

**Explanatory Memorandum to the Mecklenburg-Western
Pomerania State Ordinance on Program Accreditation
of March 10, 2020**

A. General Section

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

With the State Treaty on the Organization of a Joint Accreditation System for Quality Assurance in Studies and Teaching at German Universities (State Treaty on Study Program Accreditation), which entered into force on January 1, 2018, the states have implemented the requirements of the Federal Constitutional Court and thereby created a legal basis for the joint state system for the accreditation of bachelor's and master's degree programs at German universities.

Article 4 of the State Treaty on Study Program Accreditation authorizes the states to issue regulations setting forth the details regarding

- the formal criteria under Article 2 paragraph 2 State Treaty on Academic Accreditation

- the academic criteria according to Article 2 paragraph 3

the State Treaty on Study Program Accreditation and

- the procedures under Article 3 of the State Treaty on Study Program Accreditation, specifically regarding the procedures for system and program accreditation, in particular

- the details regarding the initiation of the procedure, particularly with regard to the university's commissioning of the agency,
- the requirement for a uniform framework and uniform standards for the expert opinions on the subject-matter and content criteria as well as the audit report on the formal criteria,
- the composition of the committee responsible for the evaluation and preparation of the report,
- the professional requirements for the evaluators,
- the period of validity of accreditation decisions (reaccreditation periods),
- the requirements, under which an accreditation or re-accreditation may be revoked, as well as
- that More details connection with procedures, which via the professional licensing suitability of a degree program

On December 7, 2017, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) adopted a model regulation¹. The aim is to ensure the joint requirements of the states regarding the indispensable structural and qualitative standards for the accreditation of bachelor's and master's degree programs, which are necessary to fulfill the states' obligation under Article 1, Paragraph 2 of the State Treaty on Study Accreditation to ensure the equivalence of corresponding coursework, examinations, and degrees, as well as the possibility of transferring between institutions of higher education.

The provisions of the Model Statutory Ordinance are based on the relevant resolutions of the Conference of Ministers of Education and Cultural Affairs regarding the bachelor's and master's degree system², in particular

- the “Joint State Structural Requirements for the Accreditation of Bachelor's and Master's Degree Programs” of October 10, 2003, as amended on February 4, 2010 (Joint State Structural Requirements),
- the “Qualifications Framework for German Higher Education Degrees” of February 16, 2017,
- the “Key Points for the Study Structure in Programs in Catholic or Protestant Theology/Religion” of December 13, 2007 (Agreement between the KMK, the Evangelical Church in Germany, and the German Catholic Bishops' Conference),
- the “Guidelines for the Mutual Recognition of Bachelor's and Master's Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career” (so-called Quedlinburg Resolution) of June 2, 2005,
- the “Standards for Teacher Education: Educational Sciences” of December 16, 2004,
- the “Joint State Content-Related requirements for the

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https://www.kmk.org/fileadmin/Dateien/pdf/PresseUndAktuelles/2018/BS_171207_Musterrechtsverordnung.pdf

² In particular, the Joint State Structural Requirements 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

“Subject-Specific Sciences and Didactics in Teacher Education” dated October 16, October 2008, as amended on 16 March 2017

as well as on quality assurance through accreditation, the existing regulations of the Accreditation Council, and the so-called Lisbon Convention (Act on the Convention of April 11, 1997, on the Recognition of Qualifications in Higher Education in the European Region of May 16, 2007 (Federal Law Gazette 2007 II, p. 712 et seq.) as well as the relevant agreements of the Conference of Ministers of Education of the European Higher Education Area, in particular

- the “Standards and Guidelines for Quality Assurance in the European Higher Education Area” (European Standards and Guidelines (ESG)), May 2015 (Yerevan),
- the so-called European Approach for Quality Assurance of Joint Programs (European Approach (EA)), May 2015 (Yerevan),
- the European Commission’s Guide to the Implementation of the European Credit Transfer System (ECTS Users’ Guide), adopted in May 2015 (Yerevan),
- the Qualifications Framework for the European Higher Education Area, May 2005 (Bergen), and
- the Diploma Supplement, most recently agreed upon by the KMK and the German Rectors’ Conference (HRK) in 2015.

In doing so, the existing accreditation system was made more flexible and modified based on the experience gained, with the particular aim of reducing bureaucratic and financial burdens and focusing consistency and promoting the in accreditation decisions.

In drafting the Model Statute, the KMK was guided by the principle enshrined in the State Treaty on Study Program Accreditation that ensuring and developing the quality of study and teaching is primarily the responsibility of the universities. The KMK assumes that the universities will take responsibility for and prioritize the quality of study programs nationwide when designing their curricula.

In doing so, the principle—which has been strongly advocated to date—remains in effect that existing leeway, as expressed in the Model Statute through a multitude of discretionary or mandatory provisions and restrictive wording, must be utilized flexibly and productively. The exercise of this discretion requires a transparent justification and must be presented and verified within the framework of program accreditation or in the corresponding internal quality assurance processes.

The Model Statutory Ordinance serves as the basis for the statutory ordinance to be enacted by the states pursuant to Article 4, paragraphs 1 through 4, of the State Treaty on Study Program Accreditation. Its essential contents are implemented as a state ordinance based on Section 1(1) of the Act of Consent to the State Treaty on Study Program Accreditation of December 18, 2017 (GVOBl. M-V 2017, p. 369) in conjunction with Article 4 paragraphs 1 through 4 of the State Treaty on Study Program Accreditation of June 12, 2017, implemented as a state ordinance.

Apart from editorial adjustments, changes compared to the model ordinance are made only where an opening for state-specific provisions is provided for and this is required under higher education law. The state-specific provision of § 41(1), sentence 3, LHG M-V remains unaffected.

B. Special Part

Part 1 – General Provisions

Section 1 – Scope

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

Paragraph 2 ensures that a bachelor's degree from a vocational academy accredited on the basis of corresponding regulations of other states is equivalent under higher education law to a bachelor's degree from a university. It is expected that this equivalence under higher education law will also be accompanied by equivalence under professional law.

§ 2 – Forms of Accreditation

Section 2, in implementation of Article 3(1) of the State Treaty on Study Program Accreditation (), defines the possible subjects of accreditation, for the the

following provisions of this statutory order apply.

Part 2 – Formal Criteria for Degree Programs

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

§ 3 – Program Structure and Duration

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

The master's degree is defined as a further professional qualification at the university level.

Paragraph 2 provides the framework for the planning and design of bachelor's and master's degree programs for higher education institutions; it does not regulate individual study patterns.

The flexibility of 3-, 3.5-, 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 period of study until the master's level is reached in consecutive degree programs is 10 semesters.

Exceptions are possible in the core artistic disciplines at art and music colleges³. Pursuant to Section 29(2) of the State Higher Education Act (LHG M-V), consecutive bachelor's and master's degree programs with a total duration of 6 years may also be established in these disciplines. Furthermore, pursuant to § 29(4) LHG M-V, it is possible to adjust the standard periods of study provided the program is organized accordingly.

³ Note: The core artistic subjects are not defined in greater 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.

Paragraph 3: The exemption for the “full theological program” is formulated with reference to Article 17(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, 2007⁽⁴⁾ .” 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. Consequently, the division into Bachelor’s and Master’s degrees is not mandatory. Full-time theological degree programs with a standard duration of ten semesters are, however, otherwise fully subject to the formal and substantive criteria of accreditation, with the exception of the degree (see § 6, paragraph 2, sentence 6, and the explanatory memorandum).

§ 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

“application-oriented” and “research-oriented.” Given the elimination of the distinction between programs at universities of applied sciences and traditional universities, this differentiation serves to enhance transparency for students and the labor market. If a profile type is specified, it must be clearly reflected in the structure of the program.

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

Master’s programs that provide the educational prerequisites for a teaching career, 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 verified during the accreditation process.

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http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2007/2007_12_13-Key-Points-Study-Structure-Theology.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.

Continuing education 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 in the sense of a "final project." The thesis serves as proof of the student's ability to independently address a problem within the respective field using scientific or artistic methods within a specified timeframe. For the scope of the thesis, see § 8, paragraph 3.

§ 5 – Admission Requirements and Transfers Between Degree Programs

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

Exceptions to the requirement of a first professional university degree for continuing education and artistic Master's programs require authorization under higher education law, which the State Higher Education Act does not provide for. Sentence 2 specifies, with regard to the profile of continuing education Master's programs defined in the profile of continuing education master's programs as defined in § 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 colleges of art and music, which primarily base admission to master's programs on special artistic aptitude.

Paragraph 3 clarifies that state legislators remain free to establish additional requirements for admission to master's degree programs.

⁵ Note: The regulation does not contain any specific provisions regarding transfers between degree programs under different degree systems; such transfers are subject to the general credit transfer provisions. Universities and the federal states are free to specify details in their examination regulations or in provisions under higher education law.

§ 6 – Degrees and Degree Titles

Paragraph 1 establishes the principle that only one degree—either a bachelor’s or a master’s degree—may be awarded for a successfully completed program, unless the state higher education law provides for other degree titles. Exceptions are also possible within the framework of international collaborations that lead to a double or multiple degree from the participating institutions. Alternative degree titles are permitted. 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 conclusively establishes the degree titles for Bachelor’s and consecutive Master’s degree programs. Instead of the degree titles Bachelor and Master, the Latin terms *Baccalaureus/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 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 degree titles and mixed-language degree titles are excluded, as are bachelor’s degrees with the addition “honors.”

Exceptions to the guidelines on 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 comprehensive 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, Number 7 regulates the designations for Bachelor’s and consecutive Master’s degrees for degree programs that provide the educational prerequisites for a teaching position. The degree designation “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.

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

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

§ 7 – Modularization

Paragraph 1 defines the requirements for modularization that must be demonstrated as part of the accreditation process. Modules consist of self-contained units of study, both thematically and in terms of time, that are assigned credit points. They may be composed of various forms of teaching and learning (e.g., lectures, seminars, internships, e-learning, teaching research, etc.). A module may cover the content of a single semester or an academic year, but in exceptional cases may also extend over several semesters. The fundamental time limit of two consecutive semesters serves two primary purposes. On the one hand, modules are intended to provide a transparent internal structure for degree programs and should therefore not be too large. Second, 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 the description of modules. The description of the modules is intended to provide students with

reliable information regarding the course of study, content, qualitative and quantitative requirements, and integration into the overall concept of the degree program, as well as the relationship to other offered modules. The description shall further enable an assessment of the module with regard to credit transferability or transferability when changing universities.

Paragraph 2 does not contain any rigid stipulations that would prevent flexible design of the course offerings. Notwithstanding the universities' responsibility for the specific design of the modules, the standards recommended in sections 1 through 9 for the description of modules assume, however, that information on the following aspects is provided:

1. Content and learning outcomes of the module

- a) subject-specific, methodological, practical and interdisciplinary content,
- b) subject-specific, methodological, interdisciplinary competencies, key competencies,
- c) learning and qualification objectives aligned with a yet-to-be-defined overall qualification (target degree);

2. Teaching formats

Description of the individual teaching and learning methods (lectures, exercises, seminars, internships, project work, self-study);

3. Prerequisites for participation (in conjunction with paragraph 3)

Description of the knowledge, abilities, and skills required for successful participation, as well as preparation options for participation (including bibliographic references, references to 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 participation,

Provisions regarding make-up exams must be set forth in the examination regulations;

6. Credit points 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 current version of the ECTS Users' Guide;

7. Frequency of module offerings

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

8. Workload

Specification of 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.

§ 8 – Credit Point System

Paragraph 1 addresses the awarding of credit points. These serve as a quantitative measure of the student's overall workload and encompass both direct instruction and the time required for preparation and follow-up work on the course material (classroom and self-study), the effort involved in examinations and exam preparation, including final projects and term papers, as well as internships where applicable.

The awarding of credit points is based on the European Credit Transfer System (ECTS), which is applied within the European Higher Education Area as part of the Bologna Process and thus facilitates mutual recognition.

Sixty credit points are awarded per academic year, i.e., 30 per semester. For one credit, a student's workload in classroom and self-study is assumed to be 25 to a maximum of 30 hours, so that the total workload for a full-time student per semester, including both the lecture and non-lecture periods, amounts to 750 to 900 hours. This corresponds to 32 to 39 hours per week over 46 weeks per year. The specific determination of how many working hours within this range correspond to 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 successful completion of the respective module—rather than necessarily an examination—is a prerequisite.

Paragraph 2 stipulates that a minimum of 180 ECTS credits are required, and a total of 300 ECTS credits are required 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 higher education institutions are provided for. The deviations from the standard period of study permitted under § 3 relate exclusively to the time requirements and do not allow for any deviation from the ECTS credit requirements.

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

In accordance with the maximum standard period of study of 6 years (Section 3, Paragraph 2), the master's level can be attained with 360 credit points in consecutive bachelor's and master's programs in the core artistic disciplines at universities of the arts and music conservatories. The option of large-scale modules in the core artistic subject during the bachelor's program takes into account the unique characteristics of artistic education, which, due to its holistic approach, precludes a highly granular modularization.

Paragraph 3 regulates the scope of the final theses. To ensure a scope of work that is aligned with the educational objectives and level and is proportionate to the course load of the respective program, the scope of the Bachelor's thesis may 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 interests of students in programs that are not

time-wise. These 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 types of study programs, 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 addresses the recommendation of the Conference of Ministers of Education and Cultural Affairs and the German Rectors' Conference regarding the awarding of a master's degree in teacher education with the planned inclusion of achievements from the preparatory service, 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 benchmark for practical school training during the degree program and the preparatory service is the "Standards for Teacher Education: Educational Sciences" (Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated December 16, 2004)⁷. On this basis, universities and institutions of the second phase of training agree on state-specific qualification frameworks, on the basis of which universities and institutions of the second phase of training jointly and by mutual agreement develop training formats and examination procedures amounting to up to 60 ECTS credits for a one-year training period as the basis for credit transfer to the university program.

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

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https://www.Kultusministerkonferenz.org/fileadmin/Dateien/pdf/PresseUndAktuelles/Beschluesse_Veroeffentlichungen/Kultusministerkonferenz-Hochschulrektorenkonferenz-Empfehlung_12-06-08_08-07-08.pdf

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

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

Paragraph 1, sentence 2, emphasizes that universities, as guarantors of the quality of the degrees and academic titles they confer, are responsible for the quality assurance of study programs as well as the credit transfer procedures for competencies acquired outside the higher education system. Only those competencies that are equivalent in content and level to the part of the program of study they are intended to replace may be credited. In this context, such knowledge and skills acquired outside the higher education system may replace no more than 50% of a higher education program. This ensures that a substantial part of the education underlying the higher education degree takes place under the direct responsibility 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 of equivalent quality if they generate verifiable additional academic and educational benefits for future students and for the degree-granting institution. This added value must be clearly demonstrated.

Section 10 – Special Provisions for Joint Degree Programs

This provision serves to implement the so-called European Approach to Quality Assurance of Joint Programs (EA)⁹ adopted at the Conference of Ministers of Education of the European Higher Education Area⁸ in Yerevan in May 2015. This approach is intended to ensure the external quality assurance of degree programs—developed and administered jointly by higher education institutions in different countries, particularly within the European Higher Education Area—based on uniform standards and guidelines for quality assurance in the

⁸ <https://www.ehea.info/> , currently 48 European countries

⁹ http://bologna-yerevan2015.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20Programmes_v1_0.pdf

European Higher Education Area (ESG)¹⁰. Corresponding provisions regarding the subject-specific and content-related criteria and the procedural rules can be found in Parts 3 and 4 of this Regulation (§§ 16 and 33). The provisions contained in Parts 2, 3, and 4 of this Regulation apply to joint degree programs only to the extent expressly specified.

The provisions on joint degree programs establish the legal framework for accreditation decisions based on different criteria and procedural rules. They thus open up the possibility, beyond the right of the Accreditation Council Foundation to define the requirements for the recognition of accreditation decisions by foreign institutions as set forth in Article 5(3)(2) of the State Treaty on Study Program Accreditation, to make accreditation decisions that deviate from the criteria and procedural rules defined in this Regulation. Article 5(3), second sentence, of the State Treaty on Study Program Accreditation merely mandates the Accreditation Council Foundation to regulate the requirements for conducting corresponding recognition procedures on the basis of the criteria and procedural rules set forth in the State Treaty on Study Program Accreditation and in the regulations issued pursuant to Article 4 of the State Treaty on Study Program Accreditation, without permitting any deviation from these requirements. Authorizing the Foundation to independently define criteria and procedural rules in such proceedings that deviate from these requirements is not consistent with the objectives set forth in Article 1, 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 view of the differing criteria associated with the application of the EA—in particular, the requirement of 300 ECTS credits is not structurally mandatory for a master's degree, including the first degree—and pending clarification of other issues regarding the scope of application, this is initially limited to degree programs leading to a joint degree. Accordingly, a joint degree program is a degree program offered by a domestic higher education institution in conjunction with one or more foreign higher education institutions and leading to a degree conferred jointly by these institutions.

¹⁰ <http://www.ehea.info/cid105593/esg.html>

The participating institutions must be recognized as higher education institutions by the competent authorities in their respective countries. Their respective national legal frameworks must permit them to participate in joint degree programs and to award a joint degree (see B 1.1 EA).

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

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

Number 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 cases where only foreign students are required to be mobile.

Paragraph 3 stipulates the requirement for a contractually regulated collaboration between the participating universities to ensure the sustainability of the study program, particularly in the interest of the students. The cooperation agreement concluded by the participating universities within the framework of their contractually regulated collaboration 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; mobility of students and faculty; 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).

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

Number 5 stipulates that the participating institutions must have a common quality management system. This includes the

participating institutions apply common internal quality assurance processes. These include, 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 Convention¹¹ (see B 4.2 EA), which already apply to higher education institutions based in Germany under federal or state law. These include:

- a right to recognition of competencies acquired as qualifications for or within the context of higher education studies, provided there are no significant differences between the competencies acquired and those to be demonstrated. This is to be assessed in particular against the qualification objective of the respective degree program,
- a reversal of the burden of proof in favor of the applicant,
- an obligation on the part of the higher education institution 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 system set forth in Sections 7 and 8(1) also apply here and that the distribution of credits must be clearly regulated (see B 3.2 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 a master's degree program a minimum of 60 credit points (see B 3.3 EA). Sentence 4 provides, particularly in

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>

interest of internationally mobile students, that the relevant information about the program, such as admission requirements and procedures, course catalog, examination and assessment procedures, must be published and accessible to students at all times. (cf. 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(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.

Part 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.

§ 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, Number 1 of the State Treaty on Study Program Accreditation, which lists as the qualification objectives of a study program the scientific or artistic competence corresponding to the intended degree level, as well as the ability to engage in qualified gainful employment and personal development. In view of the particular importance of the social relevance of study and teaching as part of the characteristic of personal development, this is explicitly mentioned in accordance with the definition provided by the Science Council in its 2015 recommendations on the relationship between higher education and the labor market¹². 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 subject-specific, scientific, artistic, methodological, and personal development requirements described in paragraph 2 are based on the descriptors or competency dimensions

¹² <https://www.wissenschaftsrat.de/download/archiv/4925-15.pdf>, p. 40ff

the Qualifications Framework for German Higher Education Degrees in its current version¹³, which was developed in collaboration between the German Rectors' Conference and the Standing Conference of the Ministers of Education and Cultural Affairs, in consultation with the Federal Ministry of Education and Research, and adopted by the Standing Conference of the Ministers of Education and Cultural Affairs on February 16, 2017. This framework implements the Qualifications Framework for the European Higher Education Area¹⁴ 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 to engage in lifelong learning. During the accreditation process, it must be verified whether the program concept encompasses these aspects and whether they correspond to the level of the degree awarded.

Paragraph 3 establishes, based on relevant resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs¹⁵ that have proven effective in previous accreditation practice, the requirements to be assessed in accreditation 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 Section 4(2), Sentence 2 defines consecutive master's degree programs as programs that deepen, broaden, are interdisciplinary, or are in a different field. Sentences 3 and 4 regulate the specific requirements for continuing education master's degree programs. Continuing education master's degree programs are characterized by their focus on professional qualification. Therefore, prior professional experience is a constitutive element, which must be reflected in both the duration and the nature of the activity. Any duration of prior professional experience shorter than the minimum of one year therefore requires special justification. The professional experience builds upon the previous first professionally qualifying degree and can therefore be replaced neither by mandatory internships from the bachelor's phase nor by professional experience prior to enrollment

¹³

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

¹⁴ http://media.ehea.info/file/WG_Frameworks_qualification/85/2/Framework_qualificationsforEHEA-May2005_587852.pdf

¹⁵ See footnote 1

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 qualifications and the program concept, as demonstrated by the institution. The same applies to the review of the requirements, which—despite the predominantly vocational 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). In sentence 5, the qualification objectives for artistic bachelor's and master's degree programs are specified.

Bachelor's and master's degree programs can be pursued at various institutions of higher education, including different types of institutions, and may include periods of professional work between the first and second degrees.

§ 12 - Coherent Program Concept and Adequate Implementation

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

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 Standard 1.2). 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 Standard 1.3). Sentence 4 stipulates that the program must provide suitable conditions to promote student mobility, enabling students to spend time at other institutions without losing academic progress. This includes, in particular, the consideration of mobility windows in the program design and

recognition procedures that consistently apply the principles of the Lisbon Convention¹⁶ not only during stays at universities abroad but also within the country. Admission requirements for master's programs must also be designed to promote mobility and enable transfers between institutions and types of higher education institutions. Sentence 5 ensures that students are encouraged to actively participate in shaping the teaching and learning process. This ensures student-centered learning, teaching, and assessment 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 Standard 1.5 Teaching Staff and 1.6 Learning Environment). The wording allows for a degree of flexibility in the assessment that is oriented toward the specific program.

Paragraph 2, sentence 1, stipulates that the teaching staff must ensure, both quantitatively and qualitatively, the adequate implementation of the curriculum. This also includes the teaching competence of the faculty. Sentence 2 requires that the connection between research and teaching be ensured by a sufficient number of full-time professors regularly engaged in teaching. This applies to both undergraduate and graduate programs. The third sentence 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. The examinations must be tailored to the module – and

¹⁶ See footnote 12

not be limited to individual courses and must be designed to be competency-based. To ensure this, the examination formats used must be subject to ongoing review and further development.

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, to this end, lists in sentence 2 the components that must be assessed during the evaluation. This list is not exhaustive. Depending on the specific program concept (e.g., for programs with a special profile, 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, it is required that courses and exams largely avoid overlapping. This applies above all to the compulsory module area and to frequently chosen subject combinations and compulsory 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, pursuant to Section 3, the program concept must plausibly define the workload and examination burden in accordance with the formal requirements set forth in Sections 7 and 8, and these definitions must be continuously reviewed—in particular through regular workload surveys—and adjusted as necessary. To ensure that students can actively shape the course of their studies, 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.

Furthermore, according to Section 4, an adequate frequency and organization of examinations is essential. Therefore, to reduce the examination burden, modules should generally be completed with only one examination and should generally comprise at least five ECTS credits. With 30 ECTS credits per semester in a full-time program, this implies no more than six examinations per semester. In this context, an examination means

refers in each case to legally valid proof that the module's learning objective has been achieved. This also includes prerequisite coursework, academic achievements, or other forms of evidence, such as the completion of an internship, the conduct of a laboratory experiment, or participation in field trips.

These are all target requirements, i.e., deviations are possible in justified exceptional cases. In doing so, the consistency of the respective module concepts and the consistency of the examination concept in relation to the qualification objectives of the respective module must be taken into account, as must the overall examination workload in the respective degree program¹⁷.

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 listed in paragraphs 1 through 5 must be applied in accordance with the specific profile from the respective specific perspective and measured against the special requirements to be defined by the institutions in each case. These include, in particular, aspects such as the specific target group, a special program 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 university/vocational academy and the company) are systematically interlinked in terms of content, organization, and contractual arrangements.

Section 13 – Academic and Content-Related Structure 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: In light of Article 5, Paragraph 3 of the Basic Law, the regulation is limited to verifying compliance with procedural requirements to ensure a substantively sound program concept and grants the evaluators broad discretion regarding content.

¹⁷ Joint State structural requirements for the accreditation of Bachelor's and Master's degree programs dated February 4, 2010 – Interpretive notes – dated February 25, 2011, Number 5

According to sentence 1, this includes the existence of mechanisms/measures to ensure the consistency of the subject-specific and academic requirements. According to sentence 2, it is also necessary to demonstrate 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 academic theories in the respective subject 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 systems as well as continuous engagement with the latest state of research.

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

Paragraphs 2 and 3 define the subject-specific and content-related criteria for reviewing degree programs that provide the educational prerequisites for a teaching career. In view of the need to ensure high-quality school instruction and thereby guarantee comparable educational opportunities (state responsibility for the school system), uniform guidelines are required here. The regulations are based on the standards adopted for this purpose by the Conference of Ministers of Education and Cultural Affairs.¹⁸

Paragraph 2 stipulates 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 and, where applicable, state-specific content requirements based on the KMK resolutions in the version applicable at

¹⁸ In particular: Key points for the mutual recognition of bachelor's and master's degrees in degree programs that provide the educational qualifications required for a teaching career, 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

Version ¹⁹.

Paragraph 3 specifies the structural and conceptual criteria to be reviewed during accreditation 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. Sentence 2 clarifies that exceptions to Sentence 1, Nos. 1 and 2, are also permissible for the teaching profession at vocational schools in accordance with the applicable resolutions of the Conference of Ministers of Education (Framework Agreement for the Teaching Profession 5).

§ 14 – Academic Success

To ensure efficient course design and thus academic success, continuous monitoring and adjustment of study programs—incorporating the experiences of students and graduates—is indispensable in the interest of students and graduates, but also in the interest of the sustainable use of resources and time. 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 student/graduate statistics. The measures to be implemented may be of a diverse nature and may, in particular, concern the aspects mentioned in §§ 11 and 12. To ensure efficient and sustainable implementation, sentence 4 stipulates that the parties involved must be informed of the results and the measures taken, while ensuring compliance with data protection requirements.

Section 15 – Gender Equality and Compensation for Disadvantages

To ensure equal opportunity, it is essential that the university have sustainable and comprehensive strategies for gender equity and for supporting students in special life situations, as well as for

¹⁹ see regarding educational sciences: [footnote 7](#); 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 teacher education programs

Students with disabilities or chronic illnesses, and that these provisions are also implemented in the individual degree programs. Section 15 therefore stipulates that this must be verified during the evaluation.

Section 16 – Special Provisions for Joint Degree Programs

Section 16 contains special provisions regarding the subject-specific criteria for joint degree programs.

Paragraph 1, Sentence 1 governs the corresponding application of the subject-specific criteria listed therein.

In accordance with § 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 frameworks. These must include knowledge, skills, and competencies in the respective discipline(s) (see B 2.1 and 2.2 EA). In accordance with § 12, Paragraph 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). In accordance with § 12(2), sentence 1, and paragraph 3, it must be ensured that the staffing is sufficient in terms of both quality and quantity (qualifications, professional and international experience) to implement the degree programs (see B 7.1 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 achieved learning outcomes correspond to the intended learning outcomes and that these are consistently applied by the partner universities (B 5.2 EA). In accordance with Section 14, the workload and the average time required to complete the program must be monitored (B 3.3 EA).

Sentence 2 sets forth further requirements arising from the policy agreements of the European Approach.

Paragraph 1 further stipulates that the appropriateness of the admission requirements and the selection process must be assessed in light of the 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 customary abroad, and not to a selection process in the

admission law.

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/EC²⁰ 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, particularly in the area of regulated professions. This applies in particular with regard to specified minimum training requirements or common training frameworks (B 2.4 EA).

Number 4 stipulates that the program's design, the teaching and learning methods employed, and student support must respect and take into account the diversity of students and their needs (particularly with regard to their potentially diverse cultural backgrounds) and must address the specific requirements of mobile students (see B 5.1 and B 6 of the EA).

Paragraph 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 Sections 10(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 17 – Concept of the Quality Management System (Objectives, Processes, Instruments) and Section 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 the review internal university quality management systems. In doing so, the central requirements for a functional quality management system in teaching are defined. The

specific implementation is left to the individual institution, depending on its specific circumstances.

§ 17 – Concept of the Quality Management System (Objectives, Processes, Instruments)

Paragraph 1 contains provisions for verifying the substantive requirements for a functioning quality management system in teaching. According to the first sentence, the existence of a mission statement for teaching that is reflected in the degree programs must be demonstrated. This refers to the description of a binding mission statement for teaching at the institution, in which faculty, institutional leadership, faculties, program directors, and student representatives have agreed upon the overarching educational goals in accordance with the institution's profile. This includes a fundamental clarification of the educational institution's self-image, interdisciplinary didactic guidelines, and, where applicable, fundamental qualification objectives.²¹ The mission statement must be reflected in the teaching 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 Part 2 and Part 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 the establishment, review, further development, and discontinuation of degree programs, and
- the procedure for the internal accreditation of degree programs in accordance with the formal and academic criteria set forth in Part 2 and Part 3 (Sections 11 through 15).

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

²¹ 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>

Paragraph 2 regulates the formal requirements for the university's quality management system and is based on the ESG²². These include

- the development of the quality management system with the participation of all university constituencies, i.e., academic and non-academic staff and students, as well as the incorporation of external expertise, such as from professional practice, from (international) representatives of other universities, and from agencies with experience in quality management at universities in accordance with ESG Standard 1.1 for 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 ESG Standard 2.4 on requirements for peer review experts (sentence 2, first clause);
- the definition of standard procedures for handling conflicts and the establishment of an internal grievance system, particularly for "internal" accreditation decisions in accordance with ESG Standard 2.7 on complaints and appeals (sentence 2, second clause);
- the existence of closed-loop control systems that ensure, in a structured, transparent, sustainable, and reliable manner, continuous improvement in the quality of study programs, in accordance with ESG Standard 1.9 on the ongoing monitoring and regular review of study programs (sentence 3, first clause);
- the inclusion of all areas of activity directly relevant to studies and teaching (including academic advising, application, admission, and enrollment procedures), examination administration, teaching (including any collaborations), examination systems, student services, staff development, and continuing education in higher education pedagogy) (sentence 3, second clause);
- 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 and appropriate IT equipment,

²² see footnote 11

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).

Section 18 – Measures for Implementing the Quality Management Concept

Paragraph 1 regulates the essential instruments of the quality management system. According to sentence 1, this includes regular evaluations of the degree programs and the performance areas relevant to teaching and studies (see § 17(2), sentence 3, second half-sentence) by internal and external students, external academic experts, representatives of professional practice, and graduates. They ensure that evaluations within the internal quality management system are implemented in such a way as to provide ongoing impetus for quality improvement. To this end, the regular involvement of external expertise is indispensable. In accordance with 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, students' 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 examination reports, the approval requirement

pursuant to Section 24(3) 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, study progress, completion 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 respective stakeholders (academic and non-academic staff and students) are involved in the provision and evaluation of the data as well as in the planning of follow-up activities (see also Standard 1.7 ESG, Information Management).

Paragraph 4, sentence 1 ensures that the institution comprehensively documents its internal accreditation procedures and regularly informs all relevant stakeholders in an appropriate manner about the measures taken to ensure the necessary transparency. Data protection requirements must be observed in this process. Sentence 2 clarifies that the institution must not only inform the public in an appropriate manner about the results of its internal accreditation procedures, but must also provide the Accreditation Council with the information necessary for the documentation of results as stipulated in § 29, sentence 3.

§ 19 – Cooperation with Non-Higher Education Institutions

Section 19 governs the conditions under which a university may engage in program-related cooperation with non-university institutions. A characteristic feature of such program-related collaborations is that degree programs or programs recognized as equivalent are conducted partially or even entirely outside the degree-granting institution, and that the collaborating educational provider is in an asymmetrical, subordinate relationship to the degree-granting institution. In the case of such a collaboration, the applicant is always the institution, pursuant to Section 22(1) of this Regulation. Collaborations with joint research institutions serving multiple higher education institutions are not covered by the provisions of § 19. Sentence 1 makes it clear that the formal and subject-specific criteria set forth in Parts 2 and 3 of this Regulation also apply to such degree programs. Sentence 2 lists the decisions that, subject to the higher education institution's ultimate academic responsibility for the degree program,

may not be delegated to a cooperating educational institution. The criterion “procedure for selecting teaching staff” refers primarily to professorial teaching staff. The definition of the standardized criteria is based on the corresponding recommendation of the German 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 as well as to school practicum phases in teacher training programs.

Section 20 – University Cooperation

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

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

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

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

It follows from paragraph 3 that, to streamline procedures, universities may also cooperate at the level of their quality assurance systems, and that the organizational linking of multiple procedures is permissible in this context; a coordinated application by the cooperating universities is required pursuant to paragraph 3, sentence

2. This option will be particularly relevant for smaller or, where applicable, private higher education institutions. The shared use of, for example, quality assurance service facilities is, in principle, conceivable to optimize the use of resources. However, a decision on system accreditation must be made for each cooperating higher education institution. The Agency’s proposed decision must be prepared accordingly.

§ 21 – Special Criteria for Bachelor’s Degree Programs at Vocational Academies

The Model Statute provides for special regulations regarding bachelor’s degree programs at vocational academies at this point. Since there are no vocational academies in Mecklenburg-Western Pomerania, such a provision may be omitted.

Part 4 Procedural Rules for Program and System Accreditation

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

Paragraph 1 governs the essential procedural elements for program and system accreditation. Deviating from the previously practiced procedure of accreditation by the respective agency that decided on the accreditation, the State Treaty on Study Accreditation provides for a two-part accreditation process: Pursuant to Article 3(2), sentence 1, item 1 of the State Treaty on Study Program Accreditation, accreditation requires an application by the institution of higher education to the Accreditation Council, on the basis of which the Council decides on accreditation by means of an administrative act pursuant to Article 3(5), sentence 4 of the State Treaty on Study Program Accreditation. The administrative procedure thus begins at the time the institution of higher education submits its application to the Accreditation Council.

Pursuant to Article 3(5) of the State Treaty on Study Program Accreditation, the Accreditation Council’s decision includes a determination of compliance with the formal criteria under Article 2(2) of the State Treaty on Study Program Accreditation, on the one hand, and the academic and content-related criteria under Article 2(3) of the State Treaty on Study Program Accreditation, on the other. 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 notice, pursuant to Article 3(4), sentence 3 of the State Treaty on Study Accreditation, particular attention must be paid to any deviations

by the Accreditation Council from the recommendations of the expert report 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 opinion. The institution is free to attach a statement to the agency's report as part of its application. This takes into account the right to be heard, as expressed in Article 3(4) of the State Treaty on Study Program Accreditation.

Sentence 2 also provides for a one-month deadline for submitting the statement. The deadline serves to expedite the procedure.

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

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

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

The degree programs referred to in paragraph 5 are excluded by this provision from the possibility of inclusion in system accreditation and in alternative accreditation procedures. In principle, such inclusion appears conceivable while preserving the respective church participation rights; however, it would be procedurally disproportionately burdensome. This applies in particular to the 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 body in the

The decision of the Accreditation Council regarding full-theological and partial-theological degree programs takes into account the fact that the expert opinion is of a recommendatory nature and is not binding on the Accreditation Council. This applies analogously to decisions of the Accreditation Council pursuant to Sections 26, 27, and 28.

§ 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 shall demonstrate that at least one degree program has undergone the quality management system (Section 3); in the case of renewal of system accreditation, it shall demonstrate that all bachelor's and master's degree programs have undergone the quality assurance system at least once (Section 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 proceedings at the Accreditation Council.

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.

§ 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 agency's mandate 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 specific provision that, for fully theological degree programs at the Catholic Theological Faculty () , in accordance with the mentioned “key points” ⁽²³⁾, the

evaluation is carried out 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(3)(5) of the State Treaty on Study Program Accreditation, the Accreditation Council approves agencies under the conditions specified therein. For agencies listed with EQAR (European Quality Assurance Register for Higher Education), compliance with these conditions is

“presumed to be met, subject to rebuttal.” However, AKAST is not listed in 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. This does not, however, 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, Number 2 of the State Treaty on Study Accreditation on the basis of a self-report by the institution of higher education, which must contain at least information on the institution’s quality objectives and on the formal and subject-specific criteria for accreditation. The student body must be involved in the preparation of the self-report. The report must be made available to the Agency—as is customary under the previous procedure—and subsequently submitted to the Accreditation Council.

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

Paragraphs 3 and 4: Paragraph 3 stipulates that the review report is prepared by the commissioned agency. As a rule, the agency’s administrative office will handle this. This relieves the experts on the expert panel of the burden of reviewing purely formal criteria. The review panel is responsible for preparing the report on the substantive criteria. To this end, it receives the review report in advance. Since the formal and substantive criteria may be interrelated, the review report is not binding on the review panel.

²³ See footnote 4

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 of June 2, 2005 “Key Points for the mutual recognition of Bachelor’s and “Master’s degrees in programs that provide the educational qualifications required for a teaching position” (the so-called Quedlinburg Resolution)²⁴ as well as the aforementioned “key points” have been taken into account.

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

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

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

²⁴ See footnote 21

To keep the workload for the agencies and the Accreditation Council to a minimum, 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 committee, during which the committee can form its own impression of the framework conditions of the program to be accredited and engage in dialogue with the responsible faculty members, students, and the institution's administration. With regard to 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, compliance with the criteria for the accreditation of regulated programs, two meetings are generally required 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 it adds no value to the assessment of the subject-specific and content-related criteria based on documentation (concept accreditation). The same applies in the case of reaccreditation.

§ 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 allows for larger review panels in complex procedures—such as bundled accreditations—provided that the proportional representation of the groups involved is maintained.

Based on Article 4, Paragraph 3, Sentence 2 of the State Treaty on Study Program Accreditation, the majority of the review panel consists of university faculty members. This implements the requirement of the State Treaty on Study Program Accreditation that university faculty members must hold the majority of votes (weighted if necessary) on the panel responsible for the review. Furthermore, Article 3(2), sentence 1, 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 characteristics 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 shall replace a representative of 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 religious education teachers, the civil service generally represents the professional career path. In this case, as with all other teacher training programs, representation for professional practice is provided by the highest state authority responsible for the school system. The church representative then joins the review panel as an additional member.

All reviewers 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 consent 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)²⁵. Since the accreditation decision has been the State Treaty on Study Program Accreditation, the requirement for approval—without which the report cannot be submitted to the Accreditation Council—corresponds, on the other hand, in the case of Catholic full-theology degree programs, to the intent of the aforementioned "Key Points ..."²⁶,

²⁵ see footnote no. 21

²⁶ see footnote no. 4

since the accreditation decision can thus only be made following a positive evaluation by AKAST and therefore not against its vote.

Paragraph 2: In the case of system accreditation, the composition of the review panel corresponds in principle 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 reviewers do not apply because system accreditation does not evaluate degree programs, but rather the institution's own quality assurance system. Therefore, reviewers are not required to have subject-specific expertise in a particular field.

Paragraph 3, sentence 1, is intended to ensure that in review panels exceeding the minimum size specified in paragraphs 1 and 2, university faculty members hold the majority of votes. This takes into account Article 3, paragraph 2, item 5 of the State Treaty on Study Program Accreditation, according to which accreditation procedures must be conducted with the participation of this group.

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

Paragraph 4: The review panel is assembled by the commissioned agency. When appointing individual reviewers, the agencies must, in accordance with Article 3, Paragraph 3, Sentence 3 of the State Treaty on Study Program Accreditation to the the the German Rectors' Conference.

Paragraph 5: The State Treaty on Study Program Accreditation requires, in Article 3, Paragraph 2, Sentence 1, Number 3, that reviewers be external and independent. According to items 1 and 2, therefore, persons who work at or study at the institution whose degree programs or quality management system are to be evaluated are excluded from participating in an evaluation panel. Furthermore, according to item 3, the rules on bias customary in academia, in particular those of the German Research Foundation (DFG), apply to the evaluators.

Paragraph 6: Prior to the appointment of the reviewers, the institution is informed by the Agency of the composition of the review panel and is given the opportunity to comment.

This will significantly increase acceptance of the review panel and the review process within the institution and the program to be accredited.

§ 26 – Validity Period of Accreditation; Extension

Paragraph 1: The validity period for initial accreditation is uniformly eight years. Legally speaking, 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 thereby standardized and significantly extended. This is intended to reduce the effort and costs associated with accreditation. In the first sentence, the start of the validity period is set to the beginning of the semester or trimester in which the accreditation decision is announced, in order to avoid disadvantages for students who complete their studies in the semester or trimester in which the accreditation decision is made. Furthermore, this ensures alignment between the semester or trimester and the accreditation periods.

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

In paragraph 2, sentence 1, the term “reaccreditation” is defined as a further accreditation that follows without interruption the validity period of an initial accreditation. The validity period of reaccreditation is also set uniformly at eight years, as opposed to the previously standard periods of seven years for program accreditation and eight years for system accreditation. The elimination of different reaccreditation periods serves to simplify the process and takes into account both the 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 the situation in which a higher education institution seeks bundle accreditation or transitions from program accreditation to system accreditation. In these cases, the institution should be able to focus on preparing for the bundle or system accreditation and be relieved of the program accreditation of degree programs that will be covered by the planned bundle or system accreditation. To this end, the Accreditation Council may extend the validity period of a program accreditation by up to two years if the institution can demonstrate that it is preparing a corresponding accreditation application (sentence 2). If the accreditation period for an accredited degree program expires at a time when the institution has already submitted an accreditation application to the Accreditation Council, the validity period may be extended for the duration of the administrative proceedings before the Accreditation Council plus one year (sentence 3). The option to extend the 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 there is no longer a need for an exception if an agency is commissioned in a timely manner. In addition, meeting deadlines should be reasonable within the framework of quality assurance measures.

§ 27 – Conditions

On the basis of 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 subject-specific accreditation criteria. Accreditation is therefore a binding administrative act. Pursuant to Article 9(1), sentence 2, second clause of the State Treaty on Study Program Accreditation, it may be subject to an ancillary provision (condition, reservation of revocation, requirement, reservation of requirements) if such a provision is intended to ensure that the legal requirements for accreditation are met.

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

Paragraph 3 clarifies that compliance with the condition must be demonstrated 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.

§ 28 – Obligation to Report Changes

Paragraph 1: Since accreditation is a continuing administrative act and changes regarding formal or subject-specific criteria may arise during the accreditation period, 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 locations, or by different partners.

The notification requirement enables the Accreditation Council to review the timeliness of its accreditation decision and, in the event of significant changes—where necessary—to adapt it to the new circumstances (e.g., by imposing a subsequent condition or revoking the accreditation decision).

Paragraph 2 clarifies that a notification of change by the institution obligates the Accreditation Council to examine whether the significant change affects the accreditation decision. The subsequent decision by the Accreditation Council constitutes a declaratory administrative act that may be challenged by the institution in isolation. In the event of revocation of the accreditation decision, it is appropriate to file an application

for re-accreditation. This clarification serves to ensure legal certainty.

§ 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 reports shall be published in an appropriate manner. This is further specified in § 29, sentence 1, whereby, in light of the requirements of the European Standards and Guidelines, the accreditation report—and thus the expert opinions and audit report—is expressly included in the publication requirement in addition to the accreditation decision.

Publication on the Accreditation Council's website enables interested students, prospective students, university staff, and government agencies to access the information quickly and conveniently.

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

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

§ 30 – Bundled Accreditation; Partial System Accreditation

Paragraph 1: The existing option to combine multiple degree programs into a 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 requiring program accreditation are pending and exhibit a high degree of disciplinary similarity, 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 evaluation committee to the bundle accreditation in accordance with § 25(1).

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

Sentence 2 clarifies that each degree program must meet the subject-specific and content-related criteria and that this must be assessed separately. This applies in any case to the formal criteria under Part 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 sentence 2 are cumulative. The option of subsystem accreditation serves primarily to facilitate higher education institutions' entry into system accreditation. Multiple, permanent partial system accreditations within a higher education institution are not the aim of this provision. For this reason, the quality management system of the subunit must be embedded within the higher education institution (sentence 2, item 2).

Regarding § 31 – Random Sampling

Paragraph 1: In system and subsystem accreditation, the review panel conducts a random sample. This remains justified with regard to the extension of the validity period of the system accreditation.

Paragraph 2: Pursuant to item 1, the spot check must demonstrate, using a degree program to be specified by the review panel, that the quality management system ensures the consideration of all formal and subject-specific criteria in the university's internal accreditation process. In addition, the sample under paragraph 2 refers 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 as well. See the rationale provided there.

Part 5 – Procedural Rules for Special Types of Degree Programs

§ 32 – Combined Degree Programs

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

Paragraph 2 clarifies that the object of accreditation is the combined degree program. The criteria for accreditation (Parts 2 and 3 of this regulation) must apply to the combined degree program as such. This applies in particular to the requirements under § 12. The institution must have a coherent concept for the entirety of the combined program offerings 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 accreditation period for the combined degree program remains unchanged.

Paragraph 4 governs the format of the accreditation certificate for combined degree programs. In all other respects, the procedural rules of Part 4 apply in accordance with paragraph 5.

§ 33 – Joint Degree Programs

This provision contains special procedural rules for joint degree programs. It is based on the political agreements regarding the European Approach (EA). Accordingly, the Accreditation Council's accreditation decision in this context is structured as a decision to recognize an evaluation by an agency registered with EQAR (see A 1, first indent, EA). Such a decision is required only in proceedings under Article 3(1)(2) of the State Treaty on Study Program Accreditation (program accreditation), as the application of the criteria relevant to joint-degree programs at system-accredited institutions is ensured by § 16(5) of this Regulation (see A 2. indent EA).

Since the European approach cannot be applied to full-theology and partial-theology degree programs, the general regulations apply to joint degree programs in these fields.

Paragraph 1, sentence 1, stipulates that the evaluation may be conducted by an agency registered with EQAR at the request of the cooperating institutions and that this decision may serve as the basis for an accreditation decision at the request of the participating domestic institution(s). 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 Council's accreditation. 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 Parts 2 and 3 of this Regulation. It also specifies the requirements for the evaluation procedure in detail.

Paragraph 1 contains a notification requirement prior to the initiation of a corresponding procedure with the Accreditation Council. 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 is applicable.

Sections 2 through 5 correspond to the requirements contained 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 higher education institutions, which foreign agencies and experts may require in order to assess the context, particularly with regard to the program's classification within the national higher education system. The self-evaluation report explicitly focuses on the specific characteristics of the joint degree program as a collaborative endeavor between universities from more than one national higher education system (Number 2; see C 1 EA). The site visit enables the evaluation panel to discuss the joint degree program on the basis of the self-evaluation report and to assess whether the program meets the requirements for joint degree programs. The site visit therefore includes discussions with representatives of all cooperating institutions, in particular with institutional leadership and program coordinators, staff, students, and other relevant stakeholders such as alumni and representatives from professional practice. Even though the site visit is generally limited to one location, the implementation of the program at all locations is taken into account in the evaluation (Number 3, see C 3 EA). The review panel prepares a report containing relevant evidence, analyses, and conclusions regarding on the requirements for joint-degree-programs . The

The report also includes recommendations for the further development of the program. In addition, the review panel issues a recommendation regarding 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 of 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 evaluators to avoid conflicts of interest), and paragraph 6 (right of the institution to comment) apply accordingly (Number 5, cf. C.2 EA).

Number 6 stipulates that a positive accreditation decision based on a corresponding evaluation can only be made if this evaluation has been substantiated, any conditions have been met, and the decision is final. Thus, it is not the responsibility of the Accreditation Council, but rather of the agency entrusted with the evaluation, to ensure that the decision is comprehensible 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 justification, must be published (see C 5, 7, and 8 EA).

Sentence 3 clarifies that the Accreditation Council's accreditation decision to recognize the evaluation must also be issued in writing, must be substantiated, must give the institution an opportunity to comment within one month, and that the Accreditation Council shall confer its seal in the event of a positive decision (Section 22, paragraphs 2, 3, and 4, paragraph 1). The accreditation decision takes effect, in accordance with § 26(1), sentence 1,

the beginning of the semester or trimester following the announcement. Reaccreditation must be initiated in a timely manner before the expiration date (Section 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 accreditation period is only 6 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 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(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.

Part 6 – Alternative Accreditation Procedures Pursuant to Article 3(1)(3) of the State Treaty on Study Accreditation

Section 34 – Alternative Accreditation Procedures

Paragraph 1: The provision in § 34 implements the option provided for in Article 4, Paragraph 4, in conjunction with Article 3, Paragraph 1, Item 3, of the State Treaty on Study Accreditation, which allows for alternative accreditation pathways to system and program accreditation, which are also subject to the criteria set forth in Article 2.

Paragraph 2 also requires that the alternative procedures comply with the formal and substantive criteria set forth in Parts 2 and 3. In addition, the requirements for appropriate academic participation set forth in the State Treaty on Study Program Accreditation—in particular in Article 3(2), first sentence—and in this regulation must be complied with in accordance with the ESG and the guidelines of the Federal Constitutional Court in its decision of February 17, 2016. If teacher training programs and

programs in Protestant or Catholic theology, the participation and approval requirements set forth in this regulation shall apply. There is no obligation for higher education institutions to engage an agency.

Paragraph 3: If a higher education institution intends to implement an alternative procedure, this requires the prior approval of both the Accreditation Council and the competent state science authority of the respective state. This ensures that the state science authority is involved from the outset and also guarantees compliance with the requirements for regulated professions. The basis for approval is a description of the proposed procedure; to assess its suitability for meeting the quality assurance requirements arising from the State Treaty on Study Program Accreditation and this Regulation, the Accreditation Council may consult external experts. The application to be submitted following approval must also be submitted to the Accreditation Council via the competent science authority.

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

Paragraph 4: The specific details of the procedure are regulated in rules of procedure.

Paragraph 5: The alternative procedure is limited to a maximum of eight years, meaning that shorter durations may also be provided for in these cases. As in the case of system accreditation, the institution of higher education also retains 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 seamless accreditation chain in the interest of the students.

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

Part 7 – Miscellaneous

Section 35 – Linkage with Procedures Concerning the Eligibility of a Study Program under Professional Licensing Law

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

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

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

§ 36 – Evaluation

Paragraph 1 provides for an evaluation three years after the regulation takes effect in order to review its implementation and impact.

Paragraph 2: The results of the evaluation shall be submitted to the Conference of Ministers of Education so that appropriate measures may be taken if necessary.

§ 37 Entry into Force

In its decision of February 17, 2016 – 1 BvL 8/10 – the Federal Constitutional Court, in a judicial review proceeding concerning state regulations (North Rhine-Westphalia Higher Education Act), determined that the regulations on the accreditation of degree programs are incompatible with the Basic Law and

ordered that constitutionally compliant regulations be adopted with effect no later than January 1, 2018.

Accreditation in the higher education sector is a cross-state and cross-institutional process for the evaluation of bachelor's and master's degree programs at public or private universities. The case before the Federal Constitutional Court concerns the accreditation of degree programs at universities not operated by the state. Against this backdrop, the Conference of Ministers of Education and Cultural Affairs of the German States drafted an inter-state treaty on the organization of a joint accreditation system for quality assurance in studies and teaching at German universities, which the states have signed. The state treaty has been transposed into state law through the corresponding enabling act. The state treaty is limited to the essential cornerstones of quality assurance through accreditation and reserves further specifications for the state regulations.

This situation justifies the admissibility of the exception to the prohibition on retroactive effect. The basis for reliance on the previous regulations no longer existed for the universities at the time of the Federal Constitutional Court's decision. A change in the legal provisions was to be expected, as the Federal Constitutional Court had determined that, while the fundamental right to academic freedom under Article 5, Paragraph 3, Sentence 1 of the Basic Law does not, in principle, preclude requirements for the quality assurance of academic programs, the legislature may not largely delegate essential decisions regarding accreditation to others but must make them itself, taking into account the intrinsic rationality of science.

Furthermore, the following applies to program or system accreditation procedures that prior to the date the entry into force of the State Treaty on Study Program Accreditation, the previous regulations—including those regarding the validity period of accreditation—shall apply to the completion of such procedures, pursuant to Article 16(1) of the State Treaty on Study Program Accreditation. For reaccreditation procedures, insofar as the agreement was not concluded prior to the entry into force of the State Treaty, only the provisions of this ordinance shall apply. This applies in particular to matters concerning the extension of accreditation, 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.

