

## **Explanatory Memorandum to the State Ordinance pursuant to Article 4, paragraphs 1 through 4, of the State Treaty on the Accreditation of Higher Education Programs**

### **Preliminary Remarks**

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

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

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

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

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

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<sup>1</sup> In particular, the Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs (Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 10, 2003, as amended on February 4, 2010), see [https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen\\_beschluesse/2003/2003\\_10\\_10](https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2003/2003_10_10)

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

In drafting the model regulation, the Standing Conference of the Ministers of Education and Cultural Affairs was guided by the principle enshrined in the State Treaty on the Accreditation of Study Programs, namely that ensuring and enhancing the quality of study and teaching is primarily the responsibility of the universities. The Standing Conference assumes that universities will take the lead in prioritizing the quality of study programs when designing their curricula, acting independently and comprehensively across the board.

When implementing the state regulations to be enacted on the basis of the Model Regulation, it is essential to ensure that uniformity of application is maintained within the framework of accreditation and that the objectives of the State Treaty, as set forth in Article 1(2), are not jeopardized by divergent practices. In this context, the principle—which has been strongly advocated to date—continues to apply that existing discretionary leeway, as expressed in the Model Statutory Ordinance through a multitude of optional or recommended 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 the accreditation of degree programs or in the corresponding internal quality assurance processes.

This regulation, issued by the ministry responsible for higher education, transposes the Model Regulation into state law. In doing so, changes have been made to the Model Regulation through editorial adjustments and to meet the requirements of the formal legal review; in addition, a few clarifications regarding the application of the regulation and specific provisions reflecting state law have been included.

## **II. On the Individual Provisions Part 1**

### **– General Provisions**

#### **§ 1 – Scope of Application**

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

Paragraph 2 takes into account the resolution of the Conference of Ministers of Education and Cultural Affairs on the “Classification of Bachelor’s Degree Programs at Vocational Academies within the Consecutive Study Structure” dated October 15, 2004<sup>2</sup>, which stipulates that degree programs at vocational academies leading to the “Bachelor’s” degree must be accredited. In this context, the regulations for program accreditation apply, unless special provisions set forth in § 8(6) and § 21, which are based on the dual structure of the training, apply. The degree title “Bachelor” awarded by vocational academies is not a higher education degree, but a state-recognized degree title.

Accreditation in accordance with the provisions of the regulation forms the basis for the equivalence, under higher education law, of bachelor’s degrees from vocational academies with those from universities, which in particular opens the door to master’s programs and thereby increases the permeability of the education systems. It is expected that equivalence under higher education law will also be accompanied by equivalence under professional regulations.

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<sup>2</sup> [http://www.Kultusministerkonferenz.org/fileadmin/veroeffentlichungen\\_beschluesse/2004/2004\\_10\\_15-Bachelor-Berufsakademie-Studienstruktur.pdf](http://www.Kultusministerkonferenz.org/fileadmin/veroeffentlichungen_beschluesse/2004/2004_10_15-Bachelor-Berufsakademie-Studienstruktur.pdf)

## **Section 2 – Forms of Accreditation**

Section 2 defines, in accordance with Article 3(1) of the State Treaty on Study Program Accreditation, the types of programs eligible for accreditation to which the subsequent provisions of this ordinance apply.

### **Part 2 – Formal Criteria for Degree Programs**

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

## **Section 3 – Program Structure and Duration**

Paragraph 1 establishes the principle that, in a tiered degree system, the bachelor's degree is the standard degree. It must be characterized by an independent, professionally qualifying profile that enables the holder to enter professional practice 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 higher education degree. Paragraph 2

provides a framework for the planning and design of bachelor's and master's programs for universities; it does not regulate individual study

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

In the core artistic disciplines at art and music colleges, consecutive bachelor's and master's degree programs with a total duration of 6 years may also be established<sup>3</sup>. Furthermore, it is also planned to adjust the standard periods of study, provided that the academic structure is organized accordingly.

Paragraph 3: The exemption for the "full theological program" is formulated with reference to Art. 17, para. 2 of the State Treaty on Study Accreditation and in light of the agreement between the Conference of Ministers of Education and Cultural Affairs, the Evangelical Church in Germany, and the German Catholic Bishops' Conference, "Key Points for the Study Structure in Programs in Catholic or Evangelical Theology/Religion"—Resolution of the Conference of Ministers of Education and Cultural Affairs of December 13, 2007<sup>4</sup>. In this agreement, the churches have agreed to follow the structural requirements pertaining to the degree program. However, different regulations may apply in specific cases regarding degree programs qualifying for church office. The division into Bachelor's and Master's degrees is therefore not mandatory. However, full-time theological degree programs with a standard duration of ten semesters are otherwise fully subject to the formal and substantive criteria for accreditation, with the exception of the degree (see § 6(2), sentence 6, and the explanatory memorandum).

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<sup>3</sup> Note: The core artistic subjects are not defined in detail here. The decision regarding the inclusion of fine arts programs in the tiered degree structure and the classification of a subject as a core artistic subject is made by the respective state and institution based on the curriculum.

<sup>4</sup> [http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen\\_beschluesse/2007/2007\\_12\\_13-Eckpunkte-Studienstruktur-Theologie.pdf](http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2007/2007_12_13-Eckpunkte-Studienstruktur-Theologie.pdf)

## **§ 4 – Program Profiles**

Paragraph 1 sets forth provisions regarding the profile of master's degree programs. Regardless of the type of institution, master's degree programs may be classified as either "application-oriented" or "research-oriented." Given the decision not to distinguish between programs at universities of applied sciences and traditional universities, this differentiation serves to enhance transparency for students and the labor market. If a profile type is specified, it must be clearly reflected in the structure of the program.

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

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

The respective profile must be reviewed during the accreditation process.

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

Continuing education master's programs lead to the same level of qualification and the same entitlements as consecutive master's programs. Therefore, the same requirements regarding the standard period of study and the requirement for a thesis apply to them.

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

## **Section 5 – Admission Requirements**

Paragraph 1: Admission to a master's program requires a first professional degree<sup>5</sup>. This reflects the nature of the master's degree as a further professional degree (see § 3, paragraph 1).

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

Paragraph 2 takes into account the needs of art and music colleges, which primarily base admission to master's programs on specific artistic aptitude.

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<sup>5</sup> Note: This regulation does not contain any specific provisions regarding transfers between degree programs under different degree systems; the general credit transfer provisions apply in such cases. Universities are free to specify details in their examination regulations.

Paragraph 3: Under the Hessian Higher Education Act, additional requirements for admission to master's degree programs may be stipulated.

## **Section 6 – Degrees and Degree Titles**

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

Paragraph 2 definitively establishes the degree titles for bachelor's and consecutive master's degree programs. Instead of the degree titles "Bachelor" and "Master," the Latin terms "Baccalaureus/Baccalaurea" and "Magister/Magistra" may also be used. For degree programs that cannot be clearly assigned to one of the subject groups listed in sentence 1, nos. 1 through 7, the degree title is determined by the program's academic focus. This applies to interdisciplinary and combined degree programs, but in particular also to polyvalent degree programs in the field of teacher education, for which degree titles may be awarded in accordance with nos. 1 through 7. For continuing education master's programs, alternative titles remain permissible. Subject-specific additions to degree titles and bilingual degree titles are excluded, as are bachelor's degrees with the addition "honors."

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

Paragraph 2, No. 7 governs the titles for bachelor's and consecutive master's degrees in degree programs that provide the educational qualifications required for a teaching career. The degree title "Master of Education" (No. B 2 of the "Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs," Resolution of the Conference of Ministers of Education and Cultural Affairs of October 10, 2003, as amended) should, in any case, in the interest of transparency and to avoid false expectations regarding mobility, be reserved for those degrees that—as a rule, nationwide—provide access to a preparatory service for a teaching career in accordance with state law.

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

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

## **§ 7 – Modularization**

Paragraph 1 defines the requirements for modularization that must be demonstrated as part of the accreditation process. Modules consist of self-contained units of study that are thematically and temporally distinct and assigned credit hours. They may be composed of various forms of teaching and learning (e.g., lectures, seminars, internships, e-learning, educational research, etc.). A module may cover the content of a single semester or an academic year, but in exceptional cases may also extend over several semesters. The fundamental time limit of two consecutive semesters serves two primary purposes. On the one hand, modules are intended to provide a transparent internal structure for degree programs and should therefore not be too large. On the other hand, modules that extend over a longer period of time could restrict student mobility. If the institution deviates from this time limit, it must demonstrate that this has no adverse effect on the intended objectives or that such effects are offset by appropriate measures. Sentence 3 takes into account the specific characteristics of artistic degree programs.

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

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

1. Content and learning outcomes of the module
  - a) subject-specific, methodological, practical, and interdisciplinary content,
  - b) subject-specific, methodological, and interdisciplinary competencies, key competencies,
  - c) Learning and qualification objectives aligned with an overall qualification (target credential) to be defined;
2. Teaching methods

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

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

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

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

A 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 (types of examinations, e.g., oral or written exams, presentations, term papers, as well as the scope or duration of the examination), proof of attendance, and opportunities for make-up work must be regulated in the examination regulations;

## 6. Credits and Grades

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

## 7. Frequency of module offerings

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

## 8. Workload

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

## 9. Duration of the modules

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

The so-called competency-based assessment under the Bologna Process requires pedagogically sound flexibility. Accordingly, the provision in paragraph 3, sentence 3, which requires that a type of examination be specified in the module descriptions, does not mean that only a single type of examination, e.g., a 120-minute written exam, must be specified. Rather, it is also possible to specify different forms of examination as the type of examination, provided they are equivalent to one another.

## **§ 8 – Credit Point System**

Paragraph 1 concerns the awarding of credit hours. These serve as a quantitative measure of the student's overall workload and include both direct instruction and the time spent preparing for and reviewing course material (class time and independent study), as well as the time required for exams and exam preparation, including final exams, term papers, and, where applicable, internships.

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

A total of 60 credit points are awarded per academic year, i.e., 30 per semester. One credit point is based on a student's workload of 25 to a maximum of 30 hours of in-class and self-study, so that the total workload for a full-time student per semester, including both 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 number of working hours within the range that corresponds to one ECTS credit is specified in the study and examination regulations.

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

Paragraph 2 stipulates that a minimum of 180 ECTS credits is required to earn a bachelor's degree, and a total of 300 ECTS credits is required to reach the master's level—that is, including prior studies up to the first professionally qualifying degree. No exceptions to these planning requirements for universities are provided for. The deviations from the standard period of study permitted under § 3

exclusively to the time requirements and do not permit any deviation from the ECTS credit requirements.

According to sentence 3, it is true that, in individual cases, exceptions may be made to the 300 ECTS credit requirement for a master's degree if the student possesses the appropriate qualifications. However, this exception applies exclusively to the individual student and not to the degree program. Accordingly, applicants may be admitted to master's degree programs even if they have not earned a total of 300 ECTS credits from their bachelor's studies. The prerequisite is proof of the qualifications required for admission.

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

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

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

Paragraph 4 stipulates that deviations from the requirements regarding the number of credit hours per semester are generally permitted for certain types of degree programs, such as intensive programs. The upper limit is 75 ECTS credit hours, based on 30 hours per credit hour. In such cases, special attention must be paid to the feasibility of the program. Through measures related to program organization, universities can help ensure the feasibility of such programs.

Paragraph 5 incorporates the recommendation of the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors' Conference regarding the awarding of a master's degree in teacher education when performance during the pre-service training period is to be included, dated June 12, 2007, and July 8, 2008<sup>6</sup>. One option for incorporating the preparatory service into the master's program is the recognition of portions of the preparatory service. The "Standards for Teacher Education: Educational Sciences" (Resolution of the Conference of Ministers of Education and Cultural Affairs dated December 16, 2004)<sup>7</sup> serve as the benchmark for practical school training during the degree program and the preparatory service. On this basis, the universities and the institutions of the second phase of training agree on state-specific qualification frameworks, on the basis of which the universities and the institutions of the second phase of training

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<sup>6</sup> [https://www.Kultusministerkonferenz.org/fileadmin/Dateien/pdf/PresseUndAktuelles/Beschluesse\\_Publications/Recommendation-of-the-Conference-of-Ministers-of-Education-and-Culture-and-the-Conference-of-University-Rectors\\_12-06-08\\_08-07-08.pdf](https://www.Kultusministerkonferenz.org/fileadmin/Dateien/pdf/PresseUndAktuelles/Beschluesse_Publications/Recommendation-of-the-Conference-of-Ministers-of-Education-and-Culture-and-the-Conference-of-University-Rectors_12-06-08_08-07-08.pdf)

<sup>7</sup> Standards for Teacher Education: Educational Sciences (Resolution of the Conference of Ministers of Education and Cultural Affairs dated December 16, 2004, as amended on June 12, 2014) at [http://www.Kultusministerkonferenz.org/fileadmin/Files/Publications\\_Resolutions/2004/2004\\_12\\_16-Standards-Teacher-Training-Educational-Sciences.pdf](http://www.Kultusministerkonferenz.org/fileadmin/Files/Publications_Resolutions/2004/2004_12_16-Standards-Teacher-Training-Educational-Sciences.pdf)

phase, training formats and examination procedures amounting to up to 60 ECTS credits for a one-year training segment are to be developed jointly and by mutual agreement as a basis for credit transfer to higher education studies.

Paragraph 6 sets forth specific provisions regarding the academic structure of vocational academies. Vocational academies are institutions in the tertiary sector that offer an academic and practice-oriented program of study lasting at least three years. The number of ECTS credits to be earned and the ratio of theory- to practice-based training components are based on the aforementioned resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated October 15, 2004<sup>8</sup>.

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

### **Section 9 – Specific Criteria for Collaborations with Non-Higher Education Partners**

Section 9 establishes the specific formal criteria for non-academic collaborations pursuant to Section 19.

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, the scope and nature of the cooperation must be clearly presented on the institution's website.

Paragraph 1, sentence 2, emphasizes that, as guarantors of the quality of the degrees and academic titles they confer, higher education institutions are responsible for ensuring the quality of study programs as well as the procedures for recognizing competencies acquired outside of higher education. Only those competencies may be recognized that, in terms of content and level, are equivalent to the part of the program they are intended to replace. Such knowledge and skills acquired outside the higher education system may replace no more than 50% of a higher education program. This ensures that a substantial part of the education underlying the higher education degree takes place under the direct responsibility of—that is, through the own efforts of—the institution awarding the degree.

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

### **Section 10 – Special Provisions for Joint Degree Programs**

This regulation implements the so-called European Approach to Quality Assurance in Joint Programs (EA)<sup>10</sup>, which was adopted at the Conference of Ministers of Education of the European Higher Education Area<sup>9</sup> in Yerevan in May 2015. This approach is intended to apply to

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<sup>8</sup> see footnote 2

<sup>9</sup> <https://www.ehea.info/>, currently 48 European countries

<sup>10</sup> [http://bolognayerevan2015.ehea.info/files/02\\_European%20Approach%20QA%20of%20Joint%20](http://bolognayerevan2015.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20)

enable the external quality assurance of degree programs through study programs jointly developed and administered by higher education institutions in different countries—particularly within the European Higher Education Area—based on uniform procedural rules and criteria aligned with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)<sup>11</sup>, which also underpin the European Higher Education Area. Corresponding provisions regarding the academic content criteria and procedural rules are set forth in Parts 3 and 4 of this Regulation (Sections 16 and 33). The provisions contained in Parts 2, 3, and 4 of this Regulation apply to joint degree programs only to the extent expressly provided for.

The regulations governing joint degree programs establish the legal framework for accreditation decisions based on different criteria and procedural rules. They thus provide, beyond the authority granted to the Accreditation Council Foundation under Article 5(3)(2) of the State Treaty on Study Program Accreditation to define the requirements for the recognition accreditation decisions by foreign institutions, the possibility of making accreditation decisions that deviate from the criteria and procedural rules defined in this ordinance. Article 5(3), sentence 2 of the State Treaty on Study Program Accreditation merely grants the Accreditation Council Foundation the mandate to determine, on the basis of the criteria and procedural rules set forth in the State Treaty on Study Program Accreditation and in the ordinances enacted pursuant to Art. 4 of the State Treaty on Study Accreditation, without permitting any deviation from these requirements. Authorizing the Foundation to independently define criteria and procedural rules in such proceedings that deviate from these requirements is incompatible not only with the objectives set forth in Art. 1, paras. 2 and 3, Article 4(6) of the State Treaty on Study Accreditation, but also in light of constitutional principles (in particular the principle of specificity and the theory of materiality).

Paragraph 1 defines the scope of application. In light of the differing criteria associated with the application of the EA—in particular, the fact that a master's degree, including the first degree, is not structurally required to be based on 300 ECTS credits—and pending clarification of other issues regarding the scope of application, this scope 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 conjunction 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 in their respective countries. Their respective national legal frameworks must permit them to participate in joint degree programs and to award a joint degree (see B 1.1 EA).

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

No. 1 stipulates that the degree program must be based on a jointly coordinated and systematically interrelated curriculum. This excludes models in which higher education institutions cooperate only in the recognition of credits but do not maintain a common curriculum (see the introduction to the EA).

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

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<sup>11</sup> <http://www.ehea.info/cid105593/esg.html>

No. 3 stipulates the requirement for a contractual cooperation agreement between the participating institutions of higher education in order to ensure the sustainability of the degree program, particularly in the interest of the students. The cooperation agreement concluded by the participating higher education institutions within the framework of their contractually regulated cooperation must, in particular, contain provisions regarding: the designation of the degree awarded in the program; coordination and responsibilities of the partners with regard to management and financial organization; Admission and selection procedures for students; mobility of students and faculty; examination regulations and methods for assessing students; recognition of credit points and procedures for awarding degrees; and the involvement of all cooperating institutions in the design and implementation of the degree program (see B 1.3 EA).

No. 4 ensures, in the students' best interest, that the degree program has a coordinated system of admission and examination requirements (see B 1.3 EA).

No. 5 stipulates that participating institutions must have a common quality management system. This includes the participating institutions applying common internal quality assurance processes. These encompass, in particular, the quality assurance strategy, standards for the design and approval of degree programs, adherence to the principles of student-centered learning, teaching, and assessment, transparent regulations regarding admission and the course of study, recognition, and degree conferral; ensuring the competence of faculty; providing adequate resources to ensure the learning environment; sound information management; and ongoing monitoring and regular review of degree programs (see B 9 EA in conjunction with ESG 1.1 and Part 1 of the ESG).

Paragraph 2 sets forth the formal criteria applicable to joint degree programs.

With regard to the participation of foreign higher education institutions and the political agreements reached within the European Higher Education Area, the first sentence expressly stipulates as an assessment criterion the application of the recognition principles of the so-called Lisbon Convention<sup>12</sup> (see B 4.2 EA), which already apply to higher education institutions based in Germany under federal or state law. These include:

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

Sentence 2 clarifies that the principles regarding modularization and the credit system set forth in Sections 7 and 8(1) also apply here, and that the allocation of credits must be clearly defined (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 that a master's program must comprise a minimum of 60 credit points (see B 3.3 EA). Sentence 4 clarifies, particularly in the interest of internationally mobile students, that the relevant information—

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<sup>12</sup> Act of May 16, 2007, on the Convention of April 11, 1997, on the Recognition of Qualifications in Higher Education in the European Region, Federal Law Gazette 2007 II, p. 712 et seq., <http://www2.fzs.de/uploads/lissabonkonvention.pdf>

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. (cf. B 8 EA).

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

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

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

#### **§ 11 – Qualification Objectives and Degree Level**

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

Paragraph 1 refers to Article 2, Paragraph 3, No. 1 of the State Treaty on Study Program Accreditation, which lists as the qualification objectives of a study program the academic or artistic competence corresponding to the intended degree level, as well as the ability to engage in skilled professional activity 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 2015 recommendations on the relationship between higher education and the labor market<sup>13</sup>. As part of the accreditation process, it must be verified whether the qualification objectives and intended learning outcomes to be specifically defined by the institution for each degree program reflect these goals.

Paragraph 2: The aspects of the academic, scientific, artistic, methodological, and personal development requirements described in paragraph 2 are based on the descriptors and competency dimensions of the Qualifications Framework for German Higher Education Degrees in its current version<sup>14</sup>, which was developed in cooperation between the German Rectors' Conference and the Standing Conference of the Ministers of Education and Cultural Affairs, in consultation with the Federal Ministry of Education and Research, and adopted by the Standing Conference of the Ministers of Education and Cultural Affairs on February 16, 2017. This framework implements the Qualifications Framework for the European Higher Education Area<sup>15</sup> at the national level and encompasses the imparting of up-to-date subject-specific knowledge, interdisciplinary knowledge, and the generally recognized principles of good scientific practice, as well as the acquisition of methodological, personal, and social competencies and the assurance of employability and the ability 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.

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<sup>13</sup> <https://www.wissenschaftsrat.de/download/archiv/4925-15.pdf>, p. 40 ff.

<sup>14</sup> [https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen\\_beschluesse/2017/2017\\_02\\_16-Qualifikationsrahmen.pdf](https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2017/2017_02_16-Qualifikationsrahmen.pdf)

<sup>15</sup> [http://media.ehea.info/file/WG\\_Frameworks\\_qualification/85/2/Framework\\_qualificationsforEHEA\\_May2005\\_587852.pdf](http://media.ehea.info/file/WG_Frameworks_qualification/85/2/Framework_qualificationsforEHEA_May2005_587852.pdf)

Paragraph 3 establishes, based on relevant decisions of the Standing Conference of the Ministers of Education and Cultural Affairs<sup>16</sup> that have proven effective in previous accreditation practice, the requirements to be verified in the accreditation process for the bachelor's and master's levels within the tiered system and for different entry-level profiles.

Sentence 1 clarifies the function of the bachelor's degree as the first professionally qualifying degree; as an undergraduate degree, it must provide a broad qualification and thus ensure both the ability to engage in professional practice and the capacity for further academic advancement and lifelong learning. In accordance with the differentiation of master's programs pursuant to Section 4(2), Sentence 2 defines consecutive master's programs as programs that deepen, broaden, are interdisciplinary, or are in a different field. Sentences 3 and 4 regulate the specific requirements for professional master's programs. Continuing education master's programs are characterized by their focus on professional qualification. Therefore, prior professional experience is a constitutive element, which must be reflected in both the duration and the nature of the work. Any duration of prior professional experience shorter than the minimum of one year therefore requires special justification. The professional experience builds upon the previous first professional qualification and therefore cannot be replaced either by mandatory internships from the bachelor's phase or by professional experience prior to the start of the bachelor's program.

In line with the educational objective, the accreditation process must place particular emphasis on the connection between professional qualifications and the program design, as demonstrated by the institution. The same applies to the review of the requirements, which—despite the predominantly vocational orientation—must correspond both structurally (see also § 4(2)) and in terms of content to the qualification level defined for the master's level (see also (2)). Sentence 5 specifies the qualification objectives for artistic bachelor's and master's degree programs.

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

## **§ 12 – Coherent Program Concept and Adequate Implementation**

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

Paragraph 1, sentence 1 requires a curriculum that is consistent with the achievement of the qualification objectives, taking into account the entry qualifications (see Standard 1.2). Sentence 2 requires a correlation between qualification objectives (see also § 11, paragraphs 1 and 2), the program title, the degree level and degree title (see also § 6), and the module concept (see also § 7). Sentence 3 calls for diverse teaching and learning methods adapted to the respective disciplinary cultures and the chosen program format, as well as practical components where appropriate (see Standard 1.3). Sentence 4 stipulates that the program must provide suitable framework conditions to promote student mobility, enabling students to spend time at other universities without losing academic progress. This includes, in particular, the consideration of mobility windows in program design and recognition procedures that adhere to the principles of the Lisbon Convention<sup>17</sup> not only during stays at universities abroad,

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<sup>16</sup> See footnote 1

<sup>17</sup> See footnote 12

but also consistently apply them domestically. Admission requirements for master's programs must also be designed to promote mobility and enable students to transfer between institutions and types of higher education institutions. Sentence 5 ensures that students are encouraged to actively participate in shaping the teaching and learning process. This guarantees student-centered learning, teaching, and assessment in accordance with Standard 1.3 of the ESG.

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

Paragraph 2, sentence 1, stipulates that the teaching staff must ensure, both in terms of quantity and quality, that the curriculum is implemented adequately. This also includes the teaching competence of the faculty. Sentence 2 requires that the integration of research and teaching be ensured by a sufficient number of full-time professors<sup>18</sup> 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 foundation for teaching that is substantively and pedagogically sound in the respective program. These include, for example, structured processes for tenure-track appointments or a systematic offering of university-level teaching qualifications.

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

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

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

According to No. 1, one criterion for the feasibility of a degree program is that it be predictable and reliable. This includes, in particular, providing students with timely and comprehensive information on all organizational aspects of the program, as well as the transparent and reliable planning and conduct of courses and exams.

Furthermore, in accordance with No. 2, courses and exams must, as far as possible, not overlap. This applies in particular to required modules, frequently chosen subject combinations, and required elective modules. If, for other reasons, it is not possible to ensure that there is no overlap, prospective students and current students must be provided with timely and transparent information.

Furthermore, pursuant to No. 3, the program concept must plausibly define the workload and examination requirements in accordance with the formal requirements set forth in § 7 and § 8, and

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<sup>18</sup> Due to differing definitions of the term “professor” under state law, different terms may be used in the state regulations.

that these specifications are continuously reviewed, in particular through regular workload surveys, and adjusted as necessary.

To ensure that students have active control over the structure of their studies, sufficient flexibility—particularly with regard to transferring to another institution—and the ability to plan their studies, the learning outcomes of a module must be designed so that they can generally be achieved within a single semester, but no later than within one year.

Furthermore, according to No. 4, an appropriate frequency and organization of examinations are essential. Therefore, to reduce the examination burden, modules should generally be completed with only one examination and should generally be worth at least five ECTS credits. With 30 ECTS credits per semester in a full-time program, this 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, the conduct of a laboratory experiment, or participation in field trips.

These are all guidelines, meaning that exceptions are possible in justified cases. In such cases, consideration must be given to the consistency of the respective module concepts and the consistency of the examination concept with respect to the qualification objectives of the respective module, as well as to the overall examination workload in the respective degree program<sup>19</sup>.

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

In such cases, the criteria listed in paragraphs 1 through 5 must be applied in light of the specific profile and from the relevant perspective, and must be assessed against the specific requirements to be defined by the respective institutions of higher education. These include, in particular, aspects such as the specific target group, a special program structure, different learning locations, and the involvement of industry partners—for example, in dual models—specific teaching and learning formats, or the existence of a sustainable quality management system that encompasses the various learning locations. A degree program may be designated and advertised as “dual” if the requirements of Section 15(1), sentence 3 of the Hessian Higher Education Act or Section 1(1), sentence 2 of the Act on the State Recognition of Vocational Academies are met.

### **Section 13 – Academic and Content-Related Structure of Degree Programs**

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

Paragraph 1: In light of Article 5, Paragraph 3 of the Basic Law, the provision is limited to reviewing compliance with procedural requirements to ensure a program concept grounded in academic expertise, and grants the reviewers broad discretion regarding the content. According to sentence 1, 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 disciplinary discourse at the national and, where applicable, international level is systematically taken into account. This includes the critical reflection of various subject-related

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<sup>19</sup> Inter-State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs dated February 4, 2010 – Interpretive Notes – dated February 25, 2011, Number 5

Reference systems as well as ongoing engagement with the latest state of research.

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

Paragraphs 2 and 3 define the academic and content-related criteria for the evaluation of degree programs that provide the educational prerequisites for a teaching career. In view of the need to ensure high-quality school instruction and thereby guarantee comparable educational opportunities (the state's responsibility for the school system), uniform guidelines are required here. The regulations are based on the standards adopted for this purpose by the Conference of Ministers of Education<sup>20</sup>.

Paragraph 2 establishes the requirement to verify that the curriculum complies with the joint state standards in the subject disciplines and subject didactics, as well as in educational sciences. These standards are derived from the joint state requirements and, where applicable, state-specific content requirements based on the current versions of the KMK resolutions<sup>21</sup>.

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

## **Section 14 – Academic Performance**

To ensure that degree programs are designed efficiently and thus lead to academic success, it is essential—in the interest of students and graduates, but also in the interest of the sustainable use of resources and time—to continuously monitor and adjust degree programs, taking into account the experiences of students and graduates. 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. To ensure efficient and sustainable implementation, sentence 4 stipulates that

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<sup>20</sup> In particular: Key points for the mutual recognition of bachelor's and master's degrees in degree programs that provide the educational qualifications required for a teaching career, resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated June 2, 2005, available at [http://www.Kultusministerkonferenz.org/fileadmin/Files/publications\\_resolutions/2005/2005\\_06\\_02-mutual-recognition-bachelor-master.pdf](http://www.Kultusministerkonferenz.org/fileadmin/Files/publications_resolutions/2005/2005_06_02-mutual-recognition-bachelor-master.pdf)

<sup>21</sup> See footnote 7 regarding educational sciences; See regarding subject-specific sciences and didactics: Joint State Requirements for Content in Subject-Specific Sciences and Didactics in Teacher Education (Resolution of the Conference of Ministers of Education and Cultural Affairs dated October 16, 2008, as amended on March 16, 2017) at [https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen\\_beschluesse/2008/2008\\_10\\_16-Fachprofile-Lehrerbildung.pdf](https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2008/2008_10_16-Fachprofile-Lehrerbildung.pdf) Framework agreements for the individual teaching professions

the parties involved must be informed of the results and the measures taken, while ensuring compliance with data protection regulations.

## **§ 15 – Gender Equality and Compensation for Disadvantages**

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

## **Section 16 – Special Provisions for Joint Degree Programs**

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

Paragraph 1, sentence 1 governs the corresponding application of the technical and substantive criteria specified therein.

In accordance with Section 11(1) and (2), the learning outcomes of joint degree programs must be aligned with the corresponding level of the Qualifications Framework for the European Higher Education Area, as well as with the applicable national qualifications frameworks. These must include knowledge, skills, and competencies in the respective discipline(s) (see B 2.1 and 2.2 EA). In accordance with § 12(1), sentences 1 and 3, the structure and content of the curriculum must be designed in such a way that they enable students to achieve the intended learning outcomes (see B 3.1 EA). The program's design and the teaching and learning methods used must serve to achieve the intended learning outcomes (see B 5.1 EA). In accordance with § 12(2), sentence 1, and (3), it must be ensured that the staffing is sufficient in terms of both quality and quantity (qualifications, professional and international experience) to implement the degree programs (see B 7.1 EA). The material resources provided must also be sufficient and appropriate in view of the intended learning outcomes (see B 7.1 EA). In accordance with Section 12(4), it must be ensured that the examination regulations and the assessment of the learning outcomes achieved correspond to the intended learning outcomes and that these are consistently applied by the partner universities (B 5.2 EA). In accordance with § 14, the workload and the average time required to complete the program must be monitored (B 3.3 EA).

Sentence 2 sets forth additional requirements arising from the political agreements of the European approach.

No. 1 further stipulates that the appropriateness of the admission requirements and the selection process must be assessed in light of the level and the academic discipline in which the program is situated (B 4.1 EA). The term "selection procedure" refers here to tests, interviews, and similar processes customary abroad, and not to a selection procedure in the legal sense of admission regulations.

No. 2 stipulates that students must be able to demonstrate that they have achieved the learning outcomes intended by the program (B 2.3 EA).

No. 3 clarifies that the relevant provisions of Directive 2005/36/EC<sup>22</sup> of the European Council and the European Parliament of September 7, 2005, on the recognition of professional qualifications, as currently in force, must be taken into account in the design and implementation, particularly with regard to regulated professions. This applies in particular to specified minimum training requirements or common training frameworks (B 2.4 EA).

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<sup>22</sup>[https://www.anererkennung-in-deutschland.de/html/de/eu\\_anerkenntnugsrichtlinie.php](https://www.anererkennung-in-deutschland.de/html/de/eu_anerkenntnugsrichtlinie.php)

No. 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).

No. 5 ensures that, when the EA is applied at system-accredited universities, the formal and academic criteria applicable to joint degree programs are taken into account as part of the quality management system.

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

### **Section 17 – Quality Management System Concept (Objectives, Processes, Tools) and Section 18 – Measures for Implementing the Quality Management Concept:**

Sections 17 and 18 contain special provisions for the procedures under Article 3(1)(1) and (3) of the State Treaty on Study Program Accreditation, insofar as these procedures concern the review of internal quality management systems at higher education institutions. These provisions define the core requirements for a functional quality management system in teaching. The specific design is left to the individual institution, depending on the respective circumstances.

### **Section 17 – Concept of the Quality Management System (Objectives, Processes, Instruments)**

Paragraph 1 sets forth provisions regarding the assessment of the substantive requirements for a functioning quality management system in teaching. According to the first sentence, the existence of a mission statement for teaching that is reflected in the degree programs must be demonstrated. This refers to the description of a binding mission statement for teaching at the institution, in which faculty, institutional leadership, faculties, program directors, and student representatives have agreed upon the overarching educational goals in accordance with the institution's profile. This includes a fundamental clarification of the educational institution's self-image, interdisciplinary didactic guidelines, and, where applicable, fundamental qualification objectives<sup>23</sup>. The mission statement must be reflected in the educational profile of the individual degree programs, in terms of competency objectives and levels. According to sentence 2, the quality management system is an integral part of the overall strategy for implementing the mission statement; it must therefore fit seamlessly into the 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 at regular intervals throughout the respective accreditation cycle, the fulfillment of the formal and substantive criteria for the individual degree programs as set forth in Part 2 and Part 3 (§§ 11–15). Sentence 4 lists the central elements of the quality management system for which decision-making processes, competences, and responsibilities must be defined and implemented within the system, namely

- Processes for establishing, reviewing, further developing, and discontinuing degree programs, and

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<sup>23</sup> See the German Science Council's position paper on "Strategies for Higher Education Teaching," April 2017, p. 16 ff., <https://www.wissenschaftsrat.de/download/archiv/6190-17.pdf>

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

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

Paragraph 2 sets forth the formal requirements for the university's quality management system and is based on the ESG<sup>24</sup>. These include

- the development of the quality management system with the participation of all university constituencies, i.e., academic and non-academic staff and students, as well as the incorporation of external expertise, such as from professional practice, from (international) representatives of other universities, and from agencies with experience in quality management at universities in accordance with ESG Standard 1.1 for the development of the quality assurance strategy (sentence 1);
- Mechanisms to ensure the independence of quality assessments, particularly in the selection and appointment of reviewers and in internal university decision-making processes, in accordance with ESG Standard 2.4 on requirements for peer review experts (sentence 2, first clause);
- the definition of standard procedures for handling conflicts and the establishment of an internal grievance system, particularly for "internal" accreditation decisions, in accordance with ESG Standard 2.7 on complaints and appeals (sentence 2, second clause);
- the existence of closed-loop control systems that ensure, in a structured, transparent, sustainable, and reliable manner, continuous improvement in the quality of education, in accordance with ESG Standard 1.9 on the ongoing monitoring and regular review of degree programs (sentence 3, first clause);
- the inclusion of all areas of activity directly relevant to study and teaching (including academic advising, application, admission, and enrollment procedures), examination administration, teaching (including any collaborations), examination systems, student services, staff development, and continuing education in higher education pedagogy) (sentence 3, second clause);
- adequate and sustainable resources for implementing the measures and processes specified in the quality management system. This includes, in particular, sufficient personnel for the design, implementation, and administration of the quality management system processes, as well as adequate IT equipment, which is of particular importance for the necessary provision of meaningful data; see § 18(3);
- the regular review of the effectiveness of the quality management system with regard to the quality of studies and its further development, based on a continuous evaluation of the processes established within the system and a data-driven monitoring of the results (sentence 4).

## **§ 18 – Measures for Implementing the Quality Management Concept**

Paragraph 1 sets forth the key components of the quality management system. According to the first sentence, this includes regular evaluations of degree programs and the areas of activity relevant to teaching and student studies (see § 17(2), third sentence, second half-sentence) by internal and external students, external academic experts, representatives from the professional field, and graduates. They ensure that evaluations are implemented within the framework of the internal quality management system in such a way that

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<sup>24</sup> see footnote 11

ensure that there is a constant drive toward quality improvement. To this end, the regular involvement of external expertise is indispensable. In accordance with Standard 1.9 of the ESG (ongoing monitoring and regular review of degree programs), the following aspects in particular should be included in the evaluations: the relevance of the degree programs, changing societal needs, students' workload, study progress and degrees awarded, the effectiveness of examination procedures, students' expectations and needs, the learning environment, and support services. The results should be made available to the university community in an appropriate manner, while ensuring compliance with data protection regulations, in order to establish the necessary transparency and acceptance.

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

Paragraph 2 clarifies that, in the internal accreditation of degree programs, the requirements for participation and approval set forth in § 25(1), sentences 3 through 5, must be taken into account in teacher education programs, teacher education programs with the combined subject of Protestant or Catholic Theology/Religion, Protestant theology degree programs leading to ordination, 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 under § 24, paragraph 3, applies accordingly.

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

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

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

“Procedures for selecting teaching staff” refers primarily to faculty members. The establishment of standardized criteria is based on the relevant 2017 recommendation of the German Science Council, “Assessment and Recommendations on Program-Specific Collaborations: Franchise, Validation, and Credit Transfer Models.” Sentence 2 does not apply to collaborations with state-run teacher training colleges in the second phase of teacher training programs or to school practicum phases in teacher training programs.

## **§ 20 – University Collaborations**

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

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

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

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

It follows from paragraph 3 that higher education institutions may also cooperate at the level of their quality assurance systems to streamline procedures, and that the organizational linking of multiple procedures is permissible in this context; a coordinated application by the cooperating 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 joint use of, for example, quality assurance service facilities is, in principle, conceivable for the purpose of optimizing the use of resources. However, a decision on system accreditation must be made by each cooperating institution of higher education. The Agency’s proposed decision must be prepared accordingly.

## **Section 21 – Specific Criteria for Bachelor’s Degree Programs at Vocational Academies**

Paragraph 1, sentence 1, sets forth the requirements that individuals must meet in order to serve as full-time faculty members at a vocational academy. Sentences 2 and 3 list additional requirements regarding the quality assurance of teaching staff: 40 percent of the teaching at the vocational academy must be provided by full-time faculty members. Professors at universities of applied sciences or universities who teach at a vocational academy on a long-term part-time basis are counted toward the quorum for the proportion of full-time faculty in the teaching program. All requirements are based on the aforementioned resolution of the Conference of Ministers of Education and Cultural Affairs dated October 15, 2004<sup>25</sup> and must also be verified in the accreditation of degree programs at vocational academies.

Paragraph 2 sets forth the requirements for individuals who wish to work as part-time instructors at vocational academies, with the aim of ensuring the quality of instruction. These requirements are also based on the aforementioned resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated October 15, 2004. In

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<sup>25</sup> See footnote 2

the defined courses, full-time instructors are also permitted, in exceptional cases, to take on teaching duties.

Paragraph 3 sets forth additional requirements to be established during the accreditation process for degree programs at vocational academies, which arise from their unique staffing structure and the distinctive nature of study across multiple learning locations. These requirements are also based on the aforementioned resolution of the Standing Conference of the Ministers of Education and Cultural Affairs dated October 15, 2004.

## **Part 4 Procedural Rules for Program and System Accreditation**

### **§ 22 – Decision of the Accreditation Council, Awarding of the Seal**

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

Pursuant to Article 3(5) of the State Treaty on Study Program Accreditation, the decision of the Accreditation Council involves determining compliance with the formal criteria set forth in Article 2(2) of the State Treaty on Study Program Accreditation, on the one hand, and the academic and content-related criteria set forth in Article 2(3) of the State Treaty on Study Program Accreditation, on the other. If these criteria are met, accreditation must be granted. This constitutes a binding administrative act within the meaning of Section 35(1) 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 substantive criteria based on an expert opinion. Since these are recommendations from the agency, the Accreditation Council is not bound by these assessments.

Paragraph 2 clarifies that the Accreditation Council's decision is made by means of a written notice. Pursuant to § 39 of the Administrative Procedure Act of North Rhine-Westphalia (VwVfG. NRW), administrative acts must generally be substantiated. Sentence 2 is therefore declaratory. In the reasoning for the decision, pursuant to Art. 3, para. 4, sentence 3 of the State Treaty on Study Program Accreditation, particular attention must be given to any deviations by the Accreditation Council from the recommendations of the expert report regarding the subject-specific criteria.

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

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

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

In the case of system accreditation, the institution is granted the right to award the Accreditation Council's seal to degree programs that it has evaluated 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.

This provision excludes the degree programs referred to in paragraph 5 from the possibility of being included in system accreditation and in alternative accreditation procedures. In principle, such inclusion appears conceivable while respecting the respective church participation rights; however, it would be disproportionately burdensome from a procedural standpoint.

This applies in particular to the detailed definition of the role of the Agency for Quality Assurance and Accreditation of Canonical Degree Programs in Germany (AKAST) in such a procedure.

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

### **Section 23 – Documents to be Submitted**

Paragraph 1: The application for accreditation must be accompanied by a self-evaluation report from the institution and an accreditation report commissioned by the institution from an agency accredited by the Accreditation Council, consisting of an audit report and an expert opinion. The self-evaluation report is the self-evaluation report required under Article 3, Paragraph 2, No. 2 of the State Treaty on Study Program Accreditation.

In the case of initial system accreditation, the audit report refers to evidence that at least one degree program has undergone the quality management system (No. 3); in the case of reaccreditation, 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: In accordance with Article 5, Paragraph 3, No. 5 of the State Treaty on Study Program Accreditation, foreign agencies may generally be approved by the Accreditation Council. Accreditation reports commissioned from foreign agencies must be submitted to the Accreditation Council with a German translation, unless they are written in German. This serves to streamline the Accreditation Council's procedures.

Paragraph 3 stipulates that, in the interest of a swift and smooth process, applications must be submitted electronically once the Accreditation Council has established the necessary conditions.

### **§ 24 – Appointment of an Agency, Accreditation Report, Site Visit**

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

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

Sentence 2 addresses the specific provision that, for fully theological degree programs in Catholic Theology, in accordance with the aforementioned “key points”<sup>(26)</sup> the evaluation is conducted exclusively by the Agency for Quality Assurance and Accreditation of Canonical Degree Programs (AKAST). The role of AKAST must also be taken into account in another respect. Pursuant to Art. 5(3)(5) of the State Treaty on Study Program Accreditation, the Accreditation Council approves agencies under the conditions specified therein. For agencies listed with EQAR (European Quality Assurance Register for Higher Education), compliance with these conditions is “presumed rebuttable.” However, AKAST is not listed with EQAR. The Accreditation Council has nevertheless approved AKAST for the German-speaking region. The agency thus effectively performs quality assurance activities in its field. The text of the ordinance makes an affirmative reference to this approval granted by the Accreditation Council. However, this does not preclude a new approval after a reasonable period of time.

Paragraph 2: Program and system accreditation shall be conducted in accordance with Article 3, Paragraph 2, Sentence 1, No. 2 of the State Treaty on Study Program Accreditation, based on a self-evaluation report submitted by the institution, which must include, at a minimum, information on the institution’s quality objectives and on the formal and academic criteria for accreditation. The student body must be involved in the preparation of the self-evaluation report. The report must be made available to the agency—as has been customary under the previous procedure—and subsequently submitted to the Accreditation Council.

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

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

For teacher education programs, as well as for programs consisting entirely or partially of theological studies, the examination report must be approved by the relevant authorities. This takes into account the decision of the Conference of Ministers of Education and Cultural Affairs of June 2, 2005, “Key Points for the Mutual Recognition of Bachelor’s and Master’s Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career” (the so-called Quedlinburg Decision)<sup>27</sup> as well as the aforementioned “Key Points.”

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

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

No further guidelines regarding the content of the reports are planned. This does not preclude the possibility that the report may, for example, include recommendations for the quality development of the degree program or the quality management system aimed at improving quality beyond

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<sup>26</sup> See footnote 4

<sup>27</sup> see footnote 21

that go beyond the standards to be applied in the accreditation process 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 program. Through the publication of the reports—and, where applicable, monitoring by the Accreditation Council—these models can serve as examples for other institutions of higher education. Both can thus contribute to future quality development.

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

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

Paragraph 5: As has been the practice to date, the evaluation process includes a site visit by the evaluation committee to the institution, during which the committee can form its own impression of the general conditions of the degree program to be accredited and engage in dialogue with the responsible faculty members, students, and the institution's administration. Given 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 degree programs—system accreditation procedures generally require two visits.

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

## **§ 25 – Summary of the Review Panel, Requirements for Reviewers**

Paragraph 1 specifies 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 various groups is maintained.

Pursuant to Article 4(3), second sentence, of the State Treaty on Study Program Accreditation, the majority of the members of the review committee are 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 committee responsible for the review. Furthermore, Article 3(2), sentence 1, no. 3 of the State Treaty on Study Program Accreditation is specified and implemented with regard to the parties to be involved in the accreditation process.

Sentence 3, first clause, specifies—in light of the particular characteristics of degree programs that qualify students for admission to the preparatory service for a teaching career—that a representative of the ministry responsible for education shall replace a representative of the professional practice sector. This preserves the committee's expertise without further expanding it. The regulation establishes minimum standards.

The states may provide for more extensive participation requirements.

When evaluating the degree programs referred to in the second half of the third sentence and in the fourth sentence, the participation of the relevant church authority is required. The specific details

The structure of this provision is based on the principle that, for both full-theology and partial-theology degree programs, church ministry is the most commonly chosen field of professional practice. Therefore, it makes sense for the churches to represent professional practice in this context. For religious education teachers, the civil service generally represents the professional career path. In this case, as with all other teacher training programs, representation for professional practice is provided by the ministry responsible for the school system. The church representative then joins the review committee as an additional member.

All evaluators must specialize in a field closely related to the degree program to be accredited.

Sentence 5 stipulates that, for teacher education programs and the aforementioned theological programs, the issuance of the expert opinion requires the consent of the relevant representatives. This takes into account, on the one hand, the resolution of the Conference of Ministers of Education and Cultural Affairs dated June 2, 2005, “Key Points for the Mutual Recognition of Bachelor’s and Master’s Degrees in Programs that Provide the Educational Prerequisites for a Teaching Career” (the so-called Quedlinburg Resolution)<sup>28</sup>. Since the accreditation decision has been transferred 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—also corresponds, in the case of Catholic full-time theological degree programs, to the intent of the aforementioned “Key Points ...”<sup>29</sup>, since the accreditation decision can thus only be made following a positive evaluation by AKAST and therefore not against its vote.

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

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

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

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

Paragraph 5: Article 3, paragraph 2, sentence 1, item 3 of the State Treaty on Study Program Accreditation requires the use of external and independent evaluators. According to Nos. 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 No. 3, the standard rules on conflicts of interest applicable in academia, in particular those of the German Research Foundation (DFG), apply to the evaluators.

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<sup>28</sup> See footnote 21

<sup>29</sup> See footnote no. 4

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

## **§ 26 – Validity Period of Accreditation, Extension**

Paragraph 1: The validity period for initial accreditation is uniformly eight years. From a legal standpoint, this constitutes a time limit within the meaning of Section 36 of the Administrative Procedure Act (VwVfG) of North Rhine-Westphalia. This standardizes and significantly extends the previously customary accreditation periods of five years (program accreditation) and six years (system accreditation). This is intended to reduce the effort and costs associated with accreditation. In sentence 1, the start of the validity period is set to the beginning of the semester or trimester in which the accreditation decision is announced, in order to avoid disadvantages for students who complete their studies in the semester or trimester in which the accreditation decision is made. In addition, alignment between the semester or trimester and the accreditation periods is ensured.

Sentence 2 governs the case of program accreditation where the program has not yet been launched at the time the accreditation decision is announced. In the case of program accreditation, the accreditation period begins 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 delay in launching a degree program does not result in an unreasonably long period before reaccreditation.

In paragraph 2, sentence 1, the term “reaccreditation” is defined as a subsequent accreditation that follows immediately and without interruption after the validity period of an initial accreditation. The validity period of reaccreditation is also set uniformly at eight years, as opposed to the previously standard periods of seven years for program accreditation and eight years for system accreditation. The elimination of differing 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 a program that is being phased out would entail disproportionately high costs, the Accreditation Council may extend the validity period of the accreditation until the students have completed their studies.

Sentences 2 and 3 contain provisions for situations in which a higher education institution seeks bundle accreditation or transitions from program accreditation to institutional accreditation. In such cases, the institution should be able to focus on preparing for the bundle or system accreditation and be exempted from program accreditation for degree programs that will be covered by the planned bundle or system accreditation. To this end, the Accreditation Council may extend the validity period of a program accreditation by up to two years if the institution can demonstrate that it is preparing a corresponding accreditation application (sentence 2). If the accreditation period for an accredited degree program expires at a time when the institution has already submitted an 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 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 if an agency is commissioned in a timely manner, there is no longer a need for an exception. Furthermore, compliance with deadlines should be reasonable within the framework of quality assurance measures.

## **Section 27 – Conditions**

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

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

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

## **§ 28 – Obligation to Report Changes**

Paragraph 1: Since accreditation is a continuing administrative act and changes regarding formal or academic criteria may arise during the accreditation period, any significant changes must be reported to the Accreditation Council without delay. Significant changes may include, in particular, 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 reporting requirement enables the Accreditation Council to verify that its accreditation decision remains current and, in the event of significant changes, to adapt it to the new circumstances—as necessary — to adapt them to the new circumstances (e.g., by imposing a subsequent condition or revoking the accreditation decision).

Paragraph 2 clarifies that a notification of change submitted by the institution obligates the Accreditation Council to examine whether the substantial change affects the accreditation decision. The Accreditation Council's subsequent decision constitutes a declaratory administrative act that may be challenged by the institution on its own merits. If the accreditation decision is revoked, it is appropriate to submit an application for reaccreditation. This clarification serves to ensure legal certainty.

## **§ 29 - Publication**

Article 3(6), sentence 2, of the State Treaty on Study Program Accreditation provides that the decisions of the Accreditation Council and the expert reports shall be published in an appropriate manner.

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

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

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

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

### **§ 30 – Bundle Accreditation, Partial System Accreditation**

Paragraph 1: The existing option to combine multiple degree programs into a single bundled accreditation during the program accreditation process remains in place. However, to ensure practicality and maintain the quality of the procedures, no more than ten degree programs should be evaluated by a single committee. If more than ten degree programs are scheduled for program accreditation and are closely related in subject matter, multiple bundles must be formed. Since this is a guideline rather than a mandatory requirement, exceptions to larger bundles are possible only in atypical situations, provided the quality of the evaluation is maintained. Regarding the possibility of adjusting the size of the evaluation committee to suit the bundle accreditation in accordance with See § 25(1).

Common structural features of several degree programs do not in themselves constitute a subject-matter affinity.

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

Paragraph 2: Since the composition of a portfolio has significant implications for the subsequent evaluation and the composition of the evaluation panel, the Accreditation Council is granted the authority to approve the specific composition of the portfolio in advance. This serves to ensure legal certainty in the subsequent proceedings and is consistent with previous practice.

Paragraph 3 allows, in exceptional cases, for the system accreditation of an organizational unit within a higher education institution (e.g., continuing education institutes or individual faculties). The requirements in the second sentence are cumulative. The option of subsystem accreditation is primarily intended to facilitate higher education institutions' transition to system accreditation. The regulation does not aim to allow for multiple, permanent partial system accreditations within a higher education institution. For this reason, the quality management system of the subunit must be embedded within the higher education institution (sentence 2, no. 2).

### **§ 31 - Random Sampling**

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

Paragraph 2: In accordance with No. 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 No. 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 § 25(1) apply mutatis mutandis to random samples as well. See the explanatory notes there.

## **Part 5 – Procedural Rules for Special Degree Programs**

### **Section 32 – Combined Degree Programs**

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

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

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

### **§ 33 – Joint Degree Programs**

The regulation contains specific procedural provisions for joint degree programs. It is based on the policy agreements regarding the European Approach (EA). Accordingly, the Accreditation Council's accreditation decision in this context is structured as a decision to recognize an evaluation conducted by an agency registered with EQAR (see A 1.

(indent EA). Such a decision is required only in proceedings under Art. 3(1)(2) of the State Treaty on Study Program Accreditation (program accreditation), since the application of the criteria relevant to joint-degree programs at system-accredited institutions is ensured by § 16(5) of this Regulation (see A 2. Indent EA).

Since the European approach cannot be applied to 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 an evaluation may be conducted by an agency registered with EQAR at the request of the cooperating institutions of higher education, and that this decision may serve as the basis for an accreditation decision at the request of the participating domestic institution(s) of higher education. It is not necessary for this agency to have been approved by the Accreditation Council. To the extent that an agency accredited by the Accreditation Council is involved, this takes place outside the scope of the field in which the accreditation with the Accreditation Council exists. Furthermore, the scope of application is 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 stipulates that proof of compliance with the criteria for joint-degree programs set forth in Parts 2 and 3 of this regulation is a prerequisite for a positive accreditation decision. It also specifies the requirements for the evaluation procedure in detail.

No. 1 contains a requirement to notify the Accreditation Council prior to initiating such a procedure. This is intended to ensure that, even before the procedure is opened, it is verified whether the scope of this regulation for accreditation decisions regarding joint degree programs applies.

Points 2 through 5 correspond to the requirements set forth in the EA regarding procedures for the external quality assurance of joint degree programs. This includes a self-evaluation report submitted jointly by the cooperating institutions. This report must contain comprehensive information demonstrating compliance with the requirements applicable to joint degree programs. In addition, the report contains the necessary information on the respective national frameworks of the cooperating institutions, which foreign agencies and experts may require to assess the context, particularly with regard to the program's classification within the national higher education system. The self-evaluation report explicitly focuses on the specific characteristics of the joint degree program as a joint undertaking by higher education institutions from more than one national higher education system (No. 2; see C 1 EA). The site visit enables the evaluation panel to discuss the joint degree program based on 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 (No. 3, see C 3 EA). The review panel prepares a report containing relevant evidence, analyses, and conclusions regarding the requirements for joint degree programs. The report also includes recommendations for the program's further development. In addition, the review panel issues a recommendation for the decision. The conclusions and recommendations pay particular attention to the specific characteristics of the joint degree program. The universities are given the opportunity to comment on the draft version of the report, including to point out any factual errors (No. 4, see C.4 EA). The review panel, consisting of at least four members, combines expertise in the relevant subjects or disciplines—including the labor market and professional world in the respective fields—with expertise in the area of quality assurance in higher education. Thanks to its international expertise and experience, the review panel can take into account the specific characteristics of the joint degree program. The review panel as a whole possesses knowledge of the higher education systems of the participating institutions, as well as of the languages of instruction used. The review panel includes members from at least two countries participating in the consortium that offer the program. At least one student is represented on the review panel. The provisions in § 25(3), sentence 1 (majority of university faculty members in the evaluation), (5) (exclusion of reviewers to avoid conflicts of interest), and (6) (right of the institution to comment) apply accordingly (No. 5, cf. C.2 EA).

No. 6 stipulates that a positive accreditation decision based on an evaluation can only be made if the evaluation is substantiated, any conditions have been met, and the decision is final. Thus, it is not the responsibility of the Accreditation Council, but rather of the agency entrusted with the evaluation, to ensure that the decision is transparent to the universities and that the follow-up process—including, where applicable, the fulfillment of conditions—has been completed. The agency is also required to publish the evaluation on its website. If the evaluation was not conducted in English,

At a minimum, the English summary of the expert opinion and an English version of the assessment, including the rationale, must be published (see C 5, 7, and 8 EA).

Sentence 3 clarifies that the Accreditation Council's decision on accreditation—recognizing 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, in the event of a positive decision, the Accreditation Council must affix its seal (§ 22, paras. 2, 3, and 4, sentence 1). The accreditation decision takes effect at the beginning of the semester or trimester following the announcement, in accordance with § 26(1), first sentence. Reaccreditation must be initiated in a timely manner before the expiration of the accreditation (§ 26(2), first sentence). The same applies to accreditation decisions regarding joint degree programs: the institution must notify the Accreditation Council of any significant changes (Section 28), and the decision, together with the expert opinion, must be published by the Accreditation Council. The same applies to internal accreditation decisions by system-accredited institutions regarding joint-degree programs. Sentence 4 stipulates that, in the case of accreditation and reaccreditation, the accreditation period is only 6 years—in accordance with the European approach and in deviation from § 26 (1) and (2), sentence 1 (see C 9 EA). Sentence 5 ensures, in the interest of transparency, that accreditation decisions issued on the basis of the recognition of an evaluation of joint degree programs are identifiable as such upon publication. The same applies, according to sentence 6, to the information on the study program in the degree documents (in particular the Diploma Supplement).

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

## **Part 6 – Alternative Accreditation Procedures Pursuant to Article 3(1)(3) of the State Treaty on Higher Education Accreditation**

### **Section 34 – Alternative Accreditation Procedures**

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

Paragraph 2 also requires that alternative procedures comply with the formal and substantive criteria set forth in Parts 2 and 3. In addition, the requirements for appropriate academic participation set forth in the State Treaty on Study Program Accreditation—in particular in Article 3, Paragraph 2, Sentence 1—and in this regulation must be complied with in accordance with the ESG and the guidelines of the Federal Constitutional Court in its decision of February 17, 2016. If teacher education programs and programs in Protestant or Catholic theology are included in the alternative procedures, the requirements for participation and approval set forth in this regulation shall apply. There is no obligation for higher education institutions to use an agency.

Paragraph 3: If a higher education institution intends to implement an alternative procedure, it must obtain prior approval from both the Accreditation Council and the ministry responsible for higher education. This ensures that the ministry responsible for higher education is involved from the outset and that it also ensures compliance with the requirements for regulated professions. The basis for approval is a description of the proposed procedure; in assessing its suitability to meet the quality assurance requirements arising from the State Treaty on Study Program Accreditation and this regulation, the Accreditation Council may consult external experts. The application to be submitted following approval must also be submitted to the Accreditation Council via the ministry responsible for higher education.

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

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

Paragraph 5: The alternative procedure is limited to a maximum of eight years, meaning that shorter durations may also be provided for in these cases. As in the case of system accreditation, the institution of higher education is also granted the right, under the alternative procedure, to award the Accreditation Council's seal to the degree programs it has reviewed. The extension options provided for in § 26, para. 3, sentence 3 apply accordingly. Even under alternative procedures, care must be taken to ensure a continuous chain of accreditation in the interest of the students.

The Accreditation Council oversees the alternative procedure, which must be evaluated by an independent, research-oriented institution well in advance of the project's expiration date as a prerequisite for continuing the procedure.

## **Part 7 – Miscellaneous**

### **§ 35 – Professional Qualifications**

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

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

This provision applies only to programs that separate academic study from practical training phases (for example, to obtain state certification). Single-phase programs with integrated practical training periods are not affected.

### **§ 36 – Evaluation**

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

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

### **§ 37 – Entry into Force**

No transitional provisions were included to address the expected time lag between the entry into force of the State Treaty on Study Program Accreditation and this regulation, as the retroactive application of this regulation ensures that no gap in accreditation will arise. Since the decision of the Federal Constitutional Court and the drafting of the State Treaty on Study Program Accreditation have sufficiently informed all relevant stakeholders about the transition of the accreditation system, such retroactive entry into force is legally permissible.

Furthermore, for program or system accreditation procedures that had already begun prior to the entry into force of the State Treaty on Study Program Accreditation, the previous regulations—including those governing the validity period of accreditation—shall apply to the completion of such procedures, in accordance with Article 16(1) of the State Treaty on Study Program Accreditation. For reaccreditation procedures, provided that the agreement was not concluded prior to the entry into force of the State Treaty, only the provisions of this ordinance apply. This applies in particular to issues regarding the extension of accreditation, the obligation to report changes, and the application requirements for reaccreditation. This means that proof of an interim evaluation is no longer required for an application for system reaccreditation.