

Justification

A. General

With the Act Ratifying the State Treaty on the Organization of a Joint Accreditation System for Quality Assurance in Studies and Teaching at German Universities (State Treaty on Study Accreditation) of September 20, 2017 (Official Gazette I, p. 902), the State of Saarland approved the State Treaty on Study Accreditation and transposed it into state law.

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 higher education. Accordingly, accreditation as a binding, academically guided external procedure for quality assurance and development in teaching must be based on a legal foundation through which the legislature establishes the regulations essential under constitutional law.

In addition to standardizing substantive, procedural, and organizational requirements, the Federal Constitutional Court also identified a need for formal regulation, particularly regarding the scientifically appropriate composition of the stakeholders and the procedures for establishing and revising the evaluation criteria. Resolutions 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, the federal states have developed a Model Statutory Ordinance (MRVO) that regulates 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.

This draft Study Accreditation Regulation incorporates the provisions of the MRVO and harmonizes them with the higher education laws of the Saarland. In doing so, it implements the requirement set forth in Article 4(6) in conjunction with Article 1(2) of the State Treaty on Study Program Accreditation, which stipulates that deviations from the MRVO are permitted only if the equivalence of corresponding coursework, examinations, and degrees, as well as the possibility of transferring between institutions, remains guaranteed.

B. In detail

Part 1 General Provisions

Regarding § 1 (Scope of Application)

Paragraph 1 defines the subject matter of the regulation, which, in accordance with Article 2, paragraphs 2 and 3, and Article 3 of the State Treaty on Study Program Accreditation, relates to the formal criteria, the subject-specific and content-related criteria, and the procedure.

Paragraph 2 incorporates the provision in § 4a, paragraph 2, of the Saarland Vocational Academy Act (Saarl. BAKadG) and takes into account the resolution of the Conference of Ministers of Education and Cultural Affairs on the “Classification of Bachelor’s Degree Programs at Vocational Academies within the Consecutive Study Structure” dated October 15, 2004, according to which degree programs at vocational academies leading to the degree title “Bachelor” are to be accredited. In this context, the regulations for program accreditation apply, provided that no special provisions apply with regard to the dual structure of the training (see § 8(6) and § 21). The “Bachelor” degree title awarded by vocational academies is not, in this respect, a higher education degree, but rather a state-recognized degree title (see Section 4a(1) of the Saarland Vocational Academy Act).

Accreditation in accordance with the provisions of the ordinance forms the basis for the equivalence under higher education law of bachelor’s degrees from vocational academies with bachelor’s degrees from universities. This opens access to master’s degree programs and increases the permeability of the education systems. It is expected that equivalence under higher education law will also be accompanied by equivalence under professional law.

Paragraph 3 clarifies that, pursuant to § 58(3) of the Saarland Higher Education Act (SHSG), only bachelor’s and master’s degree programs—but not state examination programs—are to be accredited at Saarland University and the Saarland University of Applied Sciences. Based on the provisions of the Music College Act and the Art College Act, degree programs at the Saar College of Music and the Saar College of Fine Arts, even if they are bachelor’s or master’s degree programs, are also not subject to accreditation.

Regarding Section 2 (Forms of Accreditation)

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

Part 2: Formal Criteria for Degree Programs

Part 2 primarily addresses the joint structural requirements agreed upon by the states, through which the states have aligned themselves with the core elements of the tiered degree system as the basis

for mobility during studies and the mutual recognition of degrees within Germany and the European Higher Education Area.

Regarding § 3 (Program Structure and Duration)

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

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

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

The flexibility of 3-, 3.5-, and 4-year Bachelor's programs and 1-, 1.5-, or 2-year Master's programs in full-time study allows for a program structure that meets the requirements of the respective discipline and academic culture. Bachelor's programs with a standard duration of less than three years of full-time study are excluded. The total standard period of study until the completion of a master's degree in consecutive programs shall not exceed 10 semesters.

Pursuant to § 59(2), sentence 2 of the SHSG, longer standard periods of study may also be provided for, particularly where the program is organized accordingly.

Regarding § 4 (Program Profiles)

Paragraph 1 sets forth provisions regarding the profile of master's degree programs. Regardless of the type of institution, master's degree programs may be classified as "application-oriented" or "research-oriented." Given the elimination of a distinction between programs at universities of applied sciences and traditional universities, this differentiation serves to enhance transparency for students and the labor market. If a profile type is specified, it must be clearly reflected in the program's structure. The respective profile must be verified during the accreditation process.

For bachelor's and master's degree programs, a distinction is made between consecutive and continuing education programs, regardless of the type of institution.

Continuing education Bachelor's and Master's degree programs lead to the same level of qualification and the same entitlements as those conferred in the consecutive degree program system. Therefore, the same requirements regarding the standard period of study and the requirement for a thesis apply to them.

Paragraph 3 clarifies that the requirement for a thesis is an indispensable quality criterion for all degree programs. The thesis serves as proof of the ability to independently address a problem within the respective field using scientific methods within a specified timeframe. For the scope of theses, see § 8, Paragraph 3.

Regarding § 5 (Admission Requirements and Transfers Between Degree Programs)

Admission to a master's program requires, pursuant to § 77(6), sentence 1 of the SHSG, a first professional degree. Paragraph 1, sentence 1 takes up this requirement and takes into account the nature of the master's degree as a further professional degree (see § 3(1)). Sentence 2 builds upon § 61(4), sentence 3 of the SHSG and allows for the possibility that, in the case of continuing education Master's programs, the first professional degree may be replaced by an entrance examination. Sentence 3 stipulates, with reference to § 61(4), sentence 2, SHSG and the profile of continuing education master's programs set forth in § 4(2), that admission requires qualified, i.e., professional practical experience relevant to the program's qualification objective, generally of no less than one year.

Paragraph 2 refers to the admission requirements of § 77(6) SHSG. This provision stipulates, among other things, that admission to a consecutive master's program requires special aptitude.

Regarding § 6 (Degrees and Degree Titles)

Paragraph 1 establishes the principle that only one degree may be awarded for a successfully completed program. Exceptions are possible only within the framework of international collaborations leading to a double or multiple degree from the participating institutions. This precludes the simultaneous awarding of degrees from 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.

Paragraph 2 conclusively defines the degree titles for Bachelor's and consecutive Master's degree programs. Subject-specific additions to the degree titles and mixed-language degree titles are not permitted. Bachelor's degrees with the designation "honors" are also not permitted. For interdisciplinary and combined degree programs that cannot be clearly assigned to one of the subject groups listed in sentence 1, items 1 through 4, the degree title is determined by the program's academic focus. For continuing education master's programs, alternative degree titles remain permissible.

Paragraph 3 provides for the issuance of certificates of equivalence and thus serves to ensure transparency regarding the qualification level of the

bachelor's and master's degrees compared to the Diplom degree in the single-tier system.

Paragraph 4 incorporates § 66(7) SHSG and 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. In this context, the version of the Diploma Supplement agreed upon by the Conference of Ministers of Education and Cultural Affairs and the German Rectors' Conference, as amended, shall be used.

Regarding Section 7 (Modularization)

Paragraph 1 defines the requirements for modularization that must be demonstrated as part of the accreditation process. Modules consist of self-contained units of study, organized by subject matter and duration, and assigned credit 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. Second, 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.

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

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

1. Content and learning outcomes of the module
 - a) subject-specific, methodological, practical, and interdisciplinary content,

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

2. Teaching methods

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

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

Description of the knowledge, abilities, and skills required for successful participation, as well as preparation options for participation (including bibliographic references, references to multimedia-supported teaching and learning programs);

4. Applicability of the module (in conjunction with paragraph 3)

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

5. Requirements for the awarding of credit points

Description of the requirements for awarding credit points—in particular examinations (type of examination, e.g., oral or written exam, presentation, term paper, as well as the scope and duration of the examination), proof of attendance,

options for make-up exams must be specified in the examination regulations;

6. Credits and Grades

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

7. Frequency of module offerings

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

8. Workload

Specification of the total workload and the number of credits to be earned for each module;

9. Duration of modules

Determination of the duration of the modules due to their impact on the course of study, the examination load, and the frequency of offering.

Regarding § 8 (Credit Point System)

Paragraph 1 concerns the awarding of credit points (see also § 58, paragraph 3, SHSG). They serve as a quantitative measure of the student's overall workload and encompass both direct instruction and the time required for preparation and follow-up work on the course material (classroom and self-study), the effort involved in examinations and exam preparation, including final 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 between 25 and a maximum of 30 hours, so that the total workload for a full-time student per semester, including both the lecture and non-lecture periods, amounts to 750 to 900 hours. This corresponds to 32 to 39 hours per week over 46 weeks per year. The specific determination of how many working hours within this range constitute one ECTS credit is set forth in the study and examination regulations.

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

Paragraph 2 stipulates that at least 180 ECTS credits are required to obtain a bachelor's degree, and a total of 300 ECTS credits to reach the master's level—that is, including prior studies up to the first professionally qualifying degree. No exceptions to these planning requirements for 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 3, deviations from the 300 ECTS credit requirement for the master's degree may be permitted in individual cases if the student possesses the appropriate qualifications. However, this exception applies exclusively to the individual student and not to the degree program. Accordingly, applicants may also be admitted to master's programs 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.

Paragraph 3 governs the scope of the final theses. To ensure that the scope of the thesis is aligned with the educational objectives and level of the program and is proportionate to the course load of the respective degree program, the scope of the bachelor's thesis must not be less than 6 ECTS credits nor exceed 12 ECTS credits. For the master's thesis,

a minimum of 15 and a maximum of 30 ECTS credits. 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.

Paragraph 4 stipulates that deviations from the guidelines regarding the credit volume per semester are generally permissible for certain types of programs, such as intensive programs. In such cases, 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 program organization, universities can help ensure the feasibility of such programs.

Paragraph 5 regulates specific features of the program structure for vocational academies. Vocational academies are institutions in the tertiary sector that offer at least a three-year academic and practice-oriented education. The number of ECTS credits to be earned and the ratio of theory-based to practice-based training components are based on the aforementioned resolution of the Conference of Ministers of Education and Cultural Affairs dated October 15, 2004.

Comparability with university bachelor's degree programs, as a prerequisite for equivalence under higher education law, requires that the theory-based components of the program be in an appropriate proportion to the practice-based components. The classification as "theory-based" and "practice-based" is not to be made on an institutional basis but rather in relation to the learning content, so that theory-based ECTS credits can also be earned during the training phases in the workplace provided the relevant requirements—which also apply to the teaching staff (see § 21)—are met. The establishment of a range of 120 to 150 ECTS credits for the theory-based components allows for a flexible structure that meets the requirements of the respective training programs.

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

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

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

quality assurance of the study programs as well as the credit transfer procedures for competencies acquired outside of higher education. Only those competencies may be credited that are equivalent in content and level to the part of the program they are intended to replace. In this context, such knowledge and skills acquired outside the higher education system may replace no more than 50% of a higher education program. This ensures that a substantial part of the education underlying the higher education degree takes place under the direct responsibility of the awarding institution, i.e., through its own efforts.

Paragraph 2 makes it clear that program-specific collaborations with non-higher-education institutions can only be considered 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 Section 10 (Special Provisions for Joint Degree Programs)

This provision serves to implement the so-called European Approach to Quality Assurance of Joint Programs (EA), adopted at the Conference of Ministers of Education of the European Higher Education Area in Yerevan in May 2015. This is intended to enable the external quality assurance of degree programs—developed and administered jointly by higher education institutions in different countries, particularly within the European Higher Education Area—based on uniform procedural rules and criteria aligned with the “Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG),” which also form the basis of the European Higher Education Area. Corresponding provisions regarding the academic and content-related criteria and the procedural rules are found in Parts 3 and 4 of the Regulation (Sections 16 and 33). The provisions contained in Parts 2, 3, and 4 of the Regulation apply to joint degree programs only to the extent that this is expressly stipulated.

The regulations governing joint degree programs establish the legal framework for accreditation decisions based on different criteria and procedural rules. They thus provide, in addition to the authority granted to the Accreditation Council Foundation under Article 5(3)(2) of the State Treaty on Study Program Accreditation to define the requirements for the recognition of accreditation by foreign institutions, the possibility of making accreditation decisions that deviate from the criteria and procedural rules defined in this ordinance. Article 5(3)(2) of the State Treaty on Study Accreditation merely grants the Accreditation Council Foundation the mandate to regulate the requirements for conducting corresponding recognition procedures on the basis of the criteria and procedural rules established in the State Treaty on Study Accreditation and in the regulations issued pursuant to Article 4 of the State Treaty on Study Accreditation, without permitting any deviation from these requirements. Authorizing the Foundation to

to independently define criteria and procedural rules that deviate from these requirements is not provided for in light of the objectives set forth in Article 1, paragraphs 2 and 3, as well as Article 4, paragraph 6, of the State Treaty on Study Program Accreditation, nor in light of constitutional principles (in particular the principle of specificity and the theory of materiality).

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

The participating institutions must be recognized as higher education institutions by the competent authorities 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).

Sections 1 through 5 establish the requirements for the structure of the study program and the cooperation that are constitutive for the scope of application.

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

Paragraph 2 stipulates that each student must complete at least 25% of their studies (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 collaborations involving optional study abroad or in collaborations where only international students are required to participate in mobility.

Point 3 stipulates the need for a contractual partnership between the participating institutions to ensure the sustainability of the study program, particularly in the interest of the students. The cooperation agreement concluded by the participating institutions as part of their contractual partnership must include, in particular, provisions regarding: the designation of the degree awarded in the program; coordination and responsibilities of the partners with regard to management and financial organization; admission and selection procedures for students; mobility of students and faculty; examination regulations and methods for assessing students; recognition of credit points and procedures for awarding degrees

and the involvement of all cooperating institutions in the design and implementation of the degree program (see B 1.3 EA).

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

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

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

Sentence 1, with regard to the participation of foreign higher education institutions and the political agreements reached within the European Higher Education Area, expressly stipulates as an assessment criterion the application of the recognition principles of the so-called Lisbon Convention, which already apply to higher education institutions based in Germany under federal or state law (see B 4.2 EA). These include:

- a right to recognition of competencies acquired as a qualification for a higher education program or within the framework of a higher education program, 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 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 program must comprise a minimum of 180 and a maximum of 240 credit points, and a master's program a minimum of 60 credit points (see B 3.3 EA). Sentence 4 clarifies, particularly in the interest of internationally mobile students, that relevant information about the program, such as admission requirements and procedures, the course catalog, and examination and assessment procedures,

, must be published and accessible to students at all times (see B 8 EA).

Paragraph 3 extends the scope of the criteria and procedural rules of the EA set forth in § 10, paragraphs 1 and 2, § 16(1), and § 33(1) of the Regulation to joint degree programs conducted in cooperation with higher education institutions outside the European Higher Education Area, provided that the non-European cooperation partners have committed to applying these principles in a cooperation agreement with the domestic higher education institution.

Part 3: Academic and Content-Related Criteria for Degree Programs and Quality Management Systems

This section serves to specify the academic and content-related criteria set forth in Article 2, Paragraph 3 of the State Treaty on Study Program Accreditation.

Regarding § 11 (Qualification Objectives and Degree Level)

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

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

The aspects of the subject-specific, scientific, artistic, methodological, and personal development requirements described in paragraph 2 are based on the descriptors and competence dimensions of the Qualifications Framework for German Higher Education Degrees in its current version, which was developed in collaboration between the German Rectors' Conference and the Standing Conference of the Ministers of Education and Cultural Affairs, in consultation with the Federal Ministry of Education and Research, and adopted by the Standing Conference of the Ministers of Education and Cultural Affairs on February 16, 2017. This framework implements the Qualifications Framework for the European Higher Education Area at the national level and encompasses the imparting of up-to-date subject-specific knowledge, interdisciplinary knowledge, and the generally accepted principles of good scientific practice, as well as the acquisition of methodological, personal, and social competencies and the assurance of employability and the capacity for lifelong learning. During the accreditation

, it must be verified whether the program concept encompasses these aspects and whether they correspond to the level of the degree awarded.

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

Sentence 1 clarifies the function of the bachelor's degree as the first professionally qualifying degree, which, as an undergraduate university degree, must provide a broad qualification and thus ensure both the ability to engage in professional activity and the capacity for further academic qualification and lifelong learning. Section 61(3) of the SHSG applies to continuing education bachelor's degree programs. In accordance with the differentiation of master's degree programs pursuant to Section 4(2), consecutive master's degree programs are defined in sentence 2 as programs that deepen, broaden, are interdisciplinary, or are in a different field. Sentences 3 and 4 regulate the specific requirements for continuing education master's degree programs. Continuing education master's 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 prior 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 under sentence 5 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, paragraph 2) and in terms of content to the qualification level defined for the master's level (see also paragraph 2).

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

Regarding Section 12 (Coherent Program Concept and Adequate Implementation)

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

and assessment (Standard 1.3), admission, course progression, recognition, and degree completion (Standard 1.4), faculty (Standard 1.5), and requirements for the learning environment (Standard 1.6).

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

In addition to program-specific aspects, the institutional framework must also be included in the evaluation to the extent that it has direct relevance to the implementation of the program (paragraphs 2 and 3). This encompasses both the teaching staff and the allocation of resources (see Standard 1.5 Teaching Staff and 1.6 Learning Environment). The wording allows for a degree of discretion in the assessment that is oriented toward the specific program.

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

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

According to paragraph 4, the examinations and assessment methods provided must enable students to demonstrate the extent to which they have achieved the intended learning outcomes. Examinations must be module-based—rather than course-based—and designed to assess competencies. To ensure this, the assessment methods used must be subject to ongoing review and refinement.

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

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

Furthermore, according to paragraph 2, it is required that courses and exams largely avoid overlapping. This applies above all to the compulsory module area and to frequently chosen subject combinations and elective modules. To the extent that avoiding overlap cannot otherwise be guaranteed, timely and transparent information must be provided to prospective students and current students.

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

Furthermore, according to Section 4, an adequate frequency and organization of examinations is essential. Therefore, to reduce the examination burden, modules should generally be completed with a single examination and should generally comprise at least five ECTS credits (see also § 58(3), sentence 5, SHSG). Thus, with 30 ECTS credits per semester in a full-time program, no more than six examinations per semester should be expected. In this context, an examination refers to legally valid proof that the qualification objective of the module has been achieved. This also includes prerequisites, coursework, 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.

Paragraph 6 stipulates that the evaluation must take into account the program profile as defined by the institution. If the institution advertises or identifies a degree program with specific characteristics (e.g., international, dual, part-time while working, virtual, career-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 light of the specific profile and from the respective specific perspective, and must be measured against the specific requirements to be defined by the institutions. These include, in particular, aspects such as the specific target group, a special program organization, different learning locations, and the involvement of industry partners—for example, in dual models—specific teaching and learning formats, or the existence of a sustainable quality management system that encompasses the various learning locations. A degree program may be designated and advertised as “dual” if the learning locations (at least the university/vocational academy and the company) are systematically interlinked in terms of content, organization, and contractual arrangements.

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

Section 13 defines the framework conditions for the academic and content-related evaluation of degree programs. In light of Article 5, Paragraph 3 of the Basic Law, the regulation is limited to verifying compliance with procedural requirements to ensure a substantively sound program concept and grants reviewers broad discretion regarding content. According to Sentence 1, this includes the existence of mechanisms and measures to determine the consistency of the academic and scientific requirements. Furthermore, according to the second sentence, proof 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 the third sentence, this can only be ensured if the academic discourse at the national and, where applicable, international level is systematically taken into account. This includes critical reflection on 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

achievement of the overall qualification objective of the master's program. This applies to both consecutive and professional master's programs. However, the dual use of modules in sub-areas of the program that build upon one another in terms of content must be excluded. Furthermore, it must be excluded that modules with essentially identical content can be taken in the bachelor's program and again in the master's program.

Regarding § 14 (Academic Success)

To ensure efficient program design and thus academic success, continuous monitoring and adjustment of study programs—incorporating the experiences of students and graduates—is indispensable in the interest of students and graduates, as well as in the interest of the sustainable use of resources and time. Section 14 establishes the criteria to be reviewed for this purpose. These include a closed-loop system with regular review (sentence 1), the implementation of measures based on the results of the review (sentence 2), and continuous monitoring of success as well as the use of the results for further development (sentence 3). Suitable monitoring measures include, in particular, course evaluations, workload surveys, or graduate surveys, as well as statistical analyses of the course of study and examinations, and student and graduate statistics. The measures to be implemented may be of a diverse nature and may relate in particular to the aspects mentioned in Sections 11 and 12. To ensure efficient and sustainable implementation, sentence 4 stipulates that the parties involved must be informed of the results and the measures taken, while ensuring compliance with data protection requirements.

Regarding Section 15 (Gender Equality and Compensation for Disadvantages)

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

Regarding § 16 (Special Provisions for Joint Degree Programs)

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

The first sentence of paragraph 1 regulates the corresponding application of the subject-specific criteria listed there.

In accordance with § 11, paragraphs 1 and 2, the intended learning outcomes for joint degree programs must be aligned with the corresponding level of the Qualifications Framework

for the European Higher Education Area, as well as to the applicable national qualifications frameworks. These must include knowledge, skills, and competencies in the respective academic disciplines (see B 2.1 and 2.2 EA). In accordance with Section 12(1), sentences 1–3, the structure and content of the curriculum must be designed in such a way that they enable students to achieve the intended learning outcomes (see B 3.1 EA). The program’s design and the teaching and learning methods used must serve to achieve the intended learning outcomes (see B 5.1 EA). In accordance with § 12(2), sentence 1, and paragraph 3, it must be ensured that the staffing is sufficient in terms of both quality and quantity (qualifications, professional and international experience) to implement the degree programs (see B 7.1 EA). The material resources provided must also be sufficient and appropriate in view of the intended learning outcomes (see B 7.1 EA). In accordance with § 12(4), it must be ensured that the examination regulations and the assessment of the achieved learning outcomes correspond to the intended learning outcomes and that these are consistently applied by the partner universities (B 5.2 EA). In accordance with § 14, the workload and the average time required to complete the program must be monitored (B 3.3 EA).

Sentence 2 sets forth additional requirements arising from the EA’s policy agreements.

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

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

Paragraph 3 clarifies that relevant provisions of Directive 2005/36/EC of the European Parliament and of the Council of September 7, 2005, on the recognition of professional qualifications, as currently in force, must be taken into account in the design and implementation, particularly in the area of regulated professions. This applies in particular with regard to specified minimum training requirements or common training frameworks (B 2.4 EA).

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).

Section 5 ensures that, when applying the EA at system-accredited universities, the formal and subject-specific

are taken into account as part of the quality management system.

Paragraph 2 extends the scope of application of the criteria and procedural rules of the EA set forth in § 10, paragraphs 1 and 2, § 16(1), and § 33(1) to joint degree programs conducted in cooperation with higher education institutions outside the European Higher Education Area, provided that the non-European cooperation partners have committed to applying these principles in a cooperation agreement with the domestic higher education institution.

Preliminary Note on 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 Accreditation, insofar as their subject matter is the review of internal higher education institution quality management systems. In doing so, the central requirements for a functional quality management system in teaching are defined. The specific implementation is left to the individual institution, depending on the respective circumstances.

Regarding Section 17 [Concept of the Quality Management System (Objectives, Processes, Instruments)]

Paragraph 1 contains provisions regarding the review of the substantive requirements for a functional 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. The mission statement must be reflected in the teaching profile of the individual degree programs, in terms of competency goals and levels. According to sentence 2, the quality management system is an integral part of the overall strategy for implementing the mission statement; it must therefore fit seamlessly into the university's relevant measures with the aim of further improving the quality of education through a structured and sustainable development process. According to sentence 3, evidence must be provided that the quality management system is structured and implemented in such a way that it ensures, on a permanent and sustainable basis and regularly throughout the respective accreditation cycle, the implementation of the formal and subject-specific criteria for the individual degree programs as set forth in Part 2 and Part 3 (§§ 11 to 15). Sentence 4 lists the central elements of the quality management system for which decision-making processes, competences, and responsibilities must be defined and implemented within the system, namely

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

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

Paragraph 2 regulates the formal requirements for the university's quality management system and is based on the ESG. 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 institutions of higher education, and from agencies with experience in quality management at institutions of higher education in accordance with ESG Standard 1.1 for the development of the quality assurance strategy (sentence 1);
- Mechanisms to ensure the independence of quality assessments, particularly in the selection and appointment of reviewers and in internal university decision-making processes, in accordance with ESG Standard 2.4 on requirements for peer review experts (sentence 2, first clause);
- the definition of standard procedures for handling conflicts and the establishment of an internal grievance system, particularly for "internal" accreditation decisions, in accordance with ESG Standard 2.7 on complaints and appeals (sentence 2, second clause);
- the existence of closed-loop control systems that ensure, in a structured, transparent, sustainable, and reliable manner, continuous improvement in the quality of study programs, in accordance with ESG Standard 1.9 on the ongoing monitoring and regular review of study programs (sentence 3, first clause);
- the inclusion of all service areas directly relevant to studies and teaching (including student advising, application, admission, and enrollment procedures), examination administration, teaching (including any collaborations), examination systems, student services, human resources development, and continuing education in higher education pedagogy) (sentence 3, second clause);
- adequate and sustainable resource allocation for the implementation of the measures and processes envisaged in quality management; this includes, in particular, sufficient staff for the design, implementation, and administration of the processes of the quality management system and appropriate IT equipment, which is of particular importance for the necessary provision

meaningful data, cf. § 18, paragraph 3;

- the regular review of the effectiveness of the quality management system with regard to the quality of studies and its further development, based on a continuous evaluation of the processes established within the system and a data-driven monitoring of the results (sentence 4).

Regarding Section 18 (Measures for Implementing the Quality Management Concept)

Paragraph 1 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, paragraph 2, sentence 3) by students from within and outside the institution, external academic experts, representatives from the professional field, and graduates. They ensure that evaluations within the framework of the internal quality management system are implemented in such a way that continuous impetus is provided for quality improvement. Regular involvement of external expertise is indispensable for this purpose. In accordance with Standard 1.9 of the ESG (ongoing monitoring and regular review of degree programs), the following aspects in particular should be included in the evaluations: The relevance of the degree programs, changing societal needs, students' workload, study progress and degrees awarded, the effectiveness of examination procedures, students' expectations and needs, the learning environment, and support services. The results should be made available to the university community in an appropriate manner, while ensuring compliance with data protection regulations, in order to establish the necessary transparency and acceptance.

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

Paragraph 2 clarifies that, in the internal accreditation of degree programs, the requirements for participation and approval set forth in

§ 25, paragraph 1, sentences 3 and 4, regarding participation and approval requirements must be observed in bachelor's and master's degree programs with Evangelical or Catholic Theology as a combined or core subject. If the internal procedures provide for audit reports, the approval requirement pursuant to § 24, paragraph 3, applies accordingly.

Paragraph 3 ensures that the data required for the development and implementation of the quality management system and for measuring the status of implementation as well as the effects of the measures introduced (see paragraph 1) are collected university-wide and on a regular basis. Depending on the university's profile and the quality management system, the following data may be particularly relevant: performance indicators, student body profile, academic progress, completion and dropout rates, student satisfaction with degree programs, available facilities and support, and career paths of graduates. When collecting data, care must be taken to ensure that the relevant parties (academic

and non-academic staff and students) are involved in the provision and evaluation of the data as well as in the planning of follow-up activities (see also Standard 1.7 ESG, Information Management).

Paragraph 4, sentence 1 ensures that the institution comprehensively documents its internal accreditation procedures and regularly informs all relevant stakeholders in an appropriate manner about measures taken to ensure the necessary transparency. Data protection requirements must be observed in this regard. 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 (Cooperation with Non-Higher Education Institutions)

Section 19 governs the conditions under which a university may engage in program-related collaborations with non-university institutions. A characteristic feature of such program-related collaborations is that degree programs or programs recognized as equivalent are conducted partially or even entirely outside the degree-granting institution, and that the collaborating educational provider is in an asymmetrical, subordinate relationship to the degree-granting institution. In the case of such a collaboration, the applicant is always the institution of higher education pursuant to § 22(1) of the Regulation. Sentence 1 makes it clear that the formal and subject-matter criteria set forth in Parts 2 and 3 of the Regulation also apply to such degree programs. Cooperation with joint research institutions involving multiple universities is not covered by the provisions of § 19. Sentence 2 lists the decisions that, subject to the university's ultimate academic responsibility for the degree program, may not be delegated by the university to a cooperating educational institution. The criterion "procedure for selecting teaching staff" refers primarily to faculty members. The establishment of standardized criteria is based on the corresponding recommendation of the Science Council, "Assessment and Recommendations on Program-Related Cooperations: Franchise, Validation, and Credit Transfer Models," from 2017.

Regarding § 20 (University Collaborations)

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

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

the responsibility for the implementation and quality of the program concept. The nature and scope of the collaboration must be documented in a collaboration agreement between the universities.

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

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

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

Regarding Section 21 (Special Criteria for Bachelor's Degree Programs at Vocational Academies)

Paragraph 1, sentences 1 and 2, set forth the requirements that individuals must meet if they are to serve as full-time faculty members at a vocational academy. Sentences 3 and 4 list further requirements regarding personnel quality assurance in teaching operations: 40 percent of the teaching at the vocational academy is to be provided by full-time faculty members who meet the hiring requirements applicable to professors (see § 4a, paragraph 4, item 1 of the Saarland Vocational Academy Act). Professors at universities of applied sciences or universities who teach part-time at a vocational academy on a long-term basis are counted toward the quorum for the proportion of full-time faculty in the curriculum. All requirements are based on the aforementioned resolution of the Conference of Ministers of Education and Cultural Affairs dated October 15, 2004, and must also be verified in the accreditation of degree programs at vocational academies.

Paragraph 2 specifies the requirements for individuals who wish to work as part-time faculty members at vocational academies in order to ensure the quality of instruction. These requirements are also based on the aforementioned resolution of the Conference of Ministers of Education and Cultural Affairs dated October 15, 2004. In the case of the defined courses, part-time instructors are also permitted, in exceptional cases, to take on teaching duties.

Paragraph 3 regulates additional requirements to be established in the accreditation process for degree programs at vocational academies, which arise from their specific personnel structure as well as the unique nature of studying at various learning locations. These, too, are based on the aforementioned resolution of the Conference of Ministers of Education and Cultural Affairs dated October 15, 2004.

Part 4 Procedural Rules for Program and System Accreditation

Regarding Section 22 (Decision of the Accreditation Council; Granting of the Seal)

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

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

§ 35(1) of the Administrative Procedure Act (VwVfG).

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

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

Paragraph 3 incorporates Article 3(4) of the State Treaty on Study Program Accreditation, pursuant to which the institution is given the opportunity to comment prior to the final decision. To avoid delays in the proceedings, the statement to be obtained by the Accreditation Council is limited, in accordance with administrative procedure law, to cases in which the Accreditation Council intends to deviate significantly from the report's recommendation. The institution is free to attach a statement

to the agency's report. This takes into account the right to be heard, as expressed in Article 3(4) of the State Treaty on Study Program Accreditation.

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

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

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

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

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

The requirement for approval by the competent ecclesiastical authority regarding the Accreditation Council's decision on theological—including 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 (Documents to be Submitted)

Pursuant to paragraph 1, the accreditation application must be accompanied by a self-report from the institution and the accreditation report commissioned by the institution from an agency accredited by the Accreditation Council, consisting of an audit report and an expert opinion. The self-report is the self-evaluation report required by Article 3, paragraph 2, sentence 1, number 2 of the State Treaty on Study Program Accreditation.

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

Pursuant to Article 5, Paragraph 3, Number 5 of the State Treaty on Study Program Accreditation, foreign agencies may generally be approved by the Accreditation Council. Paragraph 2 therefore stipulates that accreditation reports commissioned from foreign agencies must be submitted to the Accreditation Council with a German translation, unless they are written in German. This serves to streamline proceedings at the Accreditation Council.

Paragraph 3 establishes 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 § 24 (Commissioning of an Agency; Accreditation Report; Site Visit)

Paragraph 1 governs the commissioning of an agency by the institution of higher education. Pursuant to Article 3, Paragraph 2, Sentence 1, Number 4 of the State Treaty on Study Program Accreditation, the basis for the Accreditation Council's decision is an accreditation report that the institution of higher education has previously commissioned from an agency accredited by the Accreditation Council. The commissioning of the agency is of a private-law nature pursuant to Article 3, Paragraph 2, Sentence 2 of the State Treaty on Study Accreditation.

Paragraph 2 contains guidelines for the institution's self-report. Program and system accreditation are conducted, pursuant to Article 3, Paragraph 2, Sentence 1, Number 2 of the State Treaty on Study Accreditation, on the basis of a self-report by the institution, 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-evaluation report. The report must be made available to the agency—as was customary under the previous procedure—and subsequently submitted to the Accreditation Council.

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

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

For (partially) theological degree programs, the examination report requires the approval of the respective competent authorities.

Both the audit report and the expert opinion pursuant to paragraph 4 contain recommendations regarding compliance with the relevant criteria for the Accreditation

, which are, however, not binding. The accreditation report thus has the character of an expert opinion.

The provisions regarding the audit report and expert opinion do not contain any regulations on possible conditions, as these are to be considered only in exceptional cases in the future. If, during the review of the formal criteria, the Agency determines that these criteria are not 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 conditions requiring 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 requirements regarding the content of the reports are envisaged. This does not preclude the report from containing, for example, recommendations for the quality development of the program or the quality management system that are designed to achieve a quality improvement exceeding the standards on which the Accreditation Council's accreditation decision is based and therefore cannot form the basis for any requirements. In addition, the report may also identify best-practice models within the degree program. Through the publication of the reports—and, where applicable, monitoring by the Accreditation Council—these models can serve as examples for other institutions of higher education. Both can thus contribute to future quality development.

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

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

As has been customary, part of the evaluation, in accordance with paragraph 5, involves an on-site visit to the institution by the evaluation panel, during which the panel can form its own impression of the framework conditions of the program to be accredited and engage in dialogue with the responsible faculty members, students, and the institution's administration. With regard to the mandatory spot checks required in system accreditation to verify the relevant characteristics of program design, program implementation, and quality assurance, as well as, where applicable, the consideration of criteria for the accreditation of regulated programs, two dates are generally required for system accreditation procedures.

For degree programs that are newly developed by the institution and are not yet offered, the review panel may, by mutual agreement, waive an on-site visit if it adds no value to the assessment of the subject-specific

criteria based on documentation (concept accreditation). The same applies in the case of reaccreditation.

Regarding § 25 (Composition of the Review Panel; Requirements for Reviewers)

Paragraph 1 regulates the minimum size of the review panel and its composition for program accreditation. This means that for complex procedures—such as bundled accreditations—larger review panels are possible, provided that the ratio of the groups represented is maintained.

Based on Article 4, Paragraph 3, Sentence 2 of the State Treaty on Study Program Accreditation, the majority of the review panel must consist 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, Paragraph 2, Sentence 1, Number 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.

In the evaluation of the degree programs mentioned in sentence 3, the participation of the respective competent church authority is required.

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

Sentence 4 stipulates that, for the aforementioned theological degree programs, the submission of the evaluation report requires the consent of the relevant representatives.

According to paragraph 2, the composition of the review panel for institutional accreditation generally corresponds to that of program accreditation. However, the minimum number of reviewers is higher due to the complexity and scope of institutional accreditation. The subject-specific requirements for reviewers do not apply because system accreditation evaluates the institution's own quality assurance system rather than specific degree programs. Therefore, reviewers are not required to have subject-specific expertise in a particular field.

Paragraph 3, sentence 1, is intended to ensure that, in review panels exceeding the minimum size specified in paragraphs 1 and 2, university faculty members hold the majority of votes. This takes into account Article 4, paragraph 3, sentence 2, of the State Treaty on Program Accreditation.

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 process and increases the quality and acceptance of the review.

The review panel is assembled by the commissioned agency in accordance with paragraph 4. When appointing individual reviewers, the agencies are bound by the procedure to be developed by the German Rectors' Conference, in accordance with Article 3, paragraph 3, sentence 3 of the State Treaty on Study Program Accreditation.

The State Treaty on Study Program Accreditation requires, in Article 3, paragraph 2, sentence 1, number 3, that evaluators be external and independent. According to Paragraph 5, Items 1 and 2, persons who work at or study at the institution whose degree programs or quality management system are to be evaluated are therefore excluded from participating in an evaluation panel. Furthermore, pursuant to Item 3, the standard rules on bias applicable in academia, particularly those of the German Research Foundation (DFG), apply to the evaluators.

Paragraph 6 stipulates that, prior to the appointment of the evaluators, the institution must be informed by the Agency of the composition of the evaluation panel and given the opportunity to comment. This significantly increases the acceptance of the evaluation panel and the evaluation process within the institution and the degree program to be accredited.

Regarding § 26 (Validity Period of Accreditation; Extension)

According to paragraph 1, the validity period for initial accreditation is uniformly eight years. From a legal standpoint, this constitutes a time limit within the meaning of § 36 VwVfG. 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 addresses the case of program accreditation, in which the program has not yet been launched at the time the accreditation decision is announced. In the case of program accreditation, the accreditation period begins with the start of the semester or trimester in which the program is first offered, but no later than the start of the second semester or trimester following the announcement of the accreditation decision. This ensures that the accreditation decision remains current and that a delayed launch of a degree program does not result in a disproportionately long period for reaccreditation.

In paragraph 2, sentence 1, the term "reaccreditation" is defined as a further accreditation that follows without interruption the period of validity of an initial accreditation

. The validity period of reaccreditation is also set uniformly at eight years, as opposed to the previously standard periods of seven years for program accreditation and eight years for institutional accreditation. The elimination of different reaccreditation periods serves to simplify the process and takes into account both the universities' interest in legal certainty and the goal of continuous and reliable quality assurance.

Paragraph 3, sentence 1 addresses the special situation in which a higher education institution does not intend to continue an accredited degree program beyond the accreditation period. Since reaccreditation for an expiring degree program would entail disproportionately high costs, the Accreditation Council may extend the validity period of the accreditation until the students have completed their studies.

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

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

Regarding Section 27 (Conditions)

Under the State Treaty on Study Program Accreditation, higher education institutions are entitled to accreditation if and to the extent that the subject of accreditation meets the formal and substantive accreditation criteria. Accreditation is therefore a binding administrative act. Pursuant to Article 9

(1), second sentence, second clause of the State Treaty on Study Program Accreditation, be subject to an ancillary provision (condition, reservation of revocation, requirement, reservation of requirements) if this is intended to ensure that the legal requirements for accreditation are met.

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

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

Regarding Section 28 (Obligation to Report Changes)

Since accreditation is a continuing administrative act and changes regarding formal or subject-specific criteria may arise during the accreditation period, significant changes must be reported to the Accreditation Council without delay in accordance with paragraph 1. 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 learning locations, or by different partners.

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

Paragraph 2 clarifies that a notification of change by the institution obligates the Accreditation Council to examine whether the significant change affects the accreditation decision. The subsequent decision by the Accreditation Council constitutes a declaratory administrative act that may be challenged by the institution in isolation. In the event of revocation of the accreditation decision, it is appropriate to submit an application for re-accreditation. This clarification serves to ensure legal certainty.

Regarding Section 29 (Publication)

Article 3(6), sentence 2 of the State Treaty on Study Program Accreditation provides that the decisions of the Accreditation Council and the expert reports shall be published in an appropriate manner. This is further specified in § 29, sentence 1, whereby, in light of the requirements of the European Standards and Guidelines, the accreditation report—and thus the expert opinions and audit report—is expressly included in the publication requirement alongside 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 (Bundled Accreditation; Partial System Accreditation)

The existing option to combine multiple degree programs into a bundled accreditation during program accreditation remains in effect under paragraph 1. However, to ensure practicality and maintain the quality of the procedures, no more than ten degree programs should be evaluated by a single committee. If more than ten degree programs are pending program accreditation and are closely related in terms of subject matter, 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 evaluation is maintained. Reference is made to the possibility of adjusting the size of the review committee to the size of the accreditation bundle in accordance with Section 25(1).

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

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

Since the composition of a bundle is of some significance for the subsequent review and the composition of the review panel, Paragraph 2 creates the possibility of prior approval of the specific composition of the bundle by the Accreditation Council. This serves to ensure legal certainty in the subsequent proceedings and is consistent with previous practice.

Paragraph 3 allows, in exceptional cases, for the system accreditation of an academic unit within a higher education institution (e.g., continuing education institutes or individual faculties). The requirements in the second sentence are cumulative. The option of partial system accreditation is primarily intended to facilitate higher education institutions' entry into the system accreditation process. Multiple, permanent partial system accreditations

within a higher education institution are not the intent of this provision. For this reason, the quality management system of the subunit must be embedded within the higher education institution (sentence 2, item 2).

Regarding § 31 (Random Sampling)

In system and subsystem accreditation, a random sample is conducted by the review panel in accordance with paragraph 1. This remains justified with regard to the extension of the validity period of the system accreditation.

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

Pursuant to paragraph 3, the rules on participation set forth in § 25(1) shall apply *mutatis mutandis* to the random samples as well.

Part 5 Procedural Rules for Special Types of Degree

Programs Regarding § 32 (Combined Degree Programs)

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

Paragraph 2 clarifies that the object of accreditation is the combined degree program. The criteria for accreditation (Parts 2 and 3 of this regulation) must apply to the combined degree program as such. This applies in particular to the requirements under § 12. The institution must have a coherent concept for the entirety of the combined program offerings that integrates the qualification objectives of the partial degree programs. The feasibility of study must be ensured for all possible combinations.

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

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

Regarding § 33 (Joint Degree Programs)

The regulation contains specific procedural provisions for joint degree programs. It is based on the policy agreements regarding the European Approach (EA). Accordingly, the Accreditation Council's accreditation decision 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 Section 16(1), sentence 2, item 5 of this Regulation (see A 2, indent EA).

Since the EA cannot apply to (partially) theological degree programs, the general regulations apply to joint degree programs in these fields of study.

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

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

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

Sections 2 through 5 correspond to the requirements contained in the EA regarding procedures for the external quality assurance of joint-degree programs. This includes a self-evaluation report submitted jointly by the cooperating institutions. This report must contain comprehensive information demonstrating compliance with the requirements applicable to joint-degree programs. In addition, the report contains the necessary information on the respective national 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 involving institutions from more than one national higher education system (Number 2; see C 1 EA). The site visit enables the review 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. Although the site visit is generally limited to one location, the implementation of the program at all locations is taken into account in the evaluation (Number 3, see C 3 EA). The review panel prepares a report containing relevant evidence, analyses, and conclusions regarding the requirements for joint-degree programs. The report also includes recommendations for the further development of the program. In addition, the review panel issues a recommendation for the decision. The conclusions and recommendations pay particular attention to the specific characteristics of the joint degree program. The universities are given the opportunity to comment on the draft version of the report, including to point out any factual errors (Number 4, cf. C.4 EA). The review panel, consisting of at least four members, combines expertise in the relevant subjects or disciplines—including the labor market in the respective fields—with expertise in the area of quality assurance in higher education. Thanks to its international expertise and experience, the review panel can take into account the specific characteristics of the joint degree program. The review panel as a whole possesses knowledge of the higher education systems of the participating institutions as well as the languages of instruction used. The review panel includes members from at least two countries participating in the consortium that offer the program. At least one student is represented on the review panel. The provisions in § 25, paragraph 3, sentence 1 (majority of university faculty members in the evaluation), paragraph 5 (exclusion of evaluators to avoid conflicts of interest), and paragraph 6 (right of the institution to comment) apply accordingly (item 5, see C.2 EA).

Paragraph 6 stipulates that a positive accreditation decision based on an evaluation can only be made if the evaluation is substantiated, any conditions have been met, and the decision is final. Thus, it is not the responsibility of the Accreditation Council, but rather of the agency entrusted with the evaluation, to ensure that the decision is comprehensible to the institutions and that the follow-up process, including the fulfillment of any conditions, has been completed. The agency is also obligated to publish the evaluation on its website. If the evaluation was not conducted in English, at least the English summary of the report and

an English version of the evaluation, including its rationale, must be published (see C 5, 7, and 8 EA).

Sentence 3 clarifies that the Accreditation Council's accreditation decision to recognize the evaluation must also be issued in writing, must be substantiated, must give the institution an opportunity to comment within one month, and that the Accreditation Council shall affix its seal in the event of a positive decision (Section 22, paragraphs 2, 3, and 4, paragraph 1). The accreditation decision takes effect, in accordance with § 26(1), first sentence, 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), first sentence). The same applies to accreditation decisions regarding joint-degree programs: the institution must notify the Accreditation Council of any significant changes (Section 28), and the decision, together with the expert opinion, must be published by the Accreditation Council. The same applies to internal accreditation decisions by system-accredited institutions regarding joint-degree programs. Sentence 4 stipulates that, in the case of accreditation and reaccreditation, the accreditation period is only 6 years in accordance with the EA, notwithstanding § 26(1) and (2), sentence 1 (see C 9 EA). Sentence 5 ensures, in the interest of transparency, that accreditation decisions issued on the basis of the recognition of an evaluation of joint degree programs are identifiable as such upon publication. The same applies, according to sentence 6, to the information on the study program in the degree documents (in particular the Diploma Supplement).

Paragraph 2 extends the scope of application of the criteria and procedural rules of the EA set forth in § 10, paragraphs 1 and 2, § 16(1), and § 33(1) to joint degree programs conducted in cooperation with higher education institutions outside the European Higher Education Area, provided that the non-European cooperation partners have committed to applying these principles in a cooperation agreement with the domestic higher education institution.

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

Regarding Section 34 (Alternative Accreditation Procedures)

The provision in paragraph 1 implements the option provided for in Article 4(4) in conjunction with Article 3(1)(3) of the State Treaty on Study Program Accreditation for alternative accreditation pathways as an alternative to system and program accreditation, which are also subject to the criteria set forth in Article 2.

Paragraph 2 also requires that the alternative procedures comply with the formal and substantive criteria set forth in Parts 2 and 3. In addition, the requirements for appropriate academic participation as stipulated in the State Treaty on Study Program Accreditation—particularly in Article 3(2), first sentence—and in the Model Statutory 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 study programs in Protestant or Catholic theology are included in the alternative

procedures, the participation and consent requirements set forth in the Model Statutory Ordinance shall apply. There is no obligation for higher education institutions to engage an agency.

If a higher education institution intends to implement an alternative procedure, paragraph 3 requires prior approval from both the Accreditation Council and the highest state authority responsible for science. This ensures that the highest state authority responsible for science is involved from the outset and that the requirements for regulated professions are also met. 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 Accreditation and the Model Statutory 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 highest state authority responsible for science.

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

The Accreditation Council is tasked with regulating the details of the procedure in rules of procedure, which the institution must apply in accordance with paragraph 4.

Pursuant to 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 is also granted the right under the alternative procedure to award the Accreditation Council's seal to 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 a seamless accreditation chain in the interest of the students.

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

Part 7 Miscellaneous

Regarding § 35 (Eligibility under Professional Licensing Law)

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

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

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

The results of the evaluation must be submitted to the Conference of Ministers of Education and Cultural Affairs in accordance with paragraph 2 so that appropriate measures can be taken if necessary.

Regarding Section 37 (Entry into Force)

This Regulation shall enter into force retroactively as of January 1, 2018. 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 Program Accreditation, the previous regulations—including those regarding the validity period of accreditation—shall apply to the completion of such procedures pursuant to Article 16(1) of the State Treaty on Study Program Accreditation. For reaccreditation procedures, provided that the agreement was not concluded prior to the entry into force of the State Treaty, only the provisions of this ordinance 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.