Explanatory Memorandum

Explanatory

Memorandu

m
regulating program accreditation pursuant to the State Treaty on Program Accreditation
(Bavarian Study Program Accreditation Regulation – BayStudAkkV)
of April 13, 2018 (GVBl. p. 264)

A. General

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

The State Treaty on the Organization of a Joint Accreditation System for Quality Assurance in Studies and Teaching at German Universities (State Treaty on Study Accreditation), concluded for this purpose among all states, contains in Article 4, paragraphs 1 through 4, an authorization for the states to specify the details by means of statutory regulations to ensure and develop quality in studies and teaching

- the formal criteria pursuant to Art. 2(2) of the Study Accreditation Treaty (StudAkkStV),
- the subject-specific and content-related criteria pursuant to Article 2(3) of the StudAkkStV, and
- the procedure pursuant to Article 3 of the StudAkkStV, with regard to the procedures under Nos. 1 and 2, in particular
  - the details regarding the initiation of the procedure, particularly with regard to the university's commissioning of the agency,
  - the specification of a uniform framework and uniform standards for the expert reports on the subject-matter and content criteria as well as the audit report on the formal criteria,
  - the composition of the committee responsible for the evaluation and preparation of the report,
  - the professional requirements for the evaluators,
  - the period of validity of the accreditation decisions,
  - the conditions under which accreditation may be revoked, and
  - the further regarding connection with procedures, which regarding determine the eligibility of a degree program under professional licensing law, as well as to

Implementation of common training frameworks pursuant to Article 49a of Directive 2005/36/EC, as amended.

To ensure uniform implementation across the states through statutory regulations that must be consistent pursuant to Art. 4(6) of the StudAkkStV, a model statutory regulation[1]was adopted by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK). This ensures that uniform application is guaranteed and that the objective pursuant to Art. 1(2) of the StudAkkStV—namely, the obligation of the states to ensure the equivalence of corresponding coursework, examinations, and degrees, as well as the possibility of transferring between institutions of higher education (cf. § 9(2) of the Higher Education Framework Act – HRG) is not jeopardized by divergent practices.

The provisions of the Model Statutory Ordinance are based in particular on the relevant KMK resolutions[2] regarding the bachelor's and master's degree system, specifically

- "Joint State Structural Requirements for the Accreditation of Bachelor's and Master's Degree Programs" of October 10, 2003, as amended on February 4, 2010 (Joint State Structural Requirements)[3] ,
- "Qualification Framework for German Higher Education Degrees" of February 16, 2017[4] ,
- "Key Points for the Study Structure in Programs in Catholic or Protestant Theology/Religion" of December 13, 2007[5] (Agreement between the KMK, the Evangelical Church in Germany, and the German Catholic Bishops' Conference),
- "Key Points for the Mutual Recognition of Bachelor's and Master's Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career" (so-called Quedlinburg Resolution) of June 2, 2005[6] ,
- "Standards for Teacher Education: Educational Sciences" of December 16, 2004[7] and

[1] See https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2017/2017_12_07-Musterrechtsverordnung.pdf
[2] See https://www.kmk.org/dokumentation-statistik/beschluesse-und-veroeffentlichungen/wissenschaft-hochschule.html#c2398
[3] See https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2003/2003_10_10-Laendergemeinsame-Strukturvorgaben.pdf
[4] See https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2017/2017_02_16-Qualifikationsrahmen.pdf
[5] See http://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2007/2007_12_13-Eckpunkte-Studienstruktur-Theologie.pdf
[6] See http://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2005/2005_06_02-gegenseitige-Anerkennung-Bachelor-Master.pdf
[7] See http://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2004/2004_12_16-Standards-Lehrerbildung-Bildungswissenschaften.pdf

- “Joint State Requirements for Content in Subject-Specific Sciences and Didactics in Teacher Education” dated October 16, 2008, as amended on March 16, 2017[8] ,

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

- “Standards and Guidelines for Quality Assurance in the European Higher Education Area” (European Standards and Guidelines (ESG)), May 2015 (Yerevan)[9] ,
- the so-called European Approach to Quality Assurance of Joint Programs (European Approach for Quality Assurance of Joint Programs – European Approach (EA)), May 2015 (Yerevan)[10] ,
- European Commission’s “ECTS Users’ Guide” (ECTS Guide)[11] , adopted in May 2015 (Yerevan),
- Framework of Qualifications for the European Higher Education Area, May 2005 (Bergen)[12] and

and the Diploma Supplement[13] , which was most recently agreed upon in 2015 between the KMK and the German Rectors’ Conference (HRK) based on the structure developed by, among others, the European Commission.

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

In drafting the model statutory regulation, the KMK was guided by the principle of " " (transparency and accountability) enshrined in the State Treaty on Study Program Accreditation , , , , which

---

[8] See https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2008/2008_10_16-Fachprofile-Lehrerbildung.pdf

[9] See http://bologna-yerevan2015.ehea.info/files/European%20Standards%20and%20Guidelines%20for%20Quality%20Assurance%20in%20the%20EHEA%202015_MC.pdf

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

[11] See https://ec.europa.eu/education/ects/users-guide/docs/ects-users-guide_de.pdf

[12] See https://media.ehea.info/file/WG_Frameworks_qualification/71/0/050218_QF_EHEA_580710.pdf (Appendix 8, p. 193ff)

[13] See https://www.hrk.de/mitglieder/arbeitsmaterialien/diploma-supplement/

Ensuring and developing the quality of study and teaching is primarily the responsibility of the universities. The KMK assumes that universities will take responsibility for ensuring the quality of studies across the board by placing it at the center of their curriculum design. In doing so, the principle—which has been strongly advocated to date—applies that existing leeway, as expressed through a multitude of discretionary or mandatory provisions and restrictive formulations, must be utilized flexibly and productively. However, the exercise of this discretion requires a transparent justification by the universities, which must be presented and verified within the framework of program accreditation or in the corresponding internal quality assurance processes.

In Bavaria, accreditation is established as a quality assurance measure in studies and teaching in Art. 10, para. 4, sentence 1 of the Bavarian Higher Education Act (BayHSchG).
The Model Statutory Ordinance is transposed into state law by this ordinance of the Bavarian State Ministry of Science and the Arts (State Ministry) pursuant to the authorization in Article 10(4), second sentence, of the Bavarian Higher Education Act (BayHSchG). In addition to editorial adjustments and further requirements arising from the formal review of the regulation[14], changes are made to the Model Regulation only where such changes are necessary to accommodate state-specific provisions or to provide further clarification.[15]

B. Regarding the individual provisions

Part 1 – General Provisions Section

1 – Subject Matter
Section 1 defines the subject matter of the regulation, as already described under A. General Provisions.

[14] in particular through relocations—e.g., of definitions from the previous § 33 (bundle and partial system accreditation) to the new § 2, sentences 2 and 3, as well as of the previous § 35 (link to professional licensing procedures) of Part 7 to a new § 33 of Part 5 – and a change in the order of sections through the deletion of the previous § 21 (vocational academies)

[15] see § 1 (para. 2 not fully adopted); § 3 para. 2, sentence 4; § 4 para. 1, sentence 3; § 5 para. 1 (previous Sentence 2 not adopted; replaced by the previous § 1(2), sentence 2), para. 2 (sentences 2 and 3 not adopted) and para. 3; § 8 (paras. 5 and 6 not adopted); § 13 para. 3, sentence 2; previous § 21 (not adopted); § 24(1) sentence 3; § 30(3), § 34(3) sentences 1 through 3

Paragraph 2 of the Model Statute is not adopted, as Bavarian state law does not provide for vocational academies. To the extent that it is stipulated that a bachelor's degree obtained in an accredited program at a vocational academy is equivalent to a university bachelor's degree, the provision is adopted in § 5 (Admission Requirements).

Regarding § 2 – Forms of Accreditation

Sentence 1, in implementation of Art. 3(1) StudAkkStV, specifies the possible forms of accreditation—system and program accreditation as well as alternative procedures.

Sentences 2 and 3 incorporate definitions from Section 30(1), first sentence, and Section 30(3), first sentence, of the Model Statute (which, incidentally, corresponds to Section 29 of this Statute): The previous option, in the context of program accreditation, to include multiple degree programs that have a high subject-specific proximity, in a remains (sentence 2). The subject-matter affinity must go beyond mere affiliation to a academic culture (e.g., humanities and cultural studies, social sciences, natural sciences). Shared structural features among several degree programs do not in themselves constitute a disciplinary affinity.

In exceptional cases, paragraph 3 permits the system accreditation of a subunit responsible for academic affairs at a higher education institution (e.g., continuing education institutes or individual faculties). The requirements are set forth in § 29(3) of this regulation.

Regarding Parts 2 and 3 – Formal and Academic Content Criteria for Degree Programs and Quality Management Systems

The criteria set forth in Parts 2 and 3 are incorporated into the design of degree programs at universities in Bavaria via Art. 61(2), sentence 3, no. 3 of the Bavarian Higher Education Act (BayHSchG).

Regarding Part 2 – Formal criteria for degree programs

Part 2, in particular, establishes a new legal basis for the KMK resolution "Joint State Structural Requirements for the Accreditation of Bachelor's and Master's Degree Programs," through which the states have agreed on the core elements of the tiered degree system as the foundation for mobility during studies and mutual recognition of degrees within Germany and the European Higher Education Area.

Regarding Section 3 – Program Structure and Duration

Paragraph 1:

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

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

Paragraph 2:

Paragraph 2 establishes the standard periods of study—with one year corresponding to two semesters—as a framework for universities to plan and design Bachelor's and Master's degree programs; it does not regulate individual study patterns.

The flexibility of three-, three-and-a-half-, and four-year Bachelor's programs, as well as one-, one-and-a-half-, or two-year Master's programs in full-time study, allows for a program structure that meets the requirements of the respective discipline and academic culture. Bachelor's programs with a standard period of study of less than three years in full-time study are excluded. The total standard period of study until the completion of a master's degree in consecutive degree programs pursuant to Art. 57(2), sentence 3 of the Bavarian Higher Education Act (BayHSchG) (see also § 11(3), sentence 2 of this regulation) is five years.

The exceptions provided for in the Model Statutes, subject to appropriate academic program design (shorter or longer standard periods of study, particularly for part-time, distance learning, part-time, or dual programs, as well as semesters of professional practice) and in the core artistic disciplines at art and music colleges (standard duration of study of six years) may be invoked in accordance with Art. 57(2), sentence 4 of the Bavarian Higher Education Act (BayHSchG).

Paragraph 3:

Paragraph 3 is formulated with reference to Art. 17(2) StudAkkStV and in light of the

agreement between the KMK, the Evangelical Church in Germany, and the German Catholic Bishops' Conference, "Key Points for the Study Structure in Programs of Catholic or Protestant Theology/Religion." In this agreement, the churches have agreed to follow the structural guidelines pertaining to the program. However, different regulations may apply in specific cases regarding degree programs qualifying for church office. The division into bachelor's and master's degree programs is therefore not mandatory. Full-time theological degree programs with a standard duration of ten semesters are otherwise subject—with the exception of the degree (see § 6(2), sentence 6 of this regulation)—entirely to the formal and substantive criteria of accreditation.

Regarding § 4 – Program Profiles

Paragraph 1:

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

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

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

In the field of teacher education, the following models exist in Bavaria:

- Master's programs within the meaning of Art. 6, para. 1, sentence 5 of the Bavarian Teacher Training Act (BayLBG) provide access to teaching positions at vocational schools; that is, the master's examination corresponds to the first teacher certification examination for vocational schools. These master's programs typically build upon specific bachelor's programs.
- Furthermore, Bavarian universities offer master's programs that also provide the educational prerequisites for a teaching career, thereby enabling students to acquire, among other things, the admission requirements for the first state examination.

These programs must have a specific teaching-related profile. For this purpose, the subject-specific requirements for the

teacher training (KMK resolutions “Standards for Teacher Education: Educational Sciences” and “Joint State Content Requirements for Subject Sciences and Subject Didactics in Teacher Education”) as well as the state-specific content and structural requirements under the Bavarian Teacher Education Act and, where applicable, the Teacher Certification Examination Regulations as assessment criteria.
The relevant profile must be verified during the accreditation process.

Paragraph 2:
For master’s degree programs, a distinction is made—regardless of the type of institution—between consecutive and continuing education programs, which are defined in more detail in this regulation in
defined in more detail in § 11(3), sentences 2 through 5.
Continuing education master’s programs lead to the same level of qualification and the same entitlements as consecutive master’s programs. Therefore, the same requirements regarding the standard period of study and the requirement for a thesis apply to them.

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

Regarding § 5 – Admission Requirements
Paragraph 1:
Admission to a master’s program requires a first professional qualifying university degree; this also includes equivalent degrees within the meaning of Art. 43(5), sentence 1, of the Bavarian Higher Education Act (BayHSchG), i.e., in particular state examinations and theological degrees. This takes into account the nature of the Master’s degree as a further professionally qualifying higher education degree (see § 3(1) of this regulation). In view of the

, admission here also requires qualified professional experience—i.e., experience relevant to the program's qualification objectives—of generally no less than one year.
Sentence 2 of the Model Statute is not adopted, as state law does not provide for a corresponding exception (no requirement for a first professional degree for continuing education and artistic master's programs if this is replaced by an entrance examination). Instead, the provision from Section 1(2) of the Model Statute is adopted to the extent that—in accordance with the established interpretation of Section 43(5), first sentence, of the Bavarian Higher Education Act (BayHSchG)—it is stipulated that a bachelor's degree obtained in an accredited program at a vocational academy is equivalent to a university bachelor's degree.

Paragraph 2:
Paragraph 2 takes into account the interests of art and music colleges, which primarily base admission to master's programs on special artistic aptitude. Sentences 2 and 3 of the Model Statute are not adopted, as Bavarian state law does not provide for corresponding options (consideration of professional practical activities).

Paragraph 3:
Pursuant to Art. 43(5), sentence 2 of the Bavarian Higher Education Act (BayHSchG), universities may, in accordance with the state law reservation in the Model Statute, establish further requirements for admission to master's degree programs through their statutes, in particular proof of program-specific aptitude.

Regarding § 6 – Degrees and Degree Titles
Paragraph 1:
Paragraph 1 establishes the principle that only one degree may be awarded for a successfully completed program. Exceptions are possible only within the framework of international collaborations leading to a double or multiple degree from the participating institutions. This precludes the simultaneous awarding of degrees from both the old and new graduation systems. There is no differentiation of

degree titles based on the standard duration of study or the type of institution at which the degree was earned.

Paragraph 2:

Paragraph 2 conclusively establishes the degree titles for Bachelor's and consecutive Master's degree programs. Instead of the degree titles "Bachelor" and "Master," the Latin terms "Baccalaureus" or "Baccalaurea" and "Magister" or "Magistra" may also be used. Subject-specific additions to the degree titles and mixed-language degree titles are excluded, as are Bachelor's degrees with the addition "honors"; the same applies to Master's degrees, since Paragraph 2, Sentence 1 contains a definitive specification regarding degree titles.

Sentence 1, No. 7 regulates the titles for Bachelor's and consecutive Master's degrees for degree programs within the meaning of § 4(1), sentence 3 (see the explanatory memorandum there). The degree title "Master of Education" (Section B 2 of the Joint State Structural Guidelines) 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 position in accordance with state law. This is the case in Bavaria for teaching at vocational schools (Art. 6(1), sentence 5, BayLBG).

For degree programs that cannot be clearly assigned to any 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 related to teacher education (i.e., degree programs that, in addition to the educational requirements for a teaching position, also provide qualifications for work in the education sector outside of teaching), for which degree titles under sentence 1, nos. 1 through 7 may be awarded.

For continuing education master's programs, alternative titles remain possible.

An exception to the requirements for degree titles applies to fully theological, non-tiered degree programs. These typically conclude with an academic degree. Provided that the examination regulations provide for an academic degree

, Section 3 of the “Guidelines for the Structure of Degree Programs in Catholic or Protestant Theology/Religion” allows for the use of the degree title “Magister Theologiae.” This refers to the academic master’s degree in Latinized form and thereby establishes a connection to the comprehensive Bologna Framework. It is left to the discretion of the theological faculties to confer this academic degree in its feminine form as well.

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

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

Regarding § 7 – Modularization
Paragraph 1:
Paragraph 1 defines the requirements for modularization that must be demonstrated as part of the accreditation process. Modules consist of self-contained units of study, both thematically and in terms of time, that are assigned credit points. They may be composed of various forms of teaching and learning (e.g., lectures, seminars, internships, e-learning, teaching research). A module may cover the content of a single semester or an academic year, but in exceptional cases may also extend over several semesters. The fundamental time limit of two consecutive semesters serves two primary purposes. On the one hand, modules are intended to provide a transparent internal structure for degree programs and should therefore not be too large. On the

second, modules that extend over a longer period of time could restrict student mobility. If the institution deviates from this time limit, it must demonstrate that this has no adverse effect on the intended objectives or that such effects are offset by appropriate measures. Sentence 3 takes into account the specific characteristics of artistic degree programs.

Paragraphs 2 and 3:

Paragraphs 2 and 3 set forth the requirements for the description of modules. The description of the modules should provide students with reliable information regarding the course of study, content, qualitative and quantitative requirements, and integration into the overall concept of the degree program, as well as the relationship to other modules offered. The description should also enable an assessment of the module with regard to credit transferability or transferability when changing 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
   a. subject-specific, methodological, practical, and interdisciplinary content,
   b. subject-specific, methodological, interdisciplinary competencies, key competencies,
   c. learning and qualification objectives aligned with a yet-to-be-defined overall qualification (target degree);
2. Teaching and learning formats
   Description of the individual teaching and learning methods (lectures, exercises, seminars, internships, project work, self-study);
3. Prerequisites for participation (in conjunction with paragraph 3)
   Description of the knowledge, abilities, and skills required for successful participation, as well as preparation options for participation (including bibliographic references, references to multimedia-supported teaching and learning programs);
4. Applicability (in conjunction with paragraph 3)
   Description of how the module relates to other modules within the same degree program and to what extent it is suitable for use in other

degree programs;

5. Requirements for the awarding of credit points

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

6. Credits and Grading

   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 Guidelines;

7. Frequency of offering

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

8. Workload

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

9. Duration

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

Regarding § 8 – Credit Point System

Paragraph 1:

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

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

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

Credit points are assigned to individual modules. They are awarded once the requirements specified in the examination regulations have been met, whereby successful completion of the respective module is required, not necessarily an examination.

Paragraph 2:

Paragraph 2 stipulates that at least 180 credit points are required to earn a bachelor's degree, and a total of 300 credit points—i.e., including prior studies up to the first professionally qualifying degree—are required to earn a master's degree. No exceptions to these planning requirements for universities are provided for. The deviations from the standard period of study permitted under Section 3 of this regulation relate exclusively to the time requirements and do not allow for any deviation from the credit requirements.

Although, pursuant to sentence 3, deviations from the 300-credit requirement for the Master's degree may be permitted in individual cases if the student possesses the appropriate qualifications, this exception applies exclusively to the individual student and not to the degree program. Accordingly, applicants may also be admitted to Master's programs who, based on the number of credit points from their Bachelor's program, do not meet the total credit point requirement. The prerequisite is proof of the qualifications required for admission.

In accordance with the possible total standard period of study of six years (see § 3(2) of this regulation), the master's level may be attained with 360 credit points in consecutive bachelor's and master's programs in the core artistic disciplines at art and music colleges. The option of large modules in the core artistic

core subject in the bachelor's program takes into account the specific characteristics of artistic education, which, due to its holistic approach, precludes a highly granular modularization.

Paragraph 3:

Paragraph 3 regulates 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 may not be less than six credit points nor exceed twelve credit points. For the master's thesis, a minimum of 15 credit points and a maximum of 30 credit points apply. These guidelines serve both quality assurance and the students' interest in degree programs that are not overburdened in terms of content or time. The ranges allow for flexible structuring while taking into account subject-specific characteristics.
In principle, these guidelines also apply to art and music colleges. In justified exceptional cases, the scope of work for the Bachelor's thesis in fine arts programs may be up to 20 credit points and for the Master's thesis up to 40 credit points.

Paragraph 4:

Paragraph 4 stipulates that deviations from the guidelines regarding the credit volume per semester are generally permissible for certain types of study programs, such as intensive programs. The upper limit is 75 credits, based on 30 hours per credit. In these cases, special attention must be paid to the feasibility of the program. Through measures related to the organization of studies, universities can help ensure the feasibility of such programs.

Paragraph 5 of the Model Statutory Ordinance (*"For teacher training programs for elementary or primary school teaching, for cross-disciplinary primary school teaching, and for all or specific types of secondary schools, for teaching positions covering all or specific types of lower secondary schools, as well as for special education teaching positions at the lower secondary level, a master's degree may be awarded if, after earning at least 240 ECTS credits at the university*

, including the preparatory service, a total of 300 ECTS credits have been attained.") is not adopted, as no corresponding degree programs are offered in Bavaria.

Paragraph 6 of the Model Statute is not adopted, as Bavarian state law does not provide for vocational academies.

Regarding § 9 – Cooperation with non-university institutions
Section 9 establishes the specific formal criteria for non-university collaborations pursuant to Section 19 of this regulation.

Paragraph 1:
Sentence 1 establishes, from the perspective of quality assurance and transparency, the requirement for a written cooperation agreement between the degree-granting institution of higher education and the cooperating educational provider regarding the nature, scope, and mutual obligations of the existing cooperation. Furthermore, for reasons of consumer protection, a transparent presentation of the scope and nature of the cooperation on the institution's website is required.
Sentence 2 emphasizes that universities, as guarantors of the quality of the degrees and academic titles they confer, are responsible for the quality assurance of study programs as well as the credit transfer procedures for competencies acquired outside the higher education system. Only those competencies that are equivalent in content and level to the part of the program of study they are intended to replace may be credited. Such knowledge and skills acquired outside the higher education system may replace no more than 50 percent 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:
Paragraph 2 makes it clear that program-specific collaborations with non-higher-education institutions can be considered of equivalent quality only if they generate verifiable additional academic and educational benefits for future students and for the

degree-granting institution. This added value must be demonstrated in a transparent manner.

Regarding Section 10 – Different Criteria for Joint Degree Programs

This provision serves to implement the European Approach (EA). The EA is intended to enable the external quality assurance of degree programs—particularly those jointly developed and administered by higher education institutions in different countries within the European Higher Education Area—based on uniform procedural rules and criteria aligned with the European Standards and Guidelines (ESG), which also underpin the European Higher Education Area. Corresponding provisions regarding the subject-specific and content-related criteria and the procedural rules can be found in Parts 3 and 4 of this Regulation (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 that this is expressly stipulated.

The provisions on joint degree programs establish the legal framework for deviating criteria and procedural rules . They thus open up the possibility—beyond the right of the Accreditation Council Foundation, as set forth in Art. 5(3)(2) of the State Treaty on Study Accreditation (StudAkkStV), to determine the requirements for the recognition of accreditation decisions by foreign institutions—to make accreditation decisions that deviate from the criteria and procedural rules defined in this ordinance. Article 5(3), second sentence, of the StudAkkStV 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 Accreditation and in the regulations issued pursuant to Article 4 of the StudAkkStV, without permitting any deviation from these requirements. An authorization for the Foundation to independently define criteria and procedural rules in such proceedings that deviate from these requirements is not implied in light of the objectives set forth in Art. 1, paras. 2 and 3, and Art. 4, para. 6 of the StudAkkStV, nor in light of constitutional principles (in particular the principle of specificity and the theory of materiality).

<u>Paragraph 1:</u>

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

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

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

1. Paragraph 1 stipulates that the degree program must be based on a jointly coordinated and systematically interrelated, coherent curriculum. This excludes models in which universities cooperate only in the recognition of credits but do not maintain a joint curriculum (see Introduction to the EA).
2. Number 2 stipulates that each student must complete at least 25 percent of their coursework (measured in credit points) at at least one of the foreign partner institutions. This excludes the application of the special provisions for joint degree programs in cases of cooperation involving optional study abroad or in cases where only foreign students are required to be mobile.
3. Paragraph 3 stipulates the requirement for a contractually regulated collaboration between the participating universities to ensure the sustainability of the study program, particularly in the interest of the students. The cooperation agreement concluded by the participating universities within the framework of their contractually regulated 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).

4. Paragraph 4 ensures, in the interest of the students, that the study program has a coordinated admissions and examination system (see B 1.3 EA).
5. Number 5 stipulates that the participating institutions must have a common quality management system. This includes the participating institutions applying common internal quality assurance processes. These encompass, in particular, the quality assurance strategy, standards for the design and approval of degree programs, adherence to the principles of student-centered learning, teaching, and assessment, transparent regulations regarding admission and the course of study, recognition, and degree conferral; ensuring the competence of faculty; providing adequate resources to ensure the learning environment; sound information management; and ongoing monitoring and regular review of degree programs (see B 9 EA in conjunction with Standard 1.1 ESG and Part 1 ESG).

Paragraph 2:

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

Sentence 1 explicitly stipulates as an assessment criterion the application of the recognition principles of the so-called Lisbon Convention applicable to Bavarian higher education institutions pursuant to Art. 63(1) of the Bavarian Higher Education Act (BayHSchG) (see B 4.2 EA). These include

- a right to recognition of competencies acquired as qualifications for or within the context of a higher education program, provided that there are no significant differences between the competencies acquired and those to be demonstrated. This is to be assessed in particular against the qualification objective of the respective degree program.
- a reversal of the burden of proof in favor of the applicant.
- an obligation on the part of the institution to provide reasons for negative decisions.
- the right to a review of the decision.

Sentence 2 clarifies that the principles regarding modularization and the credit point system set forth in §§ 7 and 8(1) of this Regulation also apply here and that the distribution of credit points must be clearly regulated (see B 3.2 EA).
Sentence 3 stipulates, in accordance with the political agreements within the European Higher Education Area, that a bachelor's program must comprise a minimum of 180 and a maximum of 240 credit points, and a master's program a minimum of 60 credit points (see B 3.3 EA).
Sentence 4 clarifies, particularly in the interest of internationally mobile students, that relevant information about the program—such as admission requirements and procedures, the course catalog, and examination and assessment procedures—must be published and accessible to students at all times (see B 8 EA).

Paragraph 3:
Paragraph 3 extends the scope of the criteria and procedural rules of the European Approach (EA) set forth in §§ 10(1) and (2), 16(1), and § 32(1) of this Regulation to joint degree programs conducted in cooperation with higher education institutions outside the European Higher Education Area, provided that the non-European cooperation partners have committed to applying these principles in a cooperation agreement with the domestic higher education institution.

Part 3: Academic and Content-Related Criteria for Degree Programs and Quality Management Systems
This section serves to specify the academic and content-related criteria referred to in Art. 2(3) of the StudAkkStV.

Regarding § 11 – Qualification Objectives and Degree Level
Section 11 sets forth the criteria according to which the consistency of the qualification objectives and the degree level of the respective program concept must be assessed within the framework of the accreditation procedure.

Paragraph 1:
Paragraph 1 refers to Article 2(3)(1) of the StudAkkStV, which lists as the qualification objectives of a degree program the scientific or artistic competence and the competence to

qualified 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 German Science Council in its recommendations on the “Relationship between Higher Education and the Labor Market” (Bielefeld, October 16, 2015; Drs. 4925-15, p. 40ff). As part of the accreditation process, it must be verified whether the qualification objectives and intended learning outcomes to be specifically defined by the institution for each degree program reflect these goals.

Paragraph 2:

The aspects of the subject-specific, scientific, artistic, methodological, and personal development requirements described in Paragraph 2 are based on the descriptors or competence dimensions of the “Qualifications Framework for German Higher Education Degrees.” This framework implements the “Qualifications Framework for the European Higher Education Area” at the national level and encompasses the transmission of up-to-date subject-specific knowledge, interdisciplinary knowledge, and the generally accepted principles of good academic practice, as well as the acquisition of methodological, personal, and social competencies and the assurance of employability and the capacity for lifelong learning. During the accreditation process, it must be verified whether the program concept encompasses these aspects and whether they correspond to the level of the degree awarded.

Paragraph 3:

Paragraph 3 establishes, based on relevant KMK resolutions proven in previous accreditation practice, the requirements to be reviewed in the accreditation process for the bachelor’s and master’s levels within the tiered system and for different program profiles.

Sentence 1 clarifies the function of the bachelor’s degree as the first professionally qualifying degree, which, as an undergraduate university degree, must provide a broad qualification and thus ensure both the ability to engage in professional activity and the capacity for further academic qualification and lifelong learning.

In accordance with the differentiation of master’s degree programs pursuant to § 4(2) of this regulation, “consecutive” master’s degree programs (, sentence 2) and “ ” master’s degree programs ( ) are defined as “ ” (in-depth),

broadening, interdisciplinary, or otherwise specialized programs (see also Art. 57(2), sentence 3, BayHSchG).

Sentences 3 and 4 set forth the specific requirements for professional master's programs. Professional 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. Failure to meet the minimum requirement of one year of prior professional experience therefore requires special justification. The professional experience builds upon the prior first professional qualification and therefore cannot be replaced either by mandatory internships from the bachelor's phase or by professional experience prior to the start of the bachelor's program. In accordance with the educational objective, special attention must be paid during the accreditation process to the connection between professional qualification and the program concept, as demonstrated by the institution. The same applies to the review of the requirements, which—despite the predominantly professional orientation—must correspond both structurally (see also § 4(2) of this Regulation) and in terms of content to the qualification level defined for the master's level (see also paragraph 2).

Sentence 5 specifies the qualification objectives for artistic bachelor's and master's degree programs.

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

Regarding § 12 – Coherent Program Concept and Adequate Implementation

Section 12 specifies, based on the structural requirements set forth in Sections 3 et seq. of this regulation, the criteria for the evaluation of the respective program concept and defines the framework conditions to be examined for adequate implementation. In doing so, particular emphasis is placed on the feasibility of completing the program within the standard period of study. The regulations are based on the standards formulated in the European Standards and Guidelines (ESG) in Part II.1 for internal quality assurance at higher education institutions, in particular regarding the design of degree programs (Standard 1.2), student-centered learning, teaching, and assessment (Standard 1.3), admission, course of study, recognition, and degree completion (Standard 1.4),

instructors (Standard 1.5), and requirements for the learning environment (Standard 1.6).

Paragraph 1:

Sentence 1 requires a coherent curriculum with regard to the attainability of the qualification objectives, taking into account the entry qualifications (see Standard 1.2).

Sentence 2 requires a reference to qualification objectives (see also § 11(1) and 2 this Regulation), program name, degree level and degree title (see also § 6 of this regulation) and module concept (see also Section 7 of this Regulation).

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 applicable (see Standard 1.3).

Sentence 4 stipulates that the degree program must provide suitable framework conditions to promote student mobility, enabling students to spend time at other institutions without losing academic credit. This includes, in particular, the consideration of mobility windows in the program design and recognition procedures that consistently apply the principles of the so-called Lisbon Convention not only during stays at institutions abroad but also within the country. Admission requirements for master's programs must also be designed to promote mobility and 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 (see Standard 1.3).

Paragraphs 2 and 3:

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

Paragraph 2, sentence 1 stipulates that the teaching staff must provide both quantitative and qualitative assurance of an adequate implementation of the curriculum. This also includes

the teaching competence of the faculty. Sentence 2 requires that the connection between research and teaching be ensured by a sufficient number of full-time professors 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 offering of university-level teaching qualifications.

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

Paragraph 4:

The planned examinations and examination formats must enable students to demonstrate the extent to which they have achieved the intended learning outcomes. Examinations must be designed with a focus on the module—rather than on individual courses—and be competency-based. To ensure this, the examination formats used must be subject to ongoing review and further development.

Paragraph 5:

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

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

conduct of courses and examinations.

2. Furthermore, according to paragraph 2, it is required that courses and exams largely avoid overlapping. This applies above all to the required module area and to frequently chosen subject combinations and required elective modules. To the extent that avoiding overlap cannot otherwise be guaranteed, timely and transparent information must be provided to prospective students and current students.
3. Furthermore, pursuant to paragraph 3, the program concept must plausibly define the workload and examination burden in accordance with the formal requirements set forth in Sections 7 and 8 of this Regulation, and these definitions must be continuously reviewed—in particular through regular workload surveys—and adjusted as necessary. To ensure that students can actively shape the course of their studies, sufficient flexibility—particularly with regard to changing universities—and predictability for students, the learning outcomes of a module must be designed such that they can generally be achieved within one semester, but no later than within one year.
4. Furthermore, according to Section 4, an adequate frequency and organization of examinations is essential. Therefore, to reduce the examination burden, modules should generally be completed with only one examination and should generally comprise at least five credit points. With 30 credit points per semester in a full-time program, this implies no more than six examinations per semester. In this context, an examination refers to legally valid proof that the module's learning objective has been achieved. This also includes prerequisite coursework, academic achievements, or other forms of evidence, such as the completion of an internship, conducting a laboratory experiment, or participating in field trips.

These are guidelines, meaning that deviations are possible in justified exceptional cases. In doing so, the consistency of the respective module concepts and the consistency of the examination concept in relation to the qualification objectives of the respective module must be taken into account, as must the overall examination workload in the respective degree program.

Paragraph 6:

In the assessment is the by the university identified profile of the

program. If the institution promotes or identifies a program with specific characteristics (e.g., international, dual, part-time while working, virtual, work-integrated, part-time), these characteristics are part of the program profile and are therefore also subject to evaluation.
In such cases, the criteria listed in paragraphs 1 through 5 must be applied in accordance with the specific profile from the respective specific perspective and measured against the specific requirements to be defined by the institutions. These include, in particular, aspects such as the specific target group, a special program 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.

Regarding § 13 – Academic and Content-Related Design of Degree Programs
Section 13 defines the framework conditions for the academic and content-related evaluation of degree programs and specifies the special requirements for degree programs within the meaning of Section 4(1), sentence 3 (see the explanatory memorandum there).

Paragraph 1:
In light of Article 5, paragraph 3, of the Basic Law (GG), the provision is limited to verifying compliance with procedural requirements designed to ensure a substantively sound program concept, and grants the reviewers broad discretion regarding the content. According to the first sentence, this includes the existence of mechanisms or measures to determine the consistency of the academic and scientific requirements. Furthermore, according to the second sentence, evidence is required of regular monitoring and adjustment not only of the subject-specific and content-related design of the curriculum, but also of the methodological and didactic approaches, in order to ensure that the breadth and diversity of current scientific theories in the respective subject are conveyed. According to the third sentence, this can only be ensured if the academic discourse at the national and, where applicable, international level is systematically taken into account. This includes critical reflection on different subject-specific reference systems as well as continuous engagement

with the latest state of research.

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

Paragraphs 2 and 3:

Paragraphs 2 and 3 define the subject-specific and content-related criteria for the review of degree programs within the meaning of § 4(1), sentence 3 (see the explanatory memorandum there). In view of the requirement to ensure high-quality school instruction and thereby guarantee comparable educational opportunities (state responsibility for the school system), uniform guidelines are necessary here. The regulations are based on the standards adopted by the KMK for this purpose, in particular the "Guidelines for the Mutual Recognition of Bachelor's and Master's Degrees in Degree Programs that Provide the Educational Prerequisites for a Teaching Career."

Paragraph 2 governs the requirement to verify that the curriculum complies with the joint state standards in subject-specific sciences and didactics as well as in educational sciences. These requirements arise from the joint state and state-specific content requirements based on the relevant KMK resolutions ("Standards for Teacher Education: Educational Sciences"; "Joint State Content Requirements for Subject-Specific Sciences and Didactics in Teacher Education"; "Framework Agreements on Training and Examination for a Teaching Position…"[16] "Key Points for the Mutual Recognition of Bachelor's and Master's Degrees in Degree Programs that Provide the Educational Prerequisites for a Teaching Position") in their currently applicable versions, and the Bavarian Teacher Education Act (BayLBG) with its associated implementing provisions.

[16]https://www.kmk.org/themen/allgemeinbildende-schulen/lehrkraefte/anerkennung-der-abschluesse.html

Paragraph 3 specifies the structural and conceptual criteria to be reviewed during accreditation and thereby adopts the provisions set forth in the relevant KMK resolution (see above). 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 this also applies to degree programs within the meaning of Art. 6, para.
Section 1, Paragraph 5 of the Bavarian Teacher Training Act (BayLBG) permits exceptions in accordance with the applicable KMK resolutions ("Framework Agreement on Training and Examinations for Upper Secondary School Teaching (Vocational Subjects) or for Vocational Schools (Teaching Type 5)" dated May 12, 1995, as amended on October 6, 2016[17]) of Sentence 1 Nos. 1 and 2 are permissible. Thus,
, for example, admission to these master's programs is also open via suitable bachelor's programs at universities of applied sciences, and in business education, an in-depth study of a single discipline (without an additional teaching subject) is also possible.

Regarding § 14 – Academic Success
To ensure efficient program design and thus academic success, continuous monitoring and adjustment of study programs—incorporating the experiences of students and graduates—is indispensable, not only in the interest of students and graduates but also in the interest of the sustainable use of resources and time. Section 14 specifies the criteria to be reviewed for this purpose. These include a closed-loop system with regular review (sentence 1), the implementation of measures based on the results of the review (sentence 2), and continuous monitoring of success as well as the use of the results for further development (sentence 3). Suitable monitoring measures include, in particular, course evaluations, workload surveys, or graduate surveys, as well as statistical analyses of the course of study and examinations and student and 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 of this Regulation. To ensure efficient and sustainable implementation, sentence 4 stipulates that the parties involved must be informed of the results and the measures implemented, while ensuring compliance with data protection requirements.

[17]https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/1995/1995_05_12-RV-Lehramtstyp-5.pdf

Regarding § 15 – Gender Equality and Compensation for Disadvantages

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

Regarding § 16 – Different Criteria 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 § 11(1) and (2) of this regulation, the following applies to joint degree programs: the intended learning outcomes at the corresponding level of the

"Qualifications Framework for the European Higher Education Area," as well as to the applicable national qualifications framework(s). 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 of this Regulation, 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 Section 12(2), sentence 1, and (3) of this regulation, 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 Section 12(4) of this Regulation, it must be ensured that the examination regulations and the assessment of the learning outcomes achieved correspond to the intended learning outcomes and that these are consistently applied by the partner universities (B 5.2 EA). In accordance with Section 14

of this regulation, the workload and the average time required to complete the program must be monitored (B 3.3 EA).

Sentence 2 sets forth further requirements arising from the European Approach (EA):

1. Paragraph 1 further stipulates that the appropriateness of the admission requirements and the selection procedure must be assessed in light of the level and the academic discipline in which the program is situated (B 4.1 EA). The term “selection procedure” refers here to tests, interviews, and similar processes customary abroad, and not to a selection procedure in the legal sense of admission.
2. Number 2 stipulates that the achievement of the learning outcomes intended by the program can be demonstrated (B 2.3 EA).
3. Paragraph 3 clarifies that the relevant provisions of Directive 2005/36/EC of September 7, 2005 (OJ L 255 of September 30, 2005, p. 22 ff.) on the recognition of professional qualifications, as last amended by Directive 2013/55/EU of January 17, 2014 (OJ L 354 of December 28, 2013, p. 132 ff), must be taken into account in the design and implementation, particularly in the area of regulated professions. This applies in particular with regard to specified minimum training requirements or common training frameworks (B 2.4 EA).
4. Section 4 stipulates that the diversity of students and their needs must be respected and taken into account in the design of the program, the teaching and learning methods used, and the support provided to students (particularly with regard to their potentially diverse cultural backgrounds), and that the specific requirements of mobile students must be addressed (see B 5.1 and B 6 EA).
5. Section 5 ensures that, when applying the European Approach (EA) at system-accredited institutions of higher education, the formal and academic criteria applicable to joint degree programs are taken into account as part of the quality management system.
6. Paragraph 2 extends the scope of application of the criteria and procedural rules of the European Approach (EA) set forth in Sections 10(1) and (2), § 16(1), and § 32(1) of this Regulation to joint degree programs conducted in cooperation with higher education institutions outside the European Higher Education Area, provided that have the non-European cooperation partners in a

cooperation agreement with the domestic university to apply these principles.

Regarding § 17 – Concept of the Quality Management System (Objectives, Processes, Instruments) and § 18 Implementation of the Quality Management Concept):
Sections 17 and 18 contain special provisions for the procedures under Art. 3(1)(1) and (3) of the StudAkkStV, insofar as their subject matter is the review of internal university quality management systems. These sections define the core requirements for a functional quality management system in teaching. The specific implementation is left to the individual university, depending on the respective circumstances.

Regarding Section 17 – Concept of the Quality Management System (Objectives, Processes, Instruments)
Paragraph 1:
Paragraph 1 sets forth provisions regarding the assessment of the substantive requirements for a functioning quality management system in teaching. According to the first sentence, the existence of a mission statement for teaching that is reflected in the degree programs must be demonstrated. This refers to the description of a binding mission statement for teaching at the institution, in which faculty, institutional leadership, faculties, program directors, and student representatives have agreed on 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 (see Science Council, Position Paper "Strategies for Higher Education Teaching" (Halle (Saale), April 2017; Drs. 6190-17, p. 16 ff). 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 institution'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. Sentence 4 lists the central elements of the quality management system for which decision-making processes, competences, and responsibilities must be defined and implemented within the system, namely

- processes for the establishment, review, further development, and discontinuation of degree programs, and
- the procedure for the internal accreditation of degree programs in accordance with the formal and subject-specific criteria set forth in Parts 2 and 3 (§§ 11–15) of this regulation.

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

Paragraph 2:

Paragraph 2 regulates the formal requirements for the institution's quality management system and is based on the European Standards and Guidelines (ESG). These include

- the development of the quality management system with the participation of all university stakeholder groups, i.e., academic and non-academic staff and students, as well as the inclusion of external expertise, such as from professional practice, from (international) representatives of other universities, and from agencies with experience in quality management at universities in accordance with Standard 1.1 ESG for the development of the quality assurance strategy (sentence 1);
- mechanisms to ensure the independence of quality assessments, particularly in the selection and appointment of reviewers and in internal university decision-making processes, in accordance with Standard 2.4 ESG on requirements for peer review experts (sentence 2, first clause);
- the definition of standard procedures for handling conflicts and the establishment of an internal grievance system, particularly for "internal" accreditation decisions, in accordance with ESG Standard 2.7 on complaints and appeals (sentence 2, second clause);
- the existence of closed-loop control systems that ensure, in a structured, transparent, sustainable, and reliable manner, continuous quality improvement

in the quality of studies, in accordance with Standard 1.9 ESG on continuous monitoring and regular review of degree programs (sentence 3, first clause);
- the inclusion of all areas of activity directly relevant to studies and teaching (including academic advising, application, admission, and enrollment procedures), examination administration, teaching (including any collaborations), examination systems, student services, staff development, and continuing education in higher education pedagogy) (sentence 3, second clause);
- adequate and sustainable resource allocation for the implementation of the measures and processes provided for in quality management. This includes, in particular, sufficient staff for the design, implementation, and administration of the processes of the quality management system and appropriate IT equipment, which is of particular importance for the necessary provision of meaningful data, cf. § 18(3) of this Regulation;
- the regular review of the effectiveness of the quality management system with regard to the quality of studies and its further development, based on a continuous evaluation of the processes established within the system and a data-driven monitoring of the results (sentence 4).

Regarding § 18 – Implementation of the Quality Management Concept

Paragraph 1:

Paragraph 1 sets forth the key components of the quality management system. According to the first sentence, this system includes regular evaluations of degree programs and the areas of activity relevant to teaching and student studies (see § 17(2), sentence 3, second half-sentence of this regulation) by students from within and outside the institution, external academic experts, representatives from the professional field, and graduates. They ensure that evaluations within the internal quality management system are implemented in a way that provides ongoing impetus for quality improvement. To this end, the regular involvement of external expertise is indispensable. In accordance with Standard 1.9 ESG (ongoing monitoring and regular review of degree programs), the following aspects in particular should be included in the evaluations: the relevance of degree programs, changing societal needs, students' workload, study progress and

degrees, effectiveness of examination procedures, students' expectations and needs, learning environment, and support services. The results should be made available to the university community in an appropriate manner, while ensuring compliance with data protection regulations, in order to establish the necessary transparency and acceptance.
Sentence 2 requires that, where action is needed, appropriate measures be initiated and their implementation be reviewed.

Paragraph 2:
Paragraph 2 clarifies that, in the internal accreditation of degree programs, the participation and consent requirements stipulated in § 24(1), sentences 3 through 5 of this regulation apply to degree programs within the meaning of Art. 6(1), sentence 5 of the Bavarian Higher Education Act (BayLBG), in teacher-training-related degree programs with the combined subject of Protestant or Catholic Theology/Religion, Protestant theological degree programs that qualify for the ministry, and other bachelor's and master's degree programs with the combined subject of Protestant or Catholic Theology. If the internal procedures provide for examination reports, the approval requirement pursuant to § 24(3) of this Regulation applies accordingly.

Paragraph 3:
Paragraph 3 ensures that the data required for the development and implementation of the quality management system and for measuring the status of implementation as well as the effects of the measures taken (see Paragraph 1) are collected university-wide and on a regular basis. Depending on the institution's profile and the quality management system, the following data may be particularly relevant: performance indicators, student body profile, academic progress, 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).

Paragraph 4:

Sentence 1 ensures that the institution comprehensively documents its internal accreditation procedures and regularly informs all relevant stakeholders in an appropriate manner about the measures taken to ensure the necessary transparency. Data protection requirements must be observed in this process.
Sentence 2 clarifies that the institution must not only inform the public in an appropriate manner about the results of its internal accreditation procedures, but must also provide the Accreditation Council with the information necessary for the documentation of results as stipulated in § 28, sentence 3 of this regulation.

Regarding § 19 – Cooperation with Non-Higher Education Institutions
Section 19 sets forth the conditions under which a higher education institution may enter into program-specific partnerships with non-higher-education institutions, including vocational academies. A characteristic feature of such program-related collaborations is that degree programs or programs deemed 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, the applicant is always the institution, pursuant to § 21(1) of this regulation. Collaborations with joint academic institutions involving multiple higher education institutions are not covered by the provisions of § 19.
Sentence 1 makes it clear that the formal and subject-specific criteria set forth in Parts 2 and 3 of this Regulation also apply to such degree programs.
Sentence 2 lists the decisions that, subject to the 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 definition of the standardized criteria is based on the corresponding recommendation of the German Science Council, "Assessment and Recommendations on Program-Related Collaborations: Franchise, Validation, and Credit Transfer Models" (Berlin, January 20, 2017; Drs. 5952-17).
Sentence 2 does not apply to collaborations with state-run teacher training colleges in the second phase of

teacher training programs, nor to school practicum phases in teacher training programs.

Regarding § 20 – University Collaborations

Section 20 governs program-related collaborations between higher education institutions, unless, upon application by 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 reservations in § 19, sentence 2 of this regulation, which applies to non-university cooperation partners, generally does not apply to cooperation between universities. However, the degree-granting university or universities are responsible for the implementation and quality of the program concept. The nature and scope of the cooperation must be documented in a cooperation agreement between the universities.

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

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

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

Part 4: Procedural Rules for Program and System Accreditation

Regarding § 21 – Accreditation Decision; Seal

Section 21 of the Model Statute is not adopted, as Bavarian state law does not provide for vocational academies. Section 22 of the Model Statute thus corresponds to Section 21 of this Statute.

Paragraph 1:

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 Accreditation provides for a two-part accreditation process: Pursuant to Art. 3(2), sentence 1, no. 1 of the State Treaty on Study Program Accreditation (StudAkkStV), 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 Art. 3(5), sentence 4 of the State Treaty on Study Program Accreditation (StudAkkStV). The administrative procedure thus begins at the time the institution of higher education submits its application to the Accreditation Council.

Pursuant to Art. 3(5) of the StudAkkStV, the Accreditation Council's decision includes a determination of compliance with the formal criteria under Art. 2(2) of the StudAkkStV, on the one hand, and the academic and content-related criteria under Art. 2(3) of the StudAkkStV, on the other. If these criteria are met, accreditation must be granted. This constitutes a binding administrative act within the meaning of Section 35 of the Administrative Procedure Act for the State of North Rhine-Westphalia (VwVfG NRW).

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

Paragraph 2:

Paragraph 2 clarifies that the Accreditation Council's decision is made by means of a written notice. Pursuant to § 39 VwVfG NRW, administrative acts must generally be substantiated; sentence 2 is therefore declaratory. In the reasoning for the decision, pursuant to Art. 3(4), sentence 3, of the StudAkkStV, particular attention must be given to any deviations by the Accreditation Council from the recommendations of the expert opinion regarding the subject-specific and content-related criteria.

Paragraph 3:

Paragraph 3 incorporates Art. 3(4) of the StudAkkStV, according to which the institution is given the opportunity to comment before the final decision is made. To avoid delays in the proceedings, the statement to be obtained by the Accreditation Council is limited, in accordance with administrative procedure law, to cases in which the Accreditation Council intends to deviate significantly from the report's recommendation. The institution is free to attach a statement to the agency's report as part of its application. This takes into account the right to be heard, as expressed in Article 3(4) of the StudAkkStV.
Sentence 2 also provides for a one-month deadline for submitting the statement. The deadline serves to expedite the procedure.

Paragraph 4:

Paragraph 4 stipulates that the Accreditation Council shall award its seal to the degree program or quality assurance system upon successful accreditation. This continues the previous practice. The seal serves to ensure transparency.
In the case of system accreditation, the institution of higher education is granted the right to award the Accreditation Council's seal itself for those degree programs that it has reviewed on its own and that comply with the accreditation rules.
Accreditation with conditions does not result in a postponement of the awarding of the seal. This ensures that, in the case of conditions, a careful distinction is made between deficiencies that do not affect the accreditation decision itself and serious shortcomings that lead to a denial of accreditation.

Paragraph 5:

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

The Accreditation Council's assessment of fully theological and partially theological degree programs takes into account the fact that the report is of a recommendatory nature and is not binding on the Accreditation Council. This applies mutatis mutandis to decisions of the Accreditation Council pursuant to Sections 25, 26, and 27 of this regulation.

Regarding § 22 – Documents to be Submitted
Section 22 corresponds to Section 23 of the Model Statute.

Paragraph 1:
The application for accreditation must be accompanied by a self-report from the institution and the accreditation report commissioned by the institution from an agency accredited by the Accreditation Council, consisting of an audit report and an expert opinion. The self-report is the self-evaluation report required by Art. 3(2)(2) of the StudAkkStV.
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 (No. 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 (No. 4).

Paragraph 2:
Pursuant to Art. 5, para. 3, no. 5 of the StudAkkStV, foreign agencies may generally be approved by the Accreditation Council. Accreditation reports commissioned from foreign agencies must be submitted to the Accreditation Council with a German translation, unless they are written in German. This serves to streamline proceedings at the Accreditation Council.

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

Regarding § 23 – Commissioning of an Agency; Accreditation Reports; Site Visit
Section 23 corresponds to Section 24 of the Model Regulation.

Paragraph 1:

Pursuant to Art. 3(2), sentence 1, no. 4 of the StudAkkStV, 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 Art. 3(2), sentence 2 of the StudAkkStV.

Sentence 2 addresses the specific provision that, for fully theological degree programs in Catholic Theology, in accordance with the "Guidelines for the Structure of Degree Programs in Catholic or Protestant Theology/Religion," the evaluation is conducted exclusively by the Agency for Quality Assurance and Accreditation of Canonical Degree Programs (AKAST). The role of AKAST must also be taken into account in another respect. Pursuant to Art. 5(3)(5) of the StudAkkStV, the Accreditation Council approves agencies under the conditions specified therein. For agencies listed in the European Quality Assurance Register for Higher Education (EQAR), the fulfillment of these conditions is "presumed rebuttable." However, AKAST is not listed in EQAR. Nevertheless, the Accreditation Council has approved AKAST for the German-speaking region. The agency thus effectively performs quality assurance activities in its field. The text of the ordinance makes an affirmative reference to this approval granted by the Accreditation Council. However, this does not preclude a new approval after a reasonable period of time.

Paragraph 2:

Program and system accreditation are conducted pursuant to Art. 3(2), sentence 1, no. 2 of the StudAkkStV on the basis of a self-report by the institution, which must contain at least information on the institution's quality objectives and on the formal and subject-specific criteria for accreditation. The student body must be involved in the preparation of the self-report. The report must be made available to the agency—as has been customary in the previous procedure—and subsequently submitted to the Accreditation Council.

The formal and academic 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 bundle accreditation. This is intended to simplify the process and make it more efficient.

Paragraphs 3 and 4:

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

For degree programs within the meaning of Art. 6, para. 1, sentence 5 of the Bavarian Higher Education Act (BayLBG), as well as for fully theological and partially theological degree programs, the review report requires the approval of the respective competent authorities. This takes into account the KMK resolutions "Key Points for the Mutual Recognition of Bachelor's and Master's Degrees in Degree Programs That Provide the Educational Prerequisites for a Teaching Career
" and "Key Points for the Study Structure in Degree Programs in Catholic or Protestant Theology/Religion."

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

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

No further requirements regarding the content of the reports are specified. This does not preclude the report from including, for example, recommendations for 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 serve as a 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 prompt processing of applications by the Accreditation Council is that the documents to be submitted follow a specified template. The regulation assigns the task of developing a uniform template for expert opinions and audit reports to the Accreditation Council.

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

Paragraph 5:

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

For degree programs that are newly developed by the institution and are not yet offered, the review panel may, by mutual agreement, waive an on-site visit if it adds no value to the assessment of the subject-specific and content-related criteria based on documentation (concept accreditation). The same applies in the case of reaccreditation.

Regarding § 24 – Composition of the Review Panel; Requirements for Reviewers
Section 24 corresponds to Section 25 of the Model Statute.

Paragraph 1:
Paragraph 1 regulates the minimum size of the review panel and its composition for program accreditation. This allows for larger review panels in complex procedures—such as bundled accreditations—provided that the proportional representation of the groups involved is maintained.
All reviewers must belong to a field of study closely related to the degree program to be accredited.
Based on Art. 4, para. 3, sentence 2 of the State Treaty on Study Program Accreditation (StudAkkStV), the majority of the review panel must consist of university faculty members. This implements the requirement of the State Treaty on Study Program Accreditation that university faculty members must hold the majority of votes (weighted if necessary) on the panel responsible for the review. Furthermore, Art. 3(2), sentence 1, no. 3 of the StudAkkStV is specified and implemented with regard to those to be involved in the accreditation process.
Sentence 3, first clause, specifies that, in view of the special characteristics of degree programs that confer the qualification for admission to the preparatory service for a teaching career, a representative of the highest state authority responsible for the school system shall replace a representative of professional practice. This preserves the committee's expertise without further enlarging it. The regulation establishes minimum standards. The states may provide for more extensive participation requirements; this is currently not the case in Bavaria.
When evaluating the degree programs mentioned in the third sentence (second clause) and the fourth sentence, the participation of the relevant church authority is required. The specific implementation of this provision is based on the principle that, for both fully theological and partially theological degree programs, church ministry is the most commonly chosen field of professional practice overall. Therefore, it is natural for the churches to represent professional practice in this context.
Sentence 5 stipulates that for degree programs within the meaning of Art. 6(1), sentence 5 of the Bavarian Higher Education Act (BayBLG) and the aforementioned theological degree programs, the issuance of the expert opinion requires the

requires the consent of the relevant representatives. This takes into account, on the one hand, the KMK resolution “Key Points for the Mutual Recognition of Bachelor’s and Master’s Degrees in Programs that Provide the Educational Prerequisites for a Teaching Position.” Since the accreditation decision has been delegated to the Accreditation Council by the State Treaty on Study Program Accreditation, the requirement for approval—without which the report cannot be submitted to the Accreditation Council— on the other hand, in the case of Catholic full-time theology degree programs, the intent of the “Key Points for the Program Structure in Degree Programs in Catholic or Protestant Theology/Religion,” since the accreditation decision can thus only be made following a positive evaluation by the AKAST agency and therefore not against its vote.

Paragraph 2:

In the case of system accreditation, the composition of the review panel corresponds in principle to that of program accreditation. However, the minimum number of evaluators is higher in view of the complexity and effort involved in system accreditation. The subject-specific requirements for evaluators do not apply because system accreditation evaluates the institution’s own quality assurance system rather than specific degree programs. Therefore, evaluators are not required to have subject-specific expertise in a particular field.

Paragraph 3:

Sentence 1 is intended to ensure that, in review panels exceeding the minimum size specified in paragraphs 1 and 2, university faculty members hold the majority of votes. This takes into account Art. 3(2)(5) of the StudAkkStV, according to which accreditation procedures are conducted with the participation of this group.

Sentences 2 and 3 stipulate that the majority of the members of the review panel must already have experience with the respective form of accreditation. This serves to 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 HRK in accordance with Art. 3, para. 3, sentence 3 of the StudAkkStV.

Paragraph 5:

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

Paragraph 6:

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

Regarding § 25 – Duration of Accreditation; Extension

Section 25 corresponds to Section 26 of the Model Statute.

Paragraph 1:

The validity period for initial accreditation is uniformly eight years. From a legal standpoint, this constitutes a time limit within the meaning of § 36 VwVfG NRW. The previously standard accreditation periods of five years (program accreditation) and six years (system accreditation) are thereby standardized and significantly extended. This is intended to reduce the effort and costs associated with accreditation.

In 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,

to avoid disadvantages for students who complete their studies in the semester or trimester in which the accreditation decision is made. Furthermore, alignment between the semester or trimester and the accreditation periods is ensured.
Sentence 2 addresses the case of concept accreditation, in which the program has not yet been launched at the time the accreditation decision is announced. In the case of concept accreditation, the accreditation period begins at the start of the semester or trimester in which the program is first offered, but no later than the start of the second semester or trimester following the announcement of the accreditation decision. This ensures that the accreditation decision remains current and that a delayed launch of a degree program does not result in a disproportionately long period for reaccreditation.

Paragraph 2:
In the first sentence, 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. Eliminating different reaccreditation periods serves to simplify the process and takes into account both the universities’ interest in legal certainty and the goal of continuous and reliable quality assurance.

Paragraph 3:
Sentence 1 addresses the special situation in which a higher education institution does not intend to continue an accredited degree program beyond the accreditation period. Since reaccreditation for an expiring degree program would entail disproportionately high costs, the Accreditation Council may extend the validity period of the accreditation until the students have completed their studies.
Sentences 2 and 3 contain provisions for the situation in which a higher education institution seeks bundle accreditation or transitions from program accreditation to system accreditation. In these cases, the institution should be able to focus on preparing for the bundle or system accreditation and be relieved of the

program accreditation of degree programs that will be covered by the planned bundle or system accreditation. To this end, the Accreditation Council may extend the validity period of a program accreditation by up to two years if the institution can demonstrate that it is preparing a corresponding accreditation application (sentence 2). If the accreditation period for an accredited degree program expires at a time when the institution has already submitted an application for accreditation to the Accreditation Council, the validity period may be extended for the duration of the administrative proceedings before the Accreditation Council plus one year (sentence 3). The option to extend the validity period by a further year is necessary to give the institution, in the event of a transition to system accreditation, the time required to evaluate the program in question according to the quality management system it has developed until the seal is awarded.

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

Regarding Section 26 – Conditions

Section 26 corresponds to Section 27 of the Model Statutory Ordinance.

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

Paragraph 1 stipulates that a deadline of generally twelve months shall 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 require a significant amount of time to implement. In special cases, such as those requiring the conduct of an

, an extension of the deadline may be granted upon request by the institution (paragraph 2).
Paragraph 3 clarifies that proof of compliance with the requirement must be provided to the Accreditation Council that imposed the requirement, and not to the agency commissioned to prepare the accreditation report. Confirmation from the agency that the requirement has been met is not required; rather, the Accreditation Council itself must verify this. This serves to reduce costs.

Regarding § 27 – Duty to Report
Section 27 corresponds to Section 28 of the Model Regulation.

Paragraph 1:
Since accreditation is a continuing administrative act and changes regarding formal or subject-specific criteria may arise during the period of validity of the accreditation, significant changes must be reported to the Accreditation Council without delay. Significant changes may include, in particular, changes affecting the program name, standard duration of study, degrees awarded, program design, qualification objectives, profile, and content of the programs. A significant change may also occur when specializations are established that result in substantially different competencies among graduates, or when an identical curriculum is offered in different formats, at different locations, or by different partners.
The notification requirement enables the Accreditation Council to 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:
Paragraph 2 clarifies that a notification of change by the institution obligates the Accreditation Council to examine whether the significant change affects the accreditation decision. The subsequent decision of the Accreditation Council constitutes a declaratory administrative act that may be challenged by the institution independently . In the event of revocation of the

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

Regarding § 28 – Publication
Section 28 corresponds to Section 29 of the Model Regulation.

Article 3(6), sentence 2, of the StudAkkStV provides that the decisions of the Accreditation Council and the expert reports shall be published in an appropriate manner. This is further specified in the first sentence, whereby, in light of the requirements of the European Standards and Guidelines (ESG), the accreditation report—and thus the expert opinions and audit report—is expressly included in the publication requirement in addition to the accreditation decision.
Publication on the Accreditation Council's website enables quick and timely access by interested students, prospective students, university members, and authorities.
Sentence 2 governs the handling of personal data. This includes, in particular, the names of the experts.
Sentence 3 extends the publication requirement to the internal accreditation decisions of system-accredited higher education institutions. In this context, the data protection regulations under sentence 2 apply accordingly.

Regarding § 29 – Bundled Accreditation; Partial System Accreditation
Section 29 corresponds to Section 30 of the Model Statute.

Paragraph 1:
The definition of bundle accreditation contained in sentence 1 of the Model Statutory Ordinance has been moved to § 2, sentence 2 of this ordinance.
However, to ensure practicability and maintain the quality of the procedures, no more than ten degree programs should be evaluated by a single panel. If more than ten degree programs requiring program accreditation are pending and exhibit a high degree of subject-matter similarity, multiple bundles must be formed. Since this is a guideline provision, exceptions to larger

, provided the quality of the evaluation is maintained. Reference is made to the possibility of adjusting the size of the evaluation committee to suit the bundled accreditation in accordance with Section 24(1) of this Regulation.
Sentence 2 clarifies that each degree program must meet the subject-specific and content-related criteria and that this must be assessed separately. This applies in any case to the formal criteria under Part 2 of this regulation and the assessment report.

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

Paragraph 3:
The definition of subsystem accreditation contained in the first sentence of the model regulation has been moved to § 2, sentence 3 of this regulation. The conditions formulated for the existence of an exceptional case are cumulative. The possibility of subsystem accreditation serves primarily to facilitate universities' entry into system accreditation. Multiple, permanent subsystem accreditations within a higher education institution are not the aim of this provision. For this reason, the quality management system of the subunit must be embedded within the higher education institution (paragraph 2).

Regarding § 30 – Random Sampling
Section 30 corresponds to Section 31 of the Model Statutory Ordinance.

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

Paragraph 2:

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

Paragraph 3:
The rules on participation set forth in § 24(1) of this Regulation also apply analogously to the samples (see the explanatory memorandum there).

Regarding Part 5 – Special Procedural Rules

Regarding § 31 – Combined Degree Programs
Section 31 corresponds to Section 32 of the Model Statute.

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

Paragraph 2:
Paragraph 2 clarifies that the object of accreditation is the combined degree program. The criteria for accreditation (Parts 2 and 3 of this regulation) must apply to the combined degree program as such. This applies in particular to the requirements under § 12 of this regulation. 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.

Paragraph 3:

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

Paragraph 4:

Paragraph 4 governs the format of the accreditation certificate for combined degree programs.

Paragraph 5:

In all other respects, the procedural rules of Part 4 of this Regulation apply.

Regarding § 32 – Joint Degree Programs

Section 32 corresponds to Section 33 of the Model Regulation.

The regulation contains specific procedural provisions for joint degree programs. It is based on the European Approach (EA). Accordingly, the Accreditation Council's accreditation decision in this context takes the form of a decision to recognize an evaluation conducted by an agency registered with EQAR (see A 1, first indent, EA). Such a decision is required only in proceedings under Art. 3(1)(2) StudAkkStV (program accreditation), since the application of the criteria relevant to joint-degree programs at system-accredited institutions is ensured by § 16(5) of this regulation (see A 2, indent EA).

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

Paragraph 1:

Sentence 1 stipulates that the evaluation may be conducted by an agency registered with EQAR at the request of the cooperating institutions and that this decision may serve as the basis for an accreditation decision at the request of the participating domestic institution or institutions. It is not necessary for this agency to have been approved by the Accreditation Council. To the extent that an agency accredited by the Accreditation Council is involved, this takes place outside the scope of the accreditation granted by the Accreditation Council. The scope of application is further limited to study programs in which

only domestic higher education institutions and higher education institutions from participating states of the European Higher Education Area cooperate.

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

1. Paragraph 1 contains a notification requirement to the Accreditation Council prior to the initiation of a corresponding procedure. This is intended to ensure that, even before the procedure is opened, it is verified whether the scope of this regulation for accreditation decisions on joint degree programs is applicable.
2. Sections 2 through 5 correspond to the requirements for external quality assurance procedures for joint degree programs contained in the European Approach (EA). This includes a self-evaluation report submitted jointly by the cooperating institutions. This report must contain comprehensive information demonstrating compliance with the requirements applicable to joint degree programs. In addition, the report contains the necessary information on the respective national frameworks of the cooperating higher education institutions, which foreign agencies and experts may require in order to assess the context, particularly with regard to the program's classification within the national higher education system. The self-evaluation report explicitly focuses on the specific characteristics of the joint degree program as a collaborative endeavor between institutions from more than one national higher education system (Number 2; see C 1 EA). The site visit enables the evaluation panel to discuss the joint degree program on the basis of the self-evaluation report and to assess whether the program meets the requirements for joint degree programs. The site visit therefore includes discussions with representatives of all cooperating institutions, in particular with institutional leadership and program coordinators, staff, students, and other relevant stakeholders such as alumni and representatives from professional practice. Although the site visit is generally limited to one location, the implementation of the program at all locations is taken into account in the evaluation (Number 3, see

C 3 EA). The review panel prepares a report containing relevant evidence, analyses, and conclusions regarding the requirements for joint-degree programs. The report also includes recommendations for the program's further development. In addition, the review panel issues a recommendation regarding the decision. The conclusions and recommendations pay particular attention to the specific characteristics of the joint degree program. The universities are given the opportunity to comment on the draft version of the report, including to point out any factual errors (Number 4, see C.4 EA). The review panel, consisting of at least four members, combines expertise in the relevant subjects or disciplines—including the labor market and professional world in the respective fields—with expertise in the area of quality assurance in higher education. Thanks to its international expertise and experience, the review panel can take into account the specific characteristics of the joint degree program. The review panel as a whole possesses knowledge of the higher education systems of the participating institutions as well as the languages of instruction used. The review panel includes members from at least two countries participating in the consortium that offer the program. At least one student is represented on the review panel. The provisions in § 25(3) sentence 1 (majority of university faculty members in the evaluation), (5) (exclusion of evaluators to avoid conflicts of interest), and (6) (right of the institution to comment) of this regulation apply accordingly (Number 5, cf. C.2 EA).

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

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

Sentence 3 clarifies that the Accreditation Council's accreditation decision to recognize the evaluation must also be issued in writing, must be substantiated, must give the institution an opportunity to comment within a one-month period, and that the Accreditation Council shall affix its seal in the event of a positive decision (Section 21(2), (3), and (4)(1) of this Regulation). The accreditation decision takes effect at the beginning of the semester or trimester following the announcement, in accordance with § 25(1), first sentence, of this Regulation. Reaccreditation must be initiated in a timely manner before the expiration of the accreditation (§ 25(2), first sentence, of this Regulation). For accreditation decisions regarding joint degree programs as well, the institution must notify the Accreditation Council of any significant changes (Section 27 of this Regulation), 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 six years, in deviation from § 25 (1) and (2), sentence 1 of this Regulation, in accordance with the European Approach (EA) (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:

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

Regarding Section 33 – Professional Qualifications

Section 33 corresponds to Section 35 of the Model Statute.

Paragraph 1:

Paragraph 1 retains the existing option to combine accreditation procedures with procedures determining a degree program's eligibility for professional licensing, even under the new accreditation system. The accreditation decision, on the one hand, and the decision regarding the determination of eligibility under professional law based on professional regulations, on the other hand, are legally separate decisions. The latter is made separately by the respective competent state authority.

The provision is to be understood as an invitation to the competent state authorities to utilize accreditation procedures to assess, in the interest of students, the suitability of a degree program with regard to access to regulated professions. To date, this option has been utilized particularly in the fields of auditing and social work/social pedagogy. In the future, this option could play a role within the framework of the planned academic training for health professions. The combination of these procedures requires a corresponding application from the institution of higher education.

Paragraph 2:

Paragraph 2 clarifies that the external experts to be consulted regarding professional suitability have only an advisory role and do not influence the accreditation decision.

Regarding Part 6 – Alternative Accreditation Procedures

Regarding § 34 – Alternative Accreditation Procedures

Paragraph 1:

The provision in § 34 implements the option opened up in Art. 4(4) in conjunction with Art. 3(1)(3) of the StudAkkStV for alternative accreditation pathways to system and program accreditation, which are also subject to the criteria under Art. 2 of the StudAkkStV.

Paragraph 2:

Paragraph 2 transposes the provisions of Article 3(1)(3), second half-sentence, in conjunction with Article 2 of the StudAkkStV into this regulation: It requires that alternative procedures also comply with the formal and substantive criteria set forth in Parts 2 and 3 of this regulation. In addition, the requirements for appropriate academic involvement, as set forth in particular in Article 3(2), first sentence, of the StudAkkStV and this regulation, must be met in accordance with the “Standards and Guidelines for Quality Assurance in the European Higher Education Area” (ESG). If the alternative procedures also include degree programs within the meaning of Art. 6(1), sentence 5 of the Bavarian Higher Education Act (BayLBG) and degree programs in Protestant or Catholic theology, the participation and approval requirements set forth in this regulation apply. There is no obligation for higher education institutions to use an agency.

Paragraph 3:

Paragraph 3 transfers the content of Art. 3(1)(3), first half-sentence, of the StudAkkStV to the level of a regulation: If a higher education institution intends to implement an alternative procedure, this requires the prior approval of both the Accreditation Council and the State Ministry. This ensures that the State Ministry is involved from the outset and also ensures the implementation of the interests of regulated professions, if necessary in coordination with the relevant ministries. The basis for approval is a description of the proposed procedure; to assess its suitability for meeting the quality assurance requirements arising from the State Treaty on Study Accreditation and this regulation, the Accreditation Council may consult external experts. The application to be submitted following approval must also be submitted to the Accreditation Council via the State Ministry.

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

Paragraph 4:

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

Paragraph 5:

The implementation of an alternative procedure is limited to a maximum of eight years, meaning that shorter durations may also be provided for in these cases. As in the case of system accreditation, the institution of higher education also retains the right, within the framework of the alternative procedure, to award the Accreditation Council's seal to the degree programs it has reviewed. The extension options provided for in § 25(3), sentence 3 of this regulation apply accordingly. Even within the framework of alternative procedures, care must be taken to ensure a seamless accreditation chain in the interest of the students.

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

Part 7 – Final Provisions

Regarding Section 35 – Evaluation

Section 35 corresponds to Section 36 of the Model Regulation.

Section 35 provides for an evaluation to be conducted by the states three years after the regulations take effect in order to review their application and impact. The results of the evaluation must be submitted to the KMK so that appropriate measures can be taken if necessary.

Regarding § 36 – Entry into Force

Section 36 corresponds to Section 37 of the Model Regulation.

In its decision of February 17, 2016, the Federal Constitutional Court instructed the states to establish the legal foundations necessary under constitutional law for the joint accreditation system and set a deadline for implementation of December 31, 2017. Accordingly, the State Treaty on Study Program Accreditation entered into force on January 1, 2018. Since the provisions set forth therein only take effect upon the enactment of the necessary implementing regulations by the corresponding state regulations of the states ,

they must therefore enter into force simultaneously—to prevent any regulatory or accreditation gaps from arising.

With the reorganization of the accreditation system through the State Treaty on Study Accreditation and the corresponding state regulations, the provisions previously incompatible with Article 5, Paragraph 3, Sentence 2, in conjunction with Article 20, Paragraph 3, of the Basic Law are being replaced by constitutional legal foundations. The fact that a new regulation was to be expected here has been known to all relevant stakeholders for some time; in particular,

- all public and private higher education institutions in Bavaria were informed by letter dated March 23, 2016, that the Federal Constitutional Court's decision would be used as an opportunity to examine whether action was needed by the states regarding the common legal foundations of accreditation in Germany as well as in the individual states.
- In a press release dated December 9, 2016, the KMK announced the adoption of the draft State Treaty on Study Program Accreditation and the associated procedural changes compared to the previous system.
- At meetings of the higher education associations on January 19 and February 22, 2017 (University of Bavaria e.V.) and on February 7 and March 31, 2017 (Bavarian Universities Association e.V.), comprehensive information was provided regarding the background, current status, and procedures.
- In a letter dated September 26, 2017, the KMK conducted a consultation process on the model statutory ordinance, involving both the higher education sector (HRK with 268 state and state-recognized member institutions, Association of Private Universities e.V., vocational academies sector: Federal Association of Private Vocational Academies e.V.) and student representatives (Coordinating Committee of the Student Accreditation Pool), the agency side (AQAS e.V., ASIIN e.V.) and the Accreditation Council, the employer side (Confederation of German Employers' Associations) and the employee side (German Trade Union Federation), as well as the churches (German Bishops' Conference, Evangelical Church in Germany).
- In a press release dated December 11, 2017, the KMK announced the resolution on the model legal ordinance for the State Treaty on Study Program Accreditation.
- The State Treaty on Study Program Accreditation and the Model Statutory Ordinance were sent to all public and private universities in Bavaria in a letter dated December 20, 2017, outlining the key procedural changes and

with the note that the State Ministry intends to enact the Model Statutory Ordinance as a corresponding state ordinance in the near future, retroactive to January 1, 2018.

The changes to the procedure were communicated to the institutions at an early stage. The formal and subject-specific criteria (Parts 2 and 3) that are decisive for degree programs and quality management systems essentially implement the requirements already in effect and described under A. General Provisions. With regard to students, this applies in particular to § 5 (Admission Requirements), which merely incorporates the provisions already set forth in Art. 43(5) and Art. 44(2) of the Bavarian Higher Education Act (BayHSchG).

No special transitional provisions are established, meaning that

- for procedures commenced before January 1, 2018 (i.e., *"as soon as the institution of higher education has concluded an agreement on the conduct […] with the Agency,"* cf. Art. 16(1) of the State Treaty on Study Program Accreditation), the previous regulations apply,
- for all accreditation procedures not commenced before January 1, 2018, only the provisions of the State Treaty on Study Program Accreditation and this ordinance shall apply.