

**Explanatory Memorandum to the Regulation
regulating the accreditation of study programs at universities in the State of Saxony-
(Saxony-Anhalt Study Program Accreditation Regulation—StAkrV LSA)**

Preliminary Remarks

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

In addition to the standardization of substantive, procedural, and organizational requirements—which must be established by the legislature itself—the Federal Constitutional Court has also identified a need for formal regulations, particularly regarding the scientifically appropriate composition of the stakeholders and the procedures for establishing and revising the evaluation criteria. Decisions by the Conference of Ministers of Education and Cultural Affairs and the Accreditation Council have been deemed insufficient as executive agreements. Article 4 of the State Treaty on Study Program Accreditation therefore contains an authorization for state regulations to specify the details regarding

the formal criteria

the subject-specific and content-related criteria

the procedures and processes for the

composition of the committees.

This regulation, based on a model regulation adopted by the Standing Conference of the Ministers of Education and Cultural Affairs on December 7, 2017, sets out the joint requirements of the federal states requirements for the essential structural and qualitative standards for the accreditation of bachelor's and master's degree programs, which are necessary to ensure the states' obligation under Article 1(2) of the State Treaty on Study Accreditation to ensure the equivalence of corresponding coursework, examinations, and degrees, as well as the possibility of transferring between institutions of higher education.

These regulations are based on the relevant resolutions of the Conference of Ministers of Education and Cultural Affairs on the bachelor's and master's degree system and on quality assurance through accreditation,

¹ In particular, the Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs (Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 10, 2003, as amended on February 4, 2010), see

in particular the joint structural guidelines of the federal states, the existing rules for the accreditation of the Accreditation Council, proposals from its “Regulation Revision” working group, as well as the standards and guidelines for quality assurance in the European Higher Education Area (ESG). However, the opportunity was also taken to further streamline and optimize the procedures based on previous experience with accreditation, thereby contributing to cost reduction and the reduction of bureaucracy. In addition, the results of consultations with representatives of the German Rectors’ Conference, the Accreditation Council, the agencies, the Association of Private Universities, students, and the school sector—who were given the opportunity to comment during the drafting of the model regulation by the “Institutional Accreditation” of the Higher Education Committee of the KMK.

Regulations concerning the fees to be charged by the agencies, for which the State Treaty on Study Accreditation also provides a legal basis (Article 4, paragraph 5), are not covered by this ordinance but are reserved—where necessary—for separate regulations based on a further model ordinance issued by the Conference of Ministers of Education and Cultural Affairs. It is planned to review cost trends after two years in order to decide, on that basis, whether cost limits are necessary.

This regulation is based on the principle that ensuring and enhancing the quality of study and learning is primarily the responsibility of higher education institutions, and that these institutions, acting on their own initiative and across the board, prioritize the quality of study when designing their degree programs.

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

II. On the Individual Provisions Part

1 — General Provisions

Section 1 — Scope of Application

Paragraph 1 defines the subject matter of the regulation, which, pursuant to Article 2, paragraphs 2 and 3, and Article 3, relates to the formal criteria, the substantive criteria, and the procedure.

https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen-beschluesse/2003/20_03_10_10-Laendergemeinsame-Strukturvorgaben.pdf

Paragraph 2 reflects the specific legal framework established by the Act on the Police University of Applied Sciences of September 12, 1997 (FHPoIG, GVBl. LSA 1997, 836), last amended by Art. 14, para. 17 of the Act of June 13, 2018 (GVBl. LSA p. 72, 118), for its bachelor's degree programs. In interpreting and applying this regulation, the provisions of the FHPoIG must be taken into account, particularly with regard to the following sections:

§ 4 (Program Profiles):

The distinctive profile of the "Law Enforcement" (B.A.) program lies in the meaningful integration of theory and practice. The goal is to train law enforcement officers who are professionally competent and academically grounded.

Section 12, paragraph 2, sentence 2:

The requirements for the appointment of full-time or primary-occupation teaching staff, as well as their respective areas of responsibility, are set forth in § 14, § 14a, and § 14b of the FHPoIG.

Section 12, paragraph 2, sentence 3:

The appointment of teaching staff is subject to the participation of the ministry responsible for internal affairs in accordance with the FHPoIG.

Section 12, paragraph 3:

The Saxony-Anhalt Police University of Applied Sciences does not have its own budget that it can allocate to the tasks it is required to perform in accordance with its own priorities; rather, it is allocated funds for equipment and, with regard to its staffing and material resources, is partially subject to the priorities and guidelines of the Ministry

§ 15:

The civil service legal framework must be observed within the context of the concepts for equality and gender justice that the university is required to demonstrate. Applicants who, for example, do not meet the health requirements of the police profession will not be hired. Trainees who are unfit for police service will be dismissed

§ 2 — Forms of Accreditation

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

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.

Section 3 — Program Structure and Duration

Paragraph 1 establishes the principle that, within a tiered degree system, the bachelor's degree constitutes the standard qualification. It must be characterized by an independent, professionally qualifying profile that enables graduates to enter professional practice in their respective fields. This does not preclude the possibility that, for certain professions, the requirements prescribed by professional regulations are met only at the master's level.

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

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

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

Exceptions are possible in the core artistic disciplines at art and music colleges. Pursuant to Section 9(8), sentence 4 of the Higher Education Act of Saxony-Anhalt (HSG LSA), consecutive bachelor's and master's degree programs with a total duration of six years may also be established in these disciplines, subject to further provisions of state law. Also pursuant to Section 9(8), sentence 4 of the Higher Education Act of Saxony-Anhalt (HSG LSA), the standard periods of study are adjusted in accordance with the relevant organizational structure of the program.

Paragraph 3: The exemption for the "full theological program" is based on Article 17, Paragraph 2 of the State Treaty on Study Accreditation and takes into account the agreement between the Conference of Ministers of Education and Cultural Affairs, the Evangelical Church in Germany, and the German Catholic Bishops' Conference titled "Key Points for the Study Structure in Programs of Catholic or Evangelical Theology/Religion"

- "Resolution of the Conference of Ministers of Education and Cultural Affairs of December 13, 2007". In this agreement, the churches have agreed to comply with the structural requirements pertaining to the degree programs. However, different regulations may apply in specific cases regarding degree programs that qualify for church office. Accordingly, the division into Bachelor's and Master's degrees is not mandatory. Full-time theological degree programs with a standard duration of ten semesters are, however, otherwise fully subject to

the formal and substantive criteria for accreditation.

Section 4 — Program **Profiles**

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

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

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

Master's programs that provide the educational qualifications required for a teaching career, on the other hand, must have a specific teaching-oriented profile. To this end, the joint state-level subject-specific requirements for teacher training (standards in educational sciences as well as joint state-level content requirements for the subjects and their didactics) and any state-specific content and structural requirements must be applied as evaluation criteria.

The respective profile must be verified during the accreditation process.

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

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

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

§ 5 — **Admission Requirements and Transfers Between Degree Programs**

Paragraph 1: Admission to a master's program requires a first professional degree³. This takes into account the nature of the master's degree as a further professional degree (see § 3, paragraph 1).

Pursuant to § 27(7), sentences 3 through 6, of the Higher Education Act of the State of Saxony-Anhalt, an exception to the requirement of a first professional university degree may be granted

Admission to continuing education and artistic master's programs is possible if the first professional degree is replaced by an entrance examination. Sentence 3 stipulates, with regard to the profile of continuing education master's programs as defined in § 4(2), that admission requires qualified, i.e., professional practical experience relevant to the program's qualification objective, generally of not less than one year.

The first sentence of paragraph 2 takes into account the needs of universities of the arts and music conservatories, which primarily base admission to master's programs on specific artistic aptitude. For admission to continuing education Master's programs in the arts—unlike other continuing education Master's programs—professional practical experience gained during the course of study may also be taken into account.

Paragraph 3: In all other respects, § 27(7) HSG LSA applies to admission to master's degree programs.

§ 6 — Degrees and Degree Titles

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

Paragraph 2 definitively establishes the degree titles for bachelor's and consecutive master's degree programs. The Bachelor of Arts (B.A.) and the Master of Arts (M.A.) may also be awarded in the field of administrative sciences and, within this field, for degree programs designed to train students for senior law enforcement positions.

Instead of the degree titles "Bachelor" and "Master," the Latin terms "Baccalaureus/Baccalaurea" and "Magister/Magistra" may also be used. For degree programs that cannot be clearly assigned to one of the subject groups listed in sentence 1, items 1 through 7, the degree title is determined by the program's academic focus. This applies to interdisciplinary and combined degree programs, but in particular also to polyvalent degree programs in the field of teacher education, for which degree titles under items 1 through 7 may be awarded. For continuing education master's programs, alternative designations remain possible. Subject-specific additions to the degree titles and mixed-language degree titles are excluded, as are bachelor's degrees with the addition "honors."

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

degree. If the examination regulations provide for an academic degree, Section 3 of the “Guidelines” allows for the use of the degree

“Magister Theologiae.” This refers in Latin to the academic degree of “Master” and thus establishes a connection to the broader Bologna Framework. It is left to the discretion of the theological faculties to confer this academic degree in its feminine form as well

Paragraph 2, Item 7 governs the titles for bachelor’s and consecutive master’s degrees in degree programs that provide the educational qualifications required for a teaching career. The degree title “Master of Education” (Section B 2 of the “Joint State Structural Guidelines for the Accreditation of Bachelor’s and Master’s Degree Programs,” Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 10, 2003, as amended) should, in any case, in the interest of transparency and to avoid false expectations regarding mobility, be reserved for those degrees that—as a rule, nationwide—provide access to a preparatory service for a teaching career in accordance with state law.

Paragraph 3 provides for the issuance of equivalence certificates and thus serves to ensure transparency regarding the level of qualification of bachelor’s and master’s degrees in comparison to the diploma degree in the single-tier system. Equivalence certificates are already in use at some universities.

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

§ 7 — Modularization

Paragraph 1 defines the requirements for modularization that must be demonstrated as part of the accreditation process. Modules consist of self-contained units of study that are thematically and temporally distinct and assigned credit hours. They may be composed of various forms of teaching and learning (e.g., lectures, seminars, internships, e-learning, educational research, etc.). A module may cover the content of a single semester or an academic year, but in exceptional cases may also extend over several semesters. The fundamental time limit of two consecutive semesters serves two primary purposes: First, 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. Sentence 3 takes into account the specific characteristics of artistic degree programs

Paragraphs 2 and 3 set forth the requirements for module descriptions. The module descriptions should provide students with reliable information regarding the course structure, content, qualitative and quantitative requirements, and how the module fits into the overall structure of the degree program, as well as its relationship to other modules offered. The description should also allow for an assessment of the module with regard to its transferability when students change institutions.

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

1. Content and learning outcomes of the module
 - a) subject-specific, methodological, practical, and interdisciplinary content,
 - b) subject-specific, methodological, and interdisciplinary competencies, key competencies,
 - c) learning and qualification objectives aligned with a to-be-defined overall qualification (target degree);
2. Teaching methods
Description of the individual teaching and learning methods (lectures, exercises, seminars, internships, project work, self-study);
3. Prerequisites for participation (in conjunction with paragraph 3)
Description of the knowledge, skills, and abilities required for successful participation, as well as options for preparing for participation (including bibliographic references and information on multimedia-based 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
A 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, and options for make-up work—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, the final grade must also include a relative grade. It is recommended that this be calculated in accordance with the current version of the ECTS Users' Guide;
7. Frequency of module offerings
Determination of whether the module is offered every semester, every academic year, or only at longer

intervals;

8. Workload
Specify the total workload and the number of credit points to be earned for each module;
9. Duration of the modules
Determination of the duration of modules due to their impact on the course of study, the examination workload, and the frequency with which they are offered.

§ 8 — Credit Point System

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

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

A total of 60 credit points are awarded per academic year, i.e., 30 per semester. One credit point is based on a student's workload of 25 to a maximum of 30 hours of in-class and self-study, so that the total workload for a full-time student per semester, including both lecture and non-lecture periods, amounts to 750 to 900 hours. This corresponds to 32 to 39 hours per week over 46 weeks per year. The specific determination of how many working hours within this range correspond to one ECTS credit is set forth in the study and examination regulations.

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

Paragraph 2 stipulates that a minimum of 180 ECTS credits is required to earn a bachelor's degree, and a total of

— i.e., including prior coursework up to the first professional qualification — 300 ECTS credits. No exceptions to these planning requirements for higher education institutions are provided for. The deviations from the standard period of study permitted under § 3 relate exclusively to the time requirements and do not allow for any deviation from the ECTS credit requirements.

According to sentence 4, the 300 ECTS credit requirement for a master's degree may be waived in individual cases if the student meets the necessary 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. The prerequisite is proof of the qualifications required for admission. In accordance with the maximum standard period of study of 6 years (Section 3, Paragraph 2), the master's level can be attained with 360 credit points in consecutive bachelor's and master's programs in core artistic disciplines at universities of the arts and music conservatories. The option of large-scale modules in the core artistic subject during the bachelor's program takes into account the unique characteristics of artistic education, which, due to its holistic approach, is at odds with a highly granular modularization.

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

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

Paragraph 4 stipulates that deviations from the requirements regarding the number of credit hours per semester are generally permitted for certain types of degree programs, such as intensive programs. The upper limit is set at 75 ECTS credit hours, based on 30 hours per credit hour. In such 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 incorporates the recommendation of the Conference of Ministers of Education and Cultural Affairs and the Conference of University Presidents regarding the awarding of a master's degree in teacher education when achievements from the pre-service training period are to be included, dated June 12, 2007, and July 8, 2008*. One option for incorporating the preparatory service into the master's program is to grant credit for parts of the preparatory service. The "Standards for Teacher Education: Educational Sciences" (Conference of Ministers of Education

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

(Decision of the Federal Council of 16 December 2004)*. On this basis, universities and institutions of the second phase of education agree on state-specific qualification frameworks, on the basis of which universities and institutions of the second phase of education jointly and by mutual agreement develop educational formats and examination for up to 60 ECTS credits in a one-year educational segment as a basis for credit transfer to higher education studies. Comparability with university bachelor's degree programs—a prerequisite for equivalence under higher education law—requires that the theory-based components of the training be in an appropriate balance with the practice-based components. The classification as “theory-based” and “practice-based” should not be institution-specific but rather based on the learning content, so that theory-based ECTS credits can also be earned during the training phases in the workplace, provided the relevant requirements—which also apply to the teaching staff—are met. Setting 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

9 9 — Specific criteria for cooperation with non-higher education partners

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

Paragraph 1, sentence 2, emphasizes that, as guarantors of the quality of the academic degrees and qualifications they confer, higher education institutions are responsible for ensuring the quality of study programs as well as the procedures for recognizing competencies acquired outside of higher education. Only those competencies may be recognized that are equivalent, in terms of content and level, to the part of the program they are intended to replace. Such knowledge and skills acquired outside the higher education system may replace no more than 50% 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 result in verifiable academic and educational

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

additional educational benefits for future students and for the degree-granting institution. This added value must be clearly demonstrated.

§ 10 — Special Provisions for Joint Degree Programs

This regulation 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 Area⁶ in Yerevan in May 2015. This is intended to enable the external quality assurance of degree programs jointly developed and administered by higher education institutions in different countries—particularly within the European Higher Education Area—based on uniform procedural rules and criteria aligned with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG), which also underpin the European Higher Education Area. Corresponding provisions regarding the academic content criteria and procedural rules are set forth in Parts 3 and 4 of this Regulation (Sections 16 and 32). The provisions contained in Parts 2, 3, and 4 of this Regulation apply to joint degree programs only to the extent expressly provided for.

The regulations governing joint degree programs establish the legal framework for accreditation decisions based on different criteria and procedural rules. They thus provide, beyond the right of the Accreditation Council Foundation to establish the requirements for the recognition of accreditation decisions by foreign institutions as set forth in Article 5, Paragraph 3, Number 2 of the State Treaty on Study Accreditation, the possibility of making accreditation decisions that deviate from the criteria and procedural rules defined in this ordinance. Article 5(3), second sentence, of the State Treaty on Study Program Accreditation merely mandates the Accreditation Council Foundation to regulate the requirements for conducting corresponding recognition procedures based on the criteria and procedural rules set forth in the State Treaty on Study Program Accreditation and in the regulations issued pursuant to Article 4 of the State Treaty on Study Program Accreditation. Authorizing the Foundation to independently define criteria and procedural rules in such proceedings that deviate from these requirements is incompatible not only with the objectives set forth in Article 1, paragraphs 2 and 3, Article 4(6) of the State Treaty on Study Accreditation, but also in light of constitutional principles (in particular the principle of specificity and the theory of materiality).

Paragraph 1 defines the scope of application. Given the differing criteria associated with the application of the EA—in particular, for a master’s degree

⁶ <https://www.ehea.info/>, currently 48 European countries

<http://boloqna->

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[van2015.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20Programmes_v1_0.pdf](http://www.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20Programmes_v1_0.pdf)

<http://www.ehea.info/cid105593/esq.html>

structurally, it is not mandatory for the degree, including the initial degree, to be based on 300 ECTS credits—and, pending clarification of other issues regarding the scope of application, the definition 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 higher education institutions must be recognized as such by the competent authorities of their respective states. Their respective national legal frameworks must permit them to participate in joint degree programs and to award a joint degree (see B 1.1 EA).

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

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

Paragraph 2 stipulates that each student must complete at least 25% of their coursework (measured in ECTS credits) at at least one of the foreign partner institutions. This excludes the application of the special provisions for joint degree programs in collaborations with optional study abroad or in collaborations where only international students are required to participate in mobility.

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

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

Number 5 stipulates that participating institutions must have a common quality management system. This includes the requirement that participating institutions apply common internal quality assurance processes. These encompass, in particular, the quality assurance strategy, standards for the design and implementation of

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 a suitable 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, explicitly 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 have competencies acquired as part of a higher education program recognized as qualifications, provided there are no significant differences between the competencies acquired and those required 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 any negative decisions, the right to a review of the decision.

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

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

Paragraph 3 extends the scope of application of the criteria and procedural rules of the so-called European Approach, as set forth in §§ 10(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.

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

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 referred to in Article 2, Paragraph 3 of the State Treaty on Study Program Accreditation.

Section 1

Academic and Content-Related Criteria for Degree Programs

§ 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 as part of the accreditation process.

Paragraph 1 refers to Article 2, Paragraph 3, Item 1 of the State Treaty on the Accreditation of Study Programs, which lists as the qualification objectives of a study program the academic or artistic competence corresponding to the intended degree level, as well as the ability to engage in qualified gainful employment and personal development. In view of the particular importance of the social relevance of study and teaching as part of the characteristic of personal development, this is explicitly mentioned in accordance with the definition provided by the Science Council in its 2015 recommendations on the relationship between higher education and the labor market.⁰ Personal development as a qualification objective can also be achieved through an appropriate offering in the general education program or in the area of key competencies. As part of the accreditation process, it must be verified whether the qualification objectives and intended learning outcomes to be specifically defined by the institution for each degree program reflect these goals

Paragraph 2: The aspects of the professional, academic, artistic, methodological, and personal development requirements described in paragraph 2 are based on the descriptors or competency 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 current subject-specific knowledge, interdisciplinary knowledge, and the generally recognized principles of good scientific practice, as well as the acquisition of methodological

^{10*}<https://www.wissenschaftsrat.de/download/archiv/4925-15.pdf>, p. 40 ff.

¹¹

https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2017/20

[02 Red a ehea nfo f e WG Frameworks qualification/85/2/Framework qualificationsforEHEA-May2005 587852.pdf](#)

personal and social competencies, and ensuring employability and the ability to engage in lifelong learning. During the accreditation process, it must be verified whether the program concept encompasses these aspects and whether they correspond to the level of the degree awarded.

Paragraph 3 sets forth, based on relevant resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs³ that have proven effective in previous accreditation practice, the requirements to be assessed during 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; as an undergraduate degree, it must provide a broad qualification and thus ensure both the ability to engage in professional work and the capacity for further academic advancement and lifelong learning. In accordance with the differentiation of master's programs pursuant to Section 4(2), Sentence 2 defines consecutive master's programs as programs that deepen, broaden, are interdisciplinary, or are in a different field. Sentences 3 and 4 regulate the specific requirements for professional master's programs. Continuing education master's programs are characterized by their focus on professional qualification. Therefore, prior professional experience is a constitutive element, which must be reflected in both the duration and the nature of the work. Falling short of the minimum duration of one year of prior professional experience therefore requires special justification. The professional experience builds upon the preceding first professional qualification and therefore cannot be replaced either by mandatory internships from the bachelor's phase or by professional experience prior to the start of the bachelor's program. In accordance with the educational objective, special attention must be paid during the accreditation process to the connection between professional qualification and the program concept, as demonstrated by the institution. The same applies to the review of the requirements, which—despite the predominantly professional orientation—must correspond both structurally (see also § 4, paragraph 2) and in terms of content to the qualification level defined for the master's level (see also paragraph 2). Sentence 5 specifies the qualification objectives for artistic bachelor's and master's degree programs.

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

9 12 - Coherent program concept and adequate implementation

Section 12 specifies, based on the structural requirements set forth in Section 3 et seq., the criteria for evaluating the respective program concept and defines the framework conditions to be examined for adequate implementation. In doing so, particular emphasis is placed on the feasibility of completing the program within the standard period of study. The regulations are based on those of the participating states of the European

³* see footnote 1

At their ministerial conference in May 2015, the Higher Education Council adopted standards for internal quality assurance at higher education institutions, specifically regarding the design of degree programs (Standard 1.2), student-centered learning, teaching, and assessment (Standard 1.3), admission, academic progression, recognition, and degree completion (Standard 1.4), regarding faculty (Standard 1.5), and regarding requirements for the learning environment (Standard 1.6).

Paragraph 1, sentence 1 requires a curriculum that is consistent with the achievement of the qualification objectives, taking into account the entry qualifications (see Standard 1.2). Sentence 2 requires a correlation between qualification objectives (see also § 11, paragraphs 1 and 2), the program title, the degree level and degree title (see also § 6), and the module concept (see also § 7). Sentence 3 calls for diverse teaching and learning methods adapted to the respective disciplinary cultures and the chosen program format, as well as practical components where appropriate (see Standard 1.3). Sentence 4 stipulates that the program must provide suitable framework conditions to promote student mobility, enabling students to spend time at other universities without losing academic 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 allow for transfers between institutions and types of higher education institutions. Sentence 5 ensures that students are encouraged to actively participate in shaping the teaching and learning process. This ensures student-centered learning, teaching, and assessment as defined in Standard 1.3 of the ESG.

Paragraphs 2 and 3: In addition to program-specific aspects, the institutional framework must also be taken into account in the evaluation, to the extent that it has direct relevance to the implementation of the program. This includes both the teaching staff and the allocation of resources (see Standard 1.5 Teaching Staff and 1.6 Learning Environment). The wording allows for a degree of flexibility in the evaluation that is tailored to the specific program.

Paragraph 2, sentence 1, stipulates that the teaching staff must ensure, both in terms of quantity and quality, that the curriculum is implemented adequately. This also includes the teaching competence of the faculty. Sentence 2 requires that the integration of research and teaching be ensured by a sufficient number of full-time professors who are regularly engaged in teaching. This applies to both undergraduate and graduate programs. Sentence 3 requires appropriate measures for staff selection and qualification as the basis for teaching that is substantively and didactically sound in the respective program. These include, for example, structured processes for appointment procedures or a systematic

¹⁴ See footnote 12

⁵ Due to varying definitions of the term “professor” under state law, different terms may be used in the regulations of the individual states.

range of university teaching qualification programs.

Paragraph 3 stipulates that the provision of resources must also be taken into account in the assessment, to the extent that it is relevant to the implementation of the program and the achievement of the educational objectives. The text in parentheses provides an illustrative list of possible resource characteristics; however, this list is not exhaustive and may be replaced or supplemented by others on a case-by-case basis.

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; to this end, the second sentence lists the components that must be assessed during the review. This list is not exhaustive. Depending on the specific program design (for example, in programs with a distinctive profile, see paragraph 6), additional factors may need to be taken into account here.

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

Furthermore, in accordance with Section 2, courses and exams must, as far as possible, not overlap. This applies in particular to required modules. If, in other cases, it is not possible to ensure that there is no overlap, prospective students and current students must be provided with timely and transparent information.

Furthermore, in accordance with Section 3, the program concept must plausibly define the workload and examination requirements while taking into account the formal requirements set forth in Sections 7 and 8, and these definitions must be continuously reviewed—including through regular workload surveys—and adjusted as necessary. To ensure that students can actively shape the course of their studies, that there is sufficient flexibility—particularly with regard to transferring to another institution—and that students can plan their studies effectively, the learning outcomes of a module must be designed such that they can generally be achieved within one semester, but no later than within one year.

Furthermore, according to Section 4, an appropriate frequency and organization of examinations are essential. Therefore, to reduce the examination burden, modules should generally be completed with only one examination and should generally be worth at least five ECTS credits. This means that, for 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 prerequisite courses, academic achievements, or other forms of evidence, such as the completion of an internship, the conduct of a laboratory experiment, or participation in field trips.

These are all guidelines, meaning that deviations are possible in justified exceptional cases. In such cases, the consistency of the respective module concepts and the consistency of the examination concept with respect to the learning objectives of the respective module must be taken into account, as must the overall examination workload in the respective degree program⁽⁶⁾.

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

In such cases, the criteria set forth in paragraphs 1 through 5 must be applied in light of the specific profile and from the relevant perspective, and must be assessed against the specific requirements to be defined by the respective institutions of higher education. These include, in particular, aspects such as the specific target group, a special program structure, different learning locations, and the involvement of industry partners—for example, in dual models—specific teaching and learning formats, or the existence of a sustainable quality management system that encompasses the various learning locations. A degree program may be designated and advertised as “dual” if the learning locations (at least the university/vocational academy and the company) are systematically interlinked in terms of content, organization, and contractual arrangements.”

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

Section 13 defines the framework conditions for the academic and content-related evaluation of degree programs and specifies the special requirements for teacher education programs.

Paragraph 1: In light of Article 5, Paragraph 3 of the Basic Law, the provision is limited to reviewing compliance with procedural requirements to ensure a substantively sound program design and grants the reviewers broad discretion regarding content. According to the first sentence, this includes the existence of mechanisms or measures to verify the consistency of the academic and scientific requirements. Furthermore, according to the second sentence, evidence is required of regular monitoring and adjustment not only of the subject-matter and content of the curriculum, but also of the methodological and didactic approaches, in order to convey the breadth and diversity of current scientific theories of

¹⁶ Joint State Structural Guidelines for the Accreditation of Bachelor’s and Master’s Degree Programs—gen dated February 4, 2010—Interpretive Notes—dated February 25, 2011, Number 5

¹⁷ Due to differing definitions of the term “dual study program” under state law, the state regulations may use differing definitions here.

in the respective subject area. According to sentence 3, this can only be ensured if the academic discourse at the national and, where applicable, international level is systematically taken into account. This includes the critical reflection on various subject-related reference systems as well as the continuous engagement with the latest state of research

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

Paragraphs 2 and 3 define the subject-specific criteria for the review of degree programs that provide the educational prerequisites for a teaching career. In view of the need to ensure high-quality school instruction and thus to guarantee comparable educational opportunities (the state's responsibility for the school system), uniform guidelines are required here. The regulations are based on the standards adopted for this purpose by the Standing Conference of the Ministers of Education and Cultural Affairs." Paragraph 2 addresses the requirement to verify that the curriculum complies with the standards agreed upon by the states in the subject-specific sciences and didactics as well as in the educational sciences. These arise from the joint state and, where applicable, state-specific content requirements based on the KMK resolutions in their currently applicable versions."

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

§ 14 — Academic Success

To ensure efficient course planning and thus academic success,

¹⁸ In particular: Key points for the mutual recognition of bachelor's and master's degrees in degree programs that provide the educational qualifications required for a teaching career, resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated June 2, 2005, available at http://www.Kultusministerkonferenz.de/admin/Dateien/veroeffentlichungen/beschluesse/2005/2005_06_02-gegenseitige-Anerkennung_Bachelor-Master.pdf

¹⁹ See also on educational sciences: footnote 7; See also regarding subject-specific sciences and didactics: State-wide content requirements for subject-specific sciences and didactics in teacher education (Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated October 16, 2008, as amended on March 16, 2017) at <https://www.kultusministerkonferenz.de/admin/Files/Publications-Resolutions/2008/20081016-Subject-Profiles-Teacher-Education.pdf>

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

9 15 — Gender Equality and Remedial Action

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

Section 16 — Special Provisions for Joint Degree Programs

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

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

In accordance with Section 11, paragraphs 1 and 2, the intended learning outcomes for joint degree programs must be aligned with the corresponding level of the Qualifications Framework for the European Higher Education Area, as well as with the applicable national qualifications frameworks. These must include knowledge, skills, and competencies in the respective discipline(s) (see B 2.1 and 2.2 EA). In accordance with Section 12(1), sentences 1 and 3, the structure and content of the curriculum must be designed in such a way that they enable students to achieve the intended learning outcomes (see B 3.1 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 achieved learning outcomes must align with the intended learning outcomes, and these must be 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 political agreements of the European Approach. Paragraph 1 further stipulates that the appropriateness of the admission requirements and the selection process must be assessed in light of the level of study and the academic discipline in which the program is situated (B 4.1 EA). The term “selection procedure” refers here to tests, interviews, and similar processes customary abroad, and not to a selection procedure in the legal sense of admission 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/EC²⁰ of the European Council and the European Parliament of September 7, 2005, on the recognition of professional qualifications, as currently in force, must be taken into account in the design and implementation of the directive, particularly with regard to regulated professions. This applies in particular with regard to specified minimum training requirements or common training frameworks (B 2.4 EA).

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

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

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

§ 17 — Concept of the Quality Management System (Objectives, Processes, Instruments) and § 18 Measures for Implementing the Quality Management Concept):

Sections 17 and 18 contain special provisions for the procedures under Article 3(1)(1) and (3) of the State Treaty on Study Program Accreditation, insofar as their counterparts

²⁰ https://www.anerkennung-in-deutschland.de/html/de/eu_anerkennungsrichtlinie.php

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 higher education institution, depending on the respective circumstances.

Section 2

Academic and Content-Related Criteria for Quality Management Systems

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

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

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

university and is based on the ESG²² These include

the development of the quality management system with the participation of all university constituencies, i.e., academic and non-academic staff and students, as well as the involvement of external expertise, such as from professional practice, from (international) representatives of other universities, and from agencies with experience in quality management at universities in accordance with 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 systems that ensure, in a structured, transparent, sustainable, and reliable manner, the continuous improvement of the quality of education, in accordance with ESG Standard 1.9 on the ongoing monitoring and regular review of degree programs (sentence 3, first clause);

the inclusion of all areas of activity directly relevant to study and teaching (including academic advising, application, admission, and enrollment procedures), examination administration, teaching (including any collaborations), examination systems, student services, human resources development, and continuing education in higher education pedagogy) (sentence 3, second clause);

adequate and sustainable resources for implementing the measures and processes specified in the quality management system. This includes, in particular, sufficient staff for the design, implementation, and administration of the quality management system’s processes, as well as appropriate IT infrastructure, which is of particular importance for the necessary provision of meaningful data; see § 18(3);

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

Section 18 — **Measures for Implementing the Quality Management Concept**

²² See footnote 11

Paragraph 1 sets forth the key components of the quality management system. According to the first sentence, this includes regular evaluations of degree programs and the areas of performance relevant to teaching and study (see § 17, paragraph 2, sentence 3, second clause) by students from within and outside the institution, external academic experts, representatives from the professional field, and graduates. They ensure that evaluations within the framework of the internal quality management system are implemented in such a way that continuous impetus for quality improvement is provided. To this end, the regular involvement of external expertise is indispensable. In accordance with 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 taken and that their implementation must be reviewed.

Paragraph 2 clarifies that, in the internal accreditation of degree programs, the requirements for participation and approval set forth in § 24, paragraph 1, sentences 3 through 5, do not apply to teacher education programs, teacher training programs with the combined subject of Protestant or Catholic Theology/Religion, Protestant theological programs leading to ordination, and other bachelor's and master's programs with the combined subject of Protestant or Catholic Theology. If the internal procedures provide for examination reports, the approval requirement pursuant to § 23(3) applies accordingly.

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

Paragraph 4, sentence 1, ensures that the institution comprehensively documents its internal accreditation procedures and regularly informs all relevant stakeholders

to ensure the necessary transparency. In doing so, data protection requirements must be observed. Sentence 2 clarifies that the institution must not only inform the public in an appropriate manner about the results of its internal accreditation procedures, but must also provide the Accreditation Council with the information necessary for the documentation of results as stipulated in § 28, sentence 3.

Section 3

Special provisions for collaborations with academic and non-academic institutions

Section 19 — Collaborations with non-higher education institutions

Section 19 governs the conditions under which a higher education institution may engage in program-related collaborations with non-higher education institutions. A characteristic feature of such program-related collaborations is that degree programs or programs recognized as equivalent are conducted partially or even entirely outside the degree-granting institution, and that the collaborating educational institution is in an asymmetrical, subordinate relationship to the degree-granting institution. In the case of such a collaboration, applicants must, in accordance with

Section 21(1) of this regulation always refers to the institution of higher education. Collaborations with joint academic institutions involving multiple institutions of higher education are not covered by the provisions of Section 19. Sentence 1 makes it clear that the formal and academic criteria set forth in Parts 2 and 3 of this regulation also apply to such degree programs. Sentence 2 lists the decisions that, subject to the university's ultimate academic responsibility for the degree program, may not be delegated by the university to a cooperating educational institution. The criterion "procedure for selecting teaching staff" refers primarily to professorial teaching staff. The establishment of standardized criteria is based on the corresponding recommendation of the Science Council

"Review and Recommendations on Program-Specific Collaborations: Franchise, Validation, and Credit Transfer Models" from 2017. Sentence 2 does not apply to collaborations with state-run teacher training colleges in the second phase of teacher education programs, nor to school practicum phases in teacher education programs.

§ 20 — University Collaborations

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

The list of conditions set forth in Section 19, sentence 2, which applies to non-higher-education cooperation partners, generally does not apply to cooperation between higher education institutions. However, the degree-granting institution or institutions are responsible for the implementation and quality of the program concept. The nature and scope of the cooperation must be documented in a cooperation agreement between the higher education institutions.

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

If a system-accredited institution of higher education enters into such a program-specific partnership, it may award the Accreditation Council's seal to the program, provided that it itself confers a higher education degree and ensures the implementation and quality of the program's curriculum.

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

Part 4 — Procedural Rules for Program and System Accreditation

Section 21 — Decision of the Accreditation Council; Awarding of the Seal

Paragraph 1 sets forth the key procedural elements for program and system accreditation. Departing from the previously practiced procedure of accreditation by the respective agency that made the accreditation decision, the State Treaty on Study Program Accreditation provides for a two-part accreditation process: Pursuant to Article 3, 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 institution of higher education submits its application to the Accreditation Council.

Pursuant to Article 3(5) of the State Treaty on Study Program Accreditation, the decision of the Accreditation Council involves determining compliance with the formal criteria set forth in Article 2(2) of the State Treaty on Study Program Accreditation, on the one hand, and the academic and content-related criteria set forth in Article 2(3) of the State Treaty on Study Program Accreditation, on the other. If these criteria are met, accreditation must be granted. This

a binding administrative act within the meaning of Section 35(1) of the Administrative Procedure Act (VwVfG).

The Accreditation Council reviews compliance with the formal criteria based on an audit report. The Accreditation Council reviews compliance with the substantive criteria based on 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 of the Administrative Procedure Act (VwVfG), administrative acts must generally be substantiated. Sentence 2 is therefore declaratory. In accordance with Article 3, Paragraph 4, Sentence 3 of the State Treaty on Study Program Accreditation, the reasoning for the decision must specifically address any deviations by the Accreditation Council from the recommendations of the expert opinion regarding the subject-specific and content-related criteria.

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

Sentence 2 also sets a one-month deadline for submitting the statement. This deadline is intended to expedite the process.

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 previous practice. The seal serves to ensure transparency.

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

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

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

degree programs in Germany (AKAST) in such a procedure.

The requirement for approval by the competent ecclesiastical authority regarding decisions made by the Accreditation Council concerning fully theological and partially theological degree programs takes into account the fact that the advisory opinion is of a recommendatory nature and is not binding on the Accreditation Council. This also applies *mutatis mutandis* to decisions of the Accreditation Council pursuant to Sections 25, 26, and 27.

§ 22 — Documents to be Submitted

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

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

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

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

§ 23 — Appointment of an Agency; Accreditation Report; Site Visit

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

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

Sentence 2 addresses the specific provision that, for degree programs in Catholic theology, evaluation is conducted exclusively by the Agency for Quality Assurance and Accreditation of Canonical Degree Programs (AKAST) in accordance with the aforementioned "key points"³. The role of AKAST must also be taken into account in another respect. According to Article 5, paragraph 3, item 5 of the Study Accreditation Act

³ see footnote 4

In accordance with the State Treaty on Quality Assurance, the Accreditation Council approves agencies under the conditions specified therein. For agencies listed with EQAR (European Quality Assurance Register for Higher Education), compliance with these conditions is “presumed unless proven otherwise”; however, AKAST is not listed with EQAR. The Accreditation Council has nevertheless approved AKAST for the German-speaking region. The agency is thus effectively engaged in quality assurance activities within its field. The text of the ordinance makes explicit reference to this approval granted by the Accreditation Council. However, this does not preclude re-approval after a reasonable period of time.

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

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

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

For teacher education programs as well as for programs consisting entirely or partially of theological studies, the examination report must be approved by the relevant authorities. This takes into account the resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of June 2, 2005, “Guidelines for the Mutual Recognition of Bachelor’s and Master’s Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career” (the so-called Quedlinburg Resolution)² ° and the aforementioned “Key Points” are taken into account. Both the audit report and the expert opinion contain recommendations regarding the determination of compliance with the relevant criteria for the Accreditation Council; however, these are not binding. The accreditation report thus has the character of an expert opinion.

The provisions regarding test reports and expert opinions do not contain any requirements regarding potential

conditions, as these are to be considered only in exceptional cases in the future. If, during the review of the formal criteria, the Agency determines that these have not been met, the institution must be informed immediately so that it can

*4 see footnote 21

to terminate the accreditation process if a positive accreditation decision by the Accreditation Council is not expected. The report may include recommendations for corrective measures regarding academic and content-related criteria, limited to those deficiencies that do not justify a negative accreditation decision and can be remedied within a specified timeframe.

No further guidelines regarding the content of the reports are planned. This does not preclude the possibility that the report may, for example, include recommendations for the quality development of the degree program or the quality management system that are designed to improve quality beyond the standards used as a basis for accreditation by the Accreditation Council and therefore cannot form the basis for any conditions. 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 Accreditation Council to process applications promptly is that the documents submitted follow a specified template. The regulation assigns the task of developing a standardized template for expert opinions and audit reports to the Accreditation Council.

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

Paragraph 5: As has been the practice to date, the evaluation process includes a site visit by the evaluation committee, during which the committee can form its own impression of the general conditions of the degree program to be accredited and engage in dialogue with the responsible faculty members, students, and university administration. In view of the mandatory spot checks required in system accreditation to verify the relevant characteristics of program design, program implementation, and quality assurance, as well as, where applicable, the consideration of the criteria for the accreditation of regulated degree programs, two meetings are generally necessary for system accreditation procedures.

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

§ 24 — Composition of the Review Panel; Requirements for Reviewers

Paragraph 1 regulates the minimum size of the review panel and its composition for program accreditation. This means that in complex procedures — such as

e.g., program clusters—larger review panels are possible, provided that the proportional representation of the groups involved is maintained.

Pursuant to Article 4(3), sentence 2 of the State Treaty on Study Program Accreditation, the majority of the review panel consists of university faculty members. This implements the requirement of the State Treaty on Study Program Accreditation that university faculty members must hold the majority of votes (weighted, if necessary) on the panel responsible for the review. Furthermore, Article 3(2), sentence 1, item 3 of the State Treaty on Study Program Accreditation is specified and implemented with regard to the parties to be involved in the accreditation process.

Sentence 3, first clause, specifies—in light of the particularities of degree programs that qualify students for admission to the preparatory service for a teaching career—that a representative of the highest state authority responsible for the school system shall replace a representative of the professional practice sector. This preserves the committee's expertise without further enlarging it. The regulation establishes minimum standards. The states may provide for more extensive participation requirements. With regard to the appointment of representatives of the highest state authorities, the provisions of the Saxony-Anhalt Women's Promotion Act apply in relation to committee composition.

When evaluating the degree programs mentioned in the second half of the third sentence and in the fourth sentence, the participation of the relevant church authority is required. The specific implementation of this provision is based on the principle that, for both fully theological and partially theological degree programs, church ministry is the most commonly chosen field of professional practice overall. Therefore, representation of professional practice by the churches is appropriate here. For religion teachers, the civil service generally represents the professional career path. In this case, as with all other teacher training programs, representation for professional practice is provided by the highest state authority responsible for the school system. The provisions of the Women's Advancement Act regarding committee composition remain unaffected. The church representative then joins as an additional member of the review committee.

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

Sentence 5 stipulates that, for teacher training programs and the aforementioned theological programs, the submission of the expert opinion requires the consent of the relevant representatives. This takes into account, *on* the one hand, the resolution of the Conference of Ministers of Education and Cultural Affairs dated June 2, 2005, "Key Points for the Mutual Recognition of Bachelor's and Master's Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career" (the so-called Quedlinburg Resolution)² * Since the accreditation decision has been transferred to the Accreditation Council by the State Treaty on Academic Accreditation, the requirement for approval—without which the report cannot be submitted to the Accreditation Council—corresponds, on the other hand, in the case of Catholic full-time theological degree programs to the

²⁵ vgl. Footnote No. 21

consideration of the aforementioned “key points”²⁶, since the accreditation decision can only be made following a positive evaluation by AKAST and thus cannot be made against its vote.

Paragraph 2: In system accreditation, the composition of the review panel generally corresponds to that of program accreditation. However, the minimum number of reviewers is higher, given the complexity and scope of system accreditation. The subject-specific requirements for evaluators do not apply because system accreditation does not evaluate degree programs, but rather the institution’s own quality assurance system. Therefore, evaluators are not required to have subject-specific expertise in a particular field.

The first sentence of paragraph 3 is intended to ensure that, in expert committees exceeding the minimum size specified in paragraphs 1 and 2, university faculty members hold the majority of votes. This complies with Article 3, paragraph 2, item 5 of the State Treaty on Higher Education Accreditation, which stipulates that accreditation procedures must be conducted with the participation of this group.

Paragraphs 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 ensure the efficiency of the process and enhances the quality and acceptance of the review.

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

Paragraph 5: Article 3, paragraph 2, sentence 1, item 3 of the State Treaty on Study Program Accreditation requires the use of external and independent evaluators. According to items 1 and 2, therefore, persons who work at or study at the institution of higher education whose degree programs or quality management system are to be evaluated are excluded from participating in an evaluation panel. Furthermore, pursuant to item 3, the standard rules on conflicts of interest applicable in academia, in particular those of the German Research Foundation (DFG), apply to the evaluators.

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

§ 25 — Validity Period of Accreditation; Extension

²⁶ vgl. Footnote No. 4

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 of the Administrative Procedure Act (VwVfG). This standardizes and significantly extends the previously customary accreditation periods of five years (program accreditation) and six years (system accreditation). This is intended to reduce the effort and costs associated with accreditation. In sentence 1, the start of the validity period is set to the beginning of the semester or trimester in which the accreditation decision is announced, in order to avoid disadvantages for students who complete their studies in the semester or trimester in which the accreditation decision is made. In addition, alignment between the semester or trimester and the accreditation periods is ensured.

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

In the first sentence of paragraph 2, the term “reaccreditation” is defined as a subsequent accreditation that follows immediately and without interruption after the validity period of an initial accreditation. The validity period of reaccreditation is also set uniformly at eight years, as opposed to the previously standard periods of seven years for program accreditation and eight years for system accreditation. The elimination of different reaccreditation periods serves to simplify the process and takes into account both the universities’ interest in legal certainty and the goal of continuous and reliable quality assurance.

Paragraph 3, sentence 1, addresses the special situation in which a higher education institution does not intend to continue an accredited degree program beyond the accreditation period. Since reaccreditation for an expiring degree program would entail disproportionately high costs, the Accreditation Council may extend the validity period of the accreditation until the students have completed their studies. Sentences 2 and 3 contain provisions for situations in which a higher education institution seeks bundle accreditation or transitions from program accreditation to system accreditation. In these cases, the institution should be able to focus on preparing for the bundle or system accreditation and be relieved of the program accreditation of degree programs that will be covered by the planned bundle or system accreditation. To this end, the Accreditation Council may extend the validity period of a program accreditation by up to two years if the institution can demonstrate that it is preparing a corresponding accreditation application (sentence 2). If the accreditation period of a

If the accreditation of an accredited degree program is not initiated until after the institution has already submitted an application for accreditation to the Accreditation Council, the validity period may be extended by one year for the duration of the administrative proceedings before the Accreditation Council (sentence 3). The option to extend the period by an additional year is necessary to give the institution, in the event of a transition to system accreditation, the time required to evaluate the relevant degree program in accordance with the quality management system it has developed, until the seal is awarded.

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

§ 26 — **Conditions**

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

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

Paragraph 3 clarifies that 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.

9 27 - **Obligation to Report Changes**

Paragraph 1: Since accreditation is a continuing administrative act and changes regarding formal or academic criteria may arise during the accreditation period, any significant changes must be reported to the Accreditation Council without delay. Significant changes may include, in particular, those affecting the program name,

, standard duration of study, degrees awarded, design, qualification objectives, profile, and content of the degree programs. A significant change may also occur when establishing specializations that result in substantially different competencies among graduates, or when an identical curriculum is offered in different formats, at different learning locations, or by different partners.

The reporting requirement enables the Accreditation Council to verify that its accreditation decision remains current 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 submitted by the institution obligates the Accreditation Council to examine whether the material change affects the accreditation decision. The Accreditation Council's subsequent decision constitutes a declaratory administrative act that may be challenged by the institution in isolation. If the accreditation decision is revoked, it is appropriate to submit an application for re-accreditation. This clarification serves to ensure legal certainty.

§ 28 — **Publication**

Article 3, paragraph 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 Section 28, sentence 1, whereby, in accordance with the requirements of the European Standards and Guidelines, the accreditation report—and thus the expert opinions and audit report—is expressly included in the publication requirement in addition to the accreditation decision.

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

Sentence 2 governs the processing of personal data. This includes, in particular, the names of the evaluators. Pursuant to Article 4(1) of the GDPR and Recital 26 of the EU General Data Protection Regulation, statements (facts and assessments) in an accreditation report that allow conclusions to be drawn about the qualifications or other personal characteristics of individual faculty members and can thus be linked to an identifiable person should be avoided.

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

§ 29 — **Bundle Accreditation; Partial System Accreditation**

Paragraph 1: The existing option to combine multiple degree programs into a single bundled accreditation during program accreditation remains in place. To ensure that internships—

To ensure consistency and maintain the quality of the procedures, however, no more than ten degree programs should be reviewed by a single review panel. If more than ten degree programs requiring program accreditation are scheduled and are closely related in subject matter, multiple bundles must be formed. Since this is a guideline rather than a mandatory requirement, exceptions to the rule of forming larger bundles are permitted only in atypical situations, provided that the quality of the review is maintained. Reference is made to the possibility of adjusting the size of the review committee to the size of the accreditation bundle in accordance with Section 24(1).

The fact that several degree programs share structural characteristics does not in itself establish a substantive connection.

Sentence 2 clarifies that each degree program must meet the academic 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 review report.

Paragraph 2: Since the composition of a bundle is of considerable significance for the subsequent evaluation and the composition of the evaluation committee, the possibility of prior approval of the specific composition of the bundle by the Accreditation Council is established. This serves to ensure legal certainty in the subsequent proceedings and is consistent with previous practice.

Paragraph 3 allows, in exceptional cases, for the system accreditation of a subunit responsible for academic affairs within a higher education institution (e.g., continuing education institutes or individual faculties). The requirements in the second sentence are cumulative. The option of sub-system accreditation is primarily intended to facilitate higher education institutions' transition to system accreditation. The regulation does not aim to allow for multiple, permanent subsystem accreditations within a higher education institution. For this reason, the quality management system of the subunit must be embedded within the higher education institution (sentence 2, item 2).

§ 30 — Random **Sampling**

Paragraph 1: In system and subsystem accreditation, the review panel conducts a random sample review. This remains justified in view of the extension of the accreditation period for system accreditation.

Paragraph 2: Pursuant to paragraph 1, the sample shall demonstrate, based on a degree program to be determined by the review panel, that the quality management system ensures that all formal and subject-specific criteria are taken into account in the internal accreditation process conducted by the institution. In addition, the sample under paragraph 2 refers to formal and subject-specific criteria to be determined by the expert panel, compliance with which must be ensured by the quality management system under review.

Paragraph 3: The rules on participation set forth in § 24(1) apply *mutatis mutandis* to random sampling as well. See the explanatory notes there

Part 5 — Procedural Rules for Special Degree Programs

§ 31 — Combined degree programs

Paragraph 1 defines the characteristics of a combined degree program. Such a program consists of two or more fields of study. Students 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 subject of accreditation is the combined degree program. The criteria for accreditation (Parts 2 and 3 of this regulation) must apply to the combined degree program as such. This applies in particular to the requirements under § 12. The institution must have a coherent concept for the entirety of the combined program offerings that integrates the qualification objectives of the component 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.

§ 32 — 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(5) of this Regulation (see A 2, indent EA).

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

Paragraph 1, sentence 1, stipulates that an evaluation may be conducted by an agency registered with EQAR at the request of the cooperating institutions of higher education, and that this decision may serve as the basis for an accreditation decision at the request of the participating domestic institution(s) of higher education. It is not necessary for this agency to have been approved by the Accreditation Council. Insofar as an agency approved by the Accreditation Council

If an accredited agency acts in this capacity, it does so outside the scope of the accreditation granted by the Accreditation Council. Furthermore, the scope of application is limited to degree programs in which only domestic higher education institutions and institutions from participating states of the European Higher Education Area cooperate.

Sentence 2 stipulates that proof of compliance with the criteria for joint degree programs set forth in Parts 2 and 3 of this regulation is a prerequisite for a positive accreditation decision. It also specifies the requirements for the evaluation process in detail.

Paragraph 1 requires that the Accreditation Council be notified prior to the initiation of such a procedure. This is intended to ensure that, even before the procedure is initiated, it is verified whether the scope of this regulation applies to accreditation decisions regarding joint degree programs.

Points 2 through 5 correspond to the requirements set forth in the EA regarding procedures for the external quality assurance of joint degree programs. This includes a self-evaluation report submitted jointly by the cooperating institutions. This report must contain comprehensive information demonstrating compliance with the requirements applicable to joint degree programs. In addition, the report contains the necessary information on the respective national frameworks of the cooperating institutions, which foreign agencies and experts may require in order to assess the context, particularly with regard to the program's classification within the national higher education system. The self-evaluation report explicitly focuses on the specific characteristics of the joint degree program as a joint undertaking by higher education 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. Even though the site visit is generally limited to one location, the implementation of the program at all locations is taken into account in the evaluation (Number 3, see C 3 EA). The review panel prepares a report containing relevant evidence, analyses, and conclusions with reference to the requirements for joint-degree programs. The report also includes recommendations for the further development of the program. In addition, the review panel issues a recommendation for the decision. The conclusions and recommendations pay particular attention to the specific characteristics of the joint degree program. The universities are given the opportunity to comment on the draft version of the report, including to point out any factual errors (Number 4, see C.4 EA). With regard to the review panel, which consists of at least four members, it is required that they possess expertise in the relevant subjects or disciplines, including the labor market/working world in the corresponding fields, and expertise in the

the field of quality assurance in higher education. Thanks to its international expertise and experience, the review panel is able to take into account the specific characteristics of the joint degree program. The review panel as a whole possesses knowledge of the higher education systems of the participating institutions, as well as 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 § 24, 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 transparent to the institutions and that the follow-up process—including, where applicable, the fulfillment of conditions—has been completed. The agency is also required to publish the evaluation on its website. If the evaluation was not conducted in English, at least the English summary of the report and an English version of the evaluation, including its rationale, must be published (see C 5, 7, and 8 EA).

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

Paragraph 2 extends the scope of application of the criteria and procedural rules set forth in Sections 10(1) and (2), 16(1), and 32(1) of the so-called

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

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

Section 33 — **Alternative Accreditation Procedures**

Paragraph 1: The provision in § 33 implements the option provided for in Article 4, paragraph 4, in conjunction with Article 3, paragraph 1, item 3, of the State Treaty on the Accreditation of Higher Education Programs, which allows for alternative accreditation pathways to system and program accreditation that are also subject to the criteria set forth in Article 2.

Paragraph 2 also requires that alternative procedures comply with the formal and substantive criteria set forth in Parts 2 and 3. In addition, the requirements for appropriate academic participation as set forth in the State Treaty on Study Program Accreditation—in particular in Article 3, Paragraph 2, Sentence 1—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 teacher education programs and programs in Protestant or Catholic theology are also included in the alternative procedures, the participation and approval requirements set forth in the Model Statute apply. There is no obligation for higher education institutions to use an agency.

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

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

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

Paragraph 5: The alternative procedure is limited to a maximum of eight years, meaning that shorter durations may also be provided for in these cases. As in the case of system accreditation, the institution of higher education is also granted the right, within the framework of the alternative procedure, to award the Accreditation Council's seal to the degree programs it has reviewed. The extension options provided for in § 25, paragraph 3, sentence 3 apply accordingly. Even within the framework of alternative procedures, care must be taken to ensure a seamless accreditation chain in the interest of the students. The Accreditation Council oversees the alternative procedure, which must be evaluated by an independent, research-oriented institution in a timely manner before the end of the project period as a prerequisite for continuing the procedure.

Part 7 — Final Provisions

§ 34 — Relationship to Procedures Concerning the Professional Licensing Eligibility of a Degree Program

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

Paragraph 2 clarifies that the external experts consulted regarding professional suitability serve only in an advisory capacity and have no influence on the accreditation decision. The accreditation decision, on the one hand, and the decision regarding the determination of professional suitability based on professional regulations, on the other hand, are legally separate decisions. The latter is made by a separate notice from the relevant state authority to the institution of higher education.

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

§ 35 — Evaluation

Paragraph 1 provides for an evaluation three years after the regulation enters into force in order to

review its implementation and effects.

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

§ 36 Entry into Force

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

Furthermore, for program or system accreditation procedures that had already begun prior to the effective date of the State Treaty on Study Program Accreditation, the previous regulations—including those governing the validity period of accreditation—shall apply to the completion of such procedures, in accordance with 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 regulation apply. This applies in particular to issues regarding the extension of accreditation, the obligation to notify changes, and the application requirements for reaccreditation. This means that proof of an interim evaluation is no longer required for an application for system reaccreditation.