



**Foundation for the Accreditation of Study Programmes in  
Germany**

**2005 Work Report**



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# 2005 Work Report

Period under review: January to December 2005

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## **Preface**

The law establishing a Foundation for the Accreditation of Study Programmes in Germany passed on 27 January 2005 and the subsequent reconstitution of the Accreditation Council mark the beginning of a further consolidation of the German accreditation system. Assisted by a largely new staffed head office, the Accreditation Council, which has continued the established activities of the previous accreditation council based on another legal foundation with mostly new staff since spring 2005, has taken the opportunity on the occasion of the conversion into a foundation under public law for the improvement of legal security to review the criteria and procedures applied until then to accredit agencies and study programmes and to accordingly develop them further with a view to the new requirements that quality assurance has to meet both in Germany and at the international level.

The Accreditation Council is aware that the extended room for manoeuvre at the same time also implies growing responsibility for the functionality of the system. This in particular means responsibility for the achievement of the quality assurance and quality improvement objectives associated with accreditation while implementing the concerns of the Bologna Process. The multitude of forthcoming tasks assigned to the Accreditation Council is a challenge which the Council together with national and international institutions involved in accreditation and quality assurance would like to meet.

The past year has made it clear in a very pleasant way that a goal-oriented further development of the accreditation system in Germany can be managed within the framework of a constructive collaboration on a basis of trust among the central players. Therefore, I would like to take the opportunity to thank all external participants from the agencies, the German Rectors' Conference and Standing Conference of the Ministers of Education and Cultural Affairs of the Länder of the Federal Republic of Germany, the faculty and departmental conferences, professional organisations and associations for their commitment and willingness to have worked on the assurance and improvement of studies and teaching in Germany together with the Accreditation Council and its head office staff within the framework of a pleasant work environment characterised by openness, but not conflict avoidance. I also extend my thanks to the honorary members of the Accreditation Council and Foundation Council and last, but not least to the committed employees at the head office and the helpful partners from ministries and associations that participated in work groups organised by the Accreditation Council.

My thanks also include the hope that the path treaded will be continued especially with a view to the challenges ahead of us at the European and international level and the opportunities connected therewith for realising a common European higher education area.

Bonn, June 2006



Prof. Dr. Jürgen Kohler

## **1. Legal foundation of the accreditation system in Germany**

### **1.1 Law establishing the Foundation for the Accreditation of Study Programmes in Germany**

With the law establishing a Foundation for the Accreditation of Study Programmes in Germany<sup>1</sup> coming into force on 26 February 2005, the accreditation system established by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder of the Federal Republic of Germany (hereinafter "Standing Conference of the Ministers of Education and Cultural Affairs" or "KMK") in collaboration with the German Rectors' Conference (hereinafter "HRK") has been put on a new safe legal foundation. Hence, the Accreditation Council that up to then as a non-incorporated institution was founded on the resolutions adopted by HRK and KMK was converted into a foundation under public law having legal capacity.

The law establishing a Foundation for the Accreditation of Study Programmes in Germany (hereinafter referred to as "foundation law") sets up a legal framework for the binding definition of tasks, responsibilities and authorities of the central players in the accreditation system, i.e. the Accreditation Council and the currently six accredited agencies. Apart from legal considerations aiming at overcoming legal insecurity within the German accreditation system, the legally binding regulation and specification of responsibilities has become not least necessary to minimise inefficiency due to tensions and frictions in the working relationship of the Accreditation Council and the accreditation agencies. For this purpose, due to the Accreditation Council's task to establish accreditation and re-accreditation criteria for agencies and study programmes and define requirements for the effects of accreditation decisions by the agencies, the Accreditation Council had to be granted the adequate competencies and authorities to exercise this function.

The core responsibilities of the foundation specified in the foundation law are first of all the accreditation and re-accreditation of accreditation agencies, compilation of the common and specific structural guidelines of the Länder into a set of binding guidelines for the agencies, the regulation of minimum requirements for accreditations including the prerequisites and limits for bundled accreditations and finally the monitoring of accreditations awarded by the agencies. In addition, it is the foundation's task to ensure fair competition among the agencies, to determine prerequisites for the recognition of accreditations by foreign institutions, to promote international collaboration in the field of

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<sup>1</sup> Cf. Gesetz zur Errichtung einer Stiftung "Stiftung zur Akkreditierung von Studiengängen in Deutschland" of 15 February 2005, entered into force on 26 February 2005, GV NRW 2005, p. 45.

accreditation and to regularly inform<sup>2</sup> the Länder about the development in relation to the conversion of the study system to the stepped degree structure and about the quality development within the scope of the accreditation. These tasks largely correspond to the ones specified in the key points<sup>3</sup> for the further development of the German accreditation system. In addition to these tasks defined in the foundation law, the Standing Conference of the Ministers of Education and Cultural Affairs has assigned the Foundation with the task to develop suggestions for the further development of the accreditation system.

With respect to the definition of the relationship between the Foundation and the agencies, the foundation law postulates that collaboration on a basis of trust that is to be ensured by the formation of agreements is paramount. It is the intention and purpose of such agreements to set out the rights and duties of the partners in the accreditation system. Whereas Article 3 Para. 1 of the foundation law implies the assignment directed to the Foundation and the agencies to draft an adequate sample agreement, Para. 2 specifies the contents-related framework for the agreements to be concluded. Correspondingly, the subject matter of the agreements between the Foundation and the respective agency includes, in particular:

1. The agency's commitment to consider common and, where appropriate, specific structural guidelines of the Länder,
2. compliance with the minimum requirements for accreditation procedures, including the prerequisites and limits of bundled accreditations,
3. quality requirements with regard to the internal organisation of the agency,
4. reporting obligations of the agency with regard to the Accreditation Council,
5. the obligation of the agency to publish the accreditation reports and the names of the experts involved,
6. regular information of the agency by the Accreditation Council,
7. the definition of prerequisites for the re-accreditation of the agency,
8. the inclusion of the agency in the work of the Accreditation Council,
9. the allocation of international tasks between the Foundation and the agency depending on their respective tasks,

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<sup>2</sup> Cf. Gesetz zur Errichtung einer Stiftung "Stiftung zur Akkreditierung von Studiengängen in Deutschland" of 15 February 2005, Article 2.

<sup>3</sup> Cf. KMK resolution: "Eckpunkte für die Weiterentwicklung der Akkreditierung in Deutschland" of 15 October 2004.

10. the commitment of the agency to the principle of good faith in dealing with the seal of the Foundation,
11. the conditions under which the agency revokes the accreditation it has granted to a study programme, and
12. the consequences of non-fulfilment or inadequate fulfilment of the agreement.

Conversion of the Accreditation Council into a foundation under public law has also made the addition of further bodies necessary. In addition to the Accreditation Council that decides on all matters of the Foundation by a majority of its members, a Board and a Foundation Council have been added. While the Foundation Council that is made up of six Länder representatives and five representatives from the German Rectors' Conference monitors the lawfulness and efficiency of the foundation activities carried out by the Accreditation Council and the Board in accordance with Article 9 Para. 1 of the foundation law, the Accreditation Council is essentially responsible for performing the foundation tasks specified in Para. 2 of the foundation law. The Accreditation Council, as before, is made up of four state or state certified higher education institution representatives, four Länder representatives, five representatives from the field of professional practice, two students and two foreign representatives with accreditation experience. To improve the information flow between the Accreditation Council and the agencies, a representative of the agencies sits on the Accreditation Council in a consultative capacity. The representative of the agencies is elected by the agencies and appointed by the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rectors' Conference in agreement. The Board is made up of the chairman of the Accreditation Council, the vice-chairman of the Accreditation Council and the managing director of the Foundation as defined in Article 8 of the foundation law and executes the Accreditation Council's resolutions.

## **1.2 Agreements made by the German Länder**

Since the Accreditation Council set up by the German Rectors' Conference and the Standing Conference of the Ministers of Education and Cultural Affairs in 1999 was converted into a foundation under public law on the day the foundation law became effective on 26 February 2005, it was first of all necessary to transfer the tasks of the former council to the newly established Foundation having legal capacity. Since the Foundation for the Accreditation of Study Programmes in Germany is a foundation governed by the laws of the Land of North Rhine-Westphalia, the German Länder also

had to transfer the performance of their tasks relating to the execution of the common structural guidelines to the Foundation in accordance with Section 9 Para. 2 of the Higher Education Act (HRG).

For this purpose, the Standing Conference of the Ministers of Education and Cultural Affairs already passed the *Agreement on the foundation: "Foundation for the Accreditation of Study Programmes in Germany"*<sup>4</sup> on the basis of the *Key Points for the Further Development of Accreditation in Germany* on 16 December 2004. With enactment of the foundation law, the previous basis for the work of the Accreditation Council, *the Statute on a Cross-Länder and Cross-Higher Education Institution Accreditation Procedure*<sup>5</sup>, was terminated in accordance with Para. 1 Sentence 2 of the *agreement*.

To further extend the existing legal foundation for the undoubtedly given political legitimization of the Accreditation Council or the Foundation for the Accreditation of Study Programmes in Germany respectively, the Standing Conference of the Ministers of Education and Cultural Affairs made a supplementary declaration on the aforementioned agreement on 15 December 2005 at request of the Accreditation Council's chairman.<sup>6</sup> The Länder declare in said declaration – each Land acting for its own area of responsibility - that effective the agreement of 16 December 2004 they transfer the performance of their tasks relating to the execution of the common structural guidelines in accordance with Section 9 Para. 2 of the Higher Education Act (HRG) for those study and degree programmes defined by resolution of the Standing Conference of the Ministers of Education and Cultural Affairs to the Foundation for the Accreditation of Study Programmes in Germany. Hence, the Foundation can become active as a private institution exercising public functions on behalf of the Länder within the framework of the foundation law.

### **1.3 Constitution of the Foundation**

The Foundation was constituted during the constituent meetings of the Foundation Council in Potsdam on 21 April 2005 and of the Accreditation Council in Bonn on 25 April 2005. The members of the Foundation Council elected Mr. Corts, minister of state, chairman and Dr. Ebel-Gabriel, general secretary of the German Rectors' Conference,

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<sup>4</sup> Cf. KMK resolution: "Eckpunkte für die Weiterentwicklung der Akkreditierung in Deutschland" of 15 October 2004.

<sup>5</sup> Cf. KMK resolution: "Statut für ein länder- und hochschulübergreifendes Akkreditierungsverfahren" of 24 May 2002 as amended on 15 October 2004.

vice-chairman of the Foundation Council. Prof. Dr. Kohler was elected chairman of the Accreditation Council and Senator Dräger Ph.D. (Cornell U.) vice-chairman. To ensure reliable collaboration between the Accreditation Council and the Foundation Council, the members of both organs agreed to exchange information regularly. This intention is reflected in Section 4, *Fundamentals of Collaboration*, of the draft statutes that stipulates mutual reporting obligation and appropriate participation regulations. In accordance with Section 4 Para. 2 of the draft statutes, the respective chairman and vice-chairman of the Accreditation Council and of the Foundation Council are to attend the meetings of the respective other foundation body in a consultative capacity.

As defined in Article 5 Para. 1 of the foundation law, the Foundation will draw up statutes for itself which will be adopted by the Foundation Council and which requires approval by the Ministry for Science and Research of the Land of North Rhine-Westphalia. In accordance with Article 5 Para. 2 of the foundation law, the statutes particularly regulate the conditions under which accreditation or re-accreditation may be revoked. The draft statutes for the Foundation for the Accreditation of Study Programmes in Germany, adopted by the Foundation Council during its third meeting in Bonn on 7 October 2005, is still in the course of procedure concerning legal review at the North Rhine-Westphalian Ministry of the Interior and, where required, further decisions by the Foundation Council.

To ensure legal validity of the resolutions adopted by the Accreditation Council prior to its conversion into a foundation under public law, assumption of all previous resolutions of the Accreditation Council, unless contradictory to the new regulations in individual cases, was decided during the constituent meeting of the Accreditation Council. Furthermore, it was decided in view of the agreements to be drafted and formed between the Accreditation Council and the accreditation agencies and in view of the minimum requirements and criteria to be further developed by the Accreditation Council<sup>7</sup> to take up the upcoming re-accreditations of the agencies ACQUIN, ASIIN and ZEvA at a later time and to extend accreditation of the three agencies until 30 June 2006 accordingly.

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<sup>6</sup> Cf. KMK resolution: "Erklärung der Kultusministerkonferenz zur Vereinbarung der Stiftung: "Stiftung zur Akkreditierung von Studiengängen in Deutschland"" of 16 December 2005.

<sup>7</sup> See Chapter 2.1.

## 2. New developments in the German accreditation system

### 2.1 Further development of the accreditation criteria for accreditation agencies

The new constitution of the Accreditation Council as part of its conversion into a foundation under public law placed the Accreditation Council on a secure legal foundation. The increase of legal security of the accreditation system connected with this development and the extended possibilities of the Accreditation Council to assess the accreditations of study programmes undertaken by the agencies to a larger extent than before presented the players in the accreditation system, in particular the Accreditation Council, with significant challenges, since the Council's rights specified in the foundation law face a comprehensive catalogue of tasks to be coped with in the future. In addition, new framework conditions were created not only at the national, but also at the European level with enactment of the *Qualification Framework for Degrees of Higher Education in Germany*<sup>8</sup> passed in April 2005 and ENQA's *European Standards and Guidelines for Quality Assurance in the European Higher Education Area*<sup>9</sup> published in the same year that had to be incorporated into the criteria set out by the Accreditation Council both with regard to the accreditation of study programmes and the accreditation of the Accreditation agencies as well. Especially the ongoing development of the quality concept and of the quality assurance approach in the European context made it necessary to gear the German quality assurance system even more than before to the importance of outcomes and to the ratio of goals set and achieved for the quality assessment.

The Accreditation Council, at the initiative of the chairman of the Foundation for the Accreditation of Study Programmes in Germany and in agreement with the agencies, commissioned an *Accreditation Work Group* during its 43rd meeting in June 2005 that was to be made up of members of both the Council and of the individual agencies in accordance with the trusting collaboration between the Accreditation Council and the accreditation agencies as specified in the foundation law. Central task of the *Accreditation Work Group* was the development of a set of criteria for the accreditation of accreditation agencies and study programmes on the basis of the new legal environment, the aforementioned new national and international developments and the Accreditation

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<sup>8</sup> Cf. KMK Resolution (elaborated in collaboration between the German Rectors' Conference, the Standing Conference of the Ministers of Education and Cultural Affairs and the Federal Ministry of Education and Research): "Qualifikationsrahmen für Deutsche Hochschulabschlüsse" of 21 April 2005.

<sup>9</sup> European Association for Quality Assurance in Higher Education: Standards and Guidelines for Quality Assurance in the European Higher Education Area, Helsinki, February 2005.

Council's resolution passed in 1999<sup>10</sup> by the end of the year that should provide the foundation for the upcoming re-accreditation of three accreditation agencies in the first half of the year 2006. In addition, the *Accreditation Work Group* was assigned the task to elaborate rules for decisions by the Accreditation Council and the accreditation agencies and to develop sample agreements for the future collaboration between the Foundation and the agencies in accordance with the assignment set out in the foundation law.<sup>11</sup> From August to December 2005 the *Accreditation Work Group* met four times and presented an agreed draft of the *Criteria for the Accreditation of Accreditation Agencies* to the Accreditation Council for adoption of a resolution by the end of the year as agreed. The draft was approved by the Accreditation Council during its 45th meeting on 15 December 2005.<sup>12</sup>

The *Criteria for the Accreditation of Accreditation Agencies* comprise four parts which are subdivided into 20 assessment fields and 64 relevant criteria. Part I contains criteria concerning the general institutional operability and fitness for purpose of the agency, Part II comprises criteria referring to the content-related quality elements of the programme accreditation, Part III contains criteria regarding the procedure-related quality elements of the programme accreditation, and Part IV comprises criteria for special cases of the programme accreditation such as bundled procedures. The agency to be (re-) accredited is requested to outline the concept underlying its work and its implementation on the basis of the individual assessment fields and criteria; e.g. formal specifications and their definition in concrete terms in practice, instruments for teaching the concepts and ensuring knowledge of the concepts by all relevant players as well as the staff and equipment resources for their implementation. In addition, the agency is requested to furnish adequate evidence such as statutes, sample agreements or criteria for the appointment of experts in order to support its representation empirically. Whereas Parts I, III and IV specify the quality requirements for the work of the agencies, Part II is directed to both agencies and higher education institutions, since quality requirements for the accreditation procedures of study programmes are defined therein.

For the sake of manageability, the criteria material for higher education institutions to the accreditation of study programmes should be published in form of a separate document that at the same time provides an introduction to the concept of quality underlying the

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<sup>10</sup> Resolution adopted by the Accreditation Council: "Akkreditierung von Akkreditierungsagenturen und Akkreditierung von Studiengängen mit den Abschlüssen Bachelor/Bakkalaureus und Master/Magister - Mindeststandards und Kriterien –" of 20 November 1999 as amended on 17 December 1999

<sup>11</sup> See Chapter 2.2

<sup>12</sup> Cf. resolution adopted by the Accreditation Council: "Kriterien für die Akkreditierung von Akkreditierungsagenturen" of 15 December 2005.

accreditation and contains explanatory comments on the individual criteria. Approval of the document is scheduled for the first half of 2006.

The *Criteria for the Accreditation of Accreditation Agencies* adopted in December 2005 are insofar a further development of the previous quality assurance approach as the agencies – in analogy to the practice of programme accreditation and the requirements for the higher education institutions – must represent their understanding of quality on the basis of targets set and correspondingly achieved within the framework of the assessment fields and criteria specified by the Accreditation Council and at the same time must document the implementation thereof by furnishing adequate practical evidence or the definition of the agency's task in accordance with its own statutes. With the further development of criteria the Accreditation Council not only reacted to the dynamic changes in the international environment and the resulting requirements for the German accreditation system, but also to the request for a plausibility and validity check in the course of the accreditation procedure connected with the growing legal security.

## **2.2 Constitution of the relationship between the Accreditation Council and the agencies**

The relationship between the Foundation and the agencies should be characterised by collaboration on a basis of trust between the aforementioned players as defined in Article 3 of the foundation law. However, to permanently ensure such a relationship marked by cooperation the foundation law stipulates a contractual regulation which is to define the rights and duties of both the Accreditation Council and of the agencies within the framework of so-called agreements<sup>13</sup>. In addition to the development of *Criteria for the Accreditation of Accreditation Agencies* and the elaboration of rules and regulations for the decisions made by the Accreditation Council and the accreditation agencies<sup>14</sup>, also the elaboration of such a contractual regulation in form of a sample agreement was included in the comprehensive catalogue of tasks for the *Accreditation Work Group* commissioned by the Accreditation Council in June 2005. In this regard, too, the agencies were comprehensively involved in the Accreditation Council's deliberations and work at an early stage in accordance with the objective to elaborate the contractual foundation for the future collaboration between the players in the German accreditation system in a cooperative and constructive manner. Approval of the sample agreement and subsequent execution of the individual agreements is scheduled for the first half of 2006.

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<sup>13</sup> See Chapter 1.1 ("Das Gesetz zur Errichtung der Stiftung zur Akkreditierung von Studiengängen in Deutschland")

<sup>14</sup> See Chapter 2.3

The three tasks assigned to the *Accreditation Work Group* jointly made up of members of the Accreditation Council and of the accreditation agencies illustrate the key points for the cooperation between the Accreditation Council and the accreditation agencies to a certain extent. In addition to the *Criteria* on which the accreditation procedures for agencies and study programmes are based and which set out the central area for the assessment of quality, the agreements will largely identify the legal framework for the collaboration of the players with regard to areas of required action, reporting, consultation and information obligations as well as documents and procedures underlying the assessment of quality. The third key point are the rules and regulations passed by the Accreditation Council in December 2005 with regard to decisions by the Accreditation Council and the accreditation agencies. The rules and regulations consist of two resolutions by the Accreditation Council<sup>15</sup> which document on one hand the types and effects of accreditation decisions made by the Accreditation Council with regard to the agencies and on the other hand the types and effects of accreditation decisions made by the agencies with regard to the higher education institutions to the public.

The rules and regulations elaborated by the Accreditation Council with the involvement of the agencies within a few months and authoritative for the future cooperation between the Council and the agencies has not only illustrated the players' willingness for collaboration and for the dynamic further development of the accreditation system, but also shown that the experiences gained by the Accreditation Council due to its monitoring function on one hand and the experiences gained by the agencies due to their operative business on the other hand can be combined in a constructive and goal-oriented manner.

### **2.3 Additional resolutions adopted by the Accreditation Council**

To increase procedural and legal security with regard to the accreditation decisions to be made by the Accreditation Council and by the agencies, but also to enhance transparency and comparability of decision procedures, the Accreditation Council adopted the following resolutions on 15 December 2005:

- Decisions of the Accreditation Council: types and their effects.
- Decisions of the Accreditation agencies: types and their effects.

On the basis of the aforementioned resolutions the necessary prerequisites for the accreditation decision, decision contents and their effects, accreditation terms, interruption of procedures, procedural consequences such as the imposition of conditions and the

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<sup>15</sup> See Chapter 2.3

supervision of the compliance with conditions, and the effective date of decisions are regulated with regard to accreditation decisions to be made by the Accreditation Council with respect to the agencies and, analogous thereto, accreditation decisions to be made by the agencies with regard to higher education institutions.

With its resolutions regarding the types and effects of accreditation decisions the Accreditation Council has reacted to the requirement repeatedly expressed primarily by the higher education institutions, but also by the agencies to set out similarly valid regulations for all accreditation procedures with regard to the differentiation between (a) the accreditation, (b) the conditional accreditation and (c) the denial of accreditation that stipulate both the respective prerequisites for the decision to be made as well as the effects of such decision on the continuation of the accreditation procedure.<sup>16</sup> In addition, the resolutions regarding the types and effects of accreditation decisions have created a reliable framework that significantly contributes to the increase of procedural security for the higher education institutions with respect to the programme accreditation and for the agencies both with regard to accreditations undertaken by the Accreditation Council and accreditations of study programmes that are implemented by themselves and for which they are responsible themselves.

During its 43rd meeting on 20 June 2005 and during its 44th meeting on 19 September 2005 the Accreditation Council adopted a series of additional resolutions that essentially refer to precise procedural questions arising from the agencies' operative business as follows:<sup>17</sup>

#### 1) Criteria for distinguishing degree designations

The resolution defines that the higher education institution has nomination preference (and assessment leeway) with regard to the requested degree designation. The accreditation agencies, however, must check the higher education institution's statements in this regard on all accounts. Evidence limits are relevant for the accreditation decision: only evidently wrong designations, i.e. definitely not covered by the programme, shall be rejected in the accreditation procedure.

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<sup>16</sup> Cf. Kohler, Jürgen: Akkreditierungsentscheidungen: Inhalte, Wirkungen und Veröffentlichung, in: Benz, Winfried; Kohler, Jürgen; Landfried, Klaus (Hg.): Handbuch Qualität in Studium und Lehre, F 3.5.

<sup>17</sup> The individual resolutions can be found in their exact wording and with indication of the data of adoption in the Appendices to this report.

## 2) Minimum requirements for key competencies

The resolution defines that the higher education institutions' freedom of discretion when teaching key competencies is to be maintained in order to facilitate the development of a personal profile. Nevertheless, the institution of higher education shall necessary explain in the course of the accreditation procedure in which way and to what extent key competencies are to be taught in a study programme. This creative freedom shall preserve whether key competencies are taught with regard to content or via a generalistic/cross-subject module.

## 3) Profiling bachelor courses

The resolution defines that with respect to bachelor courses, the higher education institutions are free to describe the profile in the diploma supplement for transparency reasons and for advertising purposes; in this case, however, the profile assigned by the institution of higher education is a subject matter of assessment in the accreditation procedure and may impede (unrestricted) accreditation.

## 4) Consequences of unfavourable accreditation decisions

The resolution defines that higher education institutions must declare when filing their applications that no procedure in the same matter has been applied for or completed and that no adverse notice has been issued with regard to the application filed. The agencies must report unfavourable decisions, i.e. applications for accreditation irrevocably rejected by an agency's commission, to the Accreditation Council. Higher education institutions may withdraw their application without legal consequences up to the decision by the relevant agency. However, the agency where the institution of higher education filed and withdraw its application, shall notify all other agencies about that instance. The higher education institution must undertake in the agreement to be concluded between the higher education institution and the agency that in case of adverse notice or withdrawal of the application for accreditation, the Accreditation agency may forward data and documents related to the application to the agencies accredited by the Accreditation Council. This way ensures that higher education institutions do not file rejected accreditation applications with another agency after superficial or merely editorial revision and obtain accreditation without having fundamentally revised the underlying concept for the course of study.<sup>18</sup>

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<sup>18</sup> Cf. KMK resolution: "Qualitätssicherung in der Lehre" of 22 September 2005 and "Eckpunkte für die Weiterentwicklung der Akkreditierung in Deutschland" of 15 October 2004

#### 5) Communicating expert's recommendation to the institution of higher education

The resolution defines that first of all only the factual part of the assessment report may be sent to the applying institution of higher education for verification with regard to its correctness. The expert's recommendation will only be communicated to the higher education institution after the final decision in order not to prejudice the decision by the board commissioned within the agency responsible for the accreditation decision.

#### 6) ECTS compliance of practical components of courses

The resolution defines that practical components of courses are ECTS compliant only, if they are integrated into the studies. Furthermore, a certificate of performance as proof of having passed the practical component course is required to assign or acquire ECTS credits.

#### 7) Regarding the application of the ECTS grade system

The resolution defines that pending further notice the accreditation of study programmes may not be made dependent on the application of the ECTS grade system. Nevertheless, the agencies are to recommend the higher education institutions to implement the relevant resolutions of the HRK senate of 10 February 2004 and of the KMK of 15 August 2000 as amended on 22 October 2004 and, in addition to a national absolute evaluation of the study performance, to assign a relative European grade which allows grading of a student's individual performance with respect to other students. In addition, the higher education institutions are recommended to begin with the setup of an adequate dataset in form of a "wandering cohort" for the last three years.

#### 8) Ratio of ENQA registration to accreditation by the Accreditation Council

The decision stipulates that the autonomy of the involved decision-makers, Accreditation Council and ENQA, and hence strict division with regard to decisions and the application of the relevant decision criteria must be maintained. In contrast, the liaison of procedures to minimise efforts is aimed at. Since the ENQA criteria are incorporated into the Accreditation Council's criteria, this liaison may be carried out without significant increase of procedural efforts.

With the adoption of these detail decisions the Accreditation Council has reacted to questions and problems put forward by the agencies within the scope of round table talks and thus contributed – with involvement of the agencies – to further reduce inevitable losses of efficiency due to friction regarding the implementation of accreditation procedures.

## **2.4 Future tasks: Outlook**

Although the Foundation for the Accreditation of Study Programmes in Germany coped with a series of challenges in 2005, mostly as a result of the conversion of the Accreditation Council into a foundation under public law having legal capacity and the accompanying restructuring also with regard to the work organisation of the entire Board, the Accreditation Council, as the central organ for the Foundation's operative scope of duties, continues to face a comprehensive list of tasks.

### **1) Re-accreditation procedure for agencies**

During its constituent meeting on 25 April 2005 the Accreditation Council decided to extend the accreditation period for the agencies ACQUIN, ASIIN and ZEvA until 30 June 2006, in order to be able to pass a revised set of criteria oriented on European standards in due course prior to the beginning of the procedure and hand them over to the agencies as a basis for the upcoming procedures. Since the Accreditation Council decided to employ expert groups including external experts for the parallel running re-accreditation procedures for the agencies analogous to the accreditation requirements for the agencies, three comparatively extensive review procedures must be organised and carried out in the first half of 2006. It is intended (a) to review individual procedures for the accreditation of study programmes according to the records, (b) to attend the respective commission meetings of the three agencies together with the expert groups and (c) to question the representatives of the agencies both through the expert groups and the Accreditation Council.

### **2) Setup of a monitoring system**

To fulfil the tasks specified in Article 2 Para. 1 No. 4 of the foundation law to monitor accreditations undertaken by the agencies and to carry out this monitoring systematically and within the framework of a reliable and transparent procedure, development of a functional monitoring system that ensures continuous review is necessary. Apart from the formal and normative stipulations of the foundation law to be implemented by the Accreditation Council, a reliable monitoring system is an important instrument to enhance the credibility and hence acceptance of the accreditation system in Germany. The monitoring system to be set up must let itself be measured by its efficiency, i.e. also by the standards on which the output-oriented quality term of the accreditation is based.

### **3) Precise definitions within the framework of the existing accreditation system**

Experiences from the previous years show that higher education in particular with regard to "non-classic" study programmes is increasingly outdifferentiated. The question whether,

how and to what extent specifics of for example scientific further development at not only the master, but also at the bachelor level, training courses at institutions of tertiary education or distance learning programmes should affect the accreditation requirements will require clarification by the Accreditation Council.

Another task of the Accreditation Council is to precise the criteria for the accreditation of study programmes which, amongst other things, concern the subjects employability, examination system or gender justice in form of assistance for the higher education institutions. Special emphasis will be placed on the question which definition will be assigned to the criterion of employability both on part of the accreditation agencies and on part of the higher education institution for the assessment and classification of study programmes, which conclusions are drawn therefrom for the relationship between higher education and the labour market and which possible indicators can therefore be derived for the assessment of the criterion within the scope of the accreditation procedure.

#### 4) Conceptual further development of the accreditation approach

Up to now the German accreditation system exclusively pursues a programme-related accreditation approach in accordance with the stipulations of the Standing Conference of the Ministers of Education and Cultural Affairs. This means that the quality of each individual study programme offered by a higher education institution is assessed by an agency or a group of experts commissioned by the agency within the framework of either a single or bundled procedure. While on one hand the advantage of this study programme-related accreditation approach lies in the "nationwide" character of the quality review of *all* study programmes offered by state and state certified higher education institutions, the accreditation system on the other hand faces the problem not to be able to cope with – at least in the long run – the number of yet to accredit and subsequently regularly to re-accredit study programmes in its current form. Furthermore, the dynamic quality approach of accreditation – in agreement with one of the central objectives of the Bologna Process – implies the intention to increasingly transfer the responsibility for quality assurance and development to the institutions of higher education themselves. As a logical consequence the Accreditation Council will deal more intensively with the question in the future how the implementation and further development of quality assurance systems within higher education institutions within the framework of the accreditation procedure can be taken into account or promoted more significantly. With this in mind, the Standing Conference of the Ministers of Education and Cultural Affairs assigned the Accreditation Council the task to develop a simplified accreditation

procedure that correspondingly reduces the efforts of higher education institutions when they provide evidence of a reliable internal quality assurance system.

#### 5) Securing the European and international integration and acceptance

Mutual recognition of qualifications as a result of the corresponding recognition of quality assurance and accreditation decisions is one of the essential prerequisites for the realisation of the European higher education area in connection with the demand for mobility. With the integration of the *Standards and Guidelines for Quality Assurance in the European Higher Education Area* in the recently adopted *Criteria for Accreditation of Accreditation Agencies* the Accreditation Council made another important step into this direction. The foundation law not only generally assigns the Accreditation Council the task to promote the international collaboration in the field of accreditation and quality assurance, but also to define the prerequisites for the recognition of accreditations by foreign institutions taking into account the development in Europe.<sup>19</sup> In this connection, in addition to the extension of the already existing European and international networks<sup>20</sup>, the design and role of the European Register for Quality Assurance Agencies are a chief concern. Finally, for the purpose of integrating the German accreditation system, its formal recognition by ENQA must be arranged.

#### 6) Co-financing the Accreditation Council by levying fees

In order to fulfil the purpose of the Foundation, the Foundation receives an annual subsidy from the Länder as set out in the respective Land budget laws. Such a subsidy is only granted to the extent that the administrative expenditures of the Foundation are not covered by the fees levied.<sup>21</sup>

In its session of 20/21 October 2005 the Minister Presidents' Conference decided to refrain from curtailing the financial resources provided jointly by the Länder to date until the year 2007. The Standing Conference of Finance Ministers and the Standing Conference of the Ministers of Education and Cultural Affairs, however, has been assigned the task to check whether and how the Länder subsidies can be avoided by the collection of fees in the future. Results shall be presented to the Minister Presidents' Conference by mid-2007. Consequently, the Accreditation Council has been asked by the Standing Conference of the Ministers of Education and Cultural Affairs to submit suggestions for the future financing of the Foundation through the levy of fees.

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<sup>19</sup> Cf. Gesetz zur Errichtung einer Stiftung "Stiftung zur Akkreditierung von Studiengängen in Deutschland" of 15 February 2005, Article 2 Para. 1.

<sup>20</sup> See Chapter 3

### **3. Representation of German interests in international quality assurance networks**

As a member of all relevant European and international quality assurance networks, one of the Accreditation Council's core responsibilities is to promote the international collaboration in the field of accreditations, also by taking into account German interests. Core objectives of the collaboration with international quality assurance players are the development of comparable criteria, methods and standards to facilitate the mutual recognition of accreditation and quality assurance decisions, improvement of the transparency of degree programmes, and hence the creation of mobility in terms of transnational freedom of movement.

To promote the mutual recognition of accreditation decisions and hence qualifications at the European level, the Accreditation Council based its *Criteria for the Accreditation of Accreditation Agencies* on ENQA's *Standards and Guidelines for Quality Assurance in the European Higher Education Area* expressly recognised by the signatory states in the Bergen Declaration. Hence, it is assured that the accreditation procedure in the course of which the Accreditation Council's seal is awarded, is carried out on the basis of internationally recognised standards and guidelines.

The Accreditation Council is a member of the International Network for Quality Assurance Agencies in Higher Education (INQUAAHE), the European Association for Quality Assurance in Higher Education (ENQA), the Joint Quality Initiative (JQI), the European Consortium for Accreditation in Higher Education (ECA) and of the trilateral network of accreditation bodies from Germany (D), Austria (A) and Switzerland (CH): D-A-CH. Until September 2005 the Accreditation Council was represented on the ENQA Board through one of its international members.

In addition to its membership in international networks the Accreditation Council continues to maintain bilateral contacts to foreign accreditation facilities not yet represented in ENQA, such as the PKA (Panstwowa Komisja Akredytacyjna) in Poland.

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<sup>21</sup> Cf. Gesetz zur Errichtung einer Stiftung "Stiftung zur Akkreditierung von Studiengängen in Deutschland" of 15 February 2005, Article 4 Para. 1.

#### **4. Organisation, information and public relations work**

Due to its central position in the German accreditation system for institutions of higher education the Accreditation Council has a "hinge function" at the interface between the structural responsibility (structural guidelines set by the Länder) and process responsibility (implementation of the accreditation procedure by the agencies)<sup>22</sup>. This responsibility also produces the necessity to present quality assurance and accreditation-related questions to the various national, but also international higher education institution or accreditation bodies, work groups and forums and to discuss solution and further development possibilities. In this connection, the chairman of the Accreditation Council for example participated in the meetings of the "structural guidelines/accreditation" work group of the Standing Conference of the Ministers of Education and Cultural Affairs, the ECA meetings in June and December 2005, conversations with representatives of the German Chamber of Auditors and Accountants and of the German Chamber of Psychotherapists and discussion circles of e.g. engineers, and held numerous other background conversations within Germany and abroad.

The head office staff of the Foundation for the Accreditation of Study Programmes in Germany is responsible for coordinating the individual organs, for preparing meetings held by the Accreditation Council, the Foundation Council and the Board with regard to content and organisation, and for preparing and following up on work group meetings in which representatives of the Accreditation Council and agencies take part. In addition, the head office staff is responsible for informing representatives of higher education institutions, ministries, agencies and professional associations, as well as students, foreign and German guests and the interested public about the Foundation's work, responding to the large number of inquiries, but also suggestions and individual complaints and, where appropriate, forwarding them to the responsible organs of the Foundation. In addition to his managerial function, the managing director as member of the Foundation's Board represents the Accreditation Council at external conferences, meetings and committees.

Electronic media are essentially used to publish accreditation data and to process information. The "Central Database of Accredited Degree Programmes" that can be accessed via the Accreditation Council's website offers all those interested in studying and employers as well as the interested public an overview of the degree programmes that bear the quality seal of the Accreditation Council. The linking of the database with the HRK Higher Education Compass along with a user-friendly search and inquiry system

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<sup>22</sup> Cf. KMK resolution: "Eckpunkte für die Weiterentwicklung der Akkreditierung in Deutschland" of 15 October 2004.

provide quick access to all the available detailed information. The database will soon generate up-to-date statistical reports that provide the database user with details on the number of accreditations completed, broken down into various categories such as degree designation, subject group, conditional accreditation, Land, accreditation agency and standard number of semesters.

The year 2005 saw the head office's restructuring with regard to staff and organisation. As successor of Dr. Angelika Schade who left the Accreditation Council after three years, Dr. Achim Hopbach was employed as new managing director of the Foundation for the Accreditation of Study Programmes in Germany on 1 September. Ms. Silke Lübbers, who had worked at the head office since the very beginning, was also no longer available to the Foundation after 30 September. In addition to filling vacant and new positions (see below), conversion of the Accreditation Council into an independent foundation under public law also required restructuring of the organisation, personnel and financial procedures and relocation of the head office into its own premises located in Bonn, Adenauerallee 73, planned for the turn of the year. Due to the increase of financial means effective from 2006 and the anticipated improvement of the head office's personnel equipment, interviews with regard to filling the vacant specialist advisor position, the specialist advisor position to be newly established and the case worker position to be newly established could already be held at the end of the year.

Since both the change of personnel and reorganisation of the personnel management that up to then was handled by the KMK Secretariat, preparation of the budget and the decision by the Standing Conference of Finance Ministers with respect to the future amount of subsidies on the part of the Länder overlapped, the Accreditation Council's functionality could only be maintained with significant time and work efforts by the Foundation's Board and head office, especially since the new recruitments could no longer be managed by the Standing Conference of the Ministers of Education and Cultural Affairs due to the conversion of the Accreditation Council into a foundation under public law already undertaken.

## 5. Financing

The financial resources for the Foundation for the Accreditation of Study Programmes in Germany and its head office were provided as part of the general budget of the KMK Secretariat by 30 September 2005. According to the 2005 budget for the KMK Secretariat, the KMK provided the Accreditation Council with the following sums for the performance of its duties in the year under review; the funds were assigned proportionally by the Länder in accordance with the so-called Königstein Key:

Staff costs for 3 positions	EUR 163,000
Travel expenses	EUR 35,000
Publications	EUR 5,000
<b>TOTAL</b>	<b>EUR 203,000</b>

Since 1 October 2005 the Foundation for the Accreditation of Study Programmes in Germany is responsible for financial management and accounting in accordance with Article 11 of the foundation law. Consequently, the Standing Conference of the Ministers of Education and Cultural Affairs transferred the remaining funds of the 2005 budget year in the amount of EUR 51,170 for the employees' salaries and EUR 14,525 for physical resources to the meanwhile established foundation account at the end of the year.

With resolution of 15 October 2004<sup>23</sup> the Standing Conference of the Ministers of Education and Cultural Affairs decided to substantially increase the approach for financing the Accreditation Council in the amount of EUR 200,000 per year. According to the Ministers of Education and Cultural Affairs annual funds in the amount of EUR 400,000 are required to perform the Foundation's tasks. On the basis thereof the Accreditation Council passed the 2006/2007 budget during its 44th meeting on 19 September 2005 to which the Foundation Council agreed during its 3rd meeting on 7 October 2005. The Standing Conference of Finance Ministers implemented the decision made by the Minister Presidents' Conference of 21/22 October 2005 to refrain from drastically curtailing the subsidies for the Foundation and passed a resolution regarding the Foundation's financing on 1 December 2005. Said decision, however, merely assumes an annual subsidy requirement of EUR 350,000 compared to the approach of EUR 400,000. Besides,

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<sup>23</sup> Cf. KMK resolution: "Eckpunkte für die Weiterentwicklung der Akkreditierung in Deutschland" of 15 October 2004.

additional EUR 10,000 are to be assigned to the Foundation for the 2006 and 2007 budget years each to cover relocation and initial installation costs.

## **6. Statistical data**

To date the six agencies accredited by the Accreditation Council have accredited a total of about 1,500 bachelor and master programmes offered by state or state certified higher education institutions in Germany.<sup>24</sup> This means that currently about 35% of the offered bachelor and master programmes, which in turn make up about 35% of the study programmes offered in total, bear the seal of the Accreditation Council. Of these 1,500 accredited bachelor and master programmes, more than 50% received conditional accreditation, while just 30 degree programmes were refused accreditation by resolution of the responsible accreditation commission. According to the agencies, 18 applications for accreditation were withdrawn prior to completion of the accreditation procedure to date. The number of accredited degree programmes in which the “Diplom” is awarded is negligible with about ten study programmes.

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<sup>24</sup> The central database of the Accreditation Council, which contains data on all accredited study programmes in Germany, is linked with the HRK Higher Education Compass. Within the course of restructuring the Higher Education Compass, in which data volume will be entered by the higher education institutions themselves, also the responsibilities for the maintenance of the accreditation data have changed so that they now must be entered by the agencies. The figures indicated here may show an increased deviation from the actual value due to initial technical difficulties during the conversion.