

## **Explanatory Statement**

### **A. General**

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

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

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

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

On this basis, this regulation establishes the joint requirements of the federal states regarding the essential structural and qualitative standards for the accreditation of bachelor's and master's degree programs, which are necessary to ensure the obligations of the federal states arising from Article 1(2) 2 of the State Treaty on Study Accreditation, which require the states to ensure the equivalence of corresponding academic and examination achievements as well as degrees, and to guarantee the possibility of transferring between higher education institutions.

These regulations are based on the relevant resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs regarding the bachelor's and master's degree system<sup>1</sup> and on quality assurance through accreditation, in particular the joint structural guidelines of the federal states, the existing rules for accreditation by the Accreditation Council, proposals from its "Regulation Revision" working group, as well as the standards and guidelines for quality assurance in the European Higher Education Area (ESG). However, the opportunity was also taken to further streamline and optimize the procedures based on previous experience with accreditation, thereby also contributing to cost reduction and the reduction of bureaucracy. In addition, the results of consultations with representatives of the German Rectors' Conference, the Accreditation Council, the agencies, the Association of Private Universities, students, and the school sector have been incorporated.

Regulations concerning the fees to be charged by the agencies, for which the State Treaty on Study Accreditation also provides a legal basis (Article 4(5)), are not covered by this regulation but are reserved—where necessary—for separate regulations based on a further regulation issued by the Conference of Ministers of Education. It is planned to evaluate cost trends after two years have elapsed in order to decide, on this basis, on the necessity of cost caps.

In drafting the regulation, the Conference of Ministers of Education was guided by the principle enshrined in the State Treaty on Study Accreditation that ensuring and developing the quality of study and teaching is primarily the responsibility of the universities. The Conference of Ministers of Education assumes that the universities will, on their own responsibility and across the board, prioritize the quality of study in the design of their degree programs.

The following explanatory notes are intended to provide guidance and interpretive guidance on the implementation of the state regulations to be enacted on the basis of the Ordinance, in order to ensure uniformity of application within the framework of accreditation and to prevent divergent practices from jeopardizing the objectives of the State Treaty as set forth in Article 1(2). In this context, the principle—which has been emphatically upheld to date—continues to apply that existing discretionary leeway, as expressed in the Regulation through a multitude of optional or mandatory provisions and restrictive formulations, must be utilized flexibly and productively. The exercise of this leeway, however, requires a comprehensible justification by the universities, which, within the framework of the

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<sup>1</sup> In particular, the Joint State Structural Requirements 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 on February 4, 2010), see [https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen\\_beschluesse/2003/2003\\_10\\_10-Laendergemeinsame-Strukturvorgaben.pdf](https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2003/2003_10_10-Laendergemeinsame-Strukturvorgaben.pdf)

accreditation of degree programs or in the corresponding internal quality assurance processes.

### **Financial implications**

In accordance with the explanatory memorandum to the State Treaty on Study Program Accreditation regarding Article 3(8), it can be assumed that the costs incurred by both the higher education institutions and the system as a whole will, at the very least, not increase; in fact, as certain framework conditions take effect—such as the extension of the (re-)accreditation period in § 26 to eight years— may even decrease. Accordingly, it is assumed that this state ordinance will not result in any additional costs for the State of Rhineland-Palatinate.

### **Gender Mainstreaming**

The draft ordinance takes the gender mainstreaming aspect into account. The provisions apply equally to both genders, so that no different impacts on the specific life situations of women and men are to be expected.

### **Regulatory Impact Analysis**

Pursuant to Section 36(1), an evaluation will be conducted three years after the ordinance enters into force to review its application and effects.

### **Time Limit on State Law**

No time limit should be placed on the regulation, as the provisions are intended to be permanent.

### **Impact on Families and Children**

The draft regulation affects families and children in that the mutual, cross-border recognition of degrees and the assurance of mobility allow for better planning in the event of a change in degree program or university, thereby also enabling students to better plan their lives and family matters.

### **Demographic Change**

The draft regulation has no impact on demographic change.

### **Impact on Small and Medium-Sized Enterprises**

The draft regulation is not expected to have any impact on small and medium-sized enterprises.

### **Directive 2006/123/EC (Services in the Internal Market)**

The draft regulation does not fall under Directive 2006/123/EC.

## **B. Regarding the individual provisions**

### **Part One – General Provisions Regarding**

#### **Section 1**

Section 1 defines the scope of the regulation, which, pursuant to Article 2(2) and (3) and Article 3, relates to the formal criteria, the substantive criteria, and the procedure.

#### **Regarding § 2**

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

### **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.

#### **Regarding Section 3**

##### Regarding Paragraph 1

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.

## Regarding Paragraph 2

Paragraph 2 provides the framework for the planning and design of bachelor's and master's degree programs at universities; it does not regulate individual study behavior.

The flexibility offered by 3-, 3.5-, and 4-year bachelor's programs and 1-, 1.5-, or 2-year master's programs on a full-time basis allows students to structure their studies in a way that meets the requirements of the respective discipline and academic culture. Bachelor's programs with a standard duration of less than three years on a full-time basis are excluded. The total standard period of study to reach the master's level in consecutive degree programs is 10 semesters.

Exceptions are possible in the core artistic disciplines at art and music colleges. Pursuant to the further provisions of § 27(2) of the Higher Education Act (HochSchG), consecutive bachelor's and master's degree programs with a total duration of 6 years may also be established in these subjects<sup>2</sup>. Furthermore, in accordance with § 27(2) of the Higher Education Act (HochSchG), the standard periods of study may be adjusted if the program is organized accordingly.

## Regarding Paragraph 3

The exemption for the "full theological degree 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 titled "Key Points for the Study Structure in Degree Programs in Catholic or Protestant Theology/Religion" – Resolution of the Conference of Ministers of Education and Cultural Affairs of December 13, 2007<sup>3</sup>. In this agreement, the churches have agreed to follow the structural requirements pertaining to the degree program. However, different regulations may apply in specific cases regarding degree programs qualifying for church office. The division into Bachelor's and Master's degrees is therefore not mandatory. Full-time theological degree programs with a standard duration of ten semesters are, however, subject in all other respects—with the exception of the degree (see § 6(2), sentence 6, and the explanatory memorandum)—to the formal and substantive criteria for accreditation.

## Regarding § 4

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<sup>2</sup> Note: The core artistic subjects are not defined in further detail here. The state and the universities decide on the inclusion of fine arts degree programs in the tiered degree structure and the classification of a subject as a core artistic subject.

<sup>3</sup> [http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen\\_beschluesse/2007/2007\\_12\\_13-Eckpunkte-Studienstruktur-Theologie.pdf](http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2007/2007_12_13-Eckpunkte-Studienstruktur-Theologie.pdf)

## Regarding Paragraph 1

Paragraph 1 establishes regulations regarding the profile of master's degree programs. Regardless of the type of institution, master's degree programs may have the profile types "application-oriented" and "research-oriented." Given that no distinction is made between programs at universities of applied sciences and traditional universities, this differentiation serves to enhance transparency for students and the job market. If a specific profile type is designated, it must be clearly reflected in the program's structure.

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

Master's programs that provide the educational prerequisites for a teaching career, on the other hand, must have a specific teaching-oriented profile. This requires compliance with the state-wide subject-specific requirements for teacher training (standards in educational sciences as well as state-wide content requirements for the subjects and their didactics) as well as the content-related and structural requirements pursuant to Sections 2 and 4 through 9 of the State Ordinance on the Recognition of University Examinations in Teacher-Training-Related Bachelor's and Master's Programs as the First State Examination for Teaching Positions of September 12, 2007 (GVBl. p. 152, BS 223-1-53), as amended, and in accordance with the Administrative Regulation on Curricular Standards for Subjects in Bachelor's and Master's Programs Leading to Teaching Qualifications issued by the Ministry of Education, Science, Continuing Education, and Culture on October 1, 2007 (9126 – Ref. No. 318/07), Official Gazette p. 335, as amended, shall be applied as assessment criteria.

The respective profile must be reviewed during the accreditation process. Regarding 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(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.

## Regarding Paragraph 3

Paragraph 3 clarifies that the requirement for a thesis is an indispensable quality criterion for all degree programs. In artistic degree programs, the

term “thesis” may also be understood to mean a “final project.” The thesis serves as proof of the ability to independently address a problem within the respective discipline using scientific or artistic methods within a specified timeframe. For the scope of theses, see § 8(3).

## **Regarding § 5**

Regarding Paragraph 1

Admission to a master’s program requires a first professional degree<sup>4</sup>. This reflects the nature of the master’s degree as a further professional degree (see § 3(1)).

Regarding Paragraph 2

Paragraph 2 takes into account the needs of colleges of art and music, which primarily focus on special artistic aptitude when granting admission to master’s degree programs.

Regarding Paragraph 3

Pursuant to Section 19(2), second sentence, Section 35(1), second and third sentences, and Section 100(1), fourth sentence, of the Higher Education Act SchG and § 17(2), sentence 3, and § 53(1), sentences 2 and 3, and (3) of the DUVwG, additional requirements for admission to master’s degree programs may be established.

## **Regarding § 6**

Regarding Paragraph 1

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

Regarding Paragraph 2

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<sup>4</sup> Note: The regulation contains no specific provisions regarding transitions between degree programs under different graduation systems, for which the general credit transfer provisions apply. Universities are free to regulate details in their examination regulations.

Paragraph 2 definitively 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 the degree titles and mixed-language degree titles are excluded, as are Bachelor's degrees with the addition "honors."

Exceptions to the guidelines regarding degree titles apply to fully theological, non-tiered degree programs. These programs typically lead to an academic degree. If the examination regulations provide for an academic degree, Section 3 of the "Guidelines" allows for the use of the degree title "Magister Theologiae." This refers to the academic degree of "Master" in Latinized form and thus establishes a connection to the broader Bologna Framework. It is left to the discretion of the theological faculties to confer this academic degree in its feminine form as well.

Paragraph 2, Item 7 governs the titles for bachelor's and consecutive master's degrees in degree programs that provide the educational qualifications required for a teaching career. The degree title "Master of Education" (Section B 2 of the "Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs," Resolution of the Conference of Ministers of Education and Cultural Affairs of October 10, 2003, as amended) should, in any case, in the interest of transparency and to avoid false expectations regarding mobility, be reserved for those degrees which—as a rule, nationwide – grant access to a preparatory service for a teaching position pursuant to § 3 (2) through (4) of the State Ordinance on the Training and Second State Examination for Teaching Positions at Elementary Schools, Realschulen plus, Gymnasien, Vocational Schools, and Special Education Schools of January 3, 2012 (GVBl. p. 11, BS 2030-48) in its currently applicable version.

Regarding Paragraph 3

Paragraph 3 provides for the issuance of certificates of equivalence and thus serves to create transparency regarding the level of qualification of bachelor's and master's degrees in comparison to the diploma degree in the single-tier system. Certificates of equivalence are already common practice at some universities.

Regarding Paragraph 4

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

## **Regarding Section 7**

### Regarding Paragraph 1

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 that are thematically and temporally distinct and assigned credit hours. They may be composed of various forms of teaching and learning (e.g., lectures, seminars, internships, e-learning, educational research, etc.). A module may cover the content of a single semester or 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. On the other hand, modules that extend over a longer period of time could restrict mobility. If the institution deviates from this time limit, it must demonstrate that this has no adverse effect on the intended objectives or that such effects are offset by appropriate measures. Sentence 3 takes into account the specific characteristics of artistic degree programs.

### Regarding Paragraphs 2 and 3

Paragraphs 2 and 3 regulate the requirements for the description of modules. The description of the modules should provide students with reliable information regarding the course of study, content, qualitative and quantitative requirements, and integration into the overall concept of the degree program, as well as the relationship to other offered modules. The description should also 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 course design. Without prejudice to the universities' responsibility for the specific design of modules, however, the standards recommended in items 1 through 9 for the description of modules assume that information on the following aspects will be provided:

1. Module Content and Learning Objectives

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

2. Teaching methods

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

3. 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 course credits  
- in particular examinations (type of examination, e.g., oral or written examination, presentation, term paper, as well as the scope and duration of the examination), proof of attendance,  
options for make-up exams must be specified 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 ECTS User's Guide in its currently valid version;

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 offerings.

## **Regarding § 8**

### Regarding Paragraph 1

Paragraph 1 concerns the awarding of credit points. These serve as a quantitative measure of the student's overall academic workload and encompass both direct instruction and the time spent on preparing for and reviewing course material (classroom and self-study), the effort required for examinations and exam preparation—including final exams 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 during 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 constitute one ECTS credit is set forth in the study and examination regulations.

Credit hours are assigned to individual modules. They are awarded once the requirements specified in the examination regulations have been met; this does not necessarily require an examination, but rather the successful completion of the respective module.

### Regarding Paragraph 2

Paragraph 2 stipulates that at least 180 ECTS credits are required to earn a bachelor's degree, and a total of 300 ECTS credits to reach the master's level—that is, including prior studies up to the first

professional qualification—a total of 300 ECTS credits. No exceptions to these planning requirements for universities are provided for. The deviations from the standard period of study permitted under § 3 relate exclusively to the time requirements and do not allow for any deviation from the ECTS credit requirements.

According to sentence 4, it is true that, in individual cases, the 300 ECTS credit requirement for a master's degree may be waived if the student possesses the appropriate qualifications. However, this exception applies exclusively to the individual student and not to the degree program. Accordingly, applicants may be admitted to Master's programs even if they do not have a total of 300 ECTS credits from their Bachelor's studies. The prerequisite is proof of the qualifications required for admission.

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

#### Regarding Paragraph 3

Paragraph 3 governs the scope of the final theses. To ensure that the scope of the thesis is aligned with the educational objectives and level of the program and is proportionate to the total credit hours of the respective degree program, the scope of the bachelor's thesis must not be less than 6 ECTS credits nor exceed 12 ECTS credits. For the master's thesis, a minimum of 15 and a maximum of 30 ECTS credits apply. These requirements serve both quality assurance and the students' interest in degree programs that are not overburdened in terms of content or time. The ranges allow for flexible structuring while taking into account subject-specific characteristics.

In principle, these guidelines also apply to art and music colleges. In justified exceptional cases, the scope of the Bachelor's thesis in fine arts programs may be up to 20 ECTS credits and that of the Master's thesis up to 40 ECTS credits.

#### Regarding Paragraph 4

Paragraph 4 stipulates that deviations from the guidelines regarding the credit volume per semester are generally permissible for certain types of study programs, e.g., 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.

#### Regarding Paragraph 5

Paragraph 5 addresses the recommendation of the Conference of Ministers of Education and Cultural Affairs and the Conference of University Presidents regarding the awarding of a master's degree in teacher education with the planned inclusion of achievements from the preparatory service, dated June 12, 2007, and July 8, 2008<sup>5</sup>. One option for incorporating the preparatory service into the master's program is the recognition of portions of the preparatory service. The "Standards for Teacher Education: Educational Sciences" (Conference of Ministers of Education resolution of December 16, 2004)<sup>6</sup> serve as the benchmark for practical school training during the degree program and the preparatory service. On this basis, the universities and the institutions of the second phase of training agree on state-specific qualification, on the basis of which the universities and the institutions of the second phase of training jointly and by mutual agreement 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.

#### Regarding § 9

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

#### Regarding Paragraph 1

Paragraph 1, sentence 2, emphasizes that the universities, as guarantors of the quality of

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<sup>5</sup> [https://www.Kultusministerkonferenz.org/fileadmin/Dateien/pdf/PresseUndAktuelles/Beschluesse\\_Veroeffentlichungen/Kultusministerkonferenz-Hochschulrektorenkonferenz-Empfehlung\\_12-06-08\\_08-07-08.pdf](https://www.Kultusministerkonferenz.org/fileadmin/Dateien/pdf/PresseUndAktuelles/Beschluesse_Veroeffentlichungen/Kultusministerkonferenz-Hochschulrektorenkonferenz-Empfehlung_12-06-08_08-07-08.pdf)

<sup>6</sup> Standards for Teacher Education: Educational Sciences (Resolution of the Conference of Ministers of Education and Cultural Affairs of December 16, 2004, as amended on June 12, 2014) at [http://www.Kultusministerkonferenz.org/fileadmin/Files/publications\\_resolutions/2004/2004\\_12\\_16-Standards-Teacher-Education-Educational-Sciences.pdf](http://www.Kultusministerkonferenz.org/fileadmin/Files/publications_resolutions/2004/2004_12_16-Standards-Teacher-Education-Educational-Sciences.pdf)

The institutions that award these higher education degrees and titles are responsible for ensuring the quality of academic programs as well as the procedures for recognizing competencies acquired outside of higher education. Only those competencies that are equivalent in content and level to the part of the program they are intended to replace may be recognized. 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.

#### Regarding Paragraph 2

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

#### **Regarding § 10**

This regulation serves to implement the so-called European Approach to Quality Assurance of Joint Programs (EA)<sup>8</sup>, which was adopted at the Conference of Ministers of Education of the European Higher Education Area<sup>7</sup> in Yerevan in May 2015. This is intended to enable external quality assurance of degree programs jointly developed and administered by higher education institutions in different countries—particularly within the European Higher Education Area—based on uniform procedural rules and criteria aligned with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)<sup>9</sup>, which also underpin the European Higher Education Area. Corresponding provisions regarding the academic and content-related criteria and the procedural rules are set forth in Parts 3 and 4 of this Regulation (Sections 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, beyond the right of the Accreditation Council Foundation to determine the requirements for the recognition of accreditation decisions as set forth in Article 5(3)(2) of the State Treaty on Study Accreditation

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<sup>7</sup> <https://www.ehea.info/> , currently 48 European countries

<sup>8</sup> [http://bologna-yerevan2015.ehea.info/files/02\\_European%20Approach%20QA%20of%20Joint%20Programmes\\_v1\\_0.pdf](http://bologna-yerevan2015.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20Programmes_v1_0.pdf)

<sup>9</sup> <http://www.ehea.info/cid105593/esg.html>

by foreign institutions, the possibility of making accreditation decisions that deviate from the criteria and procedural rules defined in this regulation. Article 5(3), sentence 2, of the State Treaty on Study Program Accreditation merely grants the Accreditation Council Foundation the mandate to determine, 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 incompatible not only with the objectives set forth in Article 1, paragraphs 2 and 3, Article 4(6) of the State Treaty on Study Accreditation, but also in light of constitutional principles (in particular the principle of specificity and the theory of materiality).

#### Regarding Paragraph 1

Paragraph 1 defines the scope of application. In light of the differing criteria associated with the application of the EA—in particular, the requirement that a master's degree, including the first degree, not necessarily be based on 300 ECTS credits—and pending clarification of other issues regarding the scope of application, this is initially limited to degree programs leading to a joint degree. Accordingly, a joint degree program is a program offered by a domestic higher education institution in collaboration with one or more foreign higher education institutions and leading to a degree awarded jointly by these institutions.

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

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

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

Paragraph 2 stipulates that each student must complete at least 25% of the program (measured in ECTS credits) at at least one of the foreign

partner institutions. This excludes the application of the special regulations for joint degree programs in cases of cooperation involving optional study abroad or in cases where only foreign students are required to participate in mobility.

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

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

Section 5 stipulates that participating universities must have a common quality management system. This includes the participating institutions applying common internal quality assurance processes. These encompass, in particular, the quality assurance strategy, standards for the design and approval of degree programs, adherence to the principles of student-centered learning, teaching, and assessment, transparent regulations regarding admission and the course of study, recognition, and degree conferral; ensuring the competence of faculty; providing adequate resources to ensure the learning environment; sound information management; and ongoing monitoring and regular review of degree programs (see B 9 EA in conjunction with ESG 1.1 and Part 1 of the ESG).

Regarding Paragraph 2

Paragraph 2 establishes the formal criteria applicable to joint degree programs.

With regard to the participation of foreign higher education institutions and the political agreements reached within the European Higher Education Area, Sentence 1 explicitly stipulates as a criterion the application of the recognition principles of the so-called Lisbon Convention, which already apply to higher education institutions based in Germany by virtue of

under federal law or pursuant to Section 25(3) of the Higher Education Act (HochSchG)<sup>10</sup> (see B 4.2 EA). These include:

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

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

### Regarding Paragraph 3

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 Three – Academic and Content-Related Criteria for Degree Programs and Quality Management Systems**

This Part serves to specify the in Article 2 Paragraph 3

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<sup>10</sup> 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., <http://www2.fzs.de/uploads/lissabonkonvention.pdf>

the subject-specific and content-related criteria specified in the State Treaty on Study Program Accreditation.

## Regarding § 11

Section 11 sets forth the criteria to be used in the accreditation process to assess the consistency between the qualification objectives and the level of the degree program in question.

### Regarding Paragraph 1

Paragraph 1 refers to Article 2(3)(1) of the State Treaty on Study Program Accreditation, which lists as the qualification objectives of a study program the scientific or artistic competence corresponding to the intended degree level, as well as the ability to engage in qualified gainful employment and personal development. In view of the particular importance of the social relevance of study and teaching as part of the characteristic of personal development, this is explicitly mentioned in accordance with the definition provided by the Science Council in its 2015 recommendations on the relationship between higher education and the labor market<sup>11</sup>. 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.

### Regarding Paragraph 2

The aspects of the academic, scientific, artistic, methodological, and personal development requirements described in paragraph 2 are based on the descriptors and competency dimensions of the Qualifications Framework for German Higher Education Degrees in its current version<sup>12</sup>, which was developed in cooperation between the German Rectors' Conference and the Standing Conference of the Ministers of Education and Cultural Affairs, in consultation with the Federal Ministry of Education and Research, and adopted by the Standing Conference of the Ministers of Education and Cultural Affairs on February 16, 2017. This framework implements the Qualifications Framework for the European Higher Education Area<sup>13</sup> and encompasses the imparting of up-to-date subject-specific knowledge, interdisciplinary knowledge, and the generally accepted principles of good scientific practice, as well as the acquisition of methodological, personal, and social competencies and the assurance of employability and the capacity for lifelong learning. During the accreditation process, it must be examined whether the program concept encompasses these aspects and whether they comply with

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<sup>11</sup> <https://www.wissenschaftsrat.de/download/archiv/4925-15.pdf>, p. 40f

<sup>12</sup> [https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen\\_beschluesse/2017/2017\\_02\\_16-Qualifikationsrahmen.pdf](https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2017/2017_02_16-Qualifikationsrahmen.pdf)

<sup>13</sup> [http://media.ehea.info/file/WG\\_Frameworks\\_qualification/85/2/Framework\\_qualificationsforEHEA-May2005\\_587852.pdf](http://media.ehea.info/file/WG_Frameworks_qualification/85/2/Framework_qualificationsforEHEA-May2005_587852.pdf)

correspond to the level of the degree awarded.

### Regarding Paragraph 3

Paragraph 3 establishes, based on relevant resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs<sup>14</sup> that have proven effective in previous accreditation practice, the requirements to be verified in the accreditation process for the bachelor's and master's levels within the tiered system and for different program profiles.

Sentence 1 clarifies the function of the bachelor's degree as the first professionally qualifying degree; as an undergraduate degree, it must provide a broad qualification and thus ensure both the ability to engage in professional practice and the capacity for further academic advancement and lifelong learning. In accordance with the differentiation of master's programs pursuant to Section 4(2), Sentence 2 defines consecutive master's 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 programs. Continuing education master's 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 work. 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 professional qualification and therefore cannot be replaced either by mandatory internships from the bachelor's phase or by professional experience prior to the start of the bachelor's program. In accordance with the educational objective, special attention must be paid during the accreditation process to the connection between professional qualification and the program concept, as demonstrated by the institution. The same applies to the review of the requirements, which—despite the predominantly professional orientation—must correspond both structurally (see also § 4(2)) and in terms of content to the qualification level defined for the master's level (see also paragraph 2). Sentence 5 specifies the qualification objectives for artistic bachelor's and master's degree programs.

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

### Regarding § 12

Section 12 specifies, based on the structural requirements set forth in Sections 3 et seq., the criteria for evaluating the respective program concept and defines the framework conditions to be examined for adequate implementation. In this regard

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<sup>14</sup> see footnote 1

Particular emphasis is placed on the feasibility of completing a degree within the standard period of study. The regulations are based on the standards adopted by the participating countries 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, academic progression, recognition, and degree completion (Standard 1.4), faculty (Standard 1.5), and requirements for the learning environment (Standard 1.6).

#### Regarding Paragraph 1

Paragraph 1, sentence 1 requires a curriculum that is consistent with the achievement 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 framework conditions to promote student mobility, enabling students to spend time at other universities without losing academic progress. This includes, in particular, the consideration of mobility windows in program design and recognition procedures that consistently apply the principles of the Lisbon Convention<sup>15</sup> not only during stays at higher education institutions 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 by Standard 1.3 of the ESG.

#### Regarding Paragraphs 2 and 3

In addition to program-specific aspects, the institutional framework must also be taken into account in the evaluation, to the extent that it has direct relevance to the implementation of the program. This includes 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 discretion in the assessment that should be tailored to the specific program.

Paragraph 2, sentence 1 stipulates that the teaching staff must ensure, both quantitatively and qualitatively, that the curriculum is implemented adequately. This includes

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<sup>15</sup> see footnote 10

as well as the teaching skills of the faculty. Sentence 2 requires that the integration of research and teaching be ensured by a sufficient number of full-time university faculty members who are regularly engaged in teaching. This applies to both undergraduate and graduate programs. Sentence 3 requires appropriate measures for staff selection and qualification as the basis for teaching that is substantively and didactically sound in the respective program. These include, for example, structured processes for tenure-track appointments or a systematic offering of university 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.

#### Regarding Paragraph 4

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

#### Regarding Paragraph 5

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 design (e.g., for programs with a special profile requirement, see Paragraph 6), additional factors may need to be considered here.

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

Furthermore, according to Section 2, courses and exams must largely avoid overlapping. This applies above all to required modules and to frequently chosen subject combinations and elective modules. To the extent that

overlaps cannot otherwise be avoided, 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 while taking into account the formal requirements 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, provide sufficient flexibility—particularly with regard to changing universities—and enable students to plan their studies, 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 appropriate frequency and organization of examinations are essential. Therefore, to reduce the examination burden, modules should generally be completed with only one examination and should generally be worth at least five ECTS credits. With 30 ECTS credits per semester in a full-time program, this means that no more than six examinations per semester should be expected. In this context, an examination refers to legally valid proof that the module's learning objective has been achieved. This also includes prerequisite coursework, academic achievements, or other forms of evidence, such as the completion of an internship, the conduct of a laboratory experiment, or participation in field trips.

These are all target 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 program<sup>16</sup>.

#### Regarding Paragraph 6

The evaluation must take into account the program profile as defined by the institution. If the institution promotes or identifies a program with specific characteristics (e.g., international, dual, part-time while working, virtual, work-integrated, part-time), these characteristics are part of the program profile and are therefore also subject to evaluation.

In such cases, the criteria listed in paragraphs 1 through 5 must be applied in accordance with the specific profile from the respective specific perspective and must meet the special requirements to be defined by the respective institutions

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<sup>16</sup> Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs dated February 4, 2010 – Interpretation Notes – dated February 25, 2011, Number 5

measure. These include, in particular, aspects such as the specific target group, a distinctive program structure, diverse learning locations, and the involvement of industry partners—for example, in dual models—as well as specific teaching and learning formats or the existence of a sustainable quality management system that encompasses the various learning locations. A degree program at a higher education institution may be designated and advertised as “dual” if vocational training or a vocational internship serving as a substitute is integrated into the program and the program is characterized by alternating academic and practical phases.

### **Regarding § 13**

Section 13 defines the framework conditions for the substantive evaluation of degree programs and specifies the special requirements for teacher education programs.

#### Regarding Paragraph 1

In light of Article 5, paragraph 3, of the Basic Law, the regulation is limited to verifying compliance with procedural requirements designed to ensure a program concept grounded in academic expertise, and grants the reviewers broad discretion regarding the program’s content. According to sentence 1, this includes the existence of mechanisms/measures to determine the consistency of the academic and scientific requirements. Furthermore, according to the second sentence, evidence is required of regular monitoring and adjustment not only of the subject-specific and content-related design of the curriculum, but also of the methodological and didactic approaches, in order to ensure the transmission of the breadth and diversity of current scientific theories in the respective subject. 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 both the bachelor’s and master’s programs.

#### Regarding paragraphs 2 and 3

Paragraphs 2 and 3 define the subject-specific and content-related criteria for the review of degree programs that provide the educational prerequisites for a teaching career. In view of the need to ensure high-quality school instruction and thereby guarantee comparable educational opportunities (state responsibility for the school system), uniform guidelines are required here. The regulations are based on the standards adopted for this purpose by the Standing Conference of the Ministers of Education and Cultural Affairs<sup>17</sup>.

Paragraph 2 establishes the requirement to verify that the curriculum complies with the joint state standards in the subject-specific disciplines and didactics, as well as in the educational sciences. These standards are derived from the joint state and state-specific content requirements pursuant to Sections 2 and 4 through 9 of the State Ordinance on the Recognition of University Examinations in Teacher-Training-Related Bachelor's and Master's Programs as the First State Examination for Teaching Positions of September 12, 2007 (GVBl. p. 152, BS 223-1-53) in its currently applicable version, as well as in accordance with the Administrative Regulation on Curricular Standards for Subjects in Teacher-Training-Related Bachelor's and Master's Programs of the Ministry of Education, Science, Continuing Education, and Culture dated October 1, 2007 (9126 – Tgb.-No. 318/07), Official Gazette p. 335, as amended, based on the KMK resolutions as amended<sup>18</sup>.

Paragraph 3 specifies the structural and conceptual criteria to be reviewed during the accreditation process and incorporates the provisions set forth in the relevant KMK resolution. The exceptions permitted therein for the respective teaching profession in the subjects of art and music must be taken into account. 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).

## **Regarding § 14**

To ensure efficient program design and thus academic success, it is in the interest of students and graduates, but also in the interest of the sustainable use of resources and time, to continuously monitor and adjust study programs, taking into account the experiences of

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<sup>17</sup> In particular: Key points for the mutual recognition of bachelor's and master's degrees in degree programs that provide the educational prerequisites for a teaching 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](http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2005/2005_06_02-gegenseitige-Anerkennung-Bachelor-Master.pdf)

<sup>18</sup> See footnote 6 regarding educational sciences; See regarding subject-specific sciences and didactics: Joint State Requirements for Content in Subject-Specific Sciences and Didactics in Teacher Education (Resolution of the Conference of Ministers of Education and Cultural Affairs dated 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](https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2008/2008_10_16-Fachprofile-Lehrerbildung.pdf) Framework agreements for the individual teaching degrees

This is essential for students and graduates. Section 14 specifies the criteria to be assessed. These include a closed-loop system with regular reviews (sentence 1), the implementation of measures based on the results of the review (sentence 2), and the continuous assessment 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 Sections 11 and 12. To ensure efficient and sustainable implementation, clause 4 stipulates that the parties involved must be informed of the results and the measures implemented, while ensuring compliance with data protection requirements.

### **Regarding § 15**

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

### **Regarding § 16**

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

#### Regarding Paragraph 1

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

In accordance with Section 11(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(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 (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

be sufficient and appropriate in light of the intended learning outcomes (see B 7.1 EA). In accordance with § 12(4), it must be ensured that the examination regulations and the assessment of the learning outcomes achieved correspond to the intended learning outcomes and that these are consistently applied by the partner universities (B 5.2 EA). In accordance with § 14, the workload and the average time required to complete the program must be monitored (B 3.3 EA).

Sentence 2 sets forth 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 procedure 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 procedure” refers here to tests, interviews, and similar processes customary abroad, and not to a selection procedure in the legal sense of admission.

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 the relevant provisions of Directive 2005/36/EC<sup>19</sup> of the European Council and the European Parliament of September 7, 2005, on the recognition of professional qualifications, in its currently valid version, must be taken into account in the design and implementation of the program, particularly with regard to regulated professions. This applies in particular to specified minimum training requirements or common training frameworks (B 2.4 EA).

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

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

Regarding Paragraph 2

Paragraph 2 expands the scope of application of the criteria and procedural rules set forth in §§ 10(1) and (2), 16(1), and § 33(1) of the so-called

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<sup>19</sup> [https://www.anererkennung-in-deutschland.de/html/de/eu\\_anerkerungsrichtlinie.php](https://www.anererkennung-in-deutschland.de/html/de/eu_anerkerungsrichtlinie.php)

European Approach to joint degree programs conducted in cooperation with higher education institutions outside the European Higher Education Area, provided that the non-European cooperation partners have committed to applying these principles in a cooperation agreement with the domestic higher education institution.

### **Regarding Sections 17 and 18**

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

### **Regarding Section 17**

#### Regarding Paragraph 1

Paragraph 1 sets forth provisions regarding the assessment of the substantive requirements for a functioning quality management system in teaching. According to the first sentence, the existence of a mission statement for teaching that is reflected in the degree programs must be demonstrated. This refers to the description of a binding mission statement for teaching at the institution, in which faculty, institutional leadership, faculties, program directors, and student representatives have agreed upon the overarching educational goals in accordance with the institution's profile. This includes a fundamental clarification of the educational institution's self-image, interdisciplinary didactic guidelines, and, where applicable, fundamental qualification objectives<sup>20</sup>. The mission statement must be reflected in the educational profile of the individual degree programs, in terms of competency objectives 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 establishing, reviewing, further developing, and discontinuing

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<sup>20</sup> See the German 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>

of degree programs and

- the procedure for the internal accreditation of degree programs in accordance with the formal and subject-specific criteria set forth in Parts 2 and 3 (§§ 11–15).

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

#### Regarding Paragraph 2

Paragraph 2 regulates the formal requirements for the university's quality management system and is based on the ESG<sup>21</sup>. These include

- the development of the quality management system with the participation of all university stakeholder groups, 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 Standard 1.1 of the ESG 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 service areas directly relevant to studies and teaching (including academic advising, application, admission, and enrollment procedures), examination administration, teaching (including any collaborations), examination systems, student services, and human resources development,

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<sup>21</sup> see footnote 9

continuing education in higher education pedagogy) (sentence 3, second clause);

- adequate and sustainable resources for implementing the measures and processes specified in the quality management system. This includes, in particular, sufficient staff for the design, implementation, and administration of the quality management system's processes, as well as appropriate IT infrastructure, which is of particular importance for the necessary provision of meaningful data; see § 18(3);
- regular review of the effectiveness of the quality management system with regard to the quality of studies and its further development, based on a continuous evaluation of the processes established within the system and a data-driven monitoring of the results (sentence 4).

## **Regarding § 18**

### Regarding Paragraph 1

Paragraph 1 governs the essential instruments of the quality management system. According to sentence 1, this includes regular evaluations of degree programs and the performance areas relevant to teaching and studies (see § 17 (2), sentence 3, second clause) by students from within and outside the institution, external academic experts, representatives from professional practice, and graduates. They ensure that evaluations within the internal quality management system are implemented in such a way as to provide continuous 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, academic 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, if action is needed, appropriate measures be taken and their implementation be reviewed.

### Regarding Paragraph 2

Paragraph 2 clarifies that, in the internal accreditation of degree programs, the participation and approval requirements set forth in § 25(1), sentences 3 through 5, apply to teacher education programs, teacher education programs with the combined subject

Protestant or Catholic Theology/Religion, Protestant theological degree programs that qualify for the ministry, and other bachelor's and master's degree programs with the combined subject of Protestant or Catholic Theology must be taken into account. If the internal procedures provide for examination reports, the approval requirement pursuant to § 24 (3) applies accordingly.

#### Regarding Paragraph 3

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

#### Regarding Paragraph 4

Paragraph 4, sentence 1 ensures that the institution comprehensively documents its internal accreditation procedures and regularly informs all relevant parties in an appropriate manner about the measures taken, in order to ensure the necessary transparency. In doing so, data protection requirements must be observed. Sentence 2 clarifies that the institution 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.

#### **Regarding § 19**

Section 19 sets forth the conditions under which a higher education institution may enter into program-specific partnerships with non-higher-education 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, in accordance with § 22(1) of this regulation. Collaborations with joint academic institutions involving multiple universities 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 university's ultimate academic responsibility for the degree program, may not be delegated by the university to a cooperating educational institution. The criterion "procedure for selecting teaching staff" refers primarily to professorial teaching staff. The establishment of 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 or to school practicum phases in teacher training programs.

### **Regarding § 20**

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

The list of reservations applicable to non-higher-education cooperation partners in § 19, sentence 2, generally does not apply to collaborations between higher education institutions. However, the degree-granting institution or institutions bear responsibility for the implementation and quality of the program concept. The nature and scope of the collaboration must be documented in a cooperation agreement between the higher education institutions.

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

If a system-accredited institution of higher education carries out such a program-related 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.

### **Regarding Paragraph 3**

It follows from paragraph 3 that higher education institutions may also cooperate at the level of their quality assurance systems to streamline procedures, and that the organizational linking of multiple procedures is permissible in this context; a coordinated application by the cooperating institutions is required under paragraph 3, sentence 2. This option will be particularly relevant for smaller or, where applicable, private higher education institutions.

The shared use of, for example, quality assurance service facilities is, in principle, conceivable for the purpose of optimizing the use of resources. However, a decision on system accreditation must be made by each cooperating institution of higher education. The Agency's proposed decision must be prepared accordingly.

### **Regarding § 21**

- Not applicable -

## **Part Four – Procedural Rules for Program and System Accreditation**

### **Regarding § 22**

Regarding Paragraph 1

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

Pursuant to Article 3(5) of the State Treaty on Study Program Accreditation, the Accreditation Council's decision includes a determination of compliance with the formal criteria under Article 2(2) of the State Treaty on Study Program Accreditation, on the one hand, and the subject-matter and content criteria under Article 2(3) of the State Treaty on Study Program Accreditation, on the other hand. If these criteria are met, accreditation must be granted. This constitutes a binding administrative act within the meaning of Section 35(1) of the Administrative Procedure Act (VwVfG).

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

Regarding Paragraph 2

Paragraph 2 clarifies that the Accreditation Council's decision is made by means of a written notice. Administrative acts must, pursuant to § 39 VwVfG,

must generally be substantiated. Sentence 2 is therefore declaratory. In the reasoning for the decision, pursuant to Article 3(4), sentence 3 of the State Treaty on Study Accreditation, particular attention must be given to any deviations by the Accreditation Council from the recommendations of the expert opinion regarding the subject-specific and content-related criteria.

#### Regarding Paragraph 3

Paragraph 3 incorporates Article 3(4) of the State Treaty on Study Program Accreditation, pursuant to which the institution is given the opportunity to comment before a final decision is made. To avoid delays in the proceedings, the statement to be obtained by the Accreditation Council, in accordance with administrative procedure law, is limited to cases in which the Accreditation Council intends to deviate significantly from the recommendation in the expert report. The institution is free to attach a statement to the agency's report as part of its application. This ensures compliance with the right to be heard, as expressed in Article 3(4) of the State Treaty on Study Program Accreditation.

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

#### Regarding Paragraph 4

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

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

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

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

The requirement for approval by the competent ecclesiastical authority regarding the Accreditation Council's decision on fully theological and partially theological degree programs takes into account the fact that the expert opinion is of a recommendatory nature and is not binding on the Accreditation Council. This applies analogously to decisions of the Accreditation Council pursuant to Sections 26, 27, and 28.

### **Regarding § 23**

#### Regarding Paragraph 1

The application for accreditation must be accompanied by a self-report from the institution and an accreditation report commissioned by the institution from an agency accredited by the Accreditation Council, consisting of an audit report and an expert opinion. The self-report is the self-evaluation report required by Article 3(2)(2) of the State Treaty on Study Program Accreditation.

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

#### Regarding Paragraph 2

Pursuant to Article 5(3)(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 procedures at the Accreditation Council.

#### Regarding Paragraph 3

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

### **Regarding Section 24**

#### Regarding Paragraph 1

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

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

Sentence 2 addresses the specific provision that, for fully theological degree programs in Catholic theology, in accordance with the aforementioned “Guidelines”<sup>(22)</sup> the evaluation is conducted exclusively by the Agency for Quality Assurance and Accreditation of Canonical Degree Programs (AKAST). The role of AKAST must also be taken into account in another respect. Pursuant to Article 5(3)(5) of the State Treaty on Study Program Accreditation, the Accreditation Council approves agencies under the conditions specified therein. For agencies listed in the EQAR (European Quality Assurance Register for Higher Education), compliance with these conditions is “presumed unless proven otherwise.” However, AKAST is not listed in the EQAR. The Accreditation Council has nevertheless approved AKAST for the German-speaking region. The agency thus effectively performs quality assurance activities in its field. The text of the ordinance makes an affirmative reference to this approval granted by the Accreditation Council. This does not, however, preclude a new approval after a reasonable period of time.

#### Regarding Paragraph 2

Program and system accreditation are conducted pursuant to Article 3(2), sentence 1, no. 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

- as is customary under the previous procedure – made available to the Agency and subsequently submitted to the Accreditation Council.

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

#### Regarding paragraphs 3 and 4

Paragraph 3 stipulates that the review report is to be prepared by the commissioned agency. As a rule, this task will be handled by the agency’s administrative office. This relieves the experts on the expert panel of the burden of reviewing purely formal criteria. The expert panel is responsible for preparing the expert opinion on the substantive criteria. To this end, it receives the review report in advance. Since the formal and substantive criteria

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<sup>22</sup> see footnote 3

may be interrelated, the review report is not binding on the panel of experts.

For teacher education programs as well as for programs consisting entirely or partially of theological studies, the examination report must be approved by the relevant authorities. This takes into account the resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of June 2, 2005, “Guidelines 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)<sup>23</sup> as well as the aforementioned “Guidelines.”

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

No further specifications regarding the content of the reports are provided. This does not preclude the report from containing, for example, recommendations for the quality development of the program or the quality management system that are designed to achieve a quality improvement exceeding the standards to be applied by the Accreditation Council in the accreditation process and therefore cannot form the basis for any requirements. In addition, the report may also identify best-practice models within the degree program. Through the publication of the reports—and, where applicable, monitoring by the Accreditation Council—these models can serve as examples for other institutions of higher education. Both can thus contribute to future quality development.

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

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<sup>23</sup> See footnote 17

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

#### Regarding Paragraph 5

As has been customary, part of the evaluation involves a 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. In view of the mandatory spot checks required in system accreditation to verify the relevant characteristics of program design, program implementation, and quality assurance, as well as, where applicable, the consideration of the criteria for the accreditation of regulated programs, two visits are generally required for system accreditation procedures.

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

#### **Regarding § 25**

##### Regarding Paragraph 1

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 e.g., bundled accreditations—larger review panels are possible, provided that the ratio of the groups represented is maintained.

Based on Article 4(3), second sentence, 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 (if necessary, through weighting) on the panel responsible for the evaluation. Furthermore, Article 3(2), sentence 1, no. 3 of the State Treaty on Study Program Accreditation is specified and implemented with regard to the parties to be involved in the accreditation process.

Sentence 3, first clause, specifies—in light of the particularities of degree programs that qualify students for admission to the preparatory service for a teaching career—

, a representative of the highest state authority responsible for the school system shall replace a representative from the professional field. This preserves the committee's expertise without further enlarging it. The regulation establishes minimum standards.

When evaluating the degree programs mentioned in the second half of the third sentence and in the fourth sentence, the participation of the relevant church authority is required. The specific implementation of this provision is based on the principle that, for both fully theological and partially theological degree programs, church ministry is the most commonly chosen field of professional practice overall. Therefore, it is natural for the churches to represent professional practice in this context. For religion teachers, the civil service generally represents the professional career path. In this case, as with all other teacher training programs, representation of 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 education programs and the aforementioned theological programs, the issuance of the expert opinion requires the approval of the relevant representatives. This takes into account, on the one hand, the resolution of the Conference of Ministers of Education and Cultural Affairs dated June 2, 2005, "Key Points for the Mutual Recognition of Bachelor's and Master's Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career" (the so-called Quedlinburg Resolution)<sup>24</sup>. Since the accreditation decision has been transferred to the Accreditation Council by the State Treaty on Study Accreditation, the requirement for approval—without which the report cannot be submitted to the Accreditation Council—on the other hand, in the case of Catholic full-time theological degree programs, the intention of the aforementioned "Guidelines for the Structure of Degree Programs in Catholic or Protestant Theology/Religion"—Resolution of the Conference of Ministers of Education and Cultural Affairs of December 13, 2007<sup>25</sup>, since the accreditation decision can thus only be made following a positive evaluation by AKASt and therefore not against its vote.

#### Regarding Paragraph 2

In the case of institutional accreditation, the composition of the review panel corresponds in principle to that of program accreditation. For the minimum number of

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<sup>24</sup> see footnote no. 17

<sup>25</sup> see footnote no. 3

However, the number of evaluators is higher due to the complexity and the effort involved in system accreditation. The subject-specific requirements for evaluators do not apply because system accreditation does not evaluate degree programs, but rather the institution's own quality assurance system. Therefore, evaluators are not required to have subject-specific expertise in a particular field.

#### Regarding Paragraph 3

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

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

#### Regarding Paragraph 4

The panel of experts is assembled by the commissioned agency. When appointing individual experts, the agencies are bound by the procedure to be developed by the German Rectors' Conference, in accordance with Article 3(3), sentence 3, of the State Treaty on the Accreditation of Study Programs.

#### Regarding Paragraph 5

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

#### Regarding Paragraph 6

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

## **Regarding Section 26**

### Regarding paragraph 1

The validity period for initial accreditation is uniformly set at eight years. From a legal standpoint, this constitutes a time limit within the meaning of Section 36 of the Administrative Procedure Act (VwVfG). This standardizes and significantly extends the previously customary accreditation periods of five years (program accreditation) and six years (system accreditation). This is intended to reduce the effort and costs associated with accreditation. In 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. In addition, alignment between the semester or trimester and the accreditation periods is ensured.

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

### Regarding Paragraph 2

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.

### Regarding Paragraph 3

Paragraph 3, sentence 1 addresses the special situation in which an accredited degree program is not to be continued by the institution of higher education beyond the period of accreditation. Since a reaccreditation for an expiring degree program

If this would result in disproportionately high costs, the Accreditation Council may extend the validity period of the accreditation until the students have completed their studies.

Sentences 2 and 3 contain provisions for situations in which a higher education institution seeks bundle accreditation or transitions from program accreditation to system accreditation. In such cases, the institution should be able to focus on preparing for the bundle or system accreditation and be relieved of the program accreditation of degree programs that will be covered by the planned bundle or system accreditation. To this end, the Accreditation Council may extend the validity period of a program accreditation by up to two 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 does not expire until 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, provided an agency is commissioned in a timely manner, there is no longer a need for an exception. Furthermore, compliance with deadlines should be reasonable within the framework of quality assurance measures.

### **Regarding Section 27**

Under the State Treaty on Study Program Accreditation, higher education institutions are entitled to accreditation if and to the extent that the subject of accreditation meets the formal and substantive accreditation criteria. Accreditation is therefore a discretionary 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.

Regarding Paragraph 1

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, such as those requiring the conduct of an appointment procedure, an extension of the deadline may be granted upon application by the institution of higher education (paragraph 2).

#### Regarding Paragraph 3

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 compliance. This serves to reduce costs.

#### **Regarding Section 28**

##### Regarding Paragraph 1

Since accreditation is a continuing administrative act and changes regarding formal or academic criteria may arise during the accreditation period, any significant changes must be reported to the Accreditation Council without delay. Significant changes may include, in particular, changes affecting the program name, standard duration of study, degrees awarded, program design, qualification objectives, profile, and content of the programs. A significant change may also occur when specializations are established that lead to 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 verify the validity of its accreditation decision and, in the event of significant changes, to adapt it to the new circumstances as necessary (e.g., by imposing a subsequent condition or revoking the accreditation decision).

##### Regarding Paragraph 2

Paragraph 2 clarifies that a notification of change by the institution obligates the Accreditation Council to examine whether the substantial change affects the accreditation decision. The subsequent decision of the Accreditation Council constitutes a declaratory administrative act that may be challenged by the institution in isolation. In the event of revocation of the

accreditation decision, it is appropriate to submit an application for re-accreditation. This clarification serves to ensure legal certainty.

### **Regarding § 29**

Article 3(6), sentence 2 of the State Treaty on Study Program Accreditation provides that the decisions of the Accreditation Council and the expert opinions shall be published in an appropriate manner. This is further specified in § 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 quick and timely access by interested students, prospective students, university members, and authorities.

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

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

### **Regarding Section 30**

#### Regarding Paragraph 1

The existing option to combine multiple degree programs into a single bundled accreditation during the program accreditation process remains in place. However, to ensure practicality and maintain the quality of the procedures, no more than ten degree programs should be evaluated by a single committee. If more than ten degree programs requiring accreditation are scheduled and share a high degree of disciplinary similarity, multiple bundles must be formed. Since this is a guideline rather than a mandatory requirement, exceptions to larger bundles are possible only in atypical situations, provided that the quality of the review is maintained. Reference is made to the possibility of adjusting the size of the review committee to the size of the bundled accreditation in accordance with Section 25(1).

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

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

## Regarding Paragraph 2

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

## Regarding Paragraph 3

Paragraph 3 allows, in exceptional cases, for the system accreditation of a subunit responsible for academic affairs within a higher education institution (e.g., continuing education institutes or individual faculties). The requirements in the second sentence are cumulative. The option of subsystem accreditation is primarily intended to facilitate higher education institutions' transition to 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 Section 31**

### Regarding Paragraph 1

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

### Regarding Paragraph 2

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

### Regarding Paragraph 3

The rules on participation set forth in § 25(1) apply analogously to the random samples as well. See the rationale provided there.

## **Part Five – Procedural Rules for Special Types of Degree Programs Regarding §**

#### Regarding Paragraph 1

Paragraph 1 defines the characteristics of a combined degree program. Such a program 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.

#### Regarding Paragraph 2

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 sub-programs. The feasibility of study must be ensured for all possible combinations.

#### Regarding Paragraph 3

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

#### Regarding Paragraph 4

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.

#### **Regarding § 33**

The regulation contains specific procedural provisions for joint degree programs. It is based on the policy agreements regarding the European Approach (EA). Accordingly, the Accreditation Council's accreditation decision in this context is structured as a decision to recognize an evaluation conducted by an agency registered with EQAR (see A 1, indent EA). Such a decision is required only in proceedings under Article 3(1)(2) of the State Treaty on Study Program Accreditation (program accreditation), since 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 of study.

#### Regarding Paragraph 1

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

Sentence 2 requires, as a prerequisite for a positive accreditation decision, proof of compliance with the criteria for joint degree programs set forth in Parts 2 and 3 of this Regulation. It also specifies the requirements for the evaluation procedure in detail.

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

Points 2 through 5 correspond to the requirements set forth in the EA regarding procedures for the external quality assurance of joint degree programs. This includes a self-evaluation report submitted jointly by the cooperating institutions. This report must contain comprehensive information demonstrating compliance with the requirements applicable to joint degree programs. In addition, the report contains the necessary information on the respective national framework conditions of the cooperating institutions, which foreign agencies and experts may require in order to assess the context, particularly with regard to the program's classification within the national higher education system. The self-evaluation report explicitly focuses on the specific characteristics of the joint degree program as a collaborative endeavor between higher education institutions from more than one national higher education system (Number 2; 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 the requirements for joint-degree programs. The report also includes recommendations for the program's further development.

In addition, the review panel issues a recommendation for the decision. The conclusions and recommendations pay particular attention to the specific characteristics of the joint degree program. The institutions 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 is able to 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(3), sentence 1 (majority of university faculty members in the evaluation), (5) (exclusion of evaluators to avoid conflicts of interest), and (6) (right of the institution to comment) apply accordingly (Number 5, see C.2 EA).

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

Sentence 3 clarifies that the accreditation decision of the

Accreditation Council regarding the recognition of the evaluation is issued by written notice, must be substantiated, the institution must be given the opportunity to comment within one month, and the Accreditation Council affixes its seal in the event of a positive decision (Section 22(2), (3), and (4), sentence 1). The accreditation decision takes effect, in accordance with § 26(1), sentence 1, at the beginning of the semester or trimester following the announcement. Reaccreditation must be initiated in a timely manner before the expiration of the accreditation (§ 26(2), sentence 1). 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 deviation from § 26 (1) and (2), sentence 1, the accreditation period for accreditation and reaccreditation is only 6 years in accordance with the European approach (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).

Regarding Paragraph 2

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.

## **Part Six – Alternative Accreditation Procedures under Article 3(1)(3) of the State Treaty on Study Accreditation**

### **Regarding Section 34**

Regarding Paragraph 1

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

Regarding Paragraph 2

Paragraph 2 also requires that alternative procedures comply with the formal and substantive criteria set forth in Parts 2 and 3. In addition, the requirements for appropriate academic participation as stipulated in the State Treaty on Study Program Accreditation—particularly in Article 3(2), sentence 1—and in the Ordinance must be observed 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 are also included in the alternative procedures, the participation and approval requirements set forth in the Ordinance shall apply. There is no obligation for higher education institutions to use an agency.

#### Regarding Paragraph 3

If a higher education institution intends to implement an alternative procedure, it must obtain prior approval from 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 that it also ensures 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 set forth in the State Treaty on Study Program Accreditation and the relevant ordinance, the Accreditation Council may consult external experts. The application to be submitted following approval must also be submitted to the Accreditation Council via the competent science authority.

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

#### Regarding Paragraph 4

The specific details of the procedure are set forth in the rules of procedure.

#### Regarding Paragraph 5

The alternative procedure is limited to a maximum of eight years, meaning that shorter durations may also be provided for in these cases. As in the case of system accreditation, the institution of higher education also has the right, within the framework of the alternative

procedure, the institution of higher education retains the right to award the Accreditation Council's seal for the degree programs it has reviewed. The extension options provided for in § 26(3), sentence 3, apply accordingly. Even within the framework of alternative procedures, care must be taken to ensure an unbroken chain of accreditation in the interest of the students.

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

## **Part Seven – Miscellaneous**

### **Regarding § 35**

#### Regarding Paragraph 1

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

#### Regarding Paragraph 2

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

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

### **Regarding Section 36**

#### Regarding Paragraph 1

Paragraph 1 provides for an evaluation three years after the regulation enters into force to assess its implementation and impact.

Regarding Paragraph 2

The results of the evaluation must be submitted to the Conference of Ministers of Education so that appropriate measures can be taken if necessary.

### **Regarding Section 37**

Transitional provisions regarding the expected time lag between the entry into force of the State Treaty on Study Program Accreditation and the regulations in the states were not adopted, as the retroactive entry into force of the regulations ensures that no accreditation gap will arise. Since all relevant stakeholders have been sufficiently informed about the transition of the accreditation system through the decision of the Federal Constitutional Court and the drafting of the State Treaty on Study Program Accreditation, such retroactive entry into force is legally permissible.

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