

**Explanatory
Memorandum
to the
Regulation of the Ministry of Science on Program Accreditation (Program
Accreditation Regulation – StAkkrVO)
of April 18, 2018**

I. *General Section*

On December 8, 2016, the Standing Conference of the Ministers of Education and Cultural Affairs agreed on the draft of an inter-state treaty on the organization of a joint accreditation system for quality assurance in studies and teaching at German universities (Inter-State Treaty on Study Program Accreditation), which has since been ratified by all federal states and has entered into force. With this State Treaty, the states have implemented the requirements of the Federal Constitutional Court, which, in its decision of February 17, 2016, defined the legal requirements for the accreditation system as a quality assurance instrument in the higher education sector. The State Treaty on Study Program Accreditation has now established the legal framework for accreditation as a binding, academically guided external procedure for quality assurance and development in teaching.

In addition to standardizing substantive, procedural, and organizational requirements—which are to be established by the legislature itself—the Federal Constitutional Court has also identified a need for formal regulations, particularly regarding the scientifically appropriate composition of the stakeholders and the procedures for establishing and revising the evaluation criteria. Decisions by the Conference of Ministers of Education and Cultural Affairs and the Accreditation Council have been deemed insufficient as executive agreements.

Article 4 of the State Treaty on Study Program Accreditation therefore contains an authorization for state regulations to specify the details regarding

- the formal criteria,
- the subject-specific and content-related criteria,
- the procedures and processes, and
- the composition of the committees.

On this basis, this regulation—based on the model regulation jointly developed by the states and adopted by the Conference of Ministers of Education and Cultural Affairs on December 7, 2017—establishes the (state-wide) requirements for

the essential structural and qualitative standards for the accreditation of bachelor's and master's degree programs, which are necessary to ensure compliance with the obligation of the states arising from Article 1, paragraph 2, of the State Treaty on Study Accreditation to guarantee the equivalence of corresponding academic and examination achievements as well as degrees, and to ensure the possibility of transferring between higher education institutions.

These regulations are based on the relevant resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs regarding the bachelor's and master's degree system¹ and on quality assurance through accreditation, in particular the joint structural guidelines of the federal states, the existing rules for accreditation by the Accreditation Council, proposals from its "Regulation Revision" working group, as well as the standards and guidelines for quality assurance in the European Higher Education Area (ESG). However, the opportunity was also taken to further streamline and optimize the procedures based on previous experience with accreditation, thereby also contributing to cost reduction and the reduction of bureaucracy. In addition, the results of consultations with representatives of the German Rectors' Conference (HRK), the Accreditation Council, the agencies, the Association of Private Universities (VPH), students, and the school sector were incorporated.

In addition, the Standing Conference of the Ministers of Education and Cultural Affairs conducted a written consultation process that included the Conference's School Committee, the German Rectors' Conference (HRK), employer and employee representatives (BDA, DGB), students, the spokespersons of the agencies, the Accreditation Council, the vocational academies, the Association of Protestant Universities (VPH), and the churches. The state's universities also had the opportunity to comment on the draft model regulation during several meetings with the Ministry of Science.

Regulations regarding the fees to be collected by the agencies, for which the (Article 4, Paragraph 5) were not included in the model regulation adopted by the Conference of Ministers of Education and Cultural Affairs on December 7, 2017, but remain—where necessary—subject to separate regulations based on a further model regulation from the Conference of Ministers of Education and Cultural Affairs. It is planned to evaluate cost trends after two years in order to decide, on this basis, whether cost limits are necessary.

In drafting the model regulation, the Conference of Ministers of Education was guided by the principle enshrined in the State Treaty on Study Program Accreditation,

¹ In particular, the Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs (Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 10, 2003, as amended on February 4, 2010), see https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2003/2003_10_10-Laendergemeinsame-Strukturvorgaben.pdf.

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 the universities will take responsibility for prioritizing the quality of study across the board when designing their degree programs.

The following explanatory notes are intended to provide guidance and interpretive guidance on the implementation of the state regulation to be enacted on the basis of the Model Regulation, in order to ensure uniformity of application within the framework of accreditation and to prevent divergent practices from jeopardizing the objectives of the State Treaty as set forth in Article 1, paragraph 2. In this context, the principle—which has been strongly advocated to date—continues to apply that existing discretionary leeway, as expressed in the Model Statutory Regulation through a multitude of discretionary or mandatory provisions and restrictive formulations, must be utilized flexibly and productively. However, the exercise of this discretion requires a transparent justification by the universities, which must be presented and verified within the framework of the accreditation of degree programs or in the corresponding internal quality assurance processes.

The Study Program Accreditation Regulation is based on the Model Regulation adopted by the Standing Conference of the Ministers of Education and Cultural Affairs on December 7, 2017. Where the Model Regulation refers to the respective state law, these references have been specified by citing the specific provisions in state law (Section 3, paragraph 2, sentences 4 and 5, as well as Section 5, paragraph 2, sentences 2 and 3, and paragraph 3 of the Model Regulation). Where the options specified in the Model Statute do not exist in state law, the provisions were not adopted (Section 5(1), sentence 2, and Section 5(2), sentence 2; Section 8(5); and Section 13(3)(1) of the Model Statute). The specific provisions regarding the accreditation of training programs at vocational academies have also been omitted because they are irrelevant for Baden-Württemberg (Section 1(2), first sentence, and Section 21 of the Model Regulation). For details, please refer to the individual explanatory memorandum. In addition, the text has been editorially revised and adapted to the administrative regulation of the state government and the ministries regarding the drafting of regulations (VwV Regelungen).

II. Individual Explanation

Section 1 – General Provisions Section 1 –

Scope of Application

Paragraph 1 defines the subject matter of the statutory regulation, which, pursuant to Article 2, paragraphs 2 and 3, and Article 3 of the State Treaty on Study Program Accreditation, pertains to the formal criteria, the subject-specific content criteria, and the procedure.

Paragraph 2 takes into account the resolution of the Conference of Ministers of Education and Cultural Affairs on the “Classification of Bachelor’s Degree Programs at Vocational Academies within the Consecutive Study Structure” dated October 15, 2004², which stipulates that degree programs at vocational academies leading to the degree title “Bachelor” must be accredited. Section 1, Paragraph 1, Sentence 1 of the Model Statutory Ordinance provides that the regulations for program accreditation apply in this context, unless special provisions set forth in Section 8, Paragraph 6, and Section 21 apply, which are based on the dual structure of the training. The degree title “Bachelor” awarded by vocational academies is not a higher education degree, but a state-recognized degree title. This provision is irrelevant for Baden-Württemberg because there are no vocational academies in Baden-Württemberg whose programs could be accredited, and it will therefore not be incorporated into the state’s Study Accreditation Ordinance.

However, the accreditation of these programs in accordance with the provisions of the State Treaty on Study Accreditation and the study accreditation regulations of the states in which vocational academies are located (e.g., Hamburg, Hesse, Saarland, and Saxony) is, however, the basis for the equivalence under higher education law of bachelor’s degrees from vocational academies with bachelor’s degrees from universities (Section 1(2), second sentence, of the Model Statute), which in particular opens access to master’s degree programs and thereby increases the permeability of the education systems. It is expected that this equivalence under higher education law will also be accompanied by equivalence under professional law. Section 1(2), sentence 2 of the Model Regulation is therefore adopted in substance as Section 1(2), sentence 1 of the State’s Study Accreditation Regulation. Its content corresponds to I.2, second sentence, of the Administrative Regulation of the Ministry of Education and Cultural Affairs on the Granting of Eligibility for Higher Education (K.u.U. 2012, 136).

Regarding § 2 – Forms of Accreditation

Section 2 defines, in implementation of Article 3(1) of the State Treaty on Study Program Accreditation, the possible subjects of accreditation to which the subsequent provisions of this regulation apply.

Regarding Section 2 – Formal Criteria for Degree Programs

Section 2 primarily addresses the joint structural guidelines agreed upon by the federal states, through which they have established the core elements of the tiered degree system as the basis for mobility during studies and the mutual recognition of degrees within Germany and the European Higher Education Area

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

Regarding Section 3 – Study Structure and Duration of Study

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 a framework for the planning and design of bachelor's and master's degree programs at universities; it does not regulate individual study patterns.

The flexibility of 3-, 3.5-, and 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. Bachelor's programs with a standard duration of less than three years of full-time study are excluded. The total standard duration of study until the completion of a master's degree in consecutive programs is ten semesters.

Exceptions in core artistic disciplines at art and music colleges are permitted under the Model Statute. Subject to further provisions in state law, consecutive bachelor's and master's degree programs with a total duration of six years may also be established in these disciplines³. Furthermore, state law may also provide for adjustments to the standard periods of study, provided that the academic structure is organized accordingly. Pursuant to Section 29(3), sentence 5, of the Higher Education Act (LHG), this provision has been utilized, so that in particularly justified cases—especially for degree programs in the fields of art and music at art colleges, as well as for part-time degree programs under Section 30(3) of the LHG—longer standard periods of study may be established. The same applies to degree programs for teaching at the Gymnasium level in the subjects of visual arts or music at art colleges. According to § 1(2)(3) LHG, art colleges include both art and music colleges. Since music colleges do not constitute a separate type of higher education institution by definition under state law, the wording has been adjusted.

³ Note: The core artistic subjects are not defined in detail here. The decision regarding the inclusion of fine arts programs in the tiered degree structure and the classification of a subject as a core artistic subject rests with the respective state and institution of higher education.

Paragraph 3: The exemption for the full-time theology program is formulated with reference to Article 17, Paragraph 2 of the State Treaty on Study Accreditation and in light of the agreement between the Conference of Ministers of Education and Cultural Affairs, 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" - Resolution of the Conference of Ministers of Education and Cultural Affairs of December 13, 2007⁴ ." In this agreement, the churches have agreed to follow the structural requirements pertaining to the degree program. However, different regulations may apply in specific cases regarding degree programs qualifying for church office. The division into Bachelor's and Master's degrees is therefore not mandatory. The full-time theological degree programs with a standard duration of ten semesters are, however, subject in all other respects—with the exception of the degree (see § 6, paragraph 2, sentence 6, and the explanatory memorandum)—to the formal and substantive criteria of accreditation.

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 (or technical colleges) on the one hand and university programs on the other, 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 art and music colleges, master's programs may have a distinct artistic focus in accordance with the Model Statute. According to Section 1(2)(3) of the Higher Education Act (LHG), art colleges include both art and music colleges. Since music colleges do not constitute a separate category of higher education institution under state law, the wording has been adjusted.

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

The respective profile must be reviewed during the accreditation process.

⁴ http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2007/2007_12_13-Eckpunkte-Studienstruktur-Theologie.pdf.

Paragraph 2: For master's programs, a distinction is made—regardless of the type of institution—between consecutive and continuing education programs, which are defined in more detail in § 11, paragraph 3.

Professional master's programs lead to the same level of qualification and the same entitlements as consecutive master's programs. Therefore, the same requirements regarding the standard period of study and the requirement for a thesis apply to them.

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 information on the scope of theses, please refer to

Section 8, Paragraph 3.

Regarding § 5 – Admission Requirements and Transfers Between Degree Programs

Paragraph 1: Admission to a master's program requires a first professional higher education degree⁵. This takes into account the nature of the master's degree as a further professional higher education degree (see § 3, paragraph 1).

Under state law, the Model Statute allows for an exception to the requirement of a first professional degree for continuing education and artistic master's programs if the first professional degree is replaced by an entrance examination. Since this option does not exist in Baden-Württemberg, Section 5(1), sentence 2 of the Model Statutory Ordinance is not incorporated into the state's Study Accreditation Ordinance. Sentence 2 stipulates, with regard to the profile of continuing education master's programs set forth in Section 4(2), that admission requires qualified, i.e., professional practical experience relevant to the program's qualification objective, generally of not less than one year.

Paragraph 2, sentence 1, takes into account the needs of art colleges, which prioritize special artistic aptitude when admitting students to master's programs. For admission to continuing education master's programs in the arts,

⁵ Note: The Model Statute does not contain any specific provisions regarding transfers between degree programs under different degree systems to which the general credit transfer provisions apply. Under the Model Statute, universities and the federal states are free to regulate specific details in their examination regulations or in provisions under higher education law. The credits to be taken into account when transferring between degree programs are already regulated in § 35 LHG. Further regulations are therefore not necessary.

Under the Model Statutory Ordinance—unlike in other continuing education master’s programs—state law also allows for the recognition of professional practical activities that are completed only during the course of study. Since this option is not provided for under the state’s higher education law, the corresponding provision of the Model Statutory Ordinance was not incorporated into the state’s Study Accreditation Ordinance. By contrast, the further exception to the requirement for professional practical experience at art colleges provided for in the Model Statute pursuant to § 59(2), sentence 2, LHG is applicable and is implemented in the State’s Study Accreditation Ordinance.

Paragraph 3: Under state law, additional requirements for admission to master’s degree programs may also be provided for in accordance with the Model Statute. Pursuant to Section 59(1), second sentence, and Section 59(2), first sentence, second clause, of the Higher Education Act (LHG), universities may establish further requirements for admission to master’s degree programs through their statutes. This is referred to in paragraph 3.

Regarding § 6 – Degrees and Degree Titles

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

Paragraph 2 finally establishes the degree titles for Bachelor’s and consecutive Master’s degree programs. Instead of the degree titles “Bachelor” and “Master,” the Latin designations “Baccalaureus”/“Baccalaurea” and “Magister”/“Magistra” may also be used. For degree programs that cannot be clearly assigned to one of the subject groups listed in sentence 1, items 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 Bachelor’s degree programs in the field of teacher education, for which degree titles under items 1 through 7 may be awarded. For continuing education master’s programs, alternative designations remain possible. Subject-specific additions to the degree titles and mixed-language degree titles are excluded, as are bachelor’s degrees with the addition “honors.”

Exceptions to the requirements regarding degree titles apply to fully theological, non-tiered degree programs. These typically conclude with an academic

degree. If the examination regulations provide for an academic degree, Section 3 of the “Guidelines” allows for the use of the degree title “Magister Theologiae.” This refers to the academic degree of “Master” in Latinized form and thus establishes a connection to the broader Bologna Framework. It is left to the discretion of the theological faculties to confer this academic degree in its feminine form as well.

Paragraph 2, 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,” Resolution of the Conference of Ministers of Education and Cultural Affairs of October 10, 2003, as amended) should, in any case, in the interest of transparency and to avoid false expectations regarding mobility, be reserved for those degrees that—as a rule, nationwide—provide access to a preparatory service for a teaching career in accordance with state law. This corresponds to the legal situation in Baden-Württemberg.

Paragraph 3 opens the possibility of issuing certificates of equivalence and thus serves to establish transparency regarding the qualification level of the 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. Since universities of applied sciences in Baden-Württemberg are designated as “universities of applied sciences” (Section 1(2)(4) LHG), the wording has been adjusted.

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 Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors’ Conference must be used in its currently valid form.

Regarding Section 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, organized by subject matter and duration, and assigned credit points. They may be composed of various forms of teaching and learning (e.g., lectures, seminars, internships, e-learning, educational research, etc.). A module may cover the content of a single semester or academic year, but in exceptional cases may also extend over several semesters. The fundamental time

limit of two consecutive semesters serves two main 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 student 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 set forth the requirements for module descriptions. The module description should provide students with reliable information regarding the course of study, content, qualitative and quantitative requirements, integration into the overall structure of the degree program, and the relationship to other modules offered. The description should also enable an assessment of the module with regard to its transferability or recognition when transferring to another institution.

Paragraph 2 does not contain any rigid stipulations that would prevent flexible course design. Without prejudice to the universities' responsibility for the specific design of modules, however, 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
 - 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 methods
Description of the individual teaching and learning methods (lectures, exercises, seminars, internships, project work, self-study);
3. Requirements for Participation (in conjunction with paragraph 3)
Description of the knowledge, skills, and abilities required for successful participation, as well as options for preparing for participation (including bibliographic references and information on multimedia-supported teaching and learning programs);
4. Applicability of the module (in conjunction with paragraph 3)

Description of how the module relates to other modules within the same degree program and to what extent it is suitable for use in other degree programs;

5. Requirements for the awarding of credit points

Description of the requirements for awarding credit points, in particular examinations (type of examination, e.g., oral or written exam, presentation, term paper, as well as the scope and duration of the examination), proof of attendance; options for make-up work must be regulated in the examination regulations;

6. Credits and Grades

Separate reporting of credit points and grades; in addition to the grade based on the German grading scale from 1 to 5, a relative grade must also be reported for the final grade. It is recommended that this be calculated in accordance with the ECTS User's Guide in its currently valid version;

7. Frequency of module offerings

Determining whether the module is offered every semester, every academic year, or only at longer intervals;

8. Workload

Specifying the total workload and the number of credit points to be earned for each module;

9. Duration of modules

Determination of 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 concerns the awarding of credit points. They are a quantitative measure of the student's total workload and encompass both direct instruction and the time spent on preparation and follow-up work (classroom and self-study), the effort required for examinations and exam preparation, including final theses and term papers, as well as internships, if 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.

A total of 60 credit points are awarded per academic year, i.e., 30 per semester.

one credit point is assumed to represent a student's workload of 25 to a maximum of 30 hours of in-class and self-study, so that the total workload for a full-time student per semester, including both the lecture period and the non-lecture period, 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.

Credit points 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—i.e., including prior studies up to the first professionally qualifying degree. No exceptions to these planning requirements for universities 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, it is true that, in individual cases, the 300 ECTS credit requirement for a master's degree may be waived if the student possesses the appropriate qualifications. However, this exception applies exclusively to the individual student and not to the degree program. Accordingly, applicants may be admitted to master's degree programs even if they have not earned a total of 300 ECTS credits from their bachelor's studies. The prerequisite is proof of the qualifications required for admission.

In accordance with the maximum standard duration of study of six years (Section 3, Paragraph 2), the master's level may be attained with 360 credit points in consecutive bachelor's and master's programs in core artistic disciplines at art colleges, as well as in teacher training programs for high school (Gymnasium) with a major in visual arts or music at art 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, conflicts with a highly granular modularization. According to Section 1(2)(3) of the Higher Education Act (LHG), art colleges include both art and music colleges. Since music colleges do not constitute a separate type of higher education institution under state law, the wording has been adjusted.

Paragraph 3 governs the scope of the final theses. To ensure that the scope of the thesis is aligned with the educational objectives and level of the program and is proportionate to the course load of the respective degree program, the scope of the bachelor's thesis must not be less than 6 ECTS credits nor exceed 12 ECTS credits. For the master's thesis, a minimum of 15 and a maximum 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. The ranges allow for flexible structuring while taking into account subject-specific characteristics.

In principle, these guidelines also apply to art and music colleges. In justified exceptional cases, the scope of the Bachelor's thesis in fine arts programs may be up to 20 ECTS credits, and that of 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 credit. In these cases, special attention must be paid to the feasibility of the program. Through measures related to the organization of studies, universities can help ensure the feasibility of such programs.

Paragraph 5 incorporates the recommendation of the Conference of Ministers of Education and Cultural Affairs and the Conference of University Presidents regarding the awarding of a master's degree in teacher education when achievements from the pre-service training period are to be included, dated June 12, 2007, and July 8, 2008⁶. One option for incorporating the preparatory service into the master's program is the recognition of portions of the preparatory service. The "Standards for Teacher Education: Educational Sciences" (Conference of Ministers of Education resolution of December 16, 2004)⁷ serve as the benchmark for practical school training during the degree program and the preparatory service. On this basis, the universities and the institutions of the second phase of training agree on state-specific qualification, on the basis of which the universities and the institutions of the second phase of training jointly and by mutual agreement establish training formats and examination procedures amounting to up to 60 ECTS credits for a one-year training period as the basis for credit transfer toward the university program

⁶ https://www.Kultusministerkonferenz.org/fileadmin/Dateien/pdf/PresseUndAktuelles/Beschluesse_Publications/Conference_of_Ministers_of_Education_and_Cultural_Affairs-Conference_of_University_Rectors-Recommendation_12-06-08_08-07-08.pdf.

⁷ Standards for Teacher Education: Educational Sciences (Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated December 16, 2004, as amended on June 12, 2014) available at http://www.Kultusministerkonferenz.org/fileadmin/files/publications_resolutions/2004/2004_12_16-Standards-Teacher-Training-Educational-Sciences.pdf.

In Baden-Württemberg, this applies only to degree programs for elementary school teaching. Here, the Master's degree is awarded upon completion of 240 ECTS credits from university studies, including the preparatory service with 60 ECTS credits, resulting in a total of 300 ECTS credits.

Paragraph 6 of the Model Statutory Ordinance regulates specific features of the program structure for vocational academies. Vocational academies are institutions in the tertiary sector that provide at least three years of academically oriented and simultaneously practice-oriented training. The number of ECTS credits to be earned and the ratio of theory- to practice-based training components are based on the aforementioned resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated October 15, 2004⁸.

Comparability with university bachelor's degree programs—a prerequisite for equivalence under higher education law—requires that the theory-based components of the training be in an appropriate balance with the practice-based components. The classification as “theory-based” and “practice-based” is not to be determined based on the institution but rather on the learning content, so that theory-based ECTS credits can also be earned during the training phases in the workplace provided the relevant requirements—which also apply to the teaching staff (see § 21)—are met. The establishment of a range of 120 to 150 ECTS credits for the theory-based components allows for a flexible structure that meets the requirements of the respective degree programs. Since there are no vocational academies in Baden-Württemberg whose degree programs could be accredited, this paragraph is irrelevant for Baden-Württemberg and will not be included in the state's Study Accreditation Ordinance.

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

Section 9 establishes the specific formal criteria for non-university partnerships pursuant to Section 19. Paragraph 1, sentence 1, stipulates—from the perspective of quality assurance and transparency—the requirement for a written partnership agreement between the degree-granting institution and the partnering educational institution regarding the nature, scope, and mutual obligations of the existing partnership. Furthermore, for reasons of consumer protection, the scope and nature of the cooperation must be transparently presented on the institution's website.

Paragraph 1, sentence 2, emphasizes that universities, as guarantors of the quality of the higher education degrees and qualifications they confer, are responsible for the

⁸ See footnote 2.

Quality assurance of academic programs and the procedures for recognizing competencies acquired outside of higher education. Only those competencies that are equivalent in content and level to the portion of the degree program they are intended to replace may be recognized. Such knowledge and skills acquired outside the higher education system may replace no more than 50% of a degree program. This ensures that a substantial part of the education underlying the higher education degree takes place under the direct responsibility of the awarding institution, i.e., through its own efforts.

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 benefits in terms of academic and educational policy 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 regulation serves to implement the so-called European Approach to Quality Assurance of Joint Programs (EA)¹⁰. This is intended to enable the external quality assurance of degree programs jointly developed and administered by higher education institutions in different countries—particularly 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)¹¹, which also underpin the European Higher Education Area. Corresponding provisions regarding the subject-specific and content-related criteria and the procedural rules are set forth in Sections 3 and 4 of this Regulation (§§ 16 and 33). The provisions contained in Sections 2, 3, and 4 of this Regulation apply to joint degree programs only to the extent expressly specified.

The regulations governing joint degree programs establish the legal framework for accreditation decisions based on different criteria and procedural rules. They thus open up the possibility—beyond the right of the Accreditation Council Foundation, as set forth in Article 5(3)(2) of the State Treaty on Study Accreditation, to define the requirements for the recognition of accreditation decisions by foreign institutions—to make accreditation decisions that deviate from the criteria and procedural rules defined in this regulation

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

¹⁰ http://bologna-yerevan2015.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20Programmes_v1_0.pdf.

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

deviate from the rules. Article 5, paragraph 3, sentence 2 of the State Treaty on Study Program Accreditation merely mandates the Accreditation Council Foundation to establish the prerequisites for conducting the relevant recognition procedures based on the criteria and procedural rules set forth in the State Treaty on Study Program Accreditation and in the ordinances issued pursuant to Article 4 of the State Treaty on Study Program Accreditation, -procedural rules, 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 incompatible not only with the objectives set forth in Article 1, paragraphs 2 and 3, Article 4(6) of the State Treaty on Study Accreditation, but also in light of constitutional principles (in particular the principle of specificity and the theory of materiality).

Paragraph 1 defines the scope of application. In light of the differing criteria associated with the application of the EA—in particular, the requirement that a master's degree, including the first degree, not necessarily be based on 300 ECTS credits—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 of 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 EA).

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

Paragraph 1 stipulates that the degree program must be based on a jointly coordinated and systematically interrelated, coherent curriculum. This excludes models in which universities cooperate only in the recognition of credits but do not maintain a joint curriculum (see Introduction to the EA).

Paragraph 2 stipulates that each student must complete at least 25% of their coursework (measured in ECTS credits) at at least one of the foreign partner institutions. This excludes the application of the special provisions for joint degree programs in cases of cooperation involving optional study abroad or in

cooperations in which only foreign students are required to study abroad.

Paragraph 3 stipulates the requirement for a contractual cooperation agreement between the participating institutions of higher education in order to ensure the sustainability of the degree program, particularly in the interest of the students. The cooperation agreement concluded by the participating higher education institutions within the framework of their contractually regulated cooperation must, in particular, contain provisions regarding: the designation of the degree awarded in the program; coordination and responsibilities of the partners with regard to management and financial organization; admission and selection procedures for students; student and faculty mobility; examination regulations and methods for assessing students; recognition of credit points and procedures for awarding degrees; and the involvement of all cooperating institutions in the design and implementation of the program (see B 1.3 EA).

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

Section 5 stipulates that participating universities must have a common quality management system. This includes the participating institutions applying common internal quality assurance processes. These encompass, in particular, the 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 degree conferral; ensuring the competence of faculty; providing adequate resources to ensure the learning environment; sound information management; and ongoing monitoring and regular review of degree programs (see B 9 EA in conjunction with ESG 1.1 and Part 1 of the ESG).

Paragraph 2 establishes 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 Higher Education Area, expressly stipulates as an assessment criterion the application of the recognition principles of the so-called Lisbon Convention¹² (see B 4.2 EA), which already apply to higher education institutions based in Germany under federal or state law. These include:

- a claim to recognition as a qualification for higher education

Section 12 of the Act of May 16, 2007, on the Convention of April 11, 1997, on the Recognition of Qualifications in Higher Education in the European Region, Federal Law Gazette 2007 II, p. 712 et seq., <http://www2.fzs.de/uploads/lissabonkonvention.pdf>.

or competencies acquired in the course of higher education studies, provided that 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,

- a reversal of the burden of proof in favor of the applicants,
- an obligation on the part of the university to provide reasons for negative decisions,
- the right to a review of the decision.

Sentence 2 clarifies that the principles regarding modularization and the credit point system set forth in Sections 7 and 8(1) also apply here and that the distribution of credit points must be clearly regulated (see B 3.2 EA).

Sentence 3 stipulates, in accordance with the political agreements within the European Higher Education Area, that a bachelor's degree program must comprise a minimum of 180 and a maximum of 240 credit points, and that a master's degree program must comprise a minimum of 60 credit points (see B 3.3 EA). 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 EA).

Paragraph 3 extends the scope of application of the criteria and procedural rules of the so-called European Approach, as set forth in § 10, paragraphs 1 and 2, § 16(1), and § 33(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 3: Academic and Content-Related Criteria for Degree Programs and Quality Management Systems

This section serves to specify the academic and content-related criteria mentioned in Article 2, Paragraph 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, Paragraph 3, Item 1 of the State Treaty on the Accreditation of Study Programs, which lists as the qualification objectives of a study program the academic 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 market¹³. 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.

Paragraph 2: The aspects of the academic, scientific, artistic, methodological, and personal development requirements described in paragraph 2 are based on the descriptors and competency dimensions of the Qualifications Framework for German Higher Education Degrees in its current version¹⁴, which was developed in cooperation 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 implements the Qualifications Framework for the European Higher Education Area¹⁵ at the national level and encompasses the imparting of up-to-date subject-specific knowledge, interdisciplinary knowledge, and the generally recognized principles of good scientific practice, as well as the acquisition of methodological, personal, and social competencies and the assurance of employability and the ability for 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 establishes, based on relevant resolutions of the Conference of Ministers of Education and Cultural Affairs¹⁶ 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 degree programs pursuant to § 4, paragraph 2, sentence 2 defines consecutive master's degree programs as programs that provide in-depth, broad-based, interdisciplinary, or specialized training. Sentences 3 and 4 regulate the specific requirements for professional master's degree programs. Professional master's degree programs are characterized by their focus on professional

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

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

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

¹⁶ See footnote 1.

qualification. Therefore, prior professional experience is a constitutive element, which must be reflected in both the duration and the nature of the work. Falling short of the minimum duration of one year of prior professional experience therefore requires special justification. Professional experience builds upon the preceding first professional qualification and can therefore not be replaced either by mandatory internships from the bachelor's phase or by professional experience prior to the start of the bachelor's program. In accordance with the educational objective, particular attention must be paid during the accreditation process to the connection between professional qualification and the program's entry requirements, as demonstrated by the institution. The same applies to the review of the requirements, which—despite the predominantly professional orientation—must correspond both structurally (see also § 4, paragraph 2) and in terms of content to the qualification level defined for the master's level (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 various 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 the criteria for evaluating the respective program concept based on the structural requirements set forth in Section 3 et seq., 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 (ESG) adopted by the participating states of the European Higher Education Area at their ministerial conference in May 2015, specifically regarding internal quality assurance at higher education institutions—particularly concerning the design of degree programs (Part II, Section 1, Standard 1.2 ESG), student-centered learning, teaching, and assessment (Part II, Section 1, Standard 1.3 ESG), admission, course progression, recognition, and degree completion (Part II, Section 1, Standard 1.4 ESG), on faculty (Part II, Section 1, Standard 1.5 ESG), and on requirements for the learning environment (Part II, Section 1, Standard 1.6 ESG).

Paragraph 1, Sentence 1 requires a curriculum that is coherent with regard to the attainability of the qualification objectives, taking into account the entry qualifications (see Part II, Section 1, Standard 1.2 ESG). Sentence 2 requires a correlation between qualification objectives (see also § 11, paragraphs 1 and 2), the program title, the degree level and 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 Part II, Section 1, Standard 1.3 ESG). Sentence 4 stipulates that the program must provide suitable framework conditions

must offer support for student mobility that enables students to spend time at other institutions without losing academic credit. This includes, in particular, the incorporation of mobility windows into program design and recognition procedures that consistently apply the principles of the Lisbon Convention¹⁷ not only during stays at institutions abroad but also within the country. Admission requirements for master's programs must also be designed to promote mobility and enable transfers between universities and types of higher education institutions. Sentence 5 ensures that students are encouraged to actively participate in shaping the teaching and learning process. This guarantees student-centered learning, teaching, and assessment as defined in Standard 1.3 of the ESG.

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 Part II, Section 1, Standard 1.5 of the ESG "Teaching Staff" and Part II, Section 1, Standard 1.6 of the ESG "Learning Environment"). 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 in terms of quantity and quality, that the curriculum is implemented adequately. This also includes the teaching competence of the faculty. Sentence 2 requires that the integration of research and teaching be ensured by a sufficient number of full-time professors who are regularly engaged in teaching¹⁸. 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.

Paragraph 4: The planned examinations and examination formats must enable students to demonstrate the extent to which they have achieved the intended learning outcomes

¹⁷ See footnote 12.

¹⁸ Due to differing definitions of the term "professor" under state law, different terms may be used in the state regulations.

have achieved the required learning outcomes. Examinations must be module-based—rather than focused on individual courses—and designed to assess competencies. To ensure this, the examination formats 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, in the second sentence, lists the components that must be assessed during the evaluation. This list is not exhaustive. Depending on the specific program concept (for example, in programs with a special profile requirement, see paragraph 6), additional factors may need to be considered here.

According to paragraph 1, one criterion for feasibility is predictable and reliable academic operations. 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 paragraph 2, courses and exams must largely avoid overlapping. This applies above all to required modules and to frequently chosen subject combinations and required elective modules. To the extent that avoiding overlap cannot otherwise be guaranteed, timely and transparent information must be provided to prospective students and current students.

Furthermore, in accordance with Section 3, the program concept must plausibly define the workload and examination burden while taking into account the formal requirements set forth in Sections 7 and 8, and these definitions must be continuously reviewed—in particular through regular workload surveys—and adjusted as necessary. To ensure that students can actively shape the course of their studies, and to provide sufficient flexibility—particularly with regard to changing universities—and predictability 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.

It is essential that furthermore in accordance with Number 4 an adequate examination density and -organization. Therefore, to reduce the examination burden, modules should generally be completed with only one examination and should typically be worth 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 prerequisites, coursework, or other forms of evidence, such as the completion of an internship, conducting a laboratory experiment, or participating in field trips.

These are all guidelines, meaning that exceptions are possible in justified cases. In such cases, the consistency of the respective module concepts and the consistency of the examination concept with respect to the learning objectives of the respective module must be taken into account, as must the overall examination workload in the respective degree program¹⁹.

Paragraph 6: The assessment must take into account the program profile as defined by the institution. If the institution advertises or characterizes a program with specific features (e.g., international, dual, part-time while working, virtual, work-integrated, part-time), these features are part of the program profile and are therefore also subject to assessment.

In such cases, the criteria set forth in paragraphs 1 through 5 must be applied in light of the specific profile and from the relevant perspective, and must be assessed against the specific requirements to be defined by the respective institutions of higher education. These include, in particular, aspects such as the specific target group, a special program structure, 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 higher education institution or vocational academy and the company) are systematically interlinked in terms of content, organization, and contractual arrangements.²⁰

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.

Paragraph 1: With regard to Article 5, Paragraph 3 of the Basic Law, the provision is limited to reviewing compliance with procedural requirements to ensure a substantively sound program concept and grants the evaluators broad discretion regarding content. According to sentence 1, this includes the existence of mechanisms or measures to determine the consistency of the academic and scientific requirements. According to sentence 2, the following is also required:

¹⁹ Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs of February 4, 2010 – Interpretation Notes – of February 25, 2011, Number 5.

²⁰ Due to differing definitions of the term “dual study program” under state law, the regulations of the individual states may use varying definitions here.

Evidence of regular monitoring and adjustment not only of the subject-specific content 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 discipline are conveyed. According to sentence 3, 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 different subject-specific reference frameworks 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 achievement of the overall qualification objective of the master's program. This applies to both consecutive and continuing education Master's programs and, in Baden-Württemberg, also to the elective subjects in teacher training 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 reviewing degree programs that provide the educational prerequisites for a teaching career. In view of the need to ensure high-quality school instruction and thus to guarantee comparable educational opportunities (state responsibility for the school system), uniform guidelines are required here. The regulations are based on the standards adopted for this purpose by the Standing Conference of the Ministers of Education and Cultural Affairs.²¹

Paragraph 2 establishes the requirement to verify that the curriculum complies with the joint state standards in subject-specific sciences and didactics, as well as in educational sciences. These standards are derived from the joint state requirements and, where applicable, state-specific content requirements based on the KMK resolutions in their currently applicable versions.²²

²¹ In particular: Key points for the mutual recognition of bachelor's and master's degrees in degree programs that provide the educational prerequisites for a teaching position, resolution of the Conference of Ministers of Education and Cultural Affairs dated June 2, 2005, available at http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2005/2005_06_02-gegenseitige-Anerkennung-Bachelor-Master.pdf.

²² See [footnote 7](#) regarding educational sciences; see regarding subject-specific sciences and didactics: Joint State Requirements for Content in Subject-Specific Sciences and Didactics in Teacher Education (Resolution of the Conference of Ministers of Education and Cultural Affairs of October 16, 2008, as amended on March 16, 2017) at https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2008/2008_10_16-Fachprofile-Lehrerbildung.pdf, Framework Agreements for the Individual Teaching Qualifications.

Paragraph 3 specifies the structural and conceptual criteria to be reviewed during the accreditation process and incorporates the provisions set forth in the relevant KMK resolution. The exceptions permitted therein for the respective teaching profession in the subjects of art and music must be taken into account. Since Baden-Württemberg does not make use of the exceptions permitted under the KMK resolution for the subjects of art and music, the wording of the ordinance was adjusted accordingly by deleting the parenthetical addition from the model ordinance. Sentence 2 clarifies that exceptions to Sentence 1, items 1 and 2, are also permissible for teaching at vocational schools in accordance with the applicable resolutions of the Conference of Ministers of Education (Framework Agreement for Teaching 5).

Regarding Section 14 – Academic Performance

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 include a closed-loop system with regular review (sentence 1), the implementation of measures based on the results of the review (sentence 2), and continuous monitoring of success as well as the use of the results for further development (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 statistics on students and graduates. 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, clause 4 stipulates that the parties involved must be informed of the results and the measures implemented, while ensuring compliance with data protection requirements.

Regarding Section 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 circumstances, and that these strategies 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.

Paragraph 1, Sentence 1 governs the corresponding application of the subject-specific

content-related criteria.

In accordance with Section 11, paragraphs 1 and 2, the intended learning outcomes for joint degree programs must be aligned with the corresponding level of the Qualifications Framework for the European Higher Education Area, as well as with the applicable national qualifications framework(s). These must include knowledge, skills, and competencies in the respective discipline or disciplines (see B 2.1 and 2.2 EA). In accordance with § 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 EA). The program's design and the teaching and learning methods used must serve to achieve the intended learning outcomes (see B 5.1 EA). Accordingly

Section 12, paragraph 2, sentence 1, and paragraph 3 require that the staffing levels be sufficient in terms of both quality and quantity (qualifications, professional and international experience) to implement the degree programs (see B 7.1 EA). The material resources provided must also be sufficient and appropriate in view of the intended learning outcomes (see B 7.1 EA). In accordance with § 12(4), it must be ensured that the examination regulations and the assessment of the learning outcomes achieved correspond to the intended learning outcomes and that these are consistently applied by the partner universities (B 5.2 EA). In accordance with § 14, the workload and the average time required to complete the program must be monitored (B 3.3 EA).

Sentence 2 sets forth additional requirements arising from the policy agreements of the European approach.

Point 1 further stipulates that the appropriateness of the admission requirements and the selection process must be assessed in light of the academic level and the academic discipline in which the program is situated (B 4.1 EA). The term "selection process" refers here to tests, interviews, and similar procedures commonly used abroad, and not to a selection process in the legal sense of admission regulations.

Paragraph 2 stipulates that the achievement of the learning outcomes intended by the program can be demonstrated (B 2.3 EA).

Paragraph 3 clarifies that relevant provisions of Directive 2005/36/EC²³ of the European Council and the European Parliament of September 7, 2005, on the recognition of professional qualifications, in its currently valid version, must be taken into account in the design and implementation of the program, particularly in the area of regulated professions

²³ https://www.erkennung-in-deutschland.de/html/de/eu_erkennungrichtlinie.php.

This applies in particular with regard to specified minimum training requirements or common training frameworks (B 2.4 EA).

Paragraph 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 EA).

Section 5 ensures that, when applying the EA at system-accredited institutions of higher education, the formal and academic criteria applicable to joint degree programs are taken into account as part of the quality management system.

Paragraph 2 extends the scope of application of the criteria and procedural rules of the so-called European Approach, as set forth in § 10, paragraphs 1 and 2, § 16(1), and § 33(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.

Regarding § 17 – Concept of the Quality Management System (Objectives, Processes, Instruments) and § 18 – 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 Program 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 (Objectives, Processes, Instruments)

Paragraph 1 sets forth provisions regarding the review 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 institution's self-image, the interdisciplinary

overarching didactic guidelines and, where applicable, fundamental learning objectives.²⁴ The mission statement must be reflected in the educational profile of the individual degree programs, in terms of competency goals and levels. 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 through 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 and regularly throughout the respective accreditation cycle, the implementation of the formal and subject-specific criteria for the individual degree programs as set forth in Sections 2 and 3 (§§ 11 to 15). Sentence 4 lists the central elements of the quality management system for which decision-making processes, competences, and responsibilities must be defined and implemented within the system, namely

- Processes for establishing, reviewing, further developing, and discontinuing degree programs, and
- the procedure for the internal accreditation of degree programs in accordance with the formal and academic criteria set forth in Sections 2 and 3 (§§ 11–15).

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

Paragraph 2 regulates the formal requirements for the university's quality management system and is based on the ESG²⁵. These include

- the development of the quality management system with the participation of all member groups of the institution, i.e., 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 institutions of higher education, and from agencies with experience in quality management at institutions of higher education in accordance with II. Part 1, Standard 1.1 of the ESG regarding the development of the quality assurance strategy (sentence 1),
- 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 Part II, Section 1, Standard 2.4 of the ESG regarding requirements for peer review experts (sentence 2, clause 2),

²⁴ See the Science Council's position paper on "Strategies for Higher Education Teaching," April 2017, p. 16 ff., <https://www.wissenschaftsrat.de/download/archiv/6190-17.pdf>.

²⁵ See footnote 11.

- the definition of standard procedures for handling conflicts and the establishment of an internal grievance system, particularly for “internal” accreditation decisions, in accordance with Part II, Section 1, Standard 2.7 of the ESG regarding complaints and appeals (sentence 2, clause 2),
- the existence of closed-loop control systems that ensure, in a structured, transparent, sustainable, and reliable manner, that there is continuous improvement in the quality of study programs, in accordance with Part II, Section 1, Standard 1.9 of the ESG on continuous monitoring and regular review of study programs (sentence 3, first clause),
- the inclusion of all service areas directly relevant to studies 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, clause 2),
- 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 quality management system’s processes, as well as appropriate IT infrastructure, which is of particular importance for the necessary provision of meaningful data; see § 18(3),
- 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 Section 18 – Measures for Implementing the Quality Management Concept

Paragraph 1 sets forth the key components of the quality management system. According to the first sentence, this includes regular evaluations of degree programs and the areas of performance relevant to teaching and studies (see § 17, paragraph 2, sentence 3, second clause) by students from within and outside the institution, external academic experts, representatives from the professional field, and graduates. They ensure that evaluations within the framework of the internal quality management system are implemented in such a way that continuous impetus for quality improvement is provided. To this end, the regular involvement of external expertise is indispensable. In accordance with Part II, Section 1, Standard 1.9 of the ESG (ongoing monitoring and regular review of degree programs), the following aspects in particular should be included in the evaluations: the relevance of the degree programs, changing societal needs, students’ workload, study progress and degrees awarded, the effectiveness of examination procedures,

student expectations and needs, the learning environment, and support services. The results should be made available to the university community in an appropriate manner, while ensuring compliance with data protection regulations, in order to establish the necessary transparency and acceptance.

Sentence 2 requires that, where action is needed, appropriate measures be initiated and their implementation be reviewed.

Paragraph 2 clarifies that, in the internal accreditation of degree programs, the requirements for participation and approval set forth in § 25, paragraph 1, sentences 3 through 5, do not apply to teacher education programs, teacher training programs with the combined subject of Protestant or Catholic Theology/Religion, Protestant theological programs leading to ordination, 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 pursuant to § 24(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, success and dropout rates, student satisfaction with degree programs, available resources and support, and career paths of graduates. When collecting data, care must be taken to ensure that the relevant 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 Part II, Section 1, 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 parties in an appropriate manner about the measures taken, in order to ensure the necessary transparency. In doing so, data protection requirements must be observed. Sentence 2 clarifies that the institution of higher education 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 stipulated in § 29, sentence 3.

Regarding § 19 – Cooperation with Non-Higher Education Institutions

Section 19 sets forth the conditions under which a university may enter into program-related

can enter into partnerships with non-higher-education institutions. A defining feature of such program-based partnerships is that degree programs—or programs recognized as equivalent—are conducted in part or even entirely outside the degree-granting institution, and that the partnering educational institution is in an asymmetrical, subordinate relationship to the degree-granting institution. In the case of such a collaboration, the applicant is always the institution of higher education pursuant to § 22(1). Collaborations with joint research institutions involving multiple institutions of higher education are not covered by the provisions of § 19. Sentence 1 makes it clear that the formal and subject-specific criteria set forth in Sections 2 and 3 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 full-time faculty. The establishment of standardized criteria is based on the corresponding recommendation of the Science Council "Assessment and Recommendations on Program-Related Collaborations: Franchise, Validation, and Credit Transfer Models" from 2017. Sentence 2 does not apply to collaborations with state-run teacher training colleges in the second phase of teacher training programs, nor to school practicum phases in teacher training programs.

Regarding § 20 – University-level collaborations

Section 20 governs program-specific cooperation between higher education institutions, unless, in the case of joint degree programs, the special provisions contained in Sections 10, 16, and 33 of this Regulation apply at the request of the participating domestic higher education institution or institutions.

The list of reservations in § 19, sentence 2, applicable to non-higher-education cooperation partners generally does not apply to cooperation between higher education institutions. However, the degree-granting higher education institution or institutions 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 higher education institutions.

The degree-granting institution or institutions are the applicants within the meaning of § 22(1) of this Regulation.

If a system-accredited institution of higher education carries out such a program-related collaboration, 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 higher education institutions may also cooperate at the level of their quality assurance systems to streamline procedures, and that the organizational linking of multiple procedures is permissible in this context; a coordinated application by the cooperating institutions is required under 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 resource utilization. However, a decision on system accreditation must be made by each cooperating institution of higher education. The Agency's proposed decision must be prepared accordingly.

Regarding § 21

Section 21 of the Model Statute sets forth the specific criteria for the accreditation of bachelor's degree programs at vocational academies. Since such institutions do not exist in Baden-Württemberg, but only in a few other states (including Hamburg, Hesse, and Saarland), this provision is irrelevant for Baden-Württemberg.

Regarding Section 4 – Procedural Rules for Program and System Accreditation

Regarding § 22 – Decision of the Accreditation Council; Awarding of the Seal

Paragraph 1 sets forth the key procedural elements for program and system accreditation. In contrast to the previous practice of accreditation by the respective agency that made the accreditation decision, the State Treaty on Study Program Accreditation provides for a two-part accreditation process: Pursuant to Article 3(2), sentence 1, item 1 of the State Treaty on Study Program Accreditation, accreditation requires an application by the higher education institution 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 decision of the Accreditation Council includes a determination of compliance with the formal criteria set forth in Article 2(2) of the State Treaty on Study Program Accreditation, on the one hand, and the academic and content-related criteria set forth in Article 2(3) of the State Treaty on Study Program Accreditation, on the other hand. If these criteria are met, accreditation must be granted. This constitutes a binding administrative act within the meaning of Section 35(1) of the Administrative Procedure Act (VwVfG).

The Accreditation Council reviews compliance with the formal criteria on the basis of an audit report. The Accreditation Council reviews compliance with the subject-matter and content 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. Sentence 2 is therefore declaratory. In the reasoning for the decision, pursuant to Article 3, Paragraph 4, Sentence 3 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 subject-specific and content-related criteria.

Paragraph 3 incorporates Article 3(4) of the State Treaty on Study Program Accreditation, pursuant to which the institution is given the opportunity to comment before a final decision is made. To avoid delays in the proceedings, the statement to be obtained by the Accreditation Council, in accordance with administrative procedure law, is limited to cases in which the Accreditation Council intends to deviate significantly from the recommendation in the expert report. The institution is free to attach a statement to the agency's report as part of its application. This ensures compliance with 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, when conditions are imposed, a careful distinction is made between deficiencies that do not in themselves affect the accreditation decision 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 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 decisions made by the Accreditation Council 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 *mutatis mutandis* to decisions of the Accreditation Council pursuant to Sections 26, 27, and 28.

Regarding Section 23 – Documents to be Submitted

Paragraph 1: The application for accreditation must be accompanied by a self-report from the institution and the 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, Paragraph 2, Number 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).

Paragraph 2: In accordance with Article 5, Paragraph 3, Item 5 of the State Treaty on Study 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 the Accreditation Council's procedures.

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

Regarding § 24 – Commissioning of an Agency; Accreditation Report; Site Visit

Paragraph 1: Pursuant to Article 3, Paragraph 2, Sentence 1, Number 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, Paragraph 2, Sentence 2 of the State Treaty on Study Program Accreditation.

Sentence 2 addresses the special provision that, for fully theological degree programs in Catholic theology, in accordance with the resolution of the Conference of Ministers of Education and Cultural Affairs dated

December 13, 2007 “Guidelines for the Structure of Degree Programs in Catholic or Protestant Theology/Religion”²⁶ the evaluation is conducted exclusively by the Agency for Quality Assurance and Accreditation of Canonical Degree Programs (AKAST). The role of AKAST must also be taken into account in another respect. Pursuant to Article 5, Paragraph 3, Number 5 of the State Treaty on Study Program Accreditation, the Accreditation Council approves 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, AKAST is not listed in the EQAR. The Accreditation Council has nevertheless approved AKAST for the German-speaking region. The agency thus effectively performs quality assurance activities in its field. The text of the ordinance makes explicit reference to this approval granted by the Accreditation Council. However, this does not preclude a new approval after a reasonable period of time.

Paragraph 2: Program and system accreditation shall be conducted in accordance with Article 3, Paragraph 2, Sentence 1, Item 2 of the State Treaty on Study Program Accreditation, based on a self-evaluation report submitted by the institution of higher education, which must include, at a minimum, information on the institution’s quality objectives and on the formal and academic criteria for accreditation. The student body shall be involved in the preparation of the self-evaluation report. The report must—as is customary under the previous procedure—be made available to the agency and subsequently submitted to the Accreditation Council.

The Model Statute does not specify which body of the student body is to be involved in the preparation of the self-evaluation report. This is left to the constituted student body. In the case of program accreditations, due to the proximity of the student council to the respective degree program, this task may be delegated to a body of the student council or, in the case of the DHBW, to the student representation of the local study academy. At universities of applied sciences for public administration that do not have a constituted student body, another student representative body must be involved, such as the student council or a study committee, or, in the case of cross-faculty accreditations, the General Student Committee.

The formal and substantive criteria must be listed separately in the self-evaluation 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 process and make it more efficient.

Paragraphs 3 and 4: Paragraph 3 stipulates that the audit report is to be prepared by the designated agency. As a rule, this is handled within the agency by the

²⁶ See footnote 4.

. This relieves the experts on the review panel of the burden of assessing purely formal criteria. The review panel is responsible for preparing the expert opinion on the subject-matter and content-related criteria. To this end, it receives the review report in advance. Since the formal and subject-matter/content-related criteria may be interrelated, the review report is not binding on the review panel. For teacher training programs as well as for fully theological and partially theological programs, the examination report requires the approval of the respective competent authorities. This complies with the resolution of the Conference of Ministers of Education and Cultural Affairs dated June 2, 2005

“Key Points for the Mutual Recognition of Bachelor’s and Master’s Degrees”

in degree programs that provide the educational prerequisites for a teaching career” (the so-called Quedlinburg Resolution)²⁷ as well as the resolution of the Conference of Ministers of Education and Cultural Affairs dated December 13, 2007, “Guidelines for the Structure of Degree Programs in Catholic or Protestant Theology/Religion.” 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 recommendations 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 include any requirements regarding potential 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 criteria have not been met, the institution must be informed immediately so that it may 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 to be applied by the Accreditation Council in the accreditation process and therefore cannot form the basis for any requirements. In addition, the report may also identify best-practice models within 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.

²⁷ See footnote 21.

A prerequisite for the Accreditation Council to process applications promptly is that the documents submitted follow a specified template. The regulation assigns the task of developing a standardized template for expert opinions and audit reports to the Accreditation Council.

To minimize the workload for the agencies and the Accreditation Council, the scope of the expert opinion is limited, with differentiated requirements applying to program, bundle, and system accreditation.

Paragraph 5: As has been customary, part of the evaluation involves an on-site visit to the institution by the evaluation panel, during which the panel can form its own impression of the framework conditions of the program to be accredited and engage in dialogue with the responsible faculty members, students, and the institution's administration. 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 the criteria for the accreditation of regulated programs, two dates 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 § 25 – 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 means that for complex procedures—such as e.g., bundled accreditations—larger review panels are possible, provided that the proportional representation of the groups involved is maintained.

Pursuant to Article 4, paragraph 3, sentence 2 of the State Treaty on Study Program Accreditation, the majority of the members of the review panel are 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, item 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 eligibility for admission to the preparatory service for a teaching career, that a representative of the highest state authority responsible for the school system—in Baden-Württemberg, the Ministry of Education and Cultural Affairs—shall take the place of a representative from professional practice. This preserves the committee’s expertise without further enlarging it. The regulation establishes minimum standards. The states may provide for more extensive participation requirements.

In the evaluation of the degree programs mentioned in the second half of the third sentence and in the fourth sentence, 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, it is natural for the churches to represent professional practice in this context. For religion 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 highest state authority responsible for the school system—in Baden-Württemberg, the Ministry of Education and Cultural Affairs. The church representative then joins the review committee as an additional member.

All evaluators must belong to a field of study closely related to the program to be accredited.

Sentence 5 stipulates that, for teacher training programs and the aforementioned theological programs, the issuance of the expert opinion requires the approval of the relevant representatives. This takes into account, on the one hand, the resolution of the Conference of Ministers of Education and Cultural Affairs dated June 2, 2005, “Key Points for the Mutual Recognition of Bachelor’s and Master’s Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career” (the so-called Quedlinburg Resolution)²⁸. Since the accreditation decision has been transferred to the Accreditation Council by the State Treaty on Study Accreditation, the requirement for approval—without which the report cannot be submitted to the Accreditation Council—corresponds, on the other hand, in the case of Catholic full-time theology degree programs, to the intent of the “Key Points for the Study Structure in Degree Programs in Catholic and Protestant Theology/Religion” —Resolution of the Conference of Ministers of Education and Cultural Affairs of December 13, 2007²⁹ —since the accreditation decision can thus only be made following a positive evaluation by AKAST and therefore not against its vote.

²⁸ See footnote no. 21.

²⁹ See footnote no. 4.

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 the evaluators do not apply because system accreditation does not evaluate degree programs, but rather the institution's own quality assurance system. Therefore, evaluators are not required to have subject-specific expertise in a particular field.

The first sentence of paragraph 3 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, paragraph 2, item 5 of the State Treaty on Study Program Accreditation, which stipulates that 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.

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 in accordance with Article 3(3), sentence 3 of the State Treaty on Study Program Accreditation.

Paragraph 5: The State Treaty on Study Program Accreditation requires, in Article 3, Paragraph 2, Sentence 1, Number 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, pursuant 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.

Paragraph 6: Before the evaluators are appointed, the institution is informed by the agency of the composition of the evaluation panel and is given the opportunity to comment. This significantly increases acceptance of the evaluation panel and the evaluation process within the institution and the degree program to be accredited.

Regarding § 26 – Validity Period of Accreditation; Extension

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. The previously standard accreditation periods of five years

(program accreditation) and six years (system accreditation) are standardized and significantly extended. 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. In addition, alignment between the semester or trimester and the accreditation periods is ensured.

Sentence 2 governs the case of program accreditation, in which 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 with 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.

In the first sentence of paragraph 2, the term “reaccreditation” is defined as a subsequent accreditation that follows immediately and without interruption after 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 institutional accreditation. The elimination of different reaccreditation periods serves to simplify the process and takes into account both the universities’ interest in legal certainty and the goal of continuous and reliable quality assurance.

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 situations in which a higher education institution seeks bundle accreditation or transitions from program accreditation to system accreditation. In such 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

extend the period by several years if the institution can demonstrate that it is preparing a corresponding application for accreditation (second sentence). If the accreditation of an accredited degree program expires at a time when the institution has already submitted an application for accreditation to the Accreditation Council, the period of validity 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 being 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 should be reasonable within the framework of quality assurance measures.

Regarding Section 27 – 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 mandatory administrative act. Pursuant to Article 9(1), sentence 2, clause 2 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 legal requirements for accreditation are met.

Paragraph 1 stipulates that a deadline of generally twelve months must be set for the fulfillment of a requirement. This deadline takes into account the fact that changes to degree programs or quality management systems often take a considerable amount of time to implement. In special cases, such as those requiring the conduct of an appointment procedure, an extension of the deadline may be granted upon request 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 28 – Obligation to Report Changes

Paragraph 1: Since accreditation is a continuing administrative act and changes regarding formal or academic criteria may arise during the accreditation period, any 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 specializations are established 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—where necessary—to adapt to the new circumstances (e.g., by imposing a subsequent condition or revoking the accreditation decision).

Paragraph 2 clarifies that a notification of change submitted by the institution obligates the Accreditation Council to examine whether the material change affects the accreditation decision. The Accreditation Council's subsequent decision constitutes a declaratory administrative act that may be challenged by the institution independently. 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 29 – 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 sentence 1, whereby, in light of the requirements of the European Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)³⁰ the publication requirement explicitly includes not only the accreditation decision but also the accreditation report—and thus the expert opinions and audit report—in addition to the accreditation decision.

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

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

³⁰ See footnote 11.

Sentence 3 extends the publication requirement to internal accreditation decisions made by system-accredited institutions of higher education. In this context, the data protection provisions set forth in sentence 2 apply *mutatis mutandis*.

Regarding Section 30 – Bundled Accreditation; Subsystem Accreditation

Paragraph 1: The existing option to combine multiple degree programs into a single bundled accreditation during program accreditation remains in place. However, to ensure practicality and maintain the quality of the procedures, no more than ten degree programs should be evaluated by a single committee. If more than ten degree programs are scheduled for program accreditation and are closely related in terms of subject matter, multiple bundles must be formed. Since this is a guideline, exceptions to larger bundles are possible only in atypical situations, provided the quality of the evaluation is maintained. Reference is made to the possibility of adjusting the size of the review committee to the bundle accreditation in accordance with § 25(1).

Common structural features of several degree programs do not in themselves constitute subject-area proximity.

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 assessment report.

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.

Paragraph 3 allows, in exceptional cases, for the system accreditation of a subunit of a higher education institution responsible for organizing studies (e.g., continuing education institutes or individual faculties). The requirements in the second sentence are cumulative. The option of subsystem accreditation is primarily intended to facilitate higher education institutions' entry into the system accreditation process. 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, item 2).

Regarding § 31 – Random Sampling

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.

Paragraph 2: In accordance with paragraph 1, the sample must demonstrate, using a degree program to be specified by the review panel, that the quality management system ensures that all formal and academic criteria are taken into account during the institution's internal accreditation process. In addition, the sample referred to in paragraph 2 relates to formal and subject-specific criteria to be determined by the review panel, compliance with which must be ensured by the quality management system under review.

Paragraph 3: The rules on participation set forth in § 25(1) apply analogously to the samples. Reference is made to the reasoning provided therein.

Section 5 – Procedural Rules for Special Types of Degree Programs

Section 32 – Combined Degree Programs

Paragraph 1 defines the characteristics of a combined degree program. Such a program consists of two or more fields of study. Students and 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 subject of accreditation is the combined degree program. The criteria for accreditation (Sections 2 and 3 of this Regulation) must apply to the combined degree program as such. This applies in particular to the requirements under Section 12. The institution must have a coherent concept for the entire range of combined degree options that integrates the qualification objectives of the component degree 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 period of validity of the accreditation 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 4 apply in accordance with paragraph 5.

Regarding § 33 – Joint Degree Programs

The regulation contains specific procedural provisions for joint-degree programs. It is based on the policy agreements regarding the European Approach (EA). Accordingly, the Accreditation Council's accreditation decision is structured as a decision to recognize an evaluation conducted by an agency registered with EQAR (see A 1, indent EA). Such a decision is required only in

proceedings under Article 3(1)(2) of the State Treaty on Study Accreditation (program accreditation), since the application of the criteria relevant to joint-degree programs at system-accredited institutions is ensured by § 16(5) (see A 2. indent EA).

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

Paragraph 1, sentence 1, stipulates that an evaluation may be conducted by an agency registered with EQAR at the request of the cooperating institutions of higher education, and that this decision may serve as the basis for an accreditation decision at the request of the participating domestic institution or institutions of higher education. 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 study programs in which only domestic higher education institutions and higher education 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 2 and 3. It also specifies the requirements for the evaluation procedure in detail.

Paragraph 1 contains a requirement to notify the Accreditation Council prior to initiating 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 on joint degree programs applies.

Points 2 through 5 correspond to the requirements set forth in the EA regarding procedures for the external quality assurance of joint degree 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 involving institutions from more than one national higher education system (Number 2; see C 1 EA). The site visit enables the evaluation panel to assess the joint degree program based on the self-evaluation report.

to discuss the program and assess whether it 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 the professional field. Although 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 EA). 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 further development of the program. In addition, 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; see C.4 EA). The review panel, consisting of at least four members, combines expertise in the relevant subjects or disciplines—including the labor market and professional world in the respective 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. At least one student is represented on the review panel. The provisions in § 25, paragraph 3, sentence 1 (majority of university faculty members in the evaluation), paragraph 5 (exclusion of reviewers to avoid conflicts of interest), and paragraph 6 (right of the institution to comment) apply accordingly (item 5; see C.2 EA).

Paragraph 6 stipulates that a positive accreditation decision based on an evaluation can only be made if the evaluation is 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 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 rationale, must be published (see C 5, 7, and 8 EA).

Sentence 3 clarifies that the Accreditation Council's decision on accreditation—which serves to recognize the evaluation—must also be issued in writing, must be substantiated, must give the institution an opportunity to comment within a one-month period, and, in the event of a positive decision, must be accompanied by the Accreditation Council's seal (Section 22, paragraphs 2, 3, and 4, sentence 1). The accreditation decision takes effect at the beginning of the semester or trimester following its announcement, in accordance with § 26(1), first sentence. Reaccreditation must be initiated in a timely manner before the expiration of the accreditation (§ 26(2), first sentence). For accreditation decisions regarding joint degree programs as well, the institution must notify the Accreditation Council of any significant changes (Section 28), 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 period of validity of the accreditation is only six years, in accordance with the European approach and in deviation from § 26(1) and (2), sentence 1 (cf. C 9 EA). 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 program description/diploma supplement).

Paragraph 2 extends the scope of application of the criteria and procedural rules of the so-called European Approach, as set forth in § 10, paragraphs 1 and 2, § 16(1), and § 33(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.

Regarding Section 6 – Alternative Accreditation

Procedures Regarding § 34 – Alternative Accreditation

Procedures

Paragraph 1: The provision in § 34 implements the option opened up in Article 4, Paragraph 4, in conjunction with Article 3, Paragraph 1, Number 3 of the State Treaty on Study Accreditation for alternative accreditation pathways as an alternative to system and program accreditation, which are also subject to the criteria under Article 2 of the State Treaty on Study Accreditation.

Paragraph 2 also requires that the alternative procedures comply with the formal and substantive criteria set forth in Sections 2 and 3. Furthermore, the provisions of the State Treaty on Study Program Accreditation—in particular Article 3, Paragraph 2, Sentence 1—

and to comply with the requirements set forth in this regulation regarding the appropriate involvement of the academic community, in accordance with the ESG and the guidelines of the Federal Constitutional Court in its decision of February 17, 2016. If teacher education programs and programs in Protestant or Catholic theology are included in the alternative procedures, the participation and approval requirements set forth in this regulation shall apply. There is no obligation for universities to use an agency.

Paragraph 3: If a higher education institution intends to implement an alternative procedure, it must obtain prior approval from both the Accreditation Council and the competent state science authority; in Baden-Württemberg, this is the Ministry of Science. This ensures that the Ministry of Science is involved from the outset and that it also guarantees compliance with the requirements for regulated professions. The basis for approval is a description of the proposed procedure; in assessing its suitability to meet the quality assurance requirements arising from the State Treaty on Study Accreditation and this ordinance, 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 of Science.

In consultation with the state, the Accreditation Council may refuse to grant its approval only if the alternative procedure cannot ensure compliance with the requirements set forth in Article 2 of the State Treaty on Study Program Accreditation and the principles governing appropriate academic participation. Furthermore, the alternative procedure should also provide additional insights into quality assurance that go beyond program and system accreditation.

Paragraph 4: The specific details of the procedure are regulated in the Accreditation Council's rules of procedure.

Paragraph 5: The alternative procedure is limited to a maximum of eight years, meaning that shorter periods of validity for accreditation 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 in § 26, paragraph 3, sentence 3, apply accordingly. Even within the framework of alternative procedures, care must be taken to ensure a continuous chain of accreditation 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 prior to the expiration of the project period as a prerequisite for continuing the procedure.

Regarding Section 7 – Final Provisions

Regarding Section 35 – Linkage with Procedures Concerning the Eligibility of a Degree Program Under Professional Licensing Law

Paragraph 1 extends the existing possibility of organizationally linking accreditation procedures with procedures that determine the suitability of a degree program for professional licensing purposes, even within the framework of the new accreditation system. The provision is intended as an invitation to the relevant 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 consulted regarding professional suitability serve only in an advisory capacity and have no influence on 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 training phases (for example, for the purpose of obtaining state recognition). Single-phase models with integrated practical training periods remain unaffected.

Regarding Section 36 – Evaluation

Paragraph 1 provides for an evaluation three years after the regulation enters into force to review its application and effects.

Paragraph 2: 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 Section 37 – Entry into Force

The Study Accreditation Regulation enters into force retroactively at the same time as the State Treaty on Study Accreditation.

The Model Regulation does not include transitional provisions regarding the expected time lag between the entry into force of the State Treaty on Study Program Accreditation and the legal regulations in the states, since

can be ensured through the retroactive implementation of the regulations so that no gap in accreditation arises. Given the decision of the Federal Constitutional Court, the drafting of the State Treaty on Study Program Accreditation and its entry into force on January 1, 2018, as well as the consultation of all stakeholders by the Conference of Ministers of Education and Cultural Affairs and the Ministry of Science during the drafting of the model regulation and the resolution of the Conference of Ministers of Education and Cultural Affairs on the Model Statutory Ordinance on December 7, 2017, which was published on the Conference of Ministers of Education and Cultural Affairs' website on December 11, 2017, all relevant stakeholders have been sufficiently informed about the transition of the accreditation system, such retroactive entry into force is legally permissible.

Furthermore, for program or system accreditation procedures that had already begun prior to the effective date of the State Treaty on Study Accreditation, the previous regulations—including those regarding the validity period of accreditation—apply to the conclusion of such procedures pursuant to Article 16(1) of the State Treaty on Study Accreditation. For reaccreditation procedures, provided that the agreement was not concluded prior to the entry into force of the State Treaty, only the provisions of this regulation apply. This applies in particular to issues regarding the extension of the accreditation period, the obligation to notify 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.

III. Addendum dated May 24, 2018

Due to the urgency of the matter, the Regulatory Review Board has agreed to a subsequent review.