

Bylaws of the Accreditation Council Foundation

of November 12, 2018 (MBI. NRW. 2018, p. 662), last amended on March 26, 2025 (MBI. NRW 2025, p. 622)

Preamble

The Foundation for the Accreditation of Degree Programs in Germany, established by the North Rhine-Westphalian Act on the Establishment of a Foundation “Foundation for the Accreditation of Degree Programs in Germany” of February 15, 2005 (GV. NRW. p. 45), last amended by Article 2 of the Act of June 23, 2021 (GV. NRW. p. 762), bears the name “Accreditation Council Foundation.” The Accreditation Council Foundation is a joint institution of the federal states for accreditation and quality assurance in studies and teaching at German higher education institutions. It has its seat in Bonn.

Through the Foundation, the states fulfill their duties under Article 1(2) of the State Treaty on Study Accreditation of June 12, 2017 (Appendix to GV. NRW. p. 806) and thereby fulfill their national responsibility in the higher education sector to ensure the equivalence of corresponding coursework, examinations, and degrees, as well as the possibility of transferring between institutions of higher education.

It is agreed that, in view of the Foundation’s function of carrying out the tasks entrusted to it in the interest of all federal states, the Foundation is established on the condition that the State of North Rhine-Westphalia exercises its legislative and administrative powers only in accordance with the State Treaty on Study Accreditation.

§ 1

Basis

(1) These Bylaws are based on Article 7 of the State Treaty on Study Program Accreditation and § 5 of the Accreditation Council Act of February 15, 2005 (GV. NRW. p. 45), each as amended.

(2) The name, seat, and tasks of the Foundation, the rights and duties of its bodies, membership in its bodies, and the rights and duties of the members of the bodies are governed by the State Treaty on Study Program Accreditation and the Accreditation Council Act, each as amended. The fiscal year is the calendar year.

§ 2

Official Seal

The Foundation maintains an official seal. The official seal bears the designation “Stiftung Akkreditierungsrat” in the upper semicircle and the state coat of arms of North Rhine-Westphalia in the lower semicircle. The official seal is circular. The impression in the appendix depicts the shape and size of the official seal.

§ 3

Representation

(1) Notwithstanding the provisions regarding the representation of the Foundation as such set forth in Article 10(1) of the State Treaty on Study Accreditation and § 8(1) of the Accreditation Council Act, the Foundation Board, the Accreditation Council, and the Executive Board shall each be represented as a Foundation body by the chairperson (Chair) of the respective body.

(2) In the event of the Chair's inability to perform their duties, the Chair of the Foundation's bodies shall be represented by the Vice Chair (Vice Chair). The Chair may authorize the Vice Chair or another member of the body they lead in writing to act on their behalf for a specific scope of business. Authorization for a single transaction may also be given orally; in this respect, third parties may also be authorized.

(3) Section 4 of these Bylaws remains unaffected.

Section 4

Management and Administrative Office

(1) The Foundation has a managing director (Management). The managing director handles the day-to-day administrative affairs of the Foundation and of the respective competent body of the Foundation. The managing director prepares deliberations and decisions of the Foundation and its bodies and carries them out on behalf of the respective competent body of the Foundation, subject to revocation at any time prior to execution. The chair of the Accreditation Council may entrust the Executive Director with the legal representation of the Foundation.

(2) The Foundation shall establish an administrative office. The management of the administrative office is the responsibility of the Executive Director. General service regulations and the basic structure of the organization require the approval of the Chair of the Accreditation Council. The Chair may issue overriding individual instructions; this applies accordingly to the Chair of the Foundation Board regarding the Foundation Board's area of responsibility.

§ 5

Principles of Cooperation

(1) The Foundation's governing bodies, their members, and the administrative office shall cooperate in a spirit of trust. They shall inform one another in a factual and timely manner of resolutions and decisions of significance for their cooperation and for the Foundation's relations with third parties; this also applies to the intended submission of such resolutions or decisions. They shall exchange their meeting minutes.

(2) The chairpersons of the Foundation Board and the Accreditation Council, or their respective vice-chairs, shall participate in meetings of the other foundation body in an advisory capacity.

(3) The Accreditation Council shall report to the Foundation Board in a factual and timely manner, at least once a year.

(4) The Foundation reports annually to the Conference of Ministers of Education and Cultural Affairs, the German Rectors' Conference, and the public by submitting a work report.

(5) The Foundation's governing bodies and their members, as well as the administrative office and any other persons performing the Foundation's duties, are bound to confidentiality, notwithstanding the aforementioned legal obligations.

§ 6

Rules of Procedure

The Foundation Council, the Accreditation Council, and the Executive Board may adopt rules of procedure for their respective areas of responsibility.

§ 7

Tasks

(1) The tasks of the Foundation are governed by Article 5(3) of the State Treaty on Study Program Accreditation and § 2 of the Accreditation Council Act.

(2) The duties of the Accreditation Council are governed by Article 9(1) of the State Treaty on Study Program Accreditation and § 7(1) of the Accreditation Council Act.

§ 8

Meetings and Resolutions

Meetings of the Foundation Board, the Accreditation Council, and the Executive Board may be held in person or virtually. Resolutions may be adopted in person or by written consent. In the case of a virtual meeting, resolutions may also be adopted via electronic communication. The systems used for this purpose must comply with the current state of the art in IT security technology. Further details may be regulated in the rules of procedure.

§ 9

Functioning of the Accreditation Council

(1) The Accreditation Council and its members shall perform their duties within the framework of the law and in accordance with their free judgment.

(2) Resolutions of the Accreditation Council require a majority of the votes provided for by law. In votes on the determination of compliance with the academic and content-related criteria, university faculty members, as defined in Article 9(2), sentence 1, no. 1 of the State Treaty on Study Program Accreditation, have a double vote, which may only be cast as a single vote.

(3) The term of office for student representatives is two years.

(4) Alternate members may be appointed. Article 9, paragraph 2, sentences 2 through 8 of the State Treaty on Study Program Accreditation and § 7(2), sentences 2 through 8 of the Accreditation Council Act apply *mutatis mutandis*.

(5) Vote transfers pursuant to Article 9, paragraph 2, sentence 9 of the State Treaty on Study Program Accreditation or § 7, paragraph 2, sentence 9 of the Accreditation Council Act are only

in cases where a substitute cannot be appointed. A member may only be assigned the voting rights of one other member of the respective member group.

(6) The Chair of the Accreditation Council may invite guests with an advisory vote to individual meetings.

(7) The Executive Board of the Accreditation Council Foundation may, in agreement with the Conference of Ministers of Education and the German Rectors' Conference, appoint university professors as permanent guests with an advisory vote for a term not exceeding the end of the Accreditation Council's term of office. Reappointments are possible.

(8) Members of the Accreditation Council's secretariat participate in the meetings of the Accreditation Council in an advisory capacity.

(9) The Accreditation Council may establish working groups or committees to prepare its decisions and may consult external experts for this purpose.

§ 10

Revocation of an Agency's Authorization

The Accreditation Council may revoke an agency's accreditation pursuant to Article 5(3)(5) of the State Treaty on Study Program Accreditation or § 2(5) of the Accreditation Council Act if the agency violates an obligation under the State Treaty on Study Program Accreditation or a corresponding statutory regulation pursuant to Article 4 of the State Treaty on Study Program Accreditation. In the typical case where the agency's accreditation is based on its listing in the European Quality Assurance Register for Higher Education (EQAR), accreditation may also be revoked if the agency fails to consistently demonstrate this listing.

§ 11

Incompatibilities

(1) Membership in the Accreditation Council is incompatible with concurrent employment at an accreditation agency accredited by the Accreditation Council or for an organization that is legally, institutionally, organizationally, financially, or personally affiliated with one of the aforementioned agencies, insofar as quality assessments within the German accreditation system are concerned. Excluded from this provision is the representative of the agencies pursuant to Art. 9(2), sentence 1, no. 7 of the State Treaty on Study Program Accreditation.

(2) Members of the Foundation Council may not simultaneously be members of the Accreditation Council.

§ 12

Budget and Annual Financial Statements

(1) Prior to the start of each calendar year (fiscal year), the Executive Board shall draw up a budget in a timely manner.

(2) The budget is adopted by the Accreditation Council with the approval of the Foundation Council. The approval of the Foundation Council requires the consent of a majority of its members from the group of states.

(3) The budget must be approved by the Conference of Ministers of Education and Cultural Affairs and the Conference of Finance Ministers, with a two-thirds majority required in the Conference of Finance Ministers.

(4) Within six months after the end of the fiscal year, the Executive Board must prepare the annual financial statements and submit them to the Accreditation Council and the Foundation Council, together with the audit report, the statement of financial position, and the activity report.

(5) The Foundation Board appoints an auditor for each fiscal year. The auditor's task is to examine the annual financial statements to determine whether the funds were used in accordance with the foundation's purpose as set forth in Article 5(3) of the State Treaty on Study Accreditation or § 2 of the Accreditation Council Act, and whether financial management and accounting have complied with the provisions of Article 13 of the State Treaty on Study Accreditation or § 11 of the Accreditation Council and paragraphs 1 through 4. The Executive Board must provide the Audit Committee with information regarding budgetary and financial management and, upon request, grant access to all business records. The Audit Committee prepares a report (audit report) on the results of the audit.

§ 13

Composition and Duties of the Executive Board

(1) The Executive Board consists of:

1. the Chair of the Accreditation Council,
2. the Vice Chair of the Accreditation Council,
3. the Executive Director of the Foundation.

(2) Pursuant to Article 10, Paragraph 1, Sentence 1, first clause of the State Treaty on Study Program Accreditation, the Executive Board implements the decisions of the Accreditation Council and manages the day-to-day operations of the Foundation.

(3) The Accreditation Council may delegate the following tasks to the Executive Board:

1. Extensions of deadlines pursuant to Section 26(3) of the Model Statute in accordance with Article 4(1) through (4) of the State Treaty on Study Program Accreditation (Resolution of the Conference of Ministers of Education and Cultural Affairs of December 7, 2017; Collection of Resolutions of the Conference of Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany, Luchterhand-Verlag, March 2018, Reference Number 87) in accordance with the relevant provisions of the applicable state ordinance (the relevant provisions of all state ordinances can be viewed on the Foundation's website, www.akkreditierungsrat.de),
2. Decisions regarding the fulfillment of conditions, including decisions regarding the extension of deadlines for fulfilling conditions in accordance with the provision of the applicable state ordinance corresponding to § 27 of the Model Legal Ordinance,
3. Decisions regarding the amendment and revocation of accreditation decisions pursuant to § 48 or § 49 of the Administrative Procedure Act of North Rhine-Westphalia (VwVfG NRW), if a decision by the Accreditation Council cannot be awaited for urgent reasons,

4. Decisions on whether a significant change is covered by the existing accreditation in accordance with the provision of the applicable state ordinance corresponding to § 28(2) of the Model Ordinance,

5. Approvals of the composition of bundles in accordance with the provision of the applicable state ordinance corresponding to § 30(2) of the Model Ordinance, as well as

6. recognition of evaluations regarding joint programs in accordance with the provision of the applicable state ordinance corresponding to Section 33 of the Model Statutes.

Sentence 1 does not apply if the Executive Board does not include a member from the group of university faculty members. Decisions pursuant to sentence 1 may not be made against the vote of the member from the group of university faculty members.

§ 14

Discharge of the Executive Board

(1) The Foundation Board shall decide on the discharge of the Executive Board, taking into account the audit report.

(2) The Foundation Board shall inform the Ministry of Higher Education of the State of North Rhine-Westphalia of the resolution and submit the discharge for approval.

§ 15

Evaluation

The work of the Foundation shall be evaluated every five years. The Foundation Board shall determine the procedure. Foreign experts shall be involved in the evaluation.

§ 16

Entry into Force

These bylaws shall enter into force on the day following their publication in the Official Gazette of the State of North Rhine-Westphalia.

Hamburg, March 26, 2025

Dr. Eva Gumbel

Chair of the Board of Trustees of the Accreditation Council Foundation