide a broad qualification and thus ensure both the ability to engage in professional activity and the capacity for further academic qualification and lifelong learning. In accordance with the differentiation of master's programs under Section 4(2), Sentence 2 defines consecutive master's programs as programs that deepen, broaden, are interdisciplinary, or are in other fields. Sentences 3 and 4 regulate the specific requirements for

The same applies to the review of the requirements which—despite the predominantly vocational orientation—must demonstrate, both structurally (see also § 4 (2)) and in terms of content, a connection between professional qualification and the program concept. The same applies to the review of the requirements, which—despite the predominantly vocational orientation—must correspond to the qualification level defined for the master's level both structurally (see also § 4 (2)) and in terms of content (see also paragraph 2). Sentence 5 specifies the qualification objectives for artistic bachelor's and master's degree programs.

Bachelor's and Master's degree programs may be pursued at different institutions of higher education, including different types of institutions, and may also include periods of professional activity between the first and second degrees.

Regarding Section 12 – Coherent Program Concept and Adequate Implementation

Section 12 specifies, based on the structural requirements set forth in Sections 3 through 10, the criteria for evaluating the respective program concept and defines the framework conditions to be examined for adequate implementation. In doing so, particular emphasis is placed on the feasibility of completing the program within the standard period of study. The regulations are based on the Standards and Guidelines for Quality Assurance in the European Higher Education Area adopted by the participating states of the European Higher Education Area at their ministerial conference in May 2015, specifically Part II.1 regarding internal quality assurance at higher education institutions, particularly concerning the design of degree programs (Standard 1.2 ESG), student-centered learning, teaching and assessment (Standard 1.3 ESG), admission, course progression, recognition, and degree completion (Standard 1.4 ESG), teaching staff (Standard 1.5 ESG), and requirements for the learning environment (Standard 1.6 ESG).

Paragraph 1, sentence 1 requires a coherent curriculum with regard to the attainability of the qualification objectives, taking into account the entry qualifications (see Standard 1.2 ESG). Sentence 2 requires the qualification objectives (see also § 11, paras. 1 and 2), the program title, the degree level, and the degree title (see also § 6) and the module concept (see also § 7). Sentence 3 calls for diverse teaching and learning methods adapted to the respective disciplinary cultures and the chosen program format, as well as practical components where appropriate (see Standard 1.3 ESG). Sentence 4 stipulates that the program must provide suitable framework conditions to promote student mobility, enabling students to spend time at other universities without losing academic credit. This includes, in particular, the consideration of mobility windows in program design and recognition procedures that consistently apply the principles of the Lisbon Convention not only during stays at universities abroad but also within the country. Admission requirements for master's programs must also be designed to promote mobility and enable transfers between institutions and types of higher education. Sentence 5 ensures that students are encouraged to actively participate in shaping the teaching and learning process. This ensures student-centered learning, teaching, and assessment in accordance with Standard 1.3 ESG.

Regarding paragraphs 2 and 3:

In addition to program-specific aspects, the institutional framework must also be included in the evaluation to the extent that it has direct relevance to the implementation of the program. This encompasses both the teaching staff and the allocation of resources (see Standards 1.5 and 1.6 ESG). The wording allows for a degree of flexibility in the assessment that should be tailored to the specific program.

Paragraph 2, sentence 1 stipulates that the teaching staff must ensure, both quantitatively and qualitatively, the adequate implementation of the curriculum. This also includes the teaching competence of the faculty. Sentence 2 requires that the connection between research and teaching be ensured by a sufficient number of full-time professors regularly engaged in teaching. This applies to both undergraduate and graduate programs. Sentence 3 requires appropriate measures for staff selection and qualification as the basis for teaching that is substantively and didactically sound in the respective program. These include, for example, structured processes for appointment procedures or a systematic offering of university-level teaching qualifications.

Paragraph 3 stipulates that resource allocation must also be included in the evaluation to the extent that it is significant for the implementation of the program design and the achievement of educational goals. The text in parentheses contains an illustrative list of possible resource characteristics, which, however, is not exhaustive and may be replaced or supplemented by others on a case-by-case basis.

According to Paragraph 4, the planned examinations and examination formats must enable students to demonstrate the extent to which they have achieved the intended learning outcomes. Examinations must be module-based—rather than tied to individual courses—and designed to assess competencies. To ensure this, the forms of assessment used must be subject to ongoing review and refinement.

Paragraph 5 ensures that the degree program is structured in such a way that a student can typically complete it successfully within the standard period of study and, for this purpose, lists in sentence 2 the components that must be assessed during the evaluation. This list is not exhaustive. Depending on the specific program design—for example, in programs with a distinctive profile (see paragraph 6)—additional factors may need to be considered here.

According to paragraph 1, one criterion for feasibility is a predictable and reliable academic operation. This includes, in particular, the timely and comprehensive provision of information to students regarding all organizational aspects of the program, as well as the transparent and reliable planning and conduct of courses and examinations.

Furthermore, according to sentence 2, no. 2, courses and exams must generally not overlap. This applies above all to required modules and to frequently chosen subject combinations and elective modules. To the extent that non-overlapping cannot otherwise be guaranteed, timely and transpa-

to ensure that prospective students and current students are provided with adequate information.

Furthermore, pursuant to Sentence 2, No. 3, the program concept must plausibly define the workload and examination burden in accordance with the formal requirements set forth in Sections 7 and 8, and these definitions must be continuously reviewed and, if necessary, adjusted, particularly through regular workload surveys. To ensure that students can actively shape the course of their studies and to provide sufficient flexibility—particularly with regard to changing universities and planning for students—the learning outcomes of a module must be designed such that they can generally be achieved within one semester, but no later than within one year.

Furthermore, according to Sentence 2 No. 4, an adequate frequency and organization of examinations is indispensable. Therefore, to reduce the examination burden, modules should generally be completed with only one examination and should generally comprise at least five ECTS credits. With 30 ECTS credits per semester in a full-time program, this implies no more than six examinations per semester. In this context, an examination refers to legally valid proof that the module's learning objective has been achieved. This also includes prerequisite coursework, academic achievements, or other forms of evidence, such as the completion of an internship, the conduct of a laboratory experiment, or participation in field trips.

These are all target provisions, meaning that deviations are possible in justified exceptional cases. In doing so, the consistency of the respective module concepts and the consistency of the examination concept in relation to the qualification objectives of the respective module must be taken into account, as must the overall examination workload in the respective degree program.

According to paragraph 6, the program profile as defined by the institution must be included in the evaluation. If the institution advertises or characterizes a program with specific features (such as international, dual, part-time while working, virtual, work-integrated, or part-time), these features are part of the program profile and are therefore also subject to evaluation. In such cases, the criteria listed in paragraphs 1 through 5 must be applied in accordance with the specific profile from the respective specific perspective and measured against the special requirements to be defined by the institutions in each case. These include, in particular, aspects such as the specific target group, a special program organization, different learning locations, and the involvement of industry partners—for example, in dual models—specific teaching and learning formats, or the existence of a sustainable quality management system that encompasses the various learning locations. A degree program may be designated and advertised as “dual” if the learning locations (at least the university/vocational academy and the company) are systematically interlinked with one another in terms of content, organization, and contractual arrangements.

Regarding § 13 – Academic and Content-Related Design of Degree Programs

Section 13 defines the framework conditions for the academic and content-related evaluation of degree programs

and specifies the special requirements for teacher education programs.

In light of Article 5, paragraph 3, of the Basic Law, paragraph 1 is limited to reviewing compliance with procedural requirements to ensure a substantively sound introductory course concept and grants the reviewers broad discretion regarding content. According to the first sentence, this includes the existence of mechanisms and measures to verify the consistency of the academic and scientific requirements. Furthermore, according to the second sentence, evidence is required of regular monitoring and adjustment not only of the subject-specific and content-related design of the curriculum, but also of the methodological and didactic approaches, in order to ensure that the breadth and diversity of current scientific theories in the respective subject are conveyed. According to the third sentence, this can only be ensured if the academic discourse at the national and, where applicable, international level is systematically taken into account. This includes critical reflection on various subject-specific reference systems as well as continuous engagement with the latest state of research.

The use of modules from bachelor's programs in master's programs is permitted only in exceptional cases, provided that the partial qualification objective achieved upon successful completion of the respective module adequately contributes to the attainment of the overall qualification objective of the master's program. This applies to both consecutive and continuing education master's programs. However, the double use of modules in sub-areas of the program that build upon one another in terms of content must be excluded. Furthermore, it must be excluded that modules with essentially identical content can be taken in the bachelor's program and again in the master's program.

Paragraphs 2 and 3 define the subject-specific and content-related criteria for the review of degree programs that provide the educational prerequisites for a teaching career. In view of the need to ensure high-quality school instruction and thereby guarantee comparable educational opportunities based on the state's responsibility for the school system, uniform guidelines are required here. The regulations are based on the standards adopted for this purpose by the Conference of Ministers of Education and Cultural Affairs.

Paragraph 2 regulates the requirement to verify that the curriculum complies with the standards common to all states in the subject sciences and subject didactics as well as in the educational sciences. These standards result from the content requirements common to all states and, where applicable, state-specific requirements based on the resolutions of the Conference of Ministers of Education in their currently applicable versions.

Paragraph 3 specifies the structural and conceptual criteria to be reviewed during accreditation, thereby adopting the provisions set forth in the relevant resolution of the Conference of Ministers of Education. The exceptions permitted therein for the respective teaching profession in the subjects of art and music must be taken into account. Sentence 2 clarifies that exceptions to Sentence 1, Nos. 1 and 2, are also permissible for the teaching profession at vocational schools in accordance with the applicable resolutions of the Conference of Ministers of Education (here: Framework Agreement for the Teaching Profession 5).

Regarding § 14 – Academic Success

To ensure that degree programs are designed efficiently and thus lead to academic success, it is essential—in the interest of students and graduates, but also in the interest of the sustainable use of resources and time—to continuously monitor and adjust degree programs, taking into account the experiences of students and graduates. Section 14 specifies the criteria to be reviewed for this purpose. These comprise a closed-loop system involving regular review pursuant to sentence 1, the implementation of measures based on the results of the review pursuant to sentence 2, and continuous monitoring of success as well as the use of the results for further development pursuant to sentence 3. Suitable monitoring measures include, in particular, course evaluations, workload surveys, or graduate surveys, as well as statistical analyses of the course of study and examinations and student or graduate statistics. The measures to be implemented may be of a diverse nature and may, in particular, concern the aspects mentioned in

Sections 11 and 12. To ensure efficient and sustainable implementation, sentence 4 stipulates that the parties involved must be informed of the results and the measures taken, while ensuring compliance with data protection requirements.

Regarding § 15 – Gender Equality and Compensating for Disadvantages

To ensure equal opportunity, it is essential that the university have sustainable and comprehensive strategies for gender equality and for supporting students in special life situations, and that these are also implemented in the individual degree programs. Section 15 therefore stipulates that this must be verified during the evaluation.

Regarding § 16 – Special Provisions for Joint Degree Programs

Section 16 contains special provisions regarding the academic and content-related criteria for joint degree programs.

Sentence 1 governs the corresponding application of the subject-specific criteria listed there. In accordance with § 11(1) and (2), joint degree programs must ensure that the intended learning outcomes are aligned with the corresponding level of the Qualifications Framework for the European Higher Education Area as well as with the applicable national qualifications frameworks. These must include knowledge, skills, and competencies in the respective academic disciplines (see B 2.1 and 2.2 of the European Approach to Quality Assurance in Joint Programs). In accordance with Section 12(1), sentences 1 and 3, the structure and content of the curriculum must be designed in such a way that they enable students to achieve the intended learning outcomes (see B 3.1 of the European Approach to Quality Assurance in Joint Programs). The program's design and the teaching and learning methods used must serve the achievement of the intended learning outcomes (see B 5.1 of the European Approach to Quality Assurance in Joint Programs). In accordance with § 12(2), sentence 1, and (3), it must be ensured that the staffing is sufficient in terms of both quality and quantity (qualifications, professional and international experience) to implement the degree programs (see B 7.1 of the European Approach to Quality Assurance for Joint Programs). Furthermore,

the material resources provided must be sufficient and appropriate in view of the intended learning outcomes (see B 7.1 of the European Approach to Quality Assurance in Joint Programs). In accordance with Section 12(4), it must be ensured that the examination regulations and the assessment of achieved learning outcomes correspond to the intended learning outcomes and that these are consistently applied by the partner institutions (B 5.2 of the European Approach to Quality Assurance in Joint Programs). In accordance with § 14, the workload and the average time required to complete the program must be monitored (B 3.3 of the European Approach to Quality Assurance in Joint Programs).

Sentence 2 sets forth further requirements arising from the policy agreements of the European Approach to Quality Assurance in Joint Programs.

Paragraph 1 further stipulates that the appropriateness of the admission requirements and the selection procedure must be assessed in light of the level and the academic discipline in which the program is situated (B 4.1 of the European Approach to Quality Assurance of Joint Programs). The term “selection procedure” refers here to tests, interviews, or similar processes customary abroad, and not to a selection procedure in the legal sense of admission.

Section 2 stipulates that the achievement of the learning outcomes intended by the program can be demonstrated (B 2.3 of the European Approach to Quality Assurance for Joint Programs).

Paragraph 3 clarifies that the relevant provisions of Directive 2005/36/EC of the European Parliament and of the Council of September 7, 2005, on the recognition of professional qualifications (OJ L 255, September 30, 2005, p. 22; L 271 of October 16, 2007, p. 18; L 93 of April 4, 2008, p. 28; L 33 of February 3, 2009, p. 49; L 305 of October 24, 2014, p. 115; L 177 of July 8, 2015, p. 60; L 268 of October 15, 2015, p. 35; L 95 of April 9, 2016, p. 20), last amended by Decision (EU) 2016/790 (OJ L 134, May 24, 2016, p. 135), in its currently valid version, must be taken into account in the design and implementation, particularly in the area of regulated professions. This applies in particular with regard to specified minimum training requirements or common training frameworks (B 2.4 of the European Approach to Quality Assurance of Joint Programs).

Section 4 stipulates that the diversity of students and their needs must be respected and taken into account in the design of the program, the teaching and learning methods used, and the support provided to students (particularly with regard to their potentially diverse cultural backgrounds), and that the specific requirements of mobile students must be addressed (see B 5.1 and B.6 of the European Approach to Quality Assurance in Joint Programs).

Section 5 ensures that, when applying the European Approach to Quality Assurance of Joint Programs at system-accredited universities, the formal and academic criteria applicable to joint degree programs are taken into account as part of the quality management system.

Regarding Sections 17 and 18 – Concept of the Quality Management System and Measures for Implementing the Quality Management Concept:

Sections 17 and 18 contain special provisions for the procedures under Article 3(1)(1) and (3) of the State Treaty on Study Accreditation, insofar as their subject matter is the review of internal university quality management systems. In doing so, the core requirements for a functional quality management system in teaching are defined. The specific design is left to the individual institution, depending on the respective circumstances.

Regarding Section 17 – Concept of the Quality Management System

Paragraph 1 contains provisions regarding the verification of the substantive requirements for a functioning quality management system in teaching. According to the first sentence, the existence of a mission statement for teaching that is reflected in the degree programs must be demonstrated. This refers to the description of a binding mission statement for teaching at the institution, in which faculty, institutional leadership, faculties, program directors, and student representatives have agreed upon the overarching educational goals in accordance with the institution's profile. This includes a fundamental clarification of the educational institution's self-understanding, interdisciplinary didactic guidelines, and, where applicable, fundamental qualification objectives (see Science Council, position paper "Strategies for University Teaching," April 2017; Drs. 6190-17, p. 16 ff). The mission statement must be reflected in the teaching profile of the individual degree programs, in terms of competency goals and

level. According to sentence 2, the quality management system is an integral part of the overall strategy for implementing the mission statement; it must therefore fit seamlessly into the university's relevant measures with the aim of further improving the quality of education within a structured and sustainable development process. According to sentence 3, evidence must be provided that the quality management system is structured and implemented in such a way that it ensures, on a permanent and sustainable basis as well as regularly during the respective accreditation cycle, the implementation of the formal and subject-specific criteria for the individual degree programs set forth in Sections 11 through 15 of the Second and Third Sections

§§ 11 through 15 for the individual degree programs. Sentence 4 lists the central elements of the quality management system for which decision-making processes, responsibilities, and accountabilities must be defined and implemented within the system, namely

1. processes for the establishment, review, further development, and discontinuation of degree programs, and
2. the procedure for the internal accreditation of degree programs in accordance with the formal and subject-specific criteria set forth in Sections 11 through 15 of the Second and Third Sections.

All processes and procedures must be formally established and communicated university-wide.

Paragraph 2 regulates the formal requirements for the institution's quality management system and is based on the standards and guidelines for quality assurance in the European Higher Education Area. These include

1. the development of the quality management system with the participation of all university constituencies, that is, academic and non-academic staff and students, as well as the involvement of external expertise, such as from professional practice, from (international) representatives of other universities, and from agencies with experience in quality management at universities in accordance with Standard 1.1 ESG for the development of the quality assurance strategy (sentence 1),
2. mechanisms to ensure the independence of quality assessments, particularly in the selection and appointment of reviewers and in internal university decision-making processes, in accordance with Standard 2.4 ESG on requirements for peer review experts (sentence 2),
3. the definition of standard procedures for handling conflicts and the establishment of an internal grievance system, particularly for “internal” accreditation decisions, in accordance with ESG Standard 2.7 on complaints and appeals (sentence 2),
4. the existence of closed-loop control systems that ensure, in a structured, transparent, sustainable, and reliable manner, continuous improvement in the quality of study programs, in accordance with ESG Standard 1.9 on the ongoing monitoring and regular review of study programs (sentence 3),
5. the inclusion of all areas of activity directly relevant to study and teaching, including academic advising, application, admission, and enrollment procedures, examination administration, teaching (including any collaborations), examination systems, student services, human resources development, and continuing education in higher education pedagogy (sentence 3),
6. adequate and sustainable resource allocation for the implementation of the measures and processes envisaged in quality management. This includes, in particular, sufficient staff for the design, implementation, and administration of the processes of the quality management system and adequate IT equipment, which is of particular importance for the necessary provision of meaningful data; see § 18(3),
7. the regular review of the effectiveness of the quality management system with regard to the quality of studies and its further development, based on a continuous evaluation of the processes established within the system and a data-driven monitoring of the results (sentence 4).

Regarding § 18 – Measures for Implementing the Quality Management Concept

Paragraph 1 regulates the essential instruments of the quality management system. According to sentence 1, this includes regular evaluations of degree programs and the performance areas relevant to teaching and studies (see § 17 (2) sentence 3) by internal and external students, external academic experts, representatives of professional practice, and graduates. They ensure that evaluations within the internal quality management system are implemented in such a way that continuous impetus for quality improvement is generated. For this purpose, the regular involvement of external expertise is indispensable. In accordance with Standard 1.9 ESG (ongoing monitoring and regular review of degree programs), the evaluations shall in particular include the following

The following aspects should be taken into account: the relevance of degree programs, changing societal needs, students' workload, academic progress and degrees awarded, the effectiveness of examination procedures, students' expectations and needs, the learning environment, and support services. The results shall be made available to the university community in an appropriate manner, while ensuring compliance with data protection requirements, in order to establish the necessary transparency and acceptance. Sentence 2 requires that, if action is needed, appropriate measures be initiated and their implementation be reviewed.

Paragraph 2 clarifies that, in the internal accreditation of degree programs, the participation and consent requirements set forth in § 24(1), sentences 3 through 5, apply to teacher education programs, teacher training programs with the combined subject of Protestant or Catholic Theology/Religion, Protestant theological programs qualifying for the ministry, and other bachelor's and master's programs with the combined subject of Protestant or Catholic Theology. If the internal procedures provide for audit reports, the approval requirement under § 23(3) applies accordingly.

Paragraph 3 ensures that the data required for the development and implementation of the quality management system and for measuring the status of implementation as well as the effects of the measures introduced (see paragraph 1) are collected university-wide and on a regular basis. Depending on the institution's profile and the quality management system, the following data may be particularly relevant: performance indicators, student body profile, academic progress, completion and dropout rates, student satisfaction with degree programs, available facilities and support, and career paths of graduates. When collecting data, care must be taken to ensure that the respective stakeholders (academic and non-academic staff and students) are involved in the provision and evaluation of the data as well as in the planning of follow-up activities (see also Standard 1.7 ESG Information Management).

Paragraph 4, Sentence 1 ensures that the institution comprehensively documents its internal accreditation procedures and regularly informs all relevant stakeholders in an appropriate manner about the measures taken to ensure the necessary transparency. Data protection requirements must be observed in this process. Sentence 2 clarifies that the institution must not only inform the public in an appropriate manner about the results of its internal accreditation procedures, but must also provide the Accreditation Council with the information necessary for the documentation of the results as regulated in documentation of the results as stipulated in § 28, sentence 3.

Regarding § 19 – Cooperation with Non-Higher Education Institutions

Section 19 governs the conditions under which a higher education institution may engage in program-related cooperation with non-higher education institutions. A characteristic feature of such program-related cooperation is that degree programs or programs recognized as equivalent are conducted partially or even entirely outside the degree-granting institution, and that the cooperating educational provider is in an asym-

has a subordinate relationship to the degree-granting institution. In the case of such a partnership, the applicant is always the institution, pursuant to § 21(1). Partnerships with joint academic institutions serving multiple institutions are not covered by the provisions of § 19. Sentence 1 makes it clear that the formal and subject-specific criteria set forth in Sections Two and Three also apply to such degree programs. Sentence 2 lists the decisions that, subject to the university's ultimate academic responsibility for the degree program, may not be delegated by the university to a cooperating educational institution. The criterion "procedure for selecting teaching staff" refers primarily to faculty members. The establishment of standardized criteria is based on the corresponding recommendation of the German Science Council, "Assessment and Recommendations on Program-Specific Collaborations: Franchise, Validation, and Credit Transfer Models," from 2017. Sentence 2 does not apply to collaborations with state teacher training seminars in the second phase of teacher training or to school practicum phases in teacher education programs.

Regarding § 20 – University Collaborations

Section 20 governs degree-program-related collaborations between higher education institutions, unless, upon application by the participating domestic higher education institution or institutions in joint-degree programs, the special provisions contained in Sections 10, 16, and 32 apply.

The list of reservations in § 19, sentence 2, applicable to non-university cooperation partners generally does not apply to cooperation between universities. However, the degree-granting university or universities are responsible for the implementation and quality of the program concept. The nature and scope of the cooperation must be documented in a cooperation agreement between the universities.

The degree-granting institution or institutions are the applicants within the meaning of § 21(1).

If a system-accredited institution of higher education carries out such a program-related cooperation, it may award the Accreditation Council's seal for the program, provided that it itself confers a higher education degree and ensures the implementation and quality of the program concept.

It follows from paragraph 3 that, to streamline procedures, higher education institutions may also cooperate at the level of their quality assurance systems, and that the organizational linking of multiple procedures is permissible in this context; a coordinated application by the cooperating higher education institutions is required pursuant to paragraph 3, sentence 2. This option will be particularly relevant for smaller or, where applicable, private higher education institutions. The shared use of, for example, quality assurance service facilities is, in principle, conceivable for the purpose of optimizing the use of resources. However, a decision on system accreditation must be made for each cooperating institution of higher education. The Agency's proposed decision must be prepared accordingly.

Section Four – Procedural Rules for Program and System Accreditation

Regarding Section 21 – Decision of the Accreditation Council, Granting of the Seal

Paragraph 1 governs the essential procedural elements for program and system accreditation. Departing from the previously practiced procedure of accreditation by the respective agency that decided on the accreditation, the State Treaty on Study Accreditation provides for a two-part accreditation process: Pursuant to Article 3(2), sentence 1, no. 1 of the State Treaty on Study Program Accreditation, accreditation requires an application by the institution of higher education to the Accreditation Council, on the basis of which the Council decides on accreditation by means of an administrative act pursuant to Article 3(5), sentence 4 of the State Treaty on Study Program Accreditation. The administrative procedure thus begins at the time the higher education institution submits its application to the Accreditation Council.

Pursuant to Article 3(5) of the State Treaty on Study Program Accreditation, the Accreditation Council's decision includes a determination of compliance with the formal criteria under Article 2(2) of the State Treaty on Study Program Accreditation, on the one hand, and the academic and content-related criteria under Article 2(3) of the State Treaty on Study Program Accreditation, on the other hand. If these criteria are met, accreditation shall be granted. This constitutes a binding administrative act within the meaning of Section 35 of the Administrative Procedure Act for the State of North Rhine-Westphalia (VwVfG. NRW.) in the version of November 12, 1999 (GV. NRW. p. 602), as amended. This law is applicable because the Accreditation Council is based in North Rhine-Westphalia.

The Accreditation Council reviews compliance with the formal criteria on the basis of an audit report. The Accreditation Council reviews compliance with the substantive criteria on the basis of an expert opinion. Since these are recommendations from the Agency, the Accreditation Council is not bound by these assessments.

Paragraph 2 clarifies that the Accreditation Council's decision is made by means of a written notice. Administrative acts must generally be substantiated pursuant to § 39 VwVfG. NRW. Sentence 2 is therefore declaratory. In the reasoning for the decision, pursuant to Article 3(5), sentence 3, second clause of the State Treaty on Study Program Accreditation, particular attention must be given to any deviations by the Accreditation Council from the recommendations of the expert opinion regarding the academic and content-related criteria.

Paragraph 3 incorporates Article 3(4) of the State Treaty on Study Program Accreditation, according to which the institution is given the opportunity to comment before the final decision is made. To avoid delays in the proceedings, the statement to be obtained by the Accreditation Council is limited, in accordance with administrative procedure law, to those cases in which the Accreditation Council intends to deviate significantly from the report's recommendation. The institution is free to attach a statement to the agency's report as part of its application. This takes into account the right to be heard, as expressed in Article 3(4) of the State Treaty on Study Program Accreditation. Sentence 2 also provides for a one-month deadline for submitting the statement. The deadline serves to expedite the procedure.

Paragraph 4 stipulates that the Accreditation Council shall award its seal to the accredited degree program or quality assurance system upon successful accreditation. This continues the previous practice. The seal serves to ensure transparency.

In the case of system accreditation, the institution of higher education is granted the right to award the Accreditation Council's seal itself for those degree programs that it has assessed on its own and that comply with the accreditation rules.

Accreditation with conditions does not result in a postponement of the awarding of the seal. This ensures that, in the case of conditions, a careful distinction is made between deficiencies that do not affect the accreditation decision itself and serious shortcomings that lead to a denial of accreditation.

The degree programs referred to in paragraph 5 are excluded by this provision from the possibility of inclusion in system accreditation and in alternative accreditation procedures. In principle, such inclusion appears conceivable while preserving the respective church participation rights; however, it would be procedurally disproportionately burdensome. This applies in particular to the more detailed definition of the role of the Agency for Quality Assurance and Accreditation of Canonical Degree Programs in Germany (AKAST) in such a procedure.

The requirement for approval by the competent ecclesiastical authority regarding the Accreditation Council's decision on fully theological and partially theological degree programs takes into account the fact that the expert opinion is of a recommendatory nature and is not binding on the Accreditation Council. This applies analogously to decisions of the Accreditation Council pursuant to §§ 25 to 27.

Regarding § 22 – Documents to be Submitted

Regarding Paragraph 1:

The application for accreditation must be accompanied by a self-report from the institution and an accreditation report commissioned by the institution from an agency accredited by the Accreditation Council, consisting of an audit report and an expert opinion. The self-report is the self-evaluation report required by Article 3(2), sentence 1, no. 2 of the State Treaty on Study Program Accreditation.

In the case of initial system accreditation, the audit report refers to evidence that at least one degree program has undergone the quality management system (item 3); in the case of renewal of system accreditation, it refers to evidence that all bachelor's and master's degree programs have undergone the quality assurance system at least once (item 4).

Regarding Paragraph 2:

Pursuant to Article 5(3)(5) of the State Treaty on Program Accreditation, foreign agencies may generally be approved by the Accreditation Council. Accreditation

reports commissioned from foreign agencies must be submitted to the Accreditation Council with a German translation, unless they are written in German. This serves to streamline procedures at the Accreditation Council.

Regarding Paragraph 3:

Paragraph 3 stipulates the obligation to submit applications electronically in the interest of a swift and smooth procedure, as soon as the Accreditation Council has established the necessary conditions.

Regarding Section 23 – Commissioning an Agency, Accreditation Reports, Site Visit

Regarding Paragraph 1:

Pursuant to Article 3(2), sentence 1, no. 4 of the State Treaty on Study Program Accreditation, the basis for the Accreditation Council's decision is an accreditation report that the institution of higher education has previously commissioned from an agency accredited by the Accreditation Council.

The commissioning of the agency is of a private-law nature pursuant to Article 3(2), sentence 2 of the State Treaty on Study Program Accreditation.

Sentence 2 addresses the specific provision that, for fully theological degree programs in Catholic Theology, in accordance with the aforementioned "Guidelines for the Structure of Degree Programs in Catholic or Protestant Theology/Religion," the evaluation is conducted exclusively by the Agency for Quality Assurance and Accreditation of Canonical Degree Programs. The role of the Agency for Quality Assurance and Accreditation of Canonical Degree Programs in Germany must also be taken into account in another respect. Pursuant to Article 5(3)(5) of the State Treaty on Study Program Accreditation, the Accreditation Council approves the agencies under the conditions specified therein. For agencies listed in the European Quality Assurance Register for Higher Education (EQAR), compliance with these conditions is "presumed unless proven otherwise." However, the Agency for Quality Assurance and Accreditation of Canonical Degree Programs in Germany is not listed in the EQAR. The Accreditation Council has nevertheless approved the Agency for Quality Assurance and Accreditation of Canonical Degree Programs in Germany. Thus, the Agency for Quality Assurance and Accreditation of Canonical Degree Programs in Germany effectively performs quality assurance activities in its field. The text of the ordinance makes explicit reference to this authorization granted by the Accreditation Council. However, this does not preclude a renewed authorization after a reasonable period of time.

Regarding paragraph 2:

Program and system accreditations are conducted in accordance with Article 3(2), sentence 1, no. 2 of the State Treaty on Study Program Accreditation on the basis of a self-evaluation report submitted by the institution, which must include, at a minimum, information on the institution's quality objectives and on the formal and subject-specific criteria for accreditation. The student body must be involved in the preparation of the self-evaluation report. The report must—as is customary in the current procedure—

, made available to the Agency and subsequently submitted to the Accreditation Council.

The formal and subject-specific criteria must be listed separately in the self-report. The report should not exceed 20 pages for program accreditation and 50 pages for system and cluster accreditation. This is intended to simplify the procedure and make it more efficient.

Regarding paragraphs 3 and 4:

Paragraph 3 stipulates that the review report is to be prepared by the commissioned agency. As a rule, this task is handled by the agency's administrative office. This relieves the experts on the expert panel of the burden of reviewing purely formal criteria. The review panel is responsible for preparing the report on the substantive criteria. To this end, it receives the review report in advance. Since the formal and substantive criteria may be interrelated, the review report is not binding on the review panel.

For teacher education programs as well as for fully theological and partially theological programs, the review report requires the approval of the respective competent authorities. This takes into account the resolution of the Conference of Ministers of Education and Cultural Affairs, "Guidelines for the Mutual Recognition of Bachelor's and Master's Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career," as well as the aforementioned "Guidelines for the Program Structure in Programs in Catholic or Protestant Theology/Religion" for theological programs.

Both the audit report and the expert opinion contain recommendations regarding the determination of compliance with the relevant criteria for the Accreditation Council; however, these are not binding. The accreditation report thus has the character of an expert opinion.

The provisions regarding the audit report and expert opinion do not contain any regulations on possible conditions, as these are to be considered only in exceptional cases in the future. If, during the review of the formal criteria, the Agency determines that these are not met, the institution must be informed immediately to enable it to terminate the accreditation process if a positive accreditation decision by the Accreditation Council is not expected. The expert opinion may contain proposals for requirements for changes to subject-specific criteria, limited to those deficiencies that do not justify a negative accreditation decision and can be remedied within a specified timeframe.

No further specifications regarding the content of the reports are provided. This does not preclude the report from containing, for example, recommendations for the quality development of the program or the quality management system that are designed to achieve a quality improvement exceeding the standards on which the Accreditation Council's accreditation is based and therefore cannot form a basis for any

. In addition, the report may also identify best-practice models for the degree program. Through the publication of the reports—and, where applicable, monitoring by the Accreditation Council—these models can serve as examples for other institutions of higher education. Both can thus contribute to future quality development.

A prerequisite for the prompt processing of applications by the Accreditation Council is that the documents to be submitted follow a specified template. The statutory ordinance assigns the task of developing a uniform template for expert opinions and audit reports to the Accreditation Council.

To keep the workload for the agencies and the Accreditation Council to a minimum, the scope of the report is limited, with differentiated requirements applying to program, bundle, and system accreditation.

Regarding Paragraph 5:

As has been customary, part of the evaluation involves an on-site visit to the institution by the evaluation committee, during which the committee can form its own impression of the framework conditions of the program to be accredited and engage in dialogue with the responsible faculty members, as well as with students, the institutional administration, and officers for equality or diversity. In view of the mandatory spot checks required in system accreditation to verify the relevant characteristics of program design, program implementation, and quality assurance, as well as, where applicable, the consideration of criteria for the accreditation of regulated degree programs, two visits are generally necessary for system accreditation procedures.

For degree programs that are newly developed by the institution and are not yet offered, the review panel may, by mutual agreement, waive an on-site visit if such a visit would not add value to the assessment of the academic and content-related criteria based on the submitted documentation (concept accreditation). The same applies in the case of reaccreditation.

Regarding Section 24 – Composition of the Review Panel, Requirements for Reviewers

Paragraph 1 regulates the minimum size of the review panel and its composition for program accreditation. This allows for larger review panels in complex procedures—such as bundled accreditations—provided that the proportional representation of the groups involved is maintained.

Based on Article 4(3), sentence 2 of the State Treaty on Study Program Accreditation, the majority of the review panel consists of university faculty members. This implements the requirement of the State Treaty on Study Program Accreditation that university faculty members must hold the majority of votes (weighted, if necessary) on the panel responsible for the review. Furthermore, Article 3(2), sentence 1, no. 3 of the State Treaty on Study Program Accreditation is specified and implemented with regard to the parties to be involved in the accreditation process.

Sentence 3, first clause, stipulates, with regard to the special features of degree programs that confer the qualification for admission to the preparatory service for a teaching career, that a representative of the ministry responsible for the school system shall take the place of a representative of professional practice. This preserves the committee's expertise without further enlarging it. The provision establishes minimum standards.

In the evaluation of the degree programs mentioned in the second half of sentence 3 and in sentence 4, the participation of the respective competent church authority is required. The specific implementation of this provision follows the principle that, for fully theological and partially theological degree programs, church ministry is the most commonly chosen field of professional practice overall. Therefore, representation of professional practice by the churches is appropriate here. For religious education teachers, the civil service generally represents the professional career path. In this case, as with all other teacher training programs, representation for professional practice is provided by the ministry responsible for the school system. The church representative then joins as an additional member of the review committee.

All reviewers must belong to a discipline closely related to the program to be accredited.

Sentence 5 stipulates that, for teacher education programs and the aforementioned theological programs, the submission of the expert opinion requires the approval of the relevant representative. This takes into account, on the one hand, the resolution of the Conference of Ministers of Education and Cultural Affairs titled "Guidelines for the Mutual Recognition of Bachelor's and Master's Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career." Since the accreditation decision has been transferred to the Accreditation Council by the State Treaty on Study Program Accreditation, the requirement for approval—without which the report cannot be submitted to the Accreditation Council—corresponds, on the other hand, to the intention of the aforementioned "Guidelines for the Structure of Programs in Catholic or Protestant Theology/Religion" for theological programs, since the accreditation decision can thus only be made following a positive evaluation by the Agency for Quality Assurance and Accreditation of Canonical Programs in Germany and therefore cannot be made against its recommendation.

Regarding Paragraph 2:

In system accreditation, the composition of the review panel generally corresponds to that of program accreditation. However, the minimum number of reviewers is higher in view of the complexity and effort involved in system accreditation. The subject-specific requirements for evaluators do not apply because system accreditation evaluates the institution's own quality assurance system rather than specific degree programs. Therefore, evaluators are not required to have subject-specific expertise in a particular field.

Regarding Paragraph 3:

Sentence 1 is intended to ensure that, in review panels exceeding the minimum size specified in paragraphs 1 and 2, university faculty members hold the majority of votes. This takes into account Article 3(2), sentence 1, no. 5 of the State Treaty on Study Program Accreditation, according to which accreditation procedures must be conducted with the participation of this group.

Sentences 2 and 3 stipulate that the majority of the members of the review panel must already have experience with the respective form of accreditation. This serves to enhance the efficiency of the procedure and increases the quality and acceptance of the review.

Regarding Paragraph 4:

The review panel is assembled by the commissioned agency. When appointing individual reviewers, the agencies are bound by the procedure to be developed by the German Rectors' Conference pursuant to Article 3(3), sentence 3 of the State Treaty on Study Program Accreditation.

Regarding Paragraph 5:

The State Treaty on Study Program Accreditation requires, in Article 3(2), sentence 1, no. 3, that evaluators be external and independent. According to items 1 and 2, therefore, persons who work at or study at the institution whose degree programs or quality management system are to be evaluated are excluded from participating in an evaluation panel. Furthermore, according to item 3, the standard rules on conflicts of interest applicable in academia, in particular those of the German Research Foundation (DFG), apply to the evaluators.

Regarding Paragraph 6:

Prior to the appointment of the reviewers, the institution is informed by the Agency of the composition of the review panel and is given the opportunity to comment. This significantly increases acceptance of the review panel and the review process within the institution and the degree program to be accredited.

Regarding § 25 – Validity Period of Accreditation, Extension

Regarding Paragraph 1:

The validity period for initial accreditation is uniformly eight years. From a legal standpoint, this constitutes a time limit within the meaning of § 36 VwVfG. NRW. This standardizes and significantly extends the previously customary accreditation periods of five years (program accreditation) and six years (system accreditation). This is intended to reduce the effort and costs associated with accreditation. In sentence 1, the start of the validity period is set to the beginning of the semester or trimester in which the accreditation decision is announced, in order to avoid disadvantages for students who complete their studies in the semester or trimester in which the accreditation decision is made. Furthermore, this ensures alignment between the semester or trimester and the accreditation periods.

Sentence 2 governs the case of program accreditation where the program has not yet been launched at the time the accreditation decision is announced. In the case of program accreditation, the accreditation period begins at the start of the semester or trimester in which the program is first offered, but no later than the start of the second semester or trimester following the announcement of the accreditation decision. This ensures that the accreditation decision remains current and that a delayed launch of a degree program does not result in a disproportionately long period for reaccreditation.

Regarding Paragraph 2:

In sentence 1, the term “reaccreditation” is defined as a further accreditation that follows without interruption the validity period of an initial accreditation. The validity period of reaccreditation is also set uniformly at eight years, as opposed to the previously standard periods of seven years for program accreditation and eight years for system accreditation. The elimination of different reaccreditation periods serves to simplify the process and takes into account both the interest of higher education institutions in legal certainty and the goal of continuous and reliable quality assurance.

Regarding Paragraph 3:

Sentence 1 addresses the special situation in which a higher education institution does not intend to continue an accredited degree program beyond the accreditation period. Since reaccreditation for an expiring degree program would entail disproportionately high costs, the Accreditation Council may extend the validity period of the accreditation until the students have completed their studies.

Sentences 2 and 3 contain provisions for the situation in which a higher education institution seeks bundle accreditation or transitions from program accreditation to system accreditation. In these cases, the institution should be able to focus on preparing for the bundle or system accreditation and be relieved of the program accreditation of degree programs that will be covered by the planned bundle or system accreditation. To this end, the Accreditation Council may extend the validity period of a program accreditation by up to two years if the institution can demonstrate that it is preparing a corresponding accreditation application (sentence 2). If the accreditation period for an accredited degree program expires at a time when the institution has already submitted an accreditation application to the Accreditation Council, the validity period may be extended for the duration of the administrative proceedings before the Accreditation Council plus one year (sentence 3). The option to extend the validity period by a further year is necessary to give the institution, in the event of a transition to system accreditation, the time required to evaluate the program in question according to the quality management system it has developed until the seal is awarded.

Furthermore, the previous option to extend the validity period of an initial accreditation because a reaccreditation report was not completed on time is no longer available. The validity periods of accreditations are standardized so that, provided an agency is commissioned in a timely manner, there is no longer a need for an exception. Furthermore, compliance with deadlines within the framework of quality assurance measures should be reasonable.

Regarding Section 26 – Conditions

Under the State Treaty on Study Program Accreditation, higher education institutions are entitled to accreditation if and to the extent that the subject of accreditation meets the formal and substantive accreditation criteria. Accreditation is therefore a binding administrative act. Pursuant to Article 9(1), sentence 2, second clause of the State Treaty on Study Program Accreditation, it may be subject to an ancillary provision (condition, reservation of revocation, requirement, reservation of requirements) if such a provision is intended to ensure that the statutory requirements for accreditation are met.

Paragraph 1 stipulates that a deadline of generally twelve months shall be set for the fulfillment of a condition. This deadline takes into account the fact that changes to degree programs or quality management systems are often time-consuming to implement. In special cases, such as those requiring the conduct of an appointment procedure, an extension of the deadline may be granted upon application by the institution (paragraph 2).

Paragraph 3 clarifies that proof of compliance with the condition must be provided to the Accreditation Council that imposed the condition, and not to the agency commissioned to prepare the accreditation report. Confirmation from the agency that the condition has been met is not required; rather, the Accreditation Council itself must verify this. This serves to reduce costs.

Regarding Section 27 – Obligation to Report Changes

Regarding Paragraph 1:

Since accreditation is a continuing administrative act and changes regarding formal or subject-specific criteria may arise during the period of validity of the accreditation, significant changes must be reported to the Accreditation Council without delay. Significant changes may include, in particular, changes affecting the program name, standard duration of study, degrees awarded, program design, qualification objectives, profile, and content of the programs. A significant change may also occur when establishing specializations that result in substantially different competencies among graduates, or when an identical curriculum is offered in different formats, at different learning locations, or by different partners.

The notification requirement enables the Accreditation Council to review the validity of its accreditation decision and, in the event of significant changes, to adapt it to the new circumstances as necessary

, to adapt to the new circumstances (for example, by imposing a subsequent condition or revoking the accreditation decision).

Regarding Paragraph 2:

It is clarified that a notification of change by the institution obligates the Accreditation Council to examine whether the significant change affects the accreditation decision. The subsequent decision of the Accreditation Council constitutes a declaratory administrative act that may be challenged by the institution in isolation. If the accreditation decision is revoked, it is appropriate to submit an application for re-accreditation. This clarification serves to ensure legal certainty.

Regarding Section 28 – Publication

Article 3(6), sentence 2 of the State Treaty on Study Program Accreditation provides that the decisions of the Accreditation Council and the expert opinions shall be published in an appropriate manner. This is further specified in § 28, sentence 1, whereby, in light of the requirements of the “Standards and Guidelines for Quality Assurance in the European Higher Education Area,” in addition to the accreditation decision, the accreditation report—and thus the expert opinions and audit report—are explicitly included in the publication requirement.

Publication on the Accreditation Council’s website enables quick and timely access by interested students, prospective students, university members, and authorities.

Sentence 2 governs the handling of personal data. This includes, in particular, the names of the experts.

Sentence 3 extends the publication requirement to the internal accreditation decisions of system-accredited higher education institutions. In this context, the data protection regulations under sentence 2 apply accordingly.

Regarding Section 29 – Bundle Accreditation, Subsystem Accreditation

Regarding Paragraph 1:

The existing option to combine multiple degree programs into a single bundled accreditation during the program accreditation process remains in place. However, to ensure practicality and maintain the quality of the procedures, no more than ten degree programs should be reviewed by a single committee. If more than ten degree programs are scheduled for program accreditation and exhibit a high degree of subject-area similarity, multiple bundles must be formed. Since this is a guideline, exceptions to larger bundles are only permitted if the quality of the evaluation is maintained. Reference is made to the possibility of adjusting the size of the evaluation committee to the size of the bundled accreditation in accordance with Section 24(1).

Common structural features of several degree programs do not in themselves constitute academic similarity.

Sentence 2 clarifies that each degree program must meet the subject-specific and content-related criteria and that this must be assessed separately. This applies in any case to the formal criteria under Section 2 and the review report.

Regarding Paragraph 2:

Since the composition of a bundle is of some significance for the subsequent review and the composition of the review panel, the possibility of prior approval of the specific composition of the bundle by the Accreditation Council is established. This serves to ensure legal certainty in the subsequent proceedings and is consistent with previous practice.

Regarding paragraph 3:

Paragraph 3 allows, in exceptional cases, for the system accreditation of a subunit of a higher education institution responsible for organizing studies (such as continuing education institutes or individual faculties). The requirements in sentence 2 are cumulative. The option of subsystem accreditation serves primarily to facilitate higher education institutions' entry into system accreditation. Multiple, permanent partial system accreditations within a higher education institution are not the aim of this provision. For this reason, the quality management system of the subunit must be embedded within the higher education institution (sentence 2, no. 2).

Regarding § 30 – Random Sampling

Regarding Paragraph 1:

In system and subsystem accreditation, the panel of experts conducts a random sample. This remains justified with regard to the extension of the validity period of the system accreditation.

Regarding Paragraph 2:

According to item 1, the sample must demonstrate, using a degree program to be determined by the review panel, that the quality management system ensures the consideration of all formal and subject-specific criteria in the university's internal accreditation. In addition, the sample under paragraph 2 refers to formal and subject-specific criteria to be determined by the expert panel, compliance with which must be ensured by the quality management system under review.

Regarding Paragraph 3:

The participation provisions under § 24(1) apply analogously to the samples as well. In this regard, reference is made to the reasoning provided there.

Regarding § 31 – Combined Degree Programs

Paragraph 1 defines the characteristics of a combined degree program. This consists of two or more fields of study. Students or applicants may choose from several possible combinations. For the purposes of this regulation, the fields of study within a combined degree program are considered sub-programs.

Paragraph 2 clarifies that the object of accreditation is the combined degree program. The criteria for accreditation under Sections Two and Three must be applied to the combined degree program as such. This applies in particular to the requirements under § 12. The institution must have a coherent concept for the entirety of the combined program that integrates the qualification objectives of the component programs. The feasibility of study must be ensured for all possible combinations.

Pursuant to paragraph 3, additional component programs may be subsequently included in the accreditation of a combined degree program. The aforementioned requirements apply accordingly. The accreditation period for the combined degree program remains unchanged.

Paragraph 4 governs the format of the accreditation certificate for combined degree programs. In all other respects, the procedural rules of Section IV apply pursuant to paragraph 5.

Regarding Section 32 – Joint Degree Programs

This provision contains specific procedural rules for joint degree programs. It is based on the political agreements regarding the European approach to quality assurance for joint programs. Accordingly, the accreditation decision of the Accreditation Council is structured here as a decision to recognize an evaluation conducted by an agency registered with EQAR (see A 1. of the European Approach to Quality Assurance of Joint Programs). Such a decision is required only in proceedings under Article 3(1)(2) of the State Treaty on Study Program Accreditation, since the application of the criteria relevant to joint-degree programs at system-accredited institutions is ensured by § 16, sentence 2, no. 5 (see A 2. of the European Approach to Quality Assurance for Joint Programs).

Since the European Approach to Quality Assurance of Joint Programs cannot be applied to fully theological and partially theological degree programs, the general regulations apply to joint degree programs in these fields of study.

Sentence 1 stipulates that the evaluation may be conducted by an agency registered with EQAR at the request of the cooperating higher education institutions and that this decision may serve as the basis for an accreditation decision at the request of the participating domestic higher education institutions. It is not necessary for this agency to have been approved by the Accreditation Council. To the extent that an agency accredited by the Accreditation Council is involved, this takes place outside the scope of the accreditation granted by the Accreditation Council. The scope of application is further limited to degree programs in which only domestic institutions and institutions from participating states of the European Higher Education Area cooperate.

Sentence 2 requires, as a prerequisite for a positive accreditation decision, proof of compliance with the criteria for joint degree programs set forth in Sections Two and Three. It also specifies the requirements for the evaluation procedure in detail.

Paragraph 1 contains a notification requirement to the Accreditation Council prior to the initiation of a corresponding procedure. This is intended to ensure that, even before the procedure is opened, it is verified whether the scope of this regulation for accreditation decisions regarding joint degree programs applies.

Sections 2 through 5 correspond to the requirements for external quality assurance procedures for joint degree programs contained in the European Approach to Quality Assurance of Joint Programs. This includes a self-evaluation report submitted jointly by the cooperating institutions. This report must contain comprehensive information demonstrating compliance with the requirements applicable to joint degree programs. In addition, the report contains the necessary information on the respective national frameworks of the cooperating institutions, which foreign agencies and experts may require in order to assess the context, particularly with regard to the program's classification within the national higher education system. The self-evaluation report explicitly focuses on the specific characteristics of the joint degree program as a collaborative endeavor between higher education institutions from more than one national higher education system (Number 2 – compare C 1 of the European Approach to Quality Assurance of Joint Programs). The site visit enables the evaluation team to discuss the joint degree program based on the self-evaluation report and to assess whether the program meets the requirements for joint degree programs. The site visit therefore includes discussions with representatives of all cooperating institutions, in particular with institutional leadership and program coordinators, staff, students, and other relevant stakeholders such as alumni and representatives from professional practice. Even though the site visit is generally limited to one location, the implementation of the program at all locations is taken into account in the evaluation (Number 3—see C 3 of the European Approach to Quality Assurance of Joint Programs). The review panel prepares a report containing relevant evidence, analyses, and conclusions regarding the requirements for joint degree programs. The report also includes recommendations for the program's further development. Additionally, the review panel issues a recommendation for the decision. The conclusions and recommendations pay particular attention to the specific characteristics of the joint degree program. The universities are given the opportunity to comment on the draft version of the report, including to point out any factual errors (Number 4 – compare C.4 of the European Approach to Quality Assurance of Joint Programs). The review panel, consisting of at least four members, combines expertise in the relevant subjects or disciplines, including the labor market or professional world in the relevant fields, with expertise in the area of quality assurance in higher education. Thanks to its international expertise and experience, the review panel can take into account the specific characteristics of the joint degree program. The review panel as a whole possesses knowledge of the higher education systems of the participating institutions as well as the languages of instruction used. The review panel includes members from at least two countries participating in the consortium that offer the program. The review panel includes at least one student

. The provisions of § 24(3), sentence 1 (majority of university faculty members in the evaluation), (5) (exclusion of evaluators to avoid conflicts of interest), and (6) (right of the institution to comment) apply accordingly (Number 5—see C.2 of the European Approach to Quality Assurance of Joint Programs).

Paragraph 6 stipulates that a positive accreditation decision based on a corresponding evaluation may only be made if the evaluation has been substantiated, any conditions have been met, and the decision is final. Thus, it is not the responsibility of the Accreditation Council, but rather of the agency entrusted with the evaluation, to ensure that the decision is transparent to the higher education institutions and that the follow-up process—including, where applicable, the fulfillment of conditions—has been completed. The agency is also required to publish the evaluation on its website. If the evaluation was not conducted in English, at least the English summary of the report and an English version of the evaluation, including its justification, must be published (see C 5, 7, and 8 of the European Approach to Quality Assurance of Joint Programs).

Sentence 3 clarifies that the Accreditation Council's accreditation decision to recognize the evaluation must also be issued in writing, must be substantiated, must give the institution an opportunity to comment within one month, and that the Accreditation Council shall affix its seal in the event of a positive decision (Section 21(2) to (4), sentence 1). The accreditation decision takes effect at the beginning of the semester or trimester following the announcement, in accordance with § 25 (1), sentence 1. Reaccreditation must be initiated in a timely manner before the expiration of the accreditation (§ 25 (2), sentence 1). For accreditation decisions regarding joint-degree programs as well, the institution must notify the Accreditation Council of any significant changes (Section 27), and the decision, together with the expert opinion, must be published by the Accreditation Council. The same applies to internal accreditation decisions by system-accredited institutions regarding joint-degree programs. Sentence 4 stipulates that, in the case of accreditation and reaccreditation, the accreditation period shall be only six years, notwithstanding § 25 (1) and (2), sentence 1, in accordance with the European Approach to Quality Assurance of Joint Programs (see C 9 of the European Approach to Quality Assurance of Joint Programs). Sentence 5 ensures, in the interest of transparency, that accreditation decisions issued on the basis of the recognition of an evaluation of joint degree programs are identifiable as such upon publication. The same applies, according to sentence 6, to the information on the study program in the degree documents (in particular the Diploma Supplement).

Section 5 – Alternative Accreditation Procedures

Regarding § 33 – Alternative Accreditation Procedures

Regarding Paragraph 1:

The provision in § 33 implements the option provided for in Article 4(4) in conjunction with Article 3(1)(3) of the State Treaty on Study Program Accreditation for other accreditation

as an alternative to system and program accreditation, which are also subject to the criteria set forth in Article 2.

Regarding paragraph 2:

Paragraph 2 also requires the alternative procedures to comply with the formal and subject-specific criteria set forth in Sections Two and Three. In addition, the requirements for appropriate academic participation set forth in the State Treaty on Study Program Accreditation—in particular in Article 3(2), first sentence—and in this statutory order must be complied with in accordance with the “Standards and Guidelines for Quality Assurance in the European Higher Education Area” and the requirements of the Federal Constitutional Court in its decision of February 17, 2016. If teacher training programs and programs in Protestant or Catholic theology are also included in the alternative procedures, the participation and approval requirements set forth in this statutory order shall apply. There is no obligation for higher education institutions to use an agency.

Regarding Paragraph 3:

If a higher education institution intends to implement an alternative procedure, this requires the prior approval of both the Accreditation Council and the ministry responsible for higher education institutions. This ensures that the ministry is involved from the outset and also guarantees compliance with the requirements for regulated professions. The basis for approval is a description of the proposed procedure; to assess its suitability for meeting the quality assurance requirements arising from the State Treaty on Study Program Accreditation and this statutory order, the Accreditation Council may consult external experts. The application to be submitted following approval must also be submitted to the Accreditation Council via the Ministry.

In consultation with the state, the Accreditation Council may only refuse its approval if the alternative procedure cannot ensure compliance with the requirements under Article 2 of the State Treaty on Study Program Accreditation and the principles for the appropriate involvement of the academic community. Furthermore, the alternative procedure should also provide further insights into quality assurance that go beyond program and system accreditation.

Regarding Paragraph 4:

The specific details of the procedure are regulated in rules of procedure.

Regarding Paragraph 5:

The alternative procedure is limited to a maximum of eight years, meaning that shorter durations may also be provided for in these cases. As in the case of system accreditation, the institution of higher education is also granted the right, within the framework of the alternative procedure, to award the Accreditation Council’s seal to the degree programs it has reviewed. The extension options provided for under Section 25(3), sentence 3, apply accordingly.

. Even within the framework of alternative procedures, care must be taken to ensure a seamless accreditation chain in the interest of the students.

The Accreditation Council oversees the alternative procedure, which must be evaluated by an independent, research-oriented institution in a timely manner before the end of the project period as a prerequisite for continuing the procedure.

Section Six – Final Provisions

Regarding Section 34 – Link to Procedures Concerning the Professional Qualification of a Degree Program

Paragraph 1 extends the existing option of linking accreditation procedures with procedures that determine the suitability of a degree program for professional licensing, even within the framework of the new accreditation system. The provision is to be understood as an offer to the competent state authorities to use accreditation procedures to assess, in the interest of students, the suitability of a degree program with regard to access to regulated professions. To date, this option has been utilized particularly in the fields of auditing and social work/social pedagogy. In the future, this option could play a role within the framework of the planned academic training for health professions. The linking of the procedures requires a corresponding application from the institution of higher education.

Paragraph 2 clarifies that the external experts to be consulted regarding professional suitability have merely an advisory function and do not influence the accreditation decision. The accreditation decision, on the one hand, and the decision regarding the determination of professional suitability based on professional regulations, on the other hand, are legally separate decisions. The latter is made by a separate notice from the relevant state authority to the institution of higher education.

This provision applies only to models that distinguish between academic study and practical phases (for example, for the purpose of obtaining state recognition). Single-phase models with integrated practical training periods remain unaffected.

Regarding Section 35 – Evaluation

An evaluation is planned three years after this regulation enters into force to review its application and effects. The results of the evaluation must be submitted to the Conference of Ministers of Education so that appropriate measures can be taken if necessary.

Regarding § 36 – Gender Equality Provision

This provision complies with the requirements for Thuringian draft regulations and stipulates that the status and job titles as well as academic degrees used apply to all genders.

Regarding Section 37 – Entry into Force

Transitional provisions regarding the expected time lag between the entry into force of the State Treaty on Study Program Accreditation and the statutory regulation were not included, as retroactive enforcement of the statutory regulations ensures that no accreditation gap arises. Since all relevant stakeholders have been sufficiently informed about the transition of the accreditation system, such retroactive entry into force is legally permissible. In its decision of February 17, 2016, the Federal Constitutional Court instructed the states to establish the legal foundations necessary under constitutional law for the joint accreditation system and set a deadline for implementation of December 31, 2017. Accordingly, the State Treaty on Study Program Accreditation entered into force on January 1, 2018. Since the provisions set forth therein can only take effect upon the enactment of the necessary implementing regulations through the corresponding state ordinances, these must therefore enter into force simultaneously to prevent any regulatory or accreditation gaps from arising.

With the reorganization of the accreditation system through the State Treaty on Study Program Accreditation and the corresponding state regulations, the provisions previously incompatible with Article 5(3), sentence 2, in conjunction with Article 20(3) of the Basic Law are being replaced by constitutional legal bases. The changes to the procedure were communicated to the universities at an early stage. All relevant stakeholders have been aware for some time that new regulations were to be expected in this area. The formal and subject-specific criteria under Sections Two and Three, which are decisive for the design of degree programs and quality management systems, essentially implement the requirements already in force and described under Section A.

No special transitional provisions are established. For procedures initiated before January 1, 2018 (i.e., “as soon as the institution of higher education has concluded an agreement with the Agency regarding the conduct of [...],” see Article 16(1) of the State Treaty on Study Program Accreditation), the previous regulations apply. For all accreditation procedures not initiated before January 1, 2018, only the provisions of the State Treaty on Study Program Accreditation and this statutory order apply. This applies in particular to issues regarding the renewal of accreditation, the obligation to report changes, and the application requirements for reaccreditation. This means that proof of an interim evaluation is no longer required for an application for system reaccreditation.