

Explanatory Memorandum to the State Ordinance Regulating the Accreditation of Study Programs in the State of Schleswig-Holstein

I. Preliminary Remarks

The State Treaty on the Organization of a Joint Accreditation System for Quality Assurance in Studies and Teaching at German Universities (State Treaty on Study Program Accreditation) entered into force on January 1, 2018 (GVOBl. Schl.-H. p. 23).

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, science-based external procedure for quality assurance and development in teaching.

In addition to standardizing substantive, procedural, and organizational requirements—which are to be established by the legislature itself—the Federal Constitutional Court 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. Resolutions by the Conference of Ministers of Education and the Accreditation Council have been deemed insufficient as executive agreements.

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

- the formal criteria
- the subject-specific and content-related criteria
- the procedures and procedural processes.

On this basis, the Standing Conference of the Ministers of Education and Cultural Affairs agreed on a model regulatory ordinance on December 7, 2017. It sets out the joint requirements of the federal states regarding the essential structural and qualitative standards for theof bachelor's and master's degree programs, which are necessary to ensure the states' obligation under Article 1, Paragraph 2 of the State Treaty on Study Accreditation to guarantee the equivalence of corresponding academic and examination achievements as well as degrees, and the possibility of transferring between universities.

These regulations are based on the relevant resolutions of the Conference of Ministers of Education and Cultural Affairs regarding the bachelor's and master's degree system¹ and on quality assurance through accreditation, in particular the joint state structural requirements, the existing rules for accreditation of the Accreditation Council, proposals from its "Rule Revision" working group, as well as the standards and guidelines for quality assurance in the European Higher Education Area (ESG). However, the

¹ In particular, 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 on February 4, 2010), see https://www.kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2003/20_03_10_10-Laendergemeinsame-Strukturvorgaben.pdf

The opportunity was taken to further streamline and optimize the procedures based on previous experience with accreditation, thereby also contributing to cost reduction and the reduction of bureaucracy. In addition, the results of consultations with representatives of the German Rectors' Conference, the Accreditation Council, the agencies, the Association of Private Universities, students, and the school sector have been incorporated.

Regulations regarding the fees to be charged by the agencies, for which the State Treaty on Study Accreditation also provides a legal basis (Article 4, Paragraph 5), are not the subject of this ordinance but remain—where necessary—reserved for separate regulations based on a further model ordinance from 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 Conference of Ministers of Education and Cultural Affairs was guided by the principle enshrined in the State Treaty on Study Program Accreditation that ensuring and developing the quality of study and teaching is primarily the responsibility of the universities. The Conference of Ministers of Education assumes that higher education institutions will take responsibility for ensuring the quality of studies across the board by placing it at the center of their curriculum design.

The Model Statutory Ordinance and its explanatory memorandum provide clarifications and interpretive guidance for the implementation of the state regulations to be enacted on the basis of the Model Statutory Ordinance, in order to ensure that uniformity of application is guaranteed within the framework of accreditation and that the objectives of the State Treaty pursuant to 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 discretionary or mandatory provisions and restrictive formulations, must be utilized flexibly and productively. However, the exercise of this discretion requires a comprehensible 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.

Based on the Model Statutory Ordinance and its explanatory memorandum, this state ordinance is hereby enacted and justified as follows:

II. Regarding the individual

provisions Part 1 – General

Provisions Regarding § 1 –

Scope of Application

Paragraph 1 defines the subject matter of the SH Study Program Accreditation Regulation, which, pursuant to Article 2, paragraphs 2 and 3, and Article 3 of the State Treaty, relates to the formal criteria, the subject-specific content 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 degree structure” dated October 15, 2004², which stipulates that degree programs at vocational academies leading to the degree title “Bachelor” must be accredited. The regulations for program accreditation apply in this context. The degree title “Bachelor” awarded by vocational academies is not a university degree, but a state-recognized degree title. Accreditation in accordance with the provisions of the Schleswig-Holstein Study Accreditation Ordinance (SH) forms the basis for the equivalence under higher education law of Bachelor’s degrees from vocational academies with Bachelor’s degrees from universities, which in particular opens access to Master’s degree programs and thereby increases the permeability of the education systems. It is expected that this equivalence under higher education law will also be accompanied by equivalence under professional law.

Regarding § 2 – Forms of Accreditation

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

Regarding Section 3 – Program Structure and Duration

Paragraph 1 establishes the principle that, in a tiered degree system, the bachelor’s degree constitutes the standard degree. It must be characterized by an independent, professionally qualifying profile that enables the holder to 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 qualification at the university level.

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

The flexibility of 3-, 3.5-, and 4-year bachelor’s degree programs and 1-, 1.5-, or 2-year master’s degree programs in full-time study allows for a program structure that meets the requirements of the respective discipline and academic culture.

Bachelor’s degree programs with a standard duration of less than three years of full-time study are excluded. The total standard duration of study until the completion of the Master’s degree in consecutive programs is 10 semesters.

Exceptions are possible in the core artistic disciplines at art and music colleges: In these disciplines, with the approval of the authority responsible for higher education institutions—

² https://www.kmk.org/fileadmin/Dateien/pdf/Themen/Hochschule/2004_10_15-Bachelor-Berufsakademie-Studienstruktur.pdf

(Ministry), consecutive Bachelor's and Master's degree programs with a total duration of 6 years may also be established.

Furthermore, with the approval of the Ministry, longer standard periods of study are possible, provided the program is structured accordingly, in order to accommodate individual learning paths.

Paragraph 3: The exemption for the "Full Theological Program" is formulated with reference to Article 17, Paragraph 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 of Study in Catholic or Evangelical Theology/Religion" - Resolution of the Conference of Ministers of Education and Cultural Affairs of December 13, 2007³ ." 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, paragraph 2, sentence 6, and the explanatory memorandum).

Regarding § 4 – Program Profiles

Paragraph 1 sets forth provisions regarding the profile of master's degree programs. Master's degree programs may, regardless of the type of institution, have the profile types "application-oriented" and

"research-oriented." Given that no distinction is made between programs at universities of applied sciences and traditional universities, this differentiation serves to enhance transparency for students and the labor market. If a specific profile type is designated, it must be clearly reflected in the program's structure.

At art and music colleges, master's programs may have a special artistic profile. Master's programs that provide the educational prerequisites for a teaching career, on the other hand, must have a specific teaching-related profile. For this purpose, 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 the Schleswig-Holstein Teacher Training Act must be applied as assessment criteria.

The respective profile must be verified during the accreditation process.

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

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

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http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2007/2007_12_13-Key-Points-Study-Structure-Theology.pdf

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

Regarding § 5 – Admission Requirements and Transfers Between Degree Programs

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

In the case of continuing education Master’s programs, the first professional university degree may, in exceptional cases, be replaced by an entrance examination.

Sentence 3 stipulates, with regard to the profile of continuing education master’s programs set forth in § 4, paragraph 2, that admission requires qualified, i.e., professional practical experience relevant to the program’s qualification objective, generally of no less than one year.

Paragraph 2 takes into account the needs of colleges of art and music, which prioritize special artistic aptitude when granting admission to master’s degree programs. Section 39(6), sentence 1 of the Higher Education Act (HSG) provides for aptitude examinations in, among other fields, art and music.

Paragraph 3: Additional requirements for admission to master’s degree programs for quality assurance purposes may be provided for in the respective examination regulations of the university.

Regarding § 6 – Degrees and Degree Titles

Paragraph 1 establishes the principle that only one degree may be awarded for a successfully completed degree program. Exceptions are possible only in the context of international partnerships that result in a dual 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 finally establishes the degree titles for Bachelor’s and consecutive Master’s degree programs. Instead of the degree titles “Bachelor” and “Master,” the Latin terms “Baccalaureus/Baccalaurea” and “Magister/Magistra” may also be used. For degree programs that cannot be clearly assigned to one of the subject groups listed in sentence 1, items 1 through 7, the degree title is determined by the program’s academic focus. This applies to interdisciplinary and combined degree programs, but in particular also to polyvalent degree programs in the field of teacher education, for which degree titles may be awarded in accordance with items 1–7. For other

, alternative titles remain possible for continuing education master's programs. 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 for degree titles apply to full-time theological programs without a tiered structure. These typically conclude with an academic degree.

Provided that the examination regulations provide for an academic degree, Section 3 of the aforementioned "Guidelines" allows for the use of the degree title "Magister Theologiae." This refers in Latinized form to the academic degree of "Master" and thus establishes a connection to the comprehensive Bologna Framework. It is left to the theological faculties to confer this academic degree in its feminine form as well. Paragraph 2, Number 7 regulates the designations for Bachelor's and consecutive Master's degrees for degree programs that provide the educational prerequisites for a teaching position. The degree designation "Master of Education" (Section B 2 of the

"Joint State Structural Guidelines for the Accreditation of Bachelor's and Master's Degree Programs," resolution of the Conference of Ministers of Education and Cultural Affairs dated October 10, 2003

In the current version ⁴, in the interest of transparency and to avoid false expectations regarding mobility, this provision is reserved for degrees that—as a rule, nationwide—grant access to a preparatory service for a teaching position in accordance with the relevant state law.

Paragraph 3 provides for the issuance of certificates of equivalence and thus serves to establish transparency regarding the qualification level of bachelor's and master's degrees in comparison to the diploma degree in the single-tier system. Certificates of equivalence are already standard practice 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. In this context, 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 must be used in its currently valid form.

Regarding § 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, both thematically and in terms of time, that are assigned credit points. They may be composed of various forms of teaching and learning (e.g., lectures, seminars, internships, e-learning, teaching research, etc.). A module may cover the content of a single semester or academic year, but in exceptional cases may also extend over several semesters. The basic 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,

⁴ see footnote 1

that this has no adverse effect on the intended objectives or is 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 stipulations that would prevent flexible design of the course offerings. Without prejudice to the universities' responsibility for the specific design of the modules, however, the standards recommended in items 1 through 9 for the description of modules assume that information on the following aspects will be provided:

1. Content and learning outcomes of the module

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

2. Teaching methods

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

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

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

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

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

5. Requirements for the awarding of credit points

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

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

6. Credits and Grades

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

7. Frequency of module offerings

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

8. Workload

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

9. Duration of modules

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

Regarding § 8 – Credit Point System

Paragraph 1 concerns the awarding of credit points. They are a quantitative measure of the student's overall workload and include both direct instruction and the time spent on preparing for and reviewing the course material (classroom and self-study), the effort required for examinations and exam preparation, including final theses and term papers, as well as internships, if applicable.

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

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

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

Paragraph 2 stipulates that at least 180 ECTS credits are required to earn a bachelor's degree, and for a master's degree, a total of

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

According to sentence 4, deviations from the 300 ECTS credit requirement for the master's degree may be permitted in individual cases if the student possesses the appropriate qualifications. However, this exception applies exclusively to the individual student and not to the degree program. Accordingly, applicants may also be admitted to master's programs who, based on the total number of ECTS credits from their bachelor's studies, do not reach a total of 300 ECTS credits. The prerequisite is proof of the qualifications required for admission.

In accordance with the possible total standard period of study of 6 years (§ 3, paragraph 2), in consecutive Bachelor's and Master's programs in the core artistic disciplines at art and music colleges, the Master's level may be attained with 360 credits. The option of large-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, conflicts with a highly granular modularization.

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

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

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

Paragraph 5 incorporates the recommendation of the Conference of Ministers of Education and Cultural Affairs and the Conference of University Presidents regarding the awarding of a master's degree in teacher education, provided that performance during the preparatory service is taken into account, dated June 12, 2008/July 8, 2008⁵. An option for including the preparatory service

⁵ https://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2008/2008_06_12-Empfehlung-Master-Lehrer-Vorbereitung.pdf

into the master's program is the recognition of parts 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) serve as the benchmark for practical school training during the degree program and the preparatory service)⁶.

Paragraph 6 regulates specific features of the program structure for vocational academies. Vocational academies are institutions in the tertiary sector that provide at least three years of academically oriented and simultaneously practice-oriented training. 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 Conference of Ministers of Education and Cultural Affairs dated October 15, 2004⁷

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 degree programs.

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

Section 9 establishes the specific formal criteria for non-higher-education collaborations pursuant to Section 19. Paragraph 1, sentence 1, stipulates—from the perspective of quality assurance and transparency—the requirement for a written cooperation agreement between the degree-granting institution and the collaborating educational provider regarding the nature, scope, and mutual obligations of the existing collaboration.

Furthermore, for reasons of consumer protection, a transparent presentation of the scope and nature of the collaboration on the institution's website is required.

Paragraph 1, sentence 2, emphasizes that, as guarantors of the quality of the academic degrees and qualifications they confer, higher education institutions are responsible for ensuring the quality of study programs as well as the procedures for recognizing competencies acquired outside of higher education. Only those competencies that are equivalent in content and level to the part of the program to be replaced are eligible for credit. In this context, such knowledge and skills acquired outside the higher education system may replace no more than 50% of a higher education program. This ensures that a substantial part of the education underlying the higher education degree takes place under the direct responsibility of the awarding institution, i.e., through its own efforts.

⁶ Standards for Teacher Education: Educational Sciences (Resolution of the Conference of Ministers of Education and Cultural Affairs of December 16, 2004, as amended on June 12, 2014) at http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2004/2004_12_16-Standards-Lehrerbildung-Bildungswissenschaften.pdf

⁷ See footnote 2

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

Regarding Section 10 – Special Provisions for Joint Degree Programs

This provision serves to implement the so-called European Approach to Quality Assurance of Joint Programs (EA)⁹, adopted at the Conference of Ministers of Education of the European Higher Education Area⁸ in May 2015 in Yerevan. This is intended to enable the external quality assurance of degree programs—particularly those jointly developed and administered by higher education institutions in different countries within the European Higher Education Area—based on uniform procedural rules and criteria aligned^{with} the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)¹⁰, which also underpin the European Higher Education Area. Corresponding provisions regarding the subject-specific 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, in addition to the authority granted to the Accreditation Council Foundation under Article 5(3)(2) of the State Treaty on Study Program Accreditation to define the requirements for the recognition of accreditation by foreign institutions, the possibility of making accreditation decisions that deviate from the criteria and procedural rules defined in this ordinance. Article 5(3), second sentence, of the State Treaty on Study Program Accreditation merely mandates the Accreditation Council Foundation to regulate the requirements for conducting the corresponding relevant recognition procedures, without permitting any deviation from these requirements. Authorizing the Foundation to independently define criteria and procedural rules in such procedures that deviate from these requirements is incompatible not only with the objectives set forth in Article 1, paragraphs 2 and 3, Article 4(6) of the State Treaty on Study Accreditation, but also in light of constitutional principles (in particular the principle of specificity and the theory of materiality).

Paragraph 1 defines the scope of application. This is limited in view of the differing criteria associated with the application of the EA—in particular, for a

⁸ <https://www.ehea.info/> , currently 48 European countries

⁹ http://bologna-yerevan2015.ehea.info/files/02_European%20Approach%20QA%20of%20Joint%20Programmes_v1_0.pdf

¹⁰ <http://www.ehea.info/cid105593/esg.html>

Master's degree, including the first degree, does not necessarily have to be based on 300 ECTS credits—and, pending clarification of demarcation issues regarding the scope of application, is initially limited to degree programs leading to a joint degree. Accordingly, a joint degree program is a program offered by a domestic higher education institution in collaboration with one or more foreign higher education institutions and leading to a degree awarded jointly by these institutions. The participating institutions must be recognized as higher education institutions by the competent authorities 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).

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

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

Paragraph 2 stipulates that students must complete at least 25% of their studies (measured in ECTS credits) at at least one of the foreign partner institutions. This excludes the application of the special regulations for joint degree programs in cases of cooperation involving optional study abroad or in cases where only foreign students are required to be mobile.

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

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

Section 5 stipulates that participating institutions must have a common quality management system. This includes the requirement that participating institutions apply common internal quality assurance processes. These include, 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, and transparent regulations regarding admission and the course of study.

student-centered learning, teaching, and assessment, transparent regulations regarding admission and the course of study, recognition, and degree conferral; ensuring the competence of faculty; providing adequate resources to ensure the learning environment; sound information management; and ongoing monitoring and regular review of degree programs (see B 9 EA in conjunction with ESG 1.1 and Part 1 of the ESG).

Paragraph 2 establishes the formal criteria applicable to joint degree programs. With regard to the participation of foreign higher education institutions and the political agreements reached within the European Higher Education Area, sentence 1 explicitly stipulates as an assessment criterion the application of the recognition principles of the so-called Lisbon Convention, which already apply to higher education institutions based in Germany under federal or state law¹¹ (see B 4.2 EA). These include:

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

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

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

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

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

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

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

Regarding § 11 – Qualification Objectives and Degree Level

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

Paragraph 1 refers to Article 2, Paragraph 3, Item 1 of the State Treaty on Study Program Accreditation, which lists as the qualification objectives of a study program the scientific or artistic competence corresponding to the intended degree level, as well as the ability to engage in qualified gainful employment and personal development. In view of the particular importance of the social relevance of study and teaching as part of the characteristic of personal development, this is explicitly mentioned in accordance with the definition provided by the Science Council in its 2015 recommendations on the relationship between higher education and the labor market¹². 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 version¹³, 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 Area¹⁴ 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.

Paragraph 3 establishes, based on relevant resolutions of the Standing Conference of the Ministers of Education and Cultural Affairs¹⁵ that have proven effective in previous accreditation practice, the requirements to be reviewed in the accreditation process for the bachelor's and master's levels within the tiered system and for different program profiles.

Sentence 1 clarifies the function of the bachelor's degree as the first professionally qualifying degree, which, as an undergraduate university degree, provides a broad

¹² <https://www.wissenschaftsrat.de/download/archiv/4925-15.pdf>, p. 40f

¹³ https://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2017/2017_02_16-QualificationFramework.pdf

¹⁴ http://media.ehea.info/file/WG_Frameworks_qualification/85/2/Framework_qualificationsforEHEA-May2005_587852.pdf

¹⁵ See footnote 1

must provide qualifications that ensure both the ability to engage in professional practice and the capacity for further academic advancement and lifelong learning. In accordance with the classification of master's programs under § 4(2), consecutive master's programs are defined in sentence 2 as programs that deepen, broaden, are interdisciplinary, or are in other fields. Sentences 3 and 4 regulate the specific requirements for continuing education master's programs. Professional Master's programs are characterized by their focus on professional qualification. Therefore, prior professional experience is a constitutive element, which must be reflected in both the duration and the nature of the work. Any duration of prior professional experience shorter than the minimum of one year therefore requires special justification. The professional experience builds upon the previous first professional qualification and therefore cannot be replaced either by mandatory internships from the bachelor's phase or by professional experience prior to the start of the bachelor's program. In accordance with the educational objective, special attention must be paid during the accreditation process to the connection between professional qualification and the program concept, as demonstrated by the institution. The same applies to the review of the requirements, which—despite the predominantly professional orientation—must correspond both structurally (see also § 4, paragraph 2) and in terms of content to the qualification level defined for the master's level (see also paragraph 2). Sentence 5 specifies the qualification objectives for artistic bachelor's and master's degree programs. Bachelor's and master's degree programs may be pursued at various institutions of higher education, including different types of institutions, and may also include periods of professional activity between the first and second degrees.

Regarding § 12 – Coherent Program Concept and Adequate Implementation

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

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

Paragraph 1, sentence 1 requires a curriculum that is coherent with regard to the attainability 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 institutions without losing academic progress. This includes, in particular, the consideration of mobility windows in program design and recognition

that consistently apply the principles of the Lisbon Convention¹⁶ not only during stays at universities abroad but also within the country. Admission requirements for master's programs must also be designed to promote mobility and enable transfers between institutions and types of higher education institutions. Sentence 5 ensures that students are encouraged to actively participate in shaping the teaching and learning process. This ensures student-centered learning, teaching, and assessment as defined by 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 quantitatively and qualitatively, that the curriculum is implemented adequately. This also includes the teaching competence of the faculty. Sentence 2 requires that the link between research and teaching be ensured by a sufficient number of full-time professors regularly engaged in teaching. This applies to both undergraduate and graduate programs. The third sentence requires appropriate measures for staff selection and qualification as the basis for teaching that is substantively and didactically sound in the respective program. These include, for example, structured processes for appointment procedures or a systematic offering of university-level teaching qualifications.

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

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 focused on individual courses—and designed to assess competencies. To ensure this, the forms of assessment used must be subject to ongoing review and further development.

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

According to paragraph 1, one criterion for feasibility is predictable and reliable academic operations. This includes, in particular, timely and comprehensive information

¹⁶ see footnote 11

Informing students about all organizational aspects of the degree program and ensuring the transparent and reliable planning and conduct of courses and exams. Furthermore, according to paragraph 2, courses and exams must largely avoid overlapping. This applies above all to the compulsory module area and to frequently chosen subject combinations and elective modules. To the extent that avoiding overlap cannot otherwise be guaranteed, timely and transparent information must be provided to prospective students and current students.

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

Furthermore, according to Section 4, an adequate frequency and organization of examinations is essential. Therefore, to reduce the examination burden, modules should generally be completed with 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 deviations are possible in justified exceptional cases. In such cases, the consistency of the respective module concepts and the consistency of the examination concept with respect to the qualification objectives of the respective module must be taken into account, as must the overall examination workload in the respective degree program¹⁷.

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

In such cases, the criteria listed in paragraphs 1 through 5 must be applied in light of the specific profile and from the respective specific perspective, and must be measured against the specific requirements to be defined by the institutions. These include, in particular, aspects such as the specific target group, a special program organization, different learning locations, and the involvement of industry partners—for example, in dual models—specific teaching and learning formats, or the existence of a sustainable quality management system that encompasses the various learning locations. A degree program may be designated and advertised as “dual” if practical vocational training or work experience is systematically integrated with the academic program and both learning locations are structurally interlinked as well as

¹⁷ Joint 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

are coordinated in terms of content and organization (Section 49(1), sentence 4, HSG).

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

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

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

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

Paragraphs 2 and 3 define the academic and content-related criteria for the review of degree programs that provide the educational prerequisites for a teaching career. In view of the need to ensure high-quality school instruction and thereby guarantee comparable educational opportunities (the state's responsibility for the school system), uniform guidelines are required here. The regulations are based on the standards adopted for this purpose by the Standing Conference of the Ministers of Education and Cultural Affairs¹⁸.

Paragraph 2 regulates the requirement to verify that the curriculum complies with the standards common to all states in the subject sciences and subject didactics as well as in the educational sciences. These standards are derived from the respective state-

¹⁸ In particular: Key points for the mutual recognition of bachelor's and master's degrees in degree programs that provide the educational prerequisites for a teaching position, resolution of the Conference of Ministers of Education and Cultural Affairs dated June 2, 2005, available at http://www.Kultusministerkonferenz.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2005/2005_06_02-gegenseitige-Anerkennung-Bachelor-Master.pdf

common and, where applicable, state-specific content requirements based on the KMK resolutions in their currently valid versions.¹⁹

Paragraph 3 specifies the structural and conceptual criteria to be reviewed during accreditation and adopts 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, even for teacher training for vocational schools, exceptions to Sentence 1, items 1 and 2, are permitted in accordance with the applicable resolutions of the Conference of Ministers of Education (Framework Agreement for Teacher Training 5).

Regarding Section 14 – Academic Success

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

Regarding Section 15 – Gender Equality and Compensation for Disadvantages

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

Regarding § 16 – Special Provisions for Joint Degree Programs

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

¹⁹ See footnote 6 regarding educational sciences; See also regarding subject-specific sciences and didactics: Joint State Requirements for Content in Subject-Specific Sciences and Didactics in Teacher Education (Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of October 16, 2008, as amended on March 16, 2017) at https://www.kmk.org/fileadmin/Files/Publications_Resolutions/2008/2008_10_16-Subject_Profiles-Teacher_Training.pdf

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

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

Sentence 2 sets forth additional requirements arising from the policy agreements of the European Approach.

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

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

Paragraph 3 clarifies that relevant provisions of Directive 2005/36/EC²⁰ of the European Council and the European Parliament of September 7, 2005, on the recognition of professional qualifications, in its currently valid version, must be taken into account in the design and implementation, particularly in the area of regulated professions. This applies in particular with regard to specified minimum training requirements or common training frameworks (B 2.4 EA).

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

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

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

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

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

Regarding Section 17 – Concept of the Quality Management System (Objectives, Processes, Tools)

Paragraph 1 contains provisions regarding the verification 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.²¹

The mission statement must be reflected in the teaching profile of the individual degree programs, in terms of competency goals and levels. According to sentence 2, the quality management system is an integral part of the overall strategy for implementing the mission statement; it must therefore fit seamlessly into the university's relevant measures with the aim of further improving the quality of education through a structured and sustainable development process. According to sentence 3, evidence must be provided that the quality management system is structured and implemented in such a way that it ensures, on a permanent and sustainable basis and at regular intervals during the respective accreditation cycle, the implementation of the formal and subject-specific criteria for the individual degree programs as set forth in Part 2 and Part 3 (§§ 11 to 15). Sentence 4 lists the central elements of the quality management system; for

²¹ See the Science Council's position paper on "Strategies for Higher Education Teaching," April 2017, p. 16 ff., <https://www.wissenschaftsrat.de/download/archiv/6190-17.pdf>

which must be defined and implemented in the system in terms of decision-making processes, authorities, and responsibilities, namely

- processes for establishing, reviewing, further developing, and discontinuing degree programs, and
- the procedure for the internal accreditation of degree programs in accordance with the formal and 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 regulates the formal requirements for the institution's quality management system and is based on the ESG²².

These include

- the development of the quality management system with the participation of all member groups of the institution, i.e., academic and non-academic staff and students, as well as the incorporation of external expertise, such as from professional practice, from (international) representatives of other institutions of higher education, and from agencies with experience in quality management at institutions of higher education in accordance with ESG Standard 1.1 for the development of the quality assurance strategy (sentence 1);

- Mechanisms to ensure the independence of quality assessments, particularly in the selection and appointment of reviewers and in internal university decision-making processes, in accordance with ESG Standard 2.4 on requirements for peer review experts (sentence 2, 1st clause);

- the definition of standardized processes for handling conflicts and the establishment of an internal grievance system, particularly for "internal" accreditation decisions, in accordance with ESG Standard 2.7 on complaints and appeals (sentence 2, second clause);

- the existence of closed-loop control systems that ensure, in a structured, transparent, sustainable, and reliable manner, continuous improvement in the quality of study programs, in accordance with ESG Standard 1.9 on ongoing monitoring and regular review of study programs (sentence 3, first clause); the inclusion of all areas of activity directly relevant to studies and teaching (including, among others, 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 half);

- adequate and sustainable resource allocation for the implementation of the measures and processes envisaged in quality management. This includes, in particular, sufficient staff for the design, implementation, and administration of the processes of the quality management system and adequate

²² see footnote 10

IT infrastructure, which is of particular importance for the necessary provision of meaningful data, see § 18(3);

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

Regarding § 18 – Measures for Implementing the Quality Management Concept

Paragraph 1 regulates the essential instruments of the quality management system. According to sentence 1, this includes regular evaluations of the degree programs and the performance areas relevant to teaching and studies (see § 17, paragraph 2, sentence 3, 2nd clause) by internal and external students, external academic experts, representatives of professional practice, and graduates. They ensure that evaluations within the internal quality management system are implemented in such a way that continuous impetus for quality improvement is generated. For this, 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, the students' workload, study progress and degrees awarded, the effectiveness of examination procedures, students' expectations and needs, the learning environment, and support services. The results should be made available to the university community in an appropriate manner, while ensuring compliance with data protection regulations, in order to establish the necessary transparency and acceptance. Sentence 2 requires that, if action is needed, appropriate measures be initiated and their implementation be reviewed.

Paragraph 2 clarifies that, in the internal accreditation of degree programs, the requirements for participation and approval set forth in § 25, paragraph 1, sentences 3 through 5, apply to teacher education programs, teacher training programs with the combined subject of Protestant or Catholic Theology/Religion, Protestant theological programs leading to ordination, and other bachelor's and master's programs with the combined subject of Protestant or Catholic Theology. If the internal procedures provide for audit reports, the approval requirement under § 24(3) applies accordingly.

Paragraph 3 ensures that the data required for the development and implementation of the quality management system and for measuring the status of implementation as well as the effects of the measures introduced (see paragraph 1) are collected university-wide and on a regular basis. Depending on the 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 facilities and support, and career paths of graduates. When collecting data, care must be taken to ensure that the respective stakeholders (academic and non-academic staff and students) are involved in the provision and evaluation of the data as well as in the planning of follow-up activities (see also Standard 1.7 ESG, Information Management).

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

Sentence 2 clarifies that the institution must not only inform the public in an appropriate manner about the results of its internal accreditation procedures, but must also provide the Accreditation Council with the information necessary for the documentation of results as stipulated in § 29, sentence 3.

Regarding § 19 – Cooperation with Non-Higher Education Institutions

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

Regarding § 20 – University Collaborations

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

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

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

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

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

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

Paragraph 1, sentences 1 and 2, set forth the requirements that individuals must meet if they are to serve as full-time faculty members at a vocational academy. Sentences 3 and 4 list additional requirements regarding personnel-related quality assurance for teaching operations: 40 percent of the teaching at the vocational academy is to 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 members in the curriculum. All requirements are based on the aforementioned resolution of the Conference of Ministers of Education and Cultural Affairs dated October 15, 2004²³ and must also be verified in the accreditation of degree programs at vocational academies.

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

Paragraph 4 stipulates that the provisions of the Schleswig-Holstein Vocational Academy Act apply in addition to this ordinance.

Part 4 Procedural Rules for Program and System Accreditation

Regarding § 22 – Decision of the Accreditation Council; Awarding of the Seal

²³ see footnote 2

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

Pursuant to Article 3(5) of the State Treaty on Study Program Accreditation, the decision of the Accreditation Council includes a determination of compliance with the formal criteria under Article 2(2) of the State Treaty on Study Program Accreditation, on the one hand, and the academic and content-related criteria under Article 2(3) of the State Treaty on Study Program Accreditation, on the other hand. If these criteria are met, accreditation must be granted. This constitutes a binding administrative act within the meaning of Section 106 of the General State Administrative Act for the State of Schleswig-Holstein (LVwG).

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

Paragraph 2 clarifies that the Accreditation Council's decision is made by means of a written notice. Administrative acts must generally be substantiated in accordance with §109 LVwG. Sentence 2 is therefore declaratory. In the reasoning for the decision, pursuant to Article 3, Paragraph 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 opinion regarding the academic and content-related criteria.

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

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

Paragraph 4 stipulates that, upon successful accreditation, the Accreditation Council shall award its seal to the accredited degree program or quality assurance system. This continues the existing practice. The seal serves to promote transparency. In the case of system accreditation, the institution of higher education is granted the right to award the Accreditation Council's seal itself for those degree programs that it has assessed on its own and that comply with the accreditation rules.

Accreditation with conditions does not result in a postponement of the awarding of the seal. This ensures that, in the case of conditions, a careful distinction is made

between deficiencies that do not in themselves affect the accreditation decision and serious shortcomings that lead to a denial of accreditation.

The degree programs referred to in paragraph 5 are excluded by this provision from the possibility of inclusion in system accreditation and in alternative accreditation procedures. In principle, such inclusion appears conceivable while preserving the respective church participation rights; however, it would be procedurally disproportionately burdensome. This applies in particular to the more 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.

Regarding Section 23 – Documents to be Submitted

Paragraph 1: The application for accreditation must be accompanied by a self-report from the institution and the accreditation report commissioned by the institution from an agency accredited by the Accreditation Council, consisting of an audit report and an expert opinion. The self-report is the self-evaluation report required by Article 3, Paragraph 2, Number 2 of the State Treaty on Study Program Accreditation. In the case of initial system accreditation, the audit report refers to evidence that at least one degree program has undergone the quality management system (item 3); in the case of renewal of system accreditation, it refers to evidence that all bachelor's and master's degree programs have undergone the quality assurance system at least once (item 4).

Paragraph 2: In accordance with Article 5, Paragraph 3, Item 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 proceedings at the Accreditation Council.

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

Regarding § 24 – Commissioning of an Agency; Accreditation Report; Site Visit

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

Sentence 2 addresses the specific provision that, for degree programs in Catholic theology, evaluation is conducted exclusively by the Agency for Quality Assurance and Accreditation of Canonical Degree Programs (AKAST), in accordance with the aforementioned “Guidelines”²⁴. The role of AKAST must also be taken into account in another respect. Pursuant to Article 5(3)(5) of the State Treaty on Study Program Accreditation, the Accreditation Council approves agencies under the conditions specified therein. For agencies listed in the EQAR (European Quality Assurance Register for Higher Education), compliance with these conditions is “presumed unless proven otherwise.” However, AKAST is not listed in the EQAR. The Accreditation Council has nevertheless approved AKAST for the German-speaking region. The agency thus effectively performs quality assurance activities in its field. The text of the ordinance makes an affirmative reference to this approval granted by the Accreditation Council. 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, Number 2 of the State Treaty on Study Accreditation on the basis of a self-report by the institution of higher education, which must contain at least information on the institution’s quality objectives and on the formal and subject-specific criteria for accreditation. The student body must be involved in the preparation of the self-report. The report must 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 substantive criteria. To this end, it receives the review report in advance. Since the formal and substantive criteria may be interrelated, the review report is not binding on the review panel.

For teacher education programs as well as for fully theological and partially theological programs, the review report requires the approval of the respective competent authorities.

This takes into account the resolution 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 Resolution)²⁵ as well as the aforementioned “Key Points.”

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

The provisions regarding test reports and expert opinions do not include any requirements concerning 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 are not

²⁴ See footnote 3

²⁵ see footnote 18

, 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 to be expected. The report may contain proposals for conditions requiring changes to subject-specific criteria, limited to those deficiencies that do not justify a negative accreditation decision and can be remedied within a specified timeframe.

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

A prerequisite for the prompt processing of applications by the Accreditation Council is that the documents to be submitted follow a specified template developed by the Accreditation Council.

To minimize the workload for the agencies and the Accreditation Council, the scope of the evaluation report is limited, with different requirements applying to program, bundle, and system accreditation.

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

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

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

Paragraph 1 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.

Based on Article 4, Paragraph 3, Sentence 2 of the State Treaty on Study Program Accreditation, the majority of the review panel must consist of university faculty members. This implements the requirement of the State Treaty on Study Program Accreditation that university faculty members must hold the majority of votes (if necessary

through weighting, if necessary) of the committee responsible for the evaluation. Furthermore, Article 3(2), sentence 1, item 3 of the State Treaty on Study Program Accreditation is specified and implemented with regard to those involved in the accreditation process.

Sentence 3, first clause, stipulates, with regard to the special features of degree programs that confer the qualification for admission to the preparatory service for a teaching career, that a representative of the ministry responsible for education shall replace a representative of professional practice. This preserves the committee's expertise without further enlarging it.

The relevant church authority must be involved in the evaluation of the degree programs referred to in the second half of the third sentence and in the fourth sentence. In this context, the specific implementation of this provision follows the principle that, for both fully theological and partially theological degree programs, church ministry is the most commonly chosen field of professional practice overall. Therefore, it is natural for the churches to represent professional practice in this context. For religious education teachers, the civil service generally represents the professional career path. In this case, as with all other teacher training programs, the representation of professional practice is thus provided by the ministry responsible for education. The church representative then joins as an additional member of the review panel.

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

Sentence 5 stipulates that for teacher training programs and the aforementioned theological programs, the submission of the expert opinion requires the consent of the relevant representatives. This takes into account, on the one hand, the resolution of the Conference of Ministers of Education and Cultural Affairs 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 Resolution)²⁶. Since the decision on accreditation has been transferred to the Accreditation Council by the State Treaty on Study Program Accreditation, the requirement for approval—without which the expert opinion cannot be submitted to the Accreditation Council—corresponds, on the other hand, to the intention of the aforementioned "Key Points"²⁷, 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.

Paragraph 3, sentence 1, is intended to ensure that, in the case of review panels that exceed the minimum size specified in paragraphs 1 and 2, university faculty members and

²⁶ See footnote no. 18

²⁷ see footnote no. 3

hold the majority of votes. This takes into account Article 3, Paragraph 2, Item 5 of the State Treaty on Study Program Accreditation, according to which accreditation procedures must be conducted with the participation of this group.

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

Paragraph 4: The panel of experts is appointed by the designated 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 Study Program Accreditation.

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

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

Regarding § 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 § 107 LVwG. The previously standard accreditation periods of five years (program accreditation) and six years (system accreditation) are thereby standardized and significantly extended. This is intended to reduce the effort and costs associated with accreditation. In sentence 1, the start of the validity period is set to the beginning of the semester or trimester in which the accreditation decision is announced, in order to avoid disadvantages for students who complete their studies in the semester or trimester in which the accreditation decision is made. In addition, alignment between the semester or trimester and the accreditation periods is ensured.

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

In paragraph 2, sentence 1, the term “reaccreditation” is defined as a further accreditation that follows without interruption the 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 institutional accreditation. The elimination of different reaccreditation periods serves to simplify the process and takes into account both the universities’ interest in legal certainty and the goal of continuous and reliable quality assurance.

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

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

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

Regarding Section 27 – Conditions

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

if this is intended to ensure that the legal requirements for accreditation are met.

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

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

Regarding § 28 – Obligation to Report Changes

Paragraph 1: Since accreditation is a continuing administrative act and changes regarding formal or subject-specific criteria may arise during the accreditation period, significant changes must be reported to the Accreditation Council without delay. Significant changes may include, in particular, those 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 establishing specializations that result in substantially different competencies among graduates, or when an identical curriculum is offered in different formats, at different learning locations, or by different partners.

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

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

Regarding Section 29 – Publication

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

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

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

Sentence 3 extends the publication requirement to internal accreditation decisions made by system-accredited higher education institutions. In this context, the data protection provisions set forth in sentence 2 apply *mutatis mutandis*.

Regarding Section 30 – Bundled Accreditation; Partial System Accreditation

Paragraph 1: The existing option to combine multiple degree programs into a bundled accreditation during program accreditation 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 exhibit a high degree of subject-matter similarity, multiple bundles must be formed. Since this is a guideline rather than a mandatory requirement, exceptions to larger bundles are possible only in atypical situations, provided the quality of the evaluation is maintained. Reference is made to the possibility of adjusting the size of the review committee to the size of the accreditation bundle in accordance with § 25(1).

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

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

Paragraph 2: Since the composition of a portfolio is of considerable significance for the subsequent evaluation and for 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 a subunit of a higher education institution responsible for organizing studies (e.g., continuing education institutes or individual faculties). The requirements in sentence 2 are cumulative. The option of partial system accreditation serves primarily to facilitate higher education institutions' entry into system accreditation. Multiple, permanent partial system accreditations within a higher education institution are not the aim of this provision. For this reason, the quality management system of the subunit must be embedded within the higher education institution (sentence 2, item 2).

Regarding § 31 – Random Sampling

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

Paragraph 2: Pursuant to item 1, the sample must demonstrate, using a degree program to be determined by the panel of experts, that the quality management system takes into account all formal and subject-specific criteria in the

internal accreditation by the institution. In addition, the sample referred to in paragraph 2 is based on formal and substantive 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 analogously to the samples as well. (see the explanatory memorandum there)

Part 5 – Procedural Rules for Special Types of Degree

Programs Regarding § 32 – Combined Degree Programs

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

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

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

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

Regarding § 33 – Joint Degree Programs

This provision contains special procedural rules for joint degree programs. It is based on the political agreements regarding the European Approach (EA). Accordingly, the accreditation decision of the Accreditation Council is structured here as a decision to recognize an evaluation by an agency registered in the European Quality Assurance Register for Higher Education (EQAR) (see A 1. Indent EA). Such a decision is required only in proceedings under Article 3(1)(2) of the State Treaty on Study Program Accreditation (program accreditation), since the application of the criteria relevant to joint-degree programs at system-accredited institutions is ensured by § 16(5) of this Regulation (see A 2. Indent EA).

Since the European approach cannot be applied to 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 approved by the

, this takes place outside the scope of the field in which the agency is accredited by the Accreditation Council. Furthermore, the scope of application is limited to study programs in which exclusively domestic higher education institutions and higher education institutions from participating states of the European Higher Education Area cooperate.

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

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

Points 2 through 5 correspond to the requirements set forth in the EA regarding procedures for the external quality assurance of joint degree programs. This includes a self-evaluation report submitted jointly by the cooperating institutions. This report must contain comprehensive information demonstrating compliance with the requirements applicable to joint degree programs. In addition, the report contains the necessary information on the respective national framework conditions of the cooperating institutions, which foreign agencies and experts may require in order to assess the context, particularly with regard to the program's classification within the national higher education system. The self-evaluation report explicitly focuses on the specific characteristics of the joint degree program as a collaborative endeavor between higher education institutions from more than one national higher education system (Number 2; see C 1 EA). The site visit enables the evaluation team to discuss the joint degree program on the basis of the self-evaluation report and to assess whether the program meets the requirements for joint degree programs. The site visit therefore includes discussions with representatives of all cooperating institutions, in particular with institutional leadership and program coordinators, staff, students, and other relevant stakeholders such as alumni and representatives from professional practice. Although the site visit is generally limited to one location, the implementation of the program at all locations is taken into account in the evaluation (Number 3, see C 3 EA). The review panel prepares a report containing relevant evidence, analyses, and conclusions regarding the requirements for joint degree programs. The report also includes recommendations for the program's further development. In addition, the review panel issues a recommendation 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 (Section 4, see C.4 EA). With regard to the review panel, which consists of at least four members, it is required that the panel combine expertise in the relevant subjects or disciplines—including the labor market and professional world in the relevant fields—with expertise in the area of quality assurance in higher education. Thanks to its international expertise and experience, the review panel can assess the specific characteristics of the joint degree program

take into account. 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, paragraph 3, sentence 1 (majority of university faculty members in the evaluation), paragraph 5 (exclusion of evaluators to avoid conflicts of interest), and paragraph 6 (right of the institution to comment) apply accordingly (Number 5, cf. C.2 EA).

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

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

Paragraph 2 extends the scope of application of the criteria and procedural rules of the 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 Study Accreditation

Regarding § 34 – Alternative Accreditation Procedures

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

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

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

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

Paragraph 4: The specific details of the procedure are regulated in procedural rules.

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

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

Part 7 – Miscellaneous

Regarding § 35 – Relationship to Procedures Concerning the Professional Licensing Eligibility of a Degree Program

Paragraph 1 extends the existing option of linking accreditation procedures with procedures that determine a degree program's eligibility under professional licensing law, even within the framework of the new accreditation system. The provision is 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 to be consulted regarding professional suitability have merely an advisory role and do not influence the accreditation decision. The accreditation decision, on the one hand, and the decision regarding the determination of professional suitability based on professional regulations, on the other hand, are legally separate decisions. The latter is made by a separate notice from the respective competent state authority to the institution of higher education.

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

Regarding Section 36 – Evaluation

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

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

Regarding Section 37 Entry into Force

The retroactive entry into force of the regulation ensures that no accreditation gap will arise between the entry into force of the State Treaty on Study Program Accreditation on January 1, 2018, and the regulation. Since all relevant stakeholders have been sufficiently informed about the transition of the accreditation system through the decision of the Federal Constitutional Court and the drafting of the State Treaty on Study Program Accreditation, such retroactive entry into force is legally permissible.

Furthermore, for program or system accreditation procedures that had already begun prior to the effective date of the State Treaty on Study Accreditation, the previous regulations—including the regulations—apply to the conclusion of such procedures pursuant to Article 16(1) of the State Treaty on Study Accreditation.

regarding the period of validity of the accreditation. For reaccreditation procedures, provided that the contract was not concluded prior to the entry into force of the State Treaty, only the provisions of this Regulation shall apply. This applies in particular to matters concerning the extension of accreditation, the obligation to notify changes, and the eligibility requirements for reaccreditation. This means that proof of an interim evaluation is no longer required for an application for system reaccreditation.