

Foundation for the Accreditation of Study Programmes in Germany

Accreditation Council

Evaluation Report

Self-evaluation report for the external review of the *Foundation for the Accreditation of Study Programmes in Germany*

10. Oktober 2007

Foundation for the Accreditation of Study Programmes in Germany

Accreditation Council

Printed Matter 61/2007

Head Office of the *Foundation for Accreditation of Study Programmes in Germany*
Adenauerallee 73, 53113 Bonn

Tel.: 0228-338 306-0

Fax: 0228-338 306-79

E-Mail: akr@akkreditierungsrat.de

Internet: <http://www.akkreditierungsrat.de>

Editorial: Franz Börsch M.A., Dr. Achim Hopbach

Bonn, October 2007

Reproduction and use in electronic systems - even in extracts - only with prior written authorisation
by the *Accreditation Council*.

Contents

Abbreviations

| | |
|--|-----------|
| Introduction | 4 |
| 1. The German higher education system at a glance | 5 |
| 2. The German accreditation system at a glance | 6 |
| 2.1 External quality assurance in study programmes and teaching since 1994 | 6 |
| 2.2 Basic principles of accreditation | 7 |
| 2.3 Development of the accreditation system | 8 |
| 2.4 Legal foundations | 9 |
| 3. The Foundation for the Accreditation of Study Programmes in Germany | 11 |
| 3.1 Tasks and mission statement | 11 |
| 3.2 Organisational structure | 12 |
| 3.3 Method of working | 14 |
| 3.4 Independence | 15 |
| 3.5 Internal quality management | 16 |
| 3.6 Accountability | 16 |
| 3.7 Appeals procedure | 17 |
| 3.8 Resources | 18 |
| 3.8.1 Finances | 18 |
| 3.8.2 Personnel, spatial and material resources | 18 |
| 4. Carrying out tasks and results | 19 |
| 4.1 Responsibilities of the Foundation | 19 |
| 4.2 Tasks of the Foundation | 20 |
| 4.2.1 Task group 1: regulating minimum requirements | 20 |
| 4.2.2 Task group 2: accrediting and reaccrediting agencies | 24 |
| 4.2.3 Task group 3: monitoring accreditations undertaken by agencies | 26 |
| 4.2.4 Task group 4: promoting international collaboration | 28 |
| 4.2.5 Task group 5: information | 30 |
| 4.2.6 Task group 6: competition | 33 |
| 4.2.7 Task group 7: refining the system | 34 |
| 5. Summary: results and challenges | 35 |
| 6. Fulfilling European standards: “Standards and Guidelines for Quality Assurance in the European Higher Education Area” and “Code of Good Practice” of the European Consortium for Accreditation | 37 |

Introduction

In a decision on 31 August 2006, the Foundation for the Accreditation of Study Programmes in Germany asked the Standing Conference of the Ministers of Education and Cultural Affairs of the States in the Federal Republic of Germany (KMK) to initiate an external evaluation of the Foundation, in collaboration with the German Rectors' Conference (HRK), for the second time since 2001 and to use an international group of experts to do this. The Foundation had three reasons for this:

In its regulations, the Foundation agreed to undergo regular external evaluations with international involvement.

The Foundation thus meets the requirement of the European Association for Quality Assurance in Higher Education (ENQA). At the founding meeting during the transformation of the former network into an association, ENQA specified that all members must undergo an external review to prove that they meet the member criteria, which are identical to Part 3 of the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG).

The Foundation is a member of the European Consortium for Accreditation (ECA) and has agreed to allow an external assessment to examine its application of the Code of Good Practice by the end of 2007.

The external evaluation has three aims:

1. To evaluate the fulfilment of the legal tasks; this also aims at improving the quality of the Foundation's work
2. To evaluate the fulfilment of the membership criteria of the European Association for Quality Assurance in Higher Education (Appendix 0.1)
3. To evaluate compliance with the Code of Good Practice of the European Consortium for Accreditation (Appendix 0.2)

The decision made by ENQA on 12 December 2006 ("Guidelines for national reviews of ENQA member agencies") is to be used to underpin the procedure.

This report was produced on the basis of preliminary work carried out by a working group of the Accreditation Council and was adopted on 18 June 2007.

This report has given the members of the Accreditation Council and staff at the head office a chance to reflect on their own work in a critical manner and to identify grounds for improvement in the basic principles and methods of working. Everyone involved is looking forward to the critical evaluation by national and international experts so that they can improve the quality of their own work after reflecting on and considering the experts' opinions.

The abbreviations used in this document are explained in the accompanying index of abbreviations.

To make the document easy to read, there is no distinction made between genders. All terms always apply to both genders who are treated equally.

1. The German higher education system at a glance

Germany has boasted a highly developed higher education system since time immemorial. The first university to be built on Germany's current territory was founded in Heidelberg as long ago as 1386. The German higher education system is now characterised by three main structural elements:

Constitutional responsibility

Germany is a federally structured country comprising 16 "Länder" or states. These states are primarily responsible for higher education. To coordinate higher education policy issues, the states have established a Standing Conference of the Ministers of Education and Cultural Affairs of the States in the Federal Republic of Germany (Kultusministerkonferenz, or KMK for short).

State and non-state universities and "Fachhochschulen" (universities of applied sciences)

Germany has a total of 389 state and private but state-recognised higher education institutions, including 124 universities and higher education institutions that enjoy an equal status (technical universities, teacher training colleges, theological institutions and others), 202 universities of applied sciences (including "Verwaltungsfachhochschulen" or universities of administration) and 53 art and music colleges.

One feature that the universities and higher education institutions with an equal status have in common is the traditional right to award doctorates. Other characteristics include academic research, particularly blue sky research, and the educating of new generations of scholars.

Universities of applied sciences are characterised by their appliance orientation in teaching, integrated work experience semesters and lecturers who have gained professional experience outside higher education in addition to their academic qualifications. Their research is application-oriented as well.

Art and music colleges offer study programmes in the educational, creative and performing arts or musical subjects, including some in related academic disciplines.

Around 1.96 million students are enrolled at German higher education institutions for the summer semester 2007, including 1.37 million at universities and approximately 560,000 at universities of applied sciences.

Just 69 of the 389 higher education institutions are non-state institutions. As a rule, these offer a limited range of subjects and, with an average of 715 students, are significantly smaller than public institutions. Around 45,000 students are enrolled at non-state higher education institutions. In terms of quality assurance in study programmes and teaching, both state and private but state-recognised higher education institutions are treated equally.

Financing

The German higher education system is financed in accordance with the competences specified in the Basic Constitutional Law of the Federal Republic of Germany. Higher education institutions receive the majority of their funding from the state, in other words, from the federal states (Länder). State funding covers personnel and material costs, as well as investments. The federal state shares building expenses and costs caused by the purchasing of large-scale equipment. Research

at higher education institutions is also assisted by special programmes financed by the federal state and states. On top of this, higher education institutions also accept state and private funding (third-party subsidies) to finance research projects, in particular.

2. The German accreditation system at a glance

2.1 External quality assurance in study programmes and teaching since 1994

The present quality assurance system and procedures at higher education institutions have mainly evolved since the mid-1990s, as in many other western European countries. The two-tiered evaluation – consisting of internal self-assessment and external evaluation – the key features of which are still used today, was first utilised to assess study programmes and teaching in Germany in 1994 with the EU project “Quality Assessment in Higher Education”.

Quality assurance in teaching, incorporating students, was introduced as a legal requirement with the amendment of the Framework Act for Higher Education (HRG) in 1998 (Article 6 as amended on 20 August 1998) and then specified in regulations in the State Higher Education Acts. In 1998, the KMK and HRK also introduced a system of accrediting study programmes with the setting up of the Accreditation Council.

The following aspects are typical features of the German system of external quality assurance in higher education:

1. Parallel procedures for accreditation and evaluation

The legal regulations for accreditation and evaluation differ considerably in terms of level and specification: While the accreditation of study programmes is regulated in a standardised form for all higher education institutions based on the State Higher Education Acts, KMK decisions and Accreditation Council decisions, there are no common regulations of the states regarding the aims and methods of evaluating study programmes and teaching. In the “Quality Assurance in Teaching” decision from 22/09/2005, however, the KMK lists tools and key players for internal and external quality assurance and advises higher education institutions to introduce a broad and sustainable quality assurance system that is based on defined quality strategies of the institutions.

2. Largely separate procedures for the area of study programmes and teaching on the one hand and research on the other hand:

Unlike in teaching, peer reviews have become the key procedure for quality assurance in research as part of research projects funded by third-party subsidies. Some states also have agencies that carry out regular research evaluations.

2.2 Basic principles of accreditation

Programme approach

The programme approach characterises accreditation in Germany – in the form of the accreditation of Bachelor and Master study programmes at state and state-recognised higher education institutions. Accreditation is a prerequisite for state approval of study programmes.

Accreditation is always awarded for a limited period of time. If minor faults are found, accreditation can be awarded conditionally and the institutions must prove that they have met the respective conditions within a defined period of time. For the period of their accreditation, successfully accredited study programmes carry the Quality Seal of the Foundation.

Germany has a separate system of accreditation of private higher education institutions, which is not related to or bound by the system of study programme accreditation. This is undertaken by the Science Council and is generally a prerequisite for state recognition of a higher education institution.¹

Two tiers

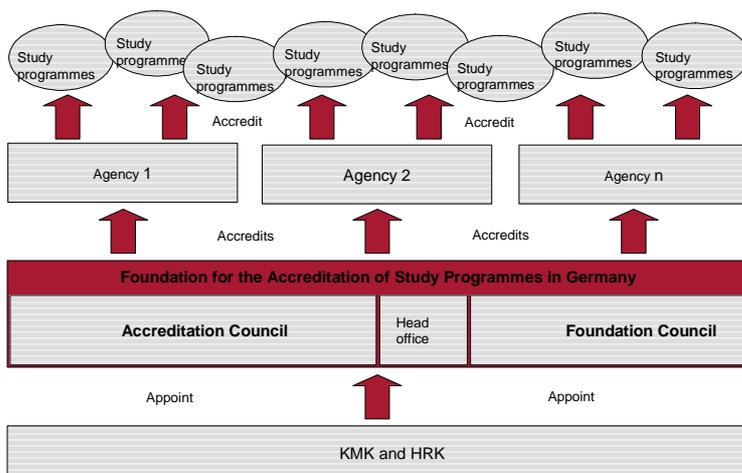
One specific characteristic of the German accreditation system is its two tiers – with the Accreditation Council on the central level and the competing agencies on a decentralised level.

The key task of the Foundation is to guarantee the quality of the system in two respects:

1. The Foundation stipulates procedural rules and criteria for the accreditation of study programmes by compiling the relevant KMK guidelines and turning these into binding requirements.
2. It certifies accreditation agencies and makes regular checks to ensure that they are carrying out their tasks correctly.

The individual procedures for study programme accreditation are only carried out by agencies that have been certified by the Accreditation Council; these therefore have a significant impact on the quality of the accreditation process. At present, there are six agencies that have been certified by the Accreditation Council (Appendix 2.1).

¹ For more details, see www.wissenschaftsrat.de

The German accreditation system**2.3 Development of the accreditation system**

The accreditation system in Germany has continued to evolve since its introduction in 1999, as a result of changing general conditions. The dynamics of the Bologna Process had a particularly strong impact on it at European level. The changeover to the tiered study structure and the resulting reorganisational processes in the German higher education system, as well as the debate on quality responsibility and assurance in the higher education sector also had a great impact. The development of the accreditation system can be divided into three phases:

1. Pilot phase: 1999 to 2002

On the basis of decisions made by the KMK and HRK on 3 December and 6 July 1998, study programme accreditation was initially set up with the primary aim of guaranteeing quality, transparency and comparability of the then newly introduced Bachelor and Master study programmes. To this end, the two organisations introduced a paradigm shift, replacing their former quality assurance, which was carried out as part of the state approval of study programmes based on General Examination Regulations, with a regular quality assessment not involving the state. To organise these procedures, the KMK and HRK first set up the Accreditation Council as part of a three-year pilot project. In an external evaluation of the Accreditation Council involving international experts, the evaluators came to a predominantly positive result in 2001, certifying the German accreditation system as a forward-looking approach that fits well into the higher education landscape. At the same time, the evaluation report mentioned a series of faults with the system – including shortcomings which were largely identified beforehand by the Accreditation Council – related to the funding and form of the tasks carried out by the Accreditation Council in particular (Appendix 2.2).

2. Sustainable implementation

Owing to the predominantly positive tone of the evaluation report from September 2001, the KMK decided to keep the accreditation system as it was with a central Accreditation Council and a network of non-central accreditation agencies. Thanks to the KMK's decisions on the future develop-

ment of cross-state and cross-institution quality assurance in Germany from 1 March 2002 (Appendix 2.3) and the statute on a cross-state and cross-institution type accreditation procedure from 24 May 2002 (Appendix 2.4), the accreditation system was given a permanent basis and accreditation was defined as the key quality assurance tool in Germany.

Against the advice of the evaluators, who recommended giving the accreditation system a reliable legal basis as well, the decision-makers left it as it was. This meant that the Accreditation Council had to continue carrying out its allocated tasks as an “institution of the KMK” without its own legal status. Because discrepancies between the demands on the accreditation system, and thus on the Accreditation Council in particular, on the one side and the lack of a legal basis for the system on the other side repeatedly led to tension and loss of efficiency, the Accreditation Council consistently worked towards refining the system in terms of a legal basis.

3. Consolidation as of 2005

On 15 February 2005, the Law Establishing a Foundation: “Foundation for the Accreditation of Study Programmes in Germany” (henceforth referred to as the Accreditation Foundation Law, or AFL) was finally adopted. This regulated the Accreditation Council’s conversion into a foundation under public law with legal capacity and a head office in Bonn (Appendix 2.5).

The Accreditation Foundation Law created a legal framework with a binding definition of tasks, responsibilities and authorities for the key players in the German accreditation system. During 2005, the founding year, and the first half of 2006, the focus was on the specific design of the system with respect to developing a reliable set of criteria, a draft agreement between the Accreditation Council and agencies and a set of regulations for the Foundation.

The consolidation phase of the German accreditation system was completed in the summer of 2006, following the successful implementation of the multi-tiered set of regulations developed by the Accreditation Council and agencies and the signing of the agreements between the Council and the agencies.

2.4 Legal foundations

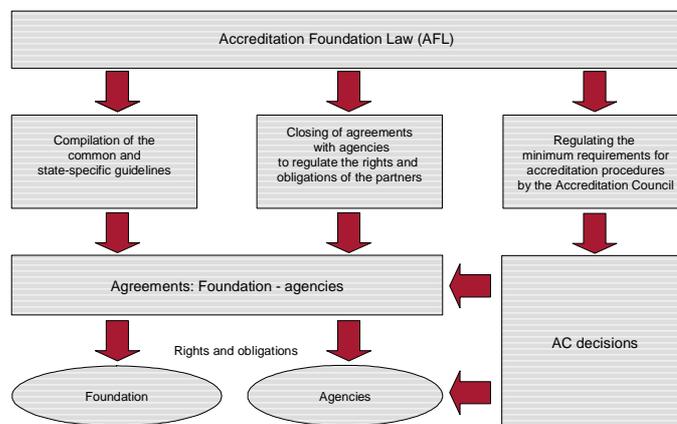
Germany’s current accreditation system is based primarily on the following legal foundations:

1. North-Rhine Westphalia’s Law Establishing a Foundation: “Foundation for the Accreditation of Study Programmes in Germany” from 15 February 2005 (AFL) (Appendix 2.5). This law defines the tasks of the Foundation and its bodies and names the Accreditation Council the central body of the Foundation.
2. The decision by the KMK on 16 December 2004 “Agreement on the Foundation ‘Foundation for the Accreditation of Study Programmes in Germany’” combined with a supplementary declaration by the KMK on 15 December 2005. With these decisions, the states transferred to the Foundation the observance of their tasks in fulfilling the common structural guidelines according to Article 9 Clause 2 HRG (Appendices 2.6 and 2.7)
3. The common structural guidelines according to Article 9 Clause 2 HRG for the accreditation of Bachelor and Master study programmes from 10/10/2003 in the version from 22/09/2005

(Appendix 2.8). According to Article 2 Clause 1 No. 2 AFL, these must be the basis for accreditation. These ensure the equivalence of corresponding study and examination performances, thus allowing students to change higher education institutions, and the equivalence of final degrees. The structural guidelines mainly consist of regulations on the study structure and duration, entry requirements, study programme profiles and degrees or final degree titles. Some of the common structural guidelines are supplemented by state-specific structural guidelines.

4. The agreements between the Foundation for the Accreditation of Study Programmes in Germany and agencies in accordance with Article 3 AFL. These regulate the mutual rights and obligations of the partners in the accreditation system in contract form (Appendix 2.9).

Legal bases: Accreditation Foundation Law



According to Article 2 Clause 1 AFL, the Accreditation Council sets out the minimum requirements for the accreditation of study programmes. The key decisions on criteria and procedure rules are as follows:

- Criteria for the Accreditation of Accreditation Agencies (decision by the Accreditation Council on 15/12/2005) (Appendix 2.10)
- Criteria for the Accreditation of Degree Programmes (decision by the Accreditation Council on 17/07/2006) (Appendix 2.11)
- Decisions of the Accreditation Council: Types and Their Effects (decision by the Accreditation Council on 15/12/2005) (Appendix 2.12)
- Decisions of the Accreditation Agencies: Types and Their Effects (decision by the Accreditation Council on 15/12/2005) (Appendix 2.13)

In addition, the Foundation also decided on an ordinance on 23/06/2006, which was approved by the Ministry for Innovation, Science, Research and Technology in the state of North-Rhine Westphalia on 14/08/2006 (Appendix 2.14). In accordance with Article 5 of the regulations, the Accreditation Council

tation Council and Foundation Council each have rules and regulations for their business areas (Appendix 2.15 and Appendix 2.16).

Fulfilling ESG 3.2: Official status

The Foundation was set up in accordance with the North-Rhine Westphalian Law Establishing a Foundation: "Foundation for the Accreditation of Study Programmes in Germany" from 15 February 2005 and thus has its own legal status (Appendix 2.5). The law defines the tasks of the Foundation and its bodies. The states responsible for the higher education system also transferred their tasks to the Foundation in fulfilling the common structural guidelines in accordance with Article 9 Clause 2 HRG (Appendices 2.6 and 2.7), following the KMK's decision on 16 December 2004 "Agreement on the Foundation 'Foundation: Accreditation of Study Programmes in Germany'" combined with a supplementary declaration from 15 December 2005.

3. The Foundation for the Accreditation of Study Programmes in Germany

3.1 Tasks and mission statement

The Foundation for the Accreditation of Study Programmes in Germany is an organisation that plays a key role in ensuring and developing the quality of study programmes and teaching at German higher education institutions by fulfilling its legal tasks. It thereby ensures and improves the reputation of German study programmes in Germany and abroad. The Foundation's wide range of tasks, combined with its corporate identity and the quality concept underpinning its work, are reflected in its mission statement (Appendix 3.1).

The tasks assigned to the Foundation are defined in Article 2 of the Accreditation Foundation Law (AFL):

- Accrediting and reaccrediting accreditation agencies by granting them temporary authorisation to accredit study programmes with the Quality Seal of the Foundation
- Compiling the common and specific structural guidelines of the states to form binding guidelines for agencies
- Regulating minimum requirements for accreditation procedures, including prerequisites and restrictions for bundled accreditations
- Monitoring accreditations undertaken by agencies

The Foundation also has the following tasks:

- Working towards fair competition among agencies
- Defining prerequisites for the recognition of accreditations by foreign institutions
- Promoting international cooperation in the accreditation sector

- Making regular reports to the states about developments regarding the conversion of the study system into a tiered study structure and on quality developments in the context of accreditation

In addition to these legally defined tasks, the KMK also gave the Foundation the task of developing recommendations to refine the accreditation system in its decision on quality assurance in teaching from 22/09/2005. The recommendations should contain suggestions for optimising accreditation procedures and should present concepts allowing programme accreditation to be enhanced by system and/or institution-based accreditation in the medium to long term.

Fulfilling ESG 3.4: Activities

The tasks given to the Foundation for the Accreditation of Study Programmes in Germany are defined in the Accreditation Foundation Law (AFL) and cover the accreditation and reaccreditation of accreditation agencies in accordance with Article 2, as well as the regulation of procedure rules and criteria for the accreditation of degree programmes (Appendix 2.5).

Fulfilling ESG 3.5: Mission Statement

On 18/06/2007, the Foundation adopted a mission statement, setting out the following as its tasks:

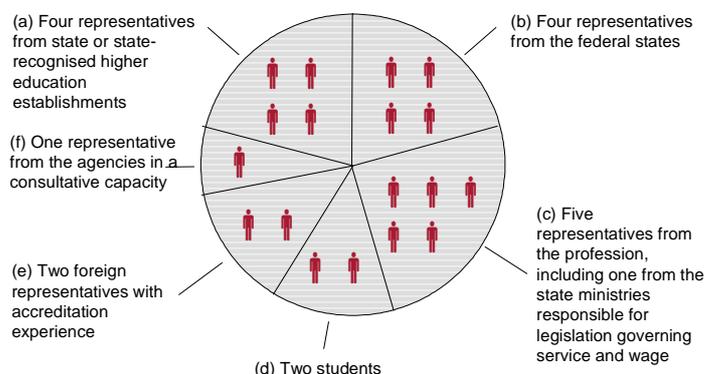
“The Foundation for the Accreditation of Study Programmes in Germany has the legal task of organising the system of quality assurance in study programmes and teaching by accrediting study programmes.

It is an organisation that plays a key role in ensuring and developing the quality of study programmes and teaching at German higher education institutions by fulfilling these tasks. It thereby also ensures and improves the reputation of German study programmes in Germany and abroad.”

A quality concept and method of working are also described (Appendix 3.1).

3.2 Organisational structure

Both the organisational structure and composition of the individual bodies of the Foundation are defined in the Accreditation Foundation Law. A forward-looking decision that was made when accreditation was introduced aiming at a broad involvement of all relevant stakeholders – higher education institutions and students, the state and practitioners from the labor market, as well as international representatives – on all levels of the accreditation system. This is now regarded as a special characteristic of the German system. As bodies of the foundation the law names the Accreditation Council, the Foundation Council and the Board.

Composition of the Accreditation Council (Article 7 AFL)

The Accreditation Council is the central decision-making body of the Foundation. It is responsible for all activities relating to the accrediting of agencies and study programmes, in other words, for decisions on criteria and procedural rules, accreditation decisions, etc. The council comprises 18 members, including four representatives from higher education institutions (a) and the federal states (b), five practitioners from the profession (c), two student representatives (d), two international representatives with accreditation experience (e) and one representative from the agencies in a consultative capacity (f) (Appendix 3.2).

Members (a) and (d) are nominated by the HRK, members (b) by the KMK, the representative from the state ministries responsible for legislation governing service and wage is nominated by the "Innenministerkonferenz" (Standing Conference of the Ministers of the Interior) of the federal states, members (c) and (e) are nominated jointly by the HRK and the KMK and member (f) is nominated by the agencies. All members are appointed for a period of four years by the KMK and HRK. The Accreditation Council chooses a chairperson and vice-chairperson from members a) and b). These must not belong to the same group.

The Board carries out Accreditation Council decisions and manages the ongoing business of the Foundation. The Board consists of the chairperson and vice-chairperson of the Accreditation Council as well as the managing director of the Foundation (Appendix 3.3).

The Foundation Council monitors the lawfulness and economic efficiency of the management of Foundation business by the Accreditation Council and the Board. The Foundation Council comprises six representatives from the federal states and five representatives from the German Rectors' Conference (HRK). The representatives from the federal states are appointed by the KMK and the representatives from the HRK are appointed by the HRK for a period of four years (Appendix 3.4).

The head office supports the Foundation's business by coordinating the committees' tasks, preparing the meetings of the Accreditation and Foundation Councils in terms of content and organisation, guaranteeing information flow within the Foundation and supporting meetings of the working groups of the Accreditation Council.

Foundation for the Accreditation of Study Programmes

| | | |
|--|--|---|
| Board | Composition: Chairperson of the Accreditation Council Vice-chairperson Managing director | Function: Carries out the decisions of the Accreditation Council and manages the Foundation's business |
| Accreditation Council | | Foundation Council |
| Composition: Four representatives from state or state-recognised higher education establishments Four representatives from the federal states Five representatives from the profession, including one from the state ministries responsible for legislation governing service and wage Two foreign representatives with accreditation experience Two students One representative from the agencies in a consultative capacity | | Composition: Five representatives from the German Rectors' Conference (HRK) Six representatives from the federal states |
| Function: Makes decisions on all Foundation matters, especially the accreditation and reaccreditation of agencies | | Function: Monitors the lawfulness and economic efficiency of the management of the Foundation business by the Accreditation Council and the Board |
| Head office | Function: Supports the Foundation's business | |

Evaluation

The involvement of the relevant interested parties – higher education institution representatives and students, federal states and practitioners from the labor market, as well as international representatives with accreditation experience – has proven to be highly advantageous. One particularly positive aspect is the fact that the different perspectives of the interested parties are incorporated into the considerations and decision-making processes early on at every level of the accreditation system. This does not only result in a comparatively wide acceptance of the accreditation system by society, but also in a profitable integration of the respective expertise of the groups dealing with the subject of quality assurance and higher education.

The past years have been characterised by a relatively high fluctuation of Accreditation Council members. To compensate for the loss of experience associated with members leaving, newly appointed members must be given even more extensive information materials to get to grips with the topic of accreditation in the future.

3.3 Method of working

The Accreditation Council meets at least twice a year in accordance with Article 3 Clause 1. Owing to the large number of tasks, however, it has met at least four times a year in the past. The meetings of the Accreditation Council are generally one-day events, but may last two days in exceptional cases. The Foundation Council has always met two to three times a year (Appendix 3.5).

Decisions of the Accreditation Council require the majority of its members, but can also be made by written consent in lieu of a meeting – if agreed by the Accreditation Council. In the past, the Accreditation Council has made use of this option either in matters that could not be postponed or in cases where draft decisions were edited by the head office owing to Accreditation Council discussions, but where nothing else needed discussing.

In preparation for its decisions, the Accreditation Council can employ working groups in accordance with Article 3 Clause 6. These groups can also call on external experts. Because of the depth and complexity of accreditation-related topics, it is useful to involve agency representatives and other

external experts from Germany and abroad in various topic-specific working groups of the Accreditation Council (Appendix 3.6). Incorporating different perspectives and interests at an early stage does not only result in enriched discussions, but also in a comparatively high acceptance of Accreditation Council decisions made on the basis of preliminary work carried out by the working groups. At the same time, the Accreditation Council – as the decision-making body of the Foundation – is freed up, thanks to the preliminary work undertaken by the working groups.

3.4 Independence

The Foundation works on the basis of the Law Establishing a Foundation: “Foundation for the Accreditation of Study Programmes in Germany” from 15/02/2005 and its legal form is that of a foundation under public law with legal capacity. The members of the Accreditation Council are appointed for four years and are not bound by instructions, as stated in Article 6 Clause 3 of the regulations. This guarantees that decisions for which the Accreditation Council is responsible are made independently. The procedure rules underpinning the decisions and criteria for the accreditation of agencies, as well as the appointing of experts for the procedures for the (re)accreditation of agencies are subject solely to the competence and responsibility of the Accreditation Council.

To avoid conflicts of interest, the experts appointed by the Accreditation Council must sign a declaration of impartiality before the start of a procedure. By signing the declaration, the experts confirm that they (a) are in no way bound to the agency being accredited, (b) are not involved as evaluators in any ongoing accreditation procedures of the agency, (c) are not related to any persons from the committees or the office of the agency and (d) do not have any close collaborative relationships with the agency (Appendix 3.7).

Since the Accreditation Council makes its decisions with the majority of its members in accordance with Article 7 Clause 1 Sentence 3 AFL, blocking minorities of individual member groups, such as federal state or higher education institution representatives are avoided.

Evaluation

The independence of the Accreditation Council and decisions for which the Accreditation Council is responsible is one of the key prerequisites for fulfilling the tasks of the accreditation system. In line with the legally defined tasks of the Foundation, the independence of the Foundation bodies is assured in that they are not bound by instructions. In practice, the broad involvement of all interested parties also prevents any one group from exerting its influence.

Fulfilling ESG 3.6: Independence

The Foundation works on the basis of the Law Establishing a Foundation: “Foundation for the Accreditation of Study Programmes in Germany” from 15/02/2005. The members of the Accreditation Council are appointed for four years and are not bound by instructions, as stated in Article 6 Clause 3 of the regulations. In accordance with Article 2 AFL, the Foundation has the task of compiling rules for its procedures. The Foundation does not require the consent of third parties when making its decisions.

3.5 Internal quality management

On 18 June 2007, the Accreditation Council formalised its former processes and tools for internal quality assurance with the decision "Quality Policy of the Foundation" (Appendix 3.8).

Key elements of the system for internal quality assurance include defining the core processes for fulfilling legal tasks as a basis, as well as describing the type and execution of the regular processes for checking and improving the quality of the core processes. The regular procedures for obtaining feedback from all relevant persons and partners (committee members, staff, higher education institutions and state offices, as well as other interested parties) are of particular importance here.

Results:

Before the quality policy was adopted and implemented, internal quality assurance at the Foundation for the Accreditation of Study Programmes in Germany was based on informal feedback between the Foundation bodies and head office. The Foundation took into account reports of shortcomings and suggestions for improving the accreditation system and procedures and criteria underpinning the system, which were reported to the Foundation by external sources, incorporating agencies and external expertise if required.

The revision and refining of the Criteria for the Accreditation of Accreditation Agencies is a good example here. In response to the adoption of the *Standards and Guidelines for Quality Assurance in the European Higher Education Area*, the Accreditation Council developed a new set of criteria in close cooperation with the agencies. During the process, they made use of the experiences of the Accreditation Council, agencies and higher education institutions with the criteria for the accreditation of agencies and study programmes that were adopted in December 1999.

The refining of the procedure for the accreditation of accreditation agencies can be used as another example. After three reaccreditation procedures in 2006, the Accreditation Council modified the procedure rules. This amendment replaced the evaluation of two accreditation procedures undertaken by an accreditation agency with the accompanying of one such procedure by the chairperson of the group of experts and a staff member from the head office. Experience had shown that only little knowledge was gained from evaluations carried out on the basis of documents. Experience with the new tool in the two reaccreditation procedures in 2007 shows a considerable improvement in the procedure in this respect.

By formalising internal quality assurance, the Foundation's own work is improved continuously, particularly owing to the periodicity of the feedback procedures and checking measures.

3.6 Accountability

The tasks transferred to the Foundation and the associated system responsibility make the public particularly interested in the contents, results, effectiveness and efficiency of the Foundation's work. The Foundation meets the resulting requirements for accountability in several ways.

In accordance with Article 11 Clause 3 AFL, the Foundation Board presents the Foundation Council with an activity report (Appendix 3.9), an annual report and a balance sheet (Appendix 3.10)

within six months of the end of the fiscal year. The activity reports, which present detailed and extensive information on the results of the Foundation's work, are published on the Foundation website as soon as they have been adopted by the Accreditation Council.

The Foundation works on the basis of internal quality management specified by the Accreditation Council. This reflects the Foundation's quality concept and is also published on the website.

According to Article 10 of the regulations, the work of the Accreditation Council is evaluated at regular intervals of around five years by a group of experts including foreign experts.

The decisions of the Accreditation Council are made accessible to the public on the Foundation website. The public therefore has unrestricted access to criteria, procedure rules, types and effects of accreditation decisions, as well as the results of the accreditation procedures – including agencies' self evaluation reports and supplementing material for their applications and the reports supporting the decisions.

Fulfilling ESG 3.8: Accountability procedures

On 18/06/2007, the Foundation compiled its procedures for internal quality assurance to form a binding system of internal quality assurance (Appendix 3.8). The decision was published on the website. According to the decision, the procedures are oriented towards the Foundation's tasks and mainly include procedures for obtaining feedback from all persons involved in the accreditation processes. These include members of the Accreditation Council, experts, head office and agencies, as well as other stakeholders. The decision also specifies a binding, regular external evaluation. All evaluators who work for the Foundation must sign a declaration of impartiality. In line with Article 11 Clause 3 AFL, the Foundation Board must present the Foundation Council with an activity report (Appendix 3.9), an annual report and a balance sheet (Appendix 3.10) within six months of the end of the fiscal year.

3.7 Appeals procedure

In Article 7 Clause 2 of the regulations, the Foundation defined a procedure allowing agencies to appeal against rejected accreditations. The Accreditation Council makes decisions on appeals after consulting the Foundation Council.

In addition, Article 16 of the agreements between the Foundation and the accreditation agencies (Appendix 2.9) also sets out a binding rule, stating that the agencies can have the lawfulness of the Accreditation Council's decisions checked by the Foundation Council.

3.8 Resources

3.8.1 Finances

The Foundation is financed by the 16 federal states according to Article 4 Clause 1. The Foundation may also levy fees for its tasks according to Article 4 AFL to cover administration expenses.

The federal states only offer funding if the administrative expenses of the Foundation are not covered by fees. The fee regulations are currently being decided on (Appendix 3.11).

In a decision on 15/10/2004, the KMK deemed an annual budget of €400,000 necessary. In contrast, the Standing Conference of Finance Ministers of the federal states determined an annual allocation requirement of just €350,000 for the financing of the Foundation on 1 December 2005. To cover the costs of the move and initial establishment, the Foundation was also allocated €10,000 per year for the fiscal years of 2006 and 2007. For the fiscal year 2008, the Foundation will probably have funds of €350,000 (Appendix 3.10a). Based on the current draft decision for the regulation of fees, annual revenues of around €40,000 are expected.

As part of the activities for developing recommendations for the improvement of the accreditation system in Germany, the Accreditation Council has succeeded in obtaining third-party funds of €40,000 from the "Stifterverband für die Deutsche Wissenschaft" (Association of Donators for German Science). The council was able to use this to cover the additional costs for working group meetings, conferences and study visits.

3.8.2 Personnel, spatial and material resources

Since February 2006, the head office of the Foundation has consisted of a managing director, one programme manager (100%), two programme managers (75% each), and an assistant (50%). This corresponds to four full-time equivalents. The managing director and staff are all graduates and have permanent contracts (Appendix 3.12). They are remunerated in line with the wage terms of the Public Sector Collective Agreement on Länder (TV-L).

The tasks of the head office are regulated in a schedule of responsibilities, which specifies the respective areas of responsibility together with a corresponding stand-in ruling (Appendix 3.13).

The Foundation's head office occupies rented offices at Adenauerallee 73 in 53113 Bonn with a total of around 120 square metres of space.

IT facilities include the latest hardware and software; each workplace is equipped with a computer (Pentium IV), flat screen, telephone and Internet connection (Appendix 3.14).

Evaluation

The budgetary funds provided to the Foundation by the federal states cover the fixed costs for personnel, rent, consumables and administration, as well as ongoing costs incurred during meetings of the Accreditation Council and Foundation Council. Any other plans and projects that go beyond routine tasks, such as supporting or carrying out pilot or research projects into quality assurance and accreditation, cannot be financed with the funds that are currently available. Such Research projects are of particular interest, especially considering the KMK's recommendations for refining

the accreditation system in Germany. Interesting projects include a comparative study of the different procedures for institution evaluation and the accreditation of higher education institutions in Europe or the impact of institution quality assurance or quality development procedures on the quality of individual study programmes. The available budgetary funds are not sufficient to carry out public relations in the desired scope. It would also be advisable, in particular, to support public dialogue on the status and perspectives of accreditation, for example, with expert discussions and meetings. In light of this, an increase in financial resources for the Foundation for the Accreditation of Study Programmes in Germany would be desirable in the medium term.

Fulfilling ESG 3.4: Resources

Since February 2006, the head office of the Foundation has consisted of a managing director, one programme manager (100%), two programme managers (75%, each), another programme manager (75%) and an assistant (50%). This corresponds to four full-time equivalents. The managing director and staff are all graduates and have permanent contracts (Appendix 3.12).

The Foundation currently has an annual budget of €350,000, which is provided by the federal states (Appendix 3.10). The Foundation is also entitled to accept third-party subsidies.

4. Carrying out tasks and results

4.1. Responsibilities of the Foundation

The scope and variety of tasks that the Foundation for the Accreditation of Study Programmes in Germany is legally required to carry out match the Foundation's liaison role at the interface between structure and process responsibility in the German accreditation system. This results in responsibilities that cover the following areas with different degrees of importance:

- | | |
|---------------------------|--|
| Area of responsibility 1: | Accreditation of agencies (developing procedures and criteria) Responsible: Foundation |
| Area of responsibility 2: | Designing the programme accreditation (consistent application of the criteria) Responsible: Foundation and agencies |
| Area of responsibility 3: | Quality of the accredited study programmes (programme accreditation, determination, certification and guaranteeing of quality in study programmes and teaching, transparency to enable informed decisions) Responsible: higher education institutions, agencies, Foundation |
| Area of responsibility 4: | Accreditation system as a whole Responsible: KMK (federal states), Foundation, agencies, HRK, practitioners from the profession |
| Area of responsibility 5: | Higher education system (guaranteeing the equivalence of final degrees, including mutual recognition in the international field) |

Responsible: KMK (federal states), higher education institutions,
Foundation, agencies

While the Foundation is largely responsible for area 1, the agencies, higher education institutions, HRK, federal states or the KMK and, last but not least, practitioners from the labor market are also, and in some cases primarily, responsible for areas 2 to 5. The Foundation must take the joint responsibility for these areas into account when carrying out its given tasks and thus also always aim to cooperate with the federal states, higher education institutions and professionals, along with the trusting collaboration with agencies.

Evaluation

Even though the Foundation for the Accreditation of Study Programmes in Germany is responsible for developing and carrying out criteria and procedures, it acts within the boundaries of a normative set of regulations. This set of regulations – such as the common structural guidelines – often means that the scope of action and thus the problem-solving competency of the Foundation or the Accreditation Council are wrongly regarded from the outside or overrated. If, for example, problems occur in the accreditation, which are caused by the specific application of the common structural guidelines, the agencies ask the Accreditation Council to develop practical procedures that are equally binding for all agencies and to declare these as binding guidelines. However, if the procedures proposed by the Accreditation Council go beyond a pure interpretation of the structural guidelines and require them to be modified, the action falls within the responsibility of the federal states or the KMK. This kind of scenario can occur, for example, if there are ambiguities in accreditation between the common and the state-specific guidelines or other legal requirements. In this case, the Accreditation Council does not have any authority to set laws. It thus takes on a clearing role, (a) filling in gaps in the regulations with an interpretation, (b) informing the federal states responsible or the KMK of the relevant pointers from the agencies regarding ambiguous regulations with a request for clarification and (c) drawing up suggestions for solutions or working models for the political decision-makers using ad hoc working groups – incorporating national and international experts, relevant affinity groups and decision-makers if applicable.

4.2 Tasks of the Foundation

4.2.1 Task group 1: regulating minimum requirements

The Foundation has the task of creating the prerequisites for the functioning of the German accreditation system by stipulating minimum requirements for accreditation procedures in accordance with Article 2 Clause 1 No. 3 AFL. The related requirements partly come from the Accreditation Foundation Law and the respective decisions of the KMK and partly from the inherent logic of the accreditation procedure itself.

The quality concept underpinning the accreditation of study programmes follows the “fitness of and fitness for purpose” approach. This approach is strongly oriented towards appointing, substantiating and evaluating valid study goals, combined with a follow-up evaluation to see if the study programme to be accredited has a successful concept, if the programme is implemented in line with

the concept, if the achievement of goals is continuously checked and if a evaluation of the targeted goals and relevant study concepts and implementation is arranged on time if required.

The minimum requirements mainly cover the following regulations:

1. Defining criteria for the accreditation of agencies
2. Defining possible contents and effects of decisions to be made by the Accreditation Council regarding the accreditation of agencies
3. Determining procedure rules for the accreditation and reaccreditation of accreditation agencies
4. Defining criteria for the accreditation of study programmes
5. Defining possible contents and effects of decisions to be made by the agencies regarding the accreditation of study programmes
6. Defining agreements with which the rights and obligations of the Foundation and agencies are regulated
7. Compiling the common and state-specific structural guidelines to form binding guidelines for agencies according to Article 2 Clause 1 No. 2 AFL

Results

In 2005/2006, to regulate the minimum requirements, the Accreditation Council revised all the relevant decisions from 2000 to 2004 and adopted a multi-tiered set of regulations providing orientation and legal security for agencies and higher education institutions in the application, execution, decision-making and decision effects of programme accreditations. The set of regulations comprises the following decisions of the Accreditation Council:

1. Criteria for the Accreditation of Accreditation Agencies (15/12/2005) (Appendix 2.10)
2. Decisions of the Accreditation Council: Types and Their Effects (22/06/2006) (Appendix 2.12)
3. General Rules for Carrying Out Processes for the Accreditation and Reaccreditation of Accreditation Agencies (AC decision from 22/06/2006) (Appendix 4.1)
4. Criteria for the Accreditation of Study Programmes (17/07/2006) (Appendix 2.11)
5. Decisions of the Accreditation Agencies: Types and Their Effects (22/06/2006) (Appendix 2.13)
6. Draft Agreement between the Foundation and Agencies (22/06/2006) (Appendix 2.9)

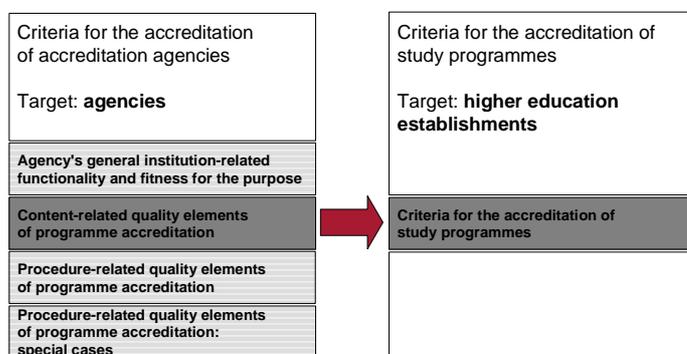
The "Criteria for the Accreditation of Accreditation Agencies" cover a total of four parts that are, in turn, divided into 20 areas and 64 related criteria. Part I contains criteria concerning the agency's general institution-related functionality and fitness for the purpose and Part II covers criteria for the content-related quality elements of the programme accreditation. Part III consists of criteria for the

procedure-related quality elements of programme accreditation, while Part IV contains criteria for special cases of programme accreditation, such as bundled procedures.

The new version of the “Criteria for the Accreditation of Accreditation Agencies” covers the full European “Standards and Guidelines for Quality Assurance in the European Higher Education Area”, which were adopted in May 2005 at the Bergen conference as part of the Bologna Process. These are thus binding requirements for the accreditation of study programmes in Germany.

The “Criteria for the Accreditation of Study Programmes”, which are decisive for higher education institutions, correspond to Part II (quality elements of programme accreditation) of the “Criteria for the Accreditation of Accreditation Agencies”.

Criteria for agencies and higher education establishments



With the decisions “Decisions of the Accreditation Council: Types and Their Effects” and “Decisions of the Agencies: Types and Their Effects”, the Accreditation Council responded to repeated demands from higher education institutions, in particular, but also from the agencies, to create regulations that apply equally to all accreditation procedures to differentiate between (a) accreditation, (b) accreditation with conditions and (c) rejected accreditation. These specify the respective requirements for the decision, as well as the effects of the decision on the procedure. This allows for a high degree of procedural and legal security, as well as transparency and comparability of accreditation decisions.

The “General Rules for Carrying Out Processes for the Accreditation and Reaccreditation of Accreditation Agencies” set out the procedure components, specify the composition of the group of evaluators to be employed by the Accreditation Council and define the flow of the accreditation procedure.

By signing the agreements between the Foundation and the agencies, agencies undertake to apply the aforementioned decisions of the Accreditation Council and to take into account the common and state-specific structural guidelines, which were grouped into binding requirements by the Accreditation Council.

Although the new version of all the criteria and procedure rules was completed in July 2006, the Accreditation Council considers it an ongoing task to check these fundamental decisions in terms

of their suitability and completeness. To this end, it accepts suggestions resulting from practical experience, which are mainly given to the Accreditation Council by the agencies.

The compilation of the common and specific structural guidelines of the states was and is carried out in the main by forwarding the respective guidelines and decision texts to the agencies.

In cases where common or state-specific structural guidelines have gaps in the regulations that have led to difficulties in accreditation in terms of their consistent application, the Accreditation Council acted on agency suggestions and made interpretative decisions to clarify the regulations and guarantee comparability of the procedures. These include the following decisions:

- On the profile of Bachelor study programmes (AC decision from 20/06/2005)
- On the ECTS compatibility of vocational parts of study programmes (AC decision from 19/09/2005)
- On the application of the ECTS grading system (AC decision from 20/06/2005 in the version from 19/09/2005)
- On minimum requirements for key competencies (AC decision from 20/06/2005)
- On the criteria for the differentiation of final degree titles (AC decision from 20/06/2005)
- On the allocation of ECTS points in intensive study programmes (AC decision from 22/06/2006)

In case an agency is faced with ambiguities in an accreditation procedure between common and state-specific structural guidelines or other legal requirements of the state, the Accreditation Council has developed a suitable procedure in conjunction with the agencies. According to Article 5 Clause 4 of the agreement, the agency is first obliged to discontinue the accreditation procedure and to ask the Accreditation Council for a binding decision on the factual and legal position of the accreditation procedure. The Accreditation Council or the Foundation Board passes the message to the federal state in question, in accordance with the decision of the Accreditation Council from 17/07/2006, with a request for clarification. If the state cannot clarify the matter, the factual or legal issue must be forwarded to the KMK as a second step with a request for clarification. This allows a clear assignment of responsibilities of the Foundation, agencies and state in line with the areas of responsibility explained above.

A list of other decisions has been attached as Appendix 4.2.

Fulfilling ECA-Code 16

In its decision "Criteria for the Accreditation of Accreditation Agencies" (15/12/2005) (Appendix 2.10), the Accreditation Council made the principle of constant quality improvement and the existence and use of systematic internal quality assurance binding prerequisites for the accreditation of agencies (with criteria 1.3 and 6) and higher education institutions (with criteria 7, 14.1 and 14.2).

Evaluation

Regulating the minimum requirements for the accreditation of study programmes is one of the Accreditation Council's core tasks. The accreditation system includes assessing study programmes using previously defined criteria, which enable reliable and legally compliant certification.

In 2005/2006, the Accreditation Council succeeded in regulating the procedures for the accreditation of study programmes reliably and in full. With the continued development of the criteria, the Accreditation Council has not only responded to changes in the international environment and the resulting demands on the German accreditation system, but has also responded to requests for more precision in the procedure and decision rules. It has thus provided all those concerned in the procedures (higher education institutions, agencies and the Accreditation Council), as well as interested members of the public, with a transparent, practical and reliable basis for evaluating and making decisions in accreditation procedures as regards criteria and procedure rules.

The compilation of the common and state-specific structural guidelines is carried out in the main by forwarding the respective guidelines and decision texts to the agencies. However, during accreditation procedures, difficulties sometimes arise in the practical application of these guidelines for the study structure. This is due to the increasing differentiation in the study programmes on offer in terms of content and concept (cooperation with foreign universities, ECTS allocation for intensive study courses, integration of distance and e-learning modules and vocational semesters, etc.), to ambiguities between common and state-specific guidelines or to conflicting European or international standards.

The appropriateness of conditional accreditation according to the decisions "Decisions of the Accreditation Council: Types and Their Effects" and "Decisions of the Agencies: Types and Their Effects" must be examined further to ensure that they are suitable to record complex matters sufficiently as well.

In addition, some of the criteria for the accreditation of accreditation agencies and the criteria for the accreditation of study programmes are highly detailed, which has led to misunderstandings on the part of the agencies and duplications in the application documents. A revision of the regulations should aim at a clearer differentiation and improved definition of the areas under review..

4.2.2 Task group 2: accrediting and reaccrediting agencies

One of the key operational tasks, which the Foundation for the Accreditation of Study Programmes in Germany has to perform regularly, is the accreditation and reaccreditation of accreditation agencies, according to Article 2 Clause 1 No. 1 AFL. The Accreditation Council accredits and reaccredits agencies using the "Criteria for the Accreditation of Accreditation Agencies", which also contain the Standards and Guidelines for Quality Assurance in the European Higher Education Area (AC decision from 15/12/2005) and using the "General Rules for Carrying Out Processes for the Accreditation and Reaccreditation of Accreditation Agencies" (AC decision from 22/06/2006) (Appendix 4.1).

The Accreditation Council appoints a panel of experts for the evaluation procedure, which must consist of at least five persons. These must include two members of the Accreditation Council, two

representatives from higher education institutions, two international experts in the accreditation sector, one student member and one representative from the profession. The evaluation is based on:

- An analysis of the agency's self evaluation report
- An onsite visit to a meeting of the decision-making committee of the agency that is responsible for decisions on accreditation applications
- Separate interviews with the management of the agency, the staff, expert panel members and representatives from higher education institutions who have already experienced accreditation procedures carried out by the agency, if applicable
- Participation in an onsite visit to the agency during an accreditation procedure
- Inclusion of assessments by the Accreditation Council since the last accreditation if applicable

Before coming to a decision, the Accreditation Council holds a hearing for the agency; the agency receives the expert panel's report without a decision recommendation for a comment before the decision is recorded. Following the procedure, the Accreditation Council publishes the decision, the application material, the evaluation and the comment of the agency.

Results

In 2006, the Accreditation Council reaccredited a total of three agencies (ACQUIN, ASIIN and ZevA) and in 2007 it reaccredited two other agencies (AQAS and FIBAA). Overall, the Accreditation Council has made 14 decisions on accreditation and reaccreditation since 2000.

In contrast to the common practice up until 2005, whereby the Accreditation Council evaluated the agency to be accredited as well as making the final accreditation decision, the Accreditation Council employed groups of evaluators for the aforementioned reaccreditation procedures. These groups each consisted of one representative from the Accreditation Council, one national expert, one international expert and one student representative (Appendix 4.3).

As an additional part of the reaccreditation procedure, two sets of procedure documentation per agency were evaluated by staff from the head office of the Foundation. The evaluation focused on consistency in decision-making and the process organisation of the agency, particularly in terms of the implementation of the Accreditation Council's regulations and criteria.

At its 48th meeting on 22/06/2006, the Accreditation Council opted for the conditional reaccreditation of the accreditation agencies ACQUIN, ASIIN and ZevA. These decisions were made on the basis of the evaluation reports, evaluation of two sets of procedure documentation, comments submitted by the agencies regarding the evaluation reports and the hearing of agency representatives. Appeals were lodged against two decisions in subareas, but these were both rejected.

The decisions made by the Accreditation Council on the individual reaccreditation procedures, including the conditions and time limits linked to accreditation, the evaluation reports, application rationales and comments by the agencies were published on the Foundation website once the procedures had been completed (Appendix 4.4).

In 2006, the Accreditation Council also began a procedure to accredit a new agency following its application. However, this agency retracted its application at the beginning of 2007, stating that it would renew its application at the end of 2007.

Evaluation

The Accreditation Council fulfilled its task of reaccrediting five agencies as required and in good time. Experience shows that the tools developed for this purpose are suitable for carrying out the task effectively and efficiently. After experience gained during the three reaccreditation procedures in 2006, the Accreditation Council modified the procedure rules, replacing the evaluation of two of the accreditation procedures carried out by accreditation agencies with the supporting of this procedure by the chairperson of the group of evaluators and a staff member from the head office. Experience showed that only little knowledge was gained from evaluations based on documents. Experience with the new tool in the two reaccreditation procedures in 2007 shows a significant improvement in the procedure in this respect.

4.2.3 Task group 3: monitoring accreditations undertaken by agencies

According to Article 2 Clause 1 No. 4 AFL, the Accreditation Council has the task of monitoring procedures for the accreditation of study programmes that are carried out by agencies. The decision adopted by the Accreditation Council "Accreditation Council Procedure for Monitoring Accreditations Undertaken by Agencies" from 21/09/2006 (Appendix 4.5) is restricted to spot checks and procedure checks if there is a reason. The spot checks are made four times per year and per agency, and a special-purpose check is made if there is sufficient suspicion that an accreditation procedure has been inadequately carried out and decided. The head office of the Foundation for the Accreditation of Study Programmes in Germany, which is generally commissioned by the Accreditation Council for this purpose, checks the correctness of the procedure and the decision based on the documents presented to it by the agency.

Apart from its monitoring activities in accordance with Article 2 Clause 1 No. 4 AFL, the Accreditation Council supervises one accreditation procedure per year and per agency by participating in an onsite visit and decision-making meeting of the agency body that is responsible for the accreditation decision. The participation serves as an information exchange between the Accreditation Council and agencies, enabling the Accreditation Council to gain an insight into the operational business of the agencies at the same time. These procedures will be carried out for the first time in the second half of 2007.

Results

The results of the spot checks were not available at the editing close of the evaluation report.

Evaluation

With the regular spot checks, combined with the checking of procedures if third parties give reason to do so, the Accreditation Council has chosen a streamlined and efficient checking procedure that meets the demand for trusting cooperation between the Foundation and agencies from the Accreditation Foundation Law. It also makes a key contribution to public confidence in the effectiveness of the system and the quality of the accreditation procedures.

Having a system of six competing accreditation agencies means that decisions made by agencies are not always consistent, even if they all work on the basis of the same procedure rules and criteria. The Accreditation Council must strengthen its endeavours to guarantee a consistent application of the rules. The right balance needs to be found between regulation and monitoring of the agencies on the one hand and leaving the agencies with responsibility for the processes on the other.

Fulfilling ESG 3.7: External quality assurance criteria and processes used by the agencies

The Foundation has defined the procedure elements and steps for accreditation in the decision "General Rules for Carrying Out Processes for the Accreditation and Reaccreditation of Accreditation Agencies" (AC decision from 22/06/2006) (Appendix 4.1). This includes the following components, among others:

- "1. When carrying out the procedure and making decisions, the Accreditation Council is bound by the decision "Criteria for the Accreditation of Accreditation Agencies" from 1/12/2005 and this decision and the decisions with their amendments and replacements, which also cover the Standards and Guidelines for Quality Assurance in the European Higher Education Area.
2. The applicant must submit an application with a self evaluation report. The report should cover a self-presentation of the agency and document compliance with the Criteria for the Accreditation of Accreditation Agencies.
3. The Accreditation Council appoints a group of experts for the evaluation process, consisting of a minimum of five persons, including:
 - 2 members of the Accreditation Council
 - 2 representatives from higher education institutions
 - 2 international experts in the field of accreditation
 - 1 student member
 - 1 representative from the profession (Appendix 4.3)
5. The evaluation is based on
 - An analysis of the self evaluation report and additional material
 - An onsite visit to a meeting of the decision-making committee of the agency that is responsible for making the final decision on accreditation applications
 - Separate interviews with the head of the agency, staff, evaluators and representatives from higher education institutions who have already experienced accreditation procedures carried out by the agency, if applicable
 - Participation in an onsite visit to the agency during an accreditation procedure
 - Inclusion of assessments made by the Accreditation Council since the last accreditation if applicable
- ...
8. Following the procedure, the Accreditation Council publishes the decision, application rationale and evaluation."

4.2.4 Task group 4: promoting international collaboration

The Foundation has the task of promoting international collaboration in the accreditation field, in line with Article 2 Clause 2 No. 3 AFL. This also includes the task set out in Article 3 Clause 2 No. 2 AFL of defining the prerequisites for the recognition of accreditations by foreign institutions, taking developments in Europe into account.

The core task in international cooperation is to promote a mutual understanding of the quality assurance systems, develop comparable criteria, methods and standards of quality assurance to simplify the mutual recognition of accreditation and quality assurance decisions and, as a result of this, the mutual recognition of degrees. It also includes improving transparency of the study programmes on offer, thus promoting mobility in terms of international freedom of movement. The “Konferenz der Hochschulminister” (Conference of the Ministers for Higher Education) had already determined back in Berlin in 2003 that the quality of higher education is the backbone in the creation of the European Higher Education Area.

Although the agencies have the basic authority to carry out consultations, evaluations and accreditations abroad, the Accreditation Council only has the task of and authority to offer legally binding clarifications of the accreditation system – particularly for the recognition of accreditation decisions – for the German system.

The relevant European and international quality assurance networks, of which the Foundation is an active member, are important tools for promoting international collaboration. These networks include the European Association for Quality Assurance in Higher Education (ENQA), the International Network for Quality Assurance Agencies in Higher Education (INQAAHE), the European Consortium for Accreditation (ECA), the Joint Quality Initiative (JQI) and the trinational network of accreditation institutions in Germany, Austria and Switzerland (D-A-CH).

On a structural level, the importance of international collaboration is reflected in the composition of the Accreditation Council. According to Article 7 Clause 2 AFL, two foreign representatives with accreditation experience must be represented on the Accreditation Council.

As with the incorporation of international expertise into the Accreditation Council, two international accreditation experts must be represented in each group of evaluators employed by the Accreditation Council, in line with the “General Rules for Carrying Out Processes for the Accreditation and Reaccreditation of Accreditation Agencies” (AC decision from 22/06/2006).

The importance of international cooperation is also reflected on a person-related level. The former chairperson of the Accreditation Council, Professor Kohler, is the German higher education representative on the Steering Committee for Higher Education and Research at the Council of Europe (CD-ESR), member of the steering committee of the expert commission “Institutional Evaluation Programme” of the European University Association (EUA), chairperson of the (now completed) projects “Quality Culture – Implementing Bologna Structures” and “European Masters New Evaluation Methodology” of the European University Association (EUA) and member of the Steering Committee of the European University Foundation, Luxembourg. Professor Kohler is also co-editor of the *EUA Bologna Handbook* and the “*Qualität in Studium und Lehre*” (*Quality in Study Programmes and Teaching*) handbook.

With Professor Helmut Konrad (University of Graz – left at the end of 2005), Professor Frans van Vught (University of Twente, member of the Board of the European University Association) and Dr. Stephan Bieri (president of the ETH council of the “Eidgenössische Fachhochschulkommission” (Swiss higher education commission)), the Accreditation Council was able to win qualified experts with international experience in the quality assurance field.

The managing director of the Foundation is a member of the Hong Kong Council for Academic Accreditation, the newly established Appeals and Complaints Committee of ENQA and the Management Group of the ECA. His international expertise as a member of evaluation panels and international groups of experts is also in demand.

The Foundation is also represented by the chairperson, managing director and programme managers in all four working groups of the ECA on the themes of “New Developments in Accreditation”, “Mutual Recognition”, “European Initiatives” and “Information Tool for Accreditation Decision”.

The international networking is reciprocal. In Peter Findlay from QAA, Ossi Lindqvist from FIN-HEEC and Jon Haakstad from NOKUT, the Accreditation Council has three qualified international experts in its working group for the further development of accreditation in Germany.

At procedure level, the Accreditation Council set a new tone with the cross-border procedure for the reaccreditation of FIBAA in autumn 2006. The project, which was carried out in collaboration with the Dutch-Flemish accreditation institution (NVAO), uses the synergy effects resulting from the organisational merging of two procedures without affecting the clear allocation of responsibility and respective accreditation decisions. In fact, the joint procedure runs according to the criteria and procedure guidelines set out by the Accreditation Council. One of the two international experts appointed in accordance with the decision of the Accreditation Council is a staff member of NVAO, which ensures a suitable information flow. Accreditation decisions are made independently – by the Accreditation Council on the one side and the NVAO on the other side – based on the information generated during the procedure.

Results

The Foundation’s efforts to promote international collaboration, including the mutual recognition of accreditations at European and international level, have been successful in several respects:

International networking: Through its members and staff, the Accreditation Council is represented in all of the relevant international networks.

Mutual recognition: The criteria and procedures developed by the Accreditation Council meet European and international standards. By adopting the “Criteria for the Accreditation of Accreditation Agencies”, which cover the *Standards and Guidelines for Quality Assurance in the European Higher Education Area* of the ENQA that were expressly recognised in full by the signatory states in the declaration of Bergen, the Accreditation Council has made a key contribution to the mutual recognition of accreditation decisions and thus also of final degrees in a European context. This guarantees that the accreditation procedures resulting in the awarding of the Quality Seal are carried out on the basis of internationally recognised standards and guidelines. More information can be found in the equivalence table of the ESG and criteria/decisions of the Accreditation Council (Appendix 4.6).

Cross-border development of standards: The Accreditation Council worked on the development of European and international standards as a recognised partner. The collaboration with foreign accreditation and quality assurance institutions as part of the aforementioned networking or on a bilateral level resulted in the following agreements, which are relevant for accreditation in Germany: (1) Code of Good Practice for the Members of the European Consortium for Accreditation in Higher Education (ECA) (Appendix 4.7), (2) ECA Principles for the Selection of Experts (Appendix 4.8), (3) Principles for the Building of a Team of Experts for Accreditation Procedures (D-A-CH) (Appendix 4.9) and (4) Code of Good Practice (D-A-CH) (Appendix 4.10). In addition, the Accreditation Council closed a cooperation agreement with the Agencia Nacional de Evaluación de la Calidad y Acreditación (ANECA) (Appendix 4.11) and with the Austrian Accreditation Council (ÖAR), the Austrian Higher Education Council (FHR) and the institution for the accreditation and quality assurance of Swiss higher education institutions (OAQ) (Appendix 4.12).

Evaluation

The number of requests for members and staff of the Accreditation Council to work in international evaluation panels and other international expert groups show the high value placed on the work of the Accreditation Council. This and the cooperation of the foreign members of the Accreditation Council, groups of experts and working groups of the Accreditation Council have created a tight network of permanent and case-based international contacts and collaboration. This enables the Accreditation Council to play a key international role and to take the latest international experiences into account at all times in its national activities.

4.2.5 Task group 5: information

According to Article 2 Clause 2 No. 4 AFL, one of the tasks of the Foundation is to make regular reports to the federal states about developments regarding the conversion of the study system into a tiered study structure and on quality developments in the context of accreditation.

In its regulations, the Foundation also undertakes to inform the KMK, HRK and the public of both accreditation decisions made by the Accreditation Council regarding agencies and accreditation decisions made by the agencies regarding higher education institutions, in line with Article 4 Clause 3.

According to Article 3 Clause 1 of the agreement between the Foundation and agencies, the Foundation is also obliged to inform the agencies of changes to the accreditation bases for agencies or study programmes, as well as of important new developments in the accreditation area at European level.

The individual bodies of the Foundation are required to inform each other of decisions and resolutions of importance in sufficient detail and in good time according to Article 4 Clause 1 of the regulations.

The information-providing function of the Foundation refers to the following target groups: (1) federal states (KMK), (2) higher education institutions, (3) interested public, (4) agencies and (5) (internal) bodies of the Foundation.

One of the key tools used to publish accreditation data and prepare information for the federal states, higher education institutions, agencies and interested members of the public is the Foundation website. This was extensively revised and redesigned at the beginning of 2007.

The KMK and HRK both receive notes on the results of meetings of the Accreditation Council and the Foundation Council, and are informed of important decisions made by the Accreditation Council in writing by the chairperson of the Foundation. In addition, the chairpersons of the Accreditation Council and the Foundation Council or the vice-chairpersons also participate in the meetings of other Foundation bodies in a consultative capacity in accordance with Article 4 Clause 2 of the regulations.

The Foundation presents an annual activity report, which provides details of the results of the Foundation's work, as well as of current developments in accreditation in a national and international context (Appendix 3.9).

An effective information flow between the Accreditation Council and agencies in accordance with Article 7 Clause No. 6 AFL is ensured by the specific composition of the Accreditation Council – which also includes an agency representative in a consultative capacity. The Accreditation Council also talks to the agencies before making fundamental decisions and informs the agencies of the results of its consultations or changed position on decisions in newsletters.

The head office issues a newsletter at irregular intervals between meetings, which informs members of the Accreditation Council of developments from the agencies and international networks, results of working group meetings or discussions with the chairpersons and of appointments and upcoming or planned events (Appendix 4.13)

Results

The Foundation website contains an overview of all regulations affecting the accreditation of agencies and study programmes. The decisions of the Accreditation Council, as well as relevant documents and decisions by the KMK and HRK, are available to users as PDF files on the Foundation website. The website also contains information on the German accreditation system, members of the Foundation bodies, agencies accredited by the Accreditation Council, contact persons at the head office and dates of Accreditation Council meetings. To ensure the transparency of the procedures carried out by the Accreditation Council for the (re)accreditation of agencies, all the key documents, such as accreditation applications from agencies, Accreditation Council decisions, agency comments and other documents submitted by the agencies, are published on the Foundation website.

An up-to-date database offers the federal states, those interested in study courses, employers and interested members of the public detailed information on the profiles and evaluations of the currently accredited study programmes. By linking the database to the "Hochschulkompass" (information directory) of the HRK, only minimum effort is required to ensure a high level of reliability and topicality of the accreditation data. The database can also be used to generate permanently up-to-date statistics, informing database users of the number of procedures completed – grouped by subject fields, conditions, federal states, accreditation agencies and standard periods of study.

As an information platform for agencies, the Foundation website will provide a password-protected area from mid-2007, giving an overview of all negative accreditation decisions and contact persons at the state ministries responsible for procedure.

The six activity reports by the Foundation and Accreditation Council are published on the Foundation website and sent regularly by post to the agencies, relevant higher education institutions, ministries, faculty committees and to other institutions in Germany and abroad that are concerned with accreditation and quality assurance.

Owing to the Accreditation Council's working group-oriented method of working and the resulting integration of the agencies and owing to the inclusion of the key stakeholders (higher education institutions, federal states and experts from the labor market) in the Accreditation Council, a high level of information of the partner organisations is already ensured at structural level so that any information deficits that may arise can be identified and remedied immediately.

The Foundation sees it as its task to improve the level of awareness about the accreditation system among the relevant interested groups and interested members of the national and international public. It achieves this partly by answering a large number of telephone and written inquiries from students, universities, ministries, professional associations and agencies on general aspects of accreditation, decisions made by the Accreditation Council and current accreditation procedures. The Foundation's head office is generally manned from Monday to Friday between 8 am and 6 pm and offers free consulting services. The Foundation is also represented by members and staff from the head office at a wide range of professional conferences, seminars, etc. It contributes presentations on issues of accreditation or quality assurance and study reform in a broad sense (Appendix 4.14).

The Accreditation Council is increasingly consulted as an adviser in questions of study reform and the Bologna Process in particular – this goes beyond its direct task area of accreditation. It has therefore established itself as a recognised higher education policy player in Germany whose expertise is in demand. The Foundation is, for example, represented in the working group "Fortführung des Bologna-Prozesses" (Continuation of the Bologna Process) of the KMK and BMBF, in the "Innovationskreis Wissenschaftliche Weiterbildung" (Innovative Circle of Academic Further Education) of the BMBF, on the ERASMUS advisory council of the BMBF and on the programme advisory council for quality management of the "Stifterverband für die deutsche Wissenschaft" (Association of Donators for German Science).

Room for improvement

Since the database of accredited study programmes makes use of the data records of the "Hochschulkompass" (information directory) of the HRK, the data parameters are mainly defined by the organisational structure of the "Hochschulkompass". As a result of this, the Accreditation Council can only make limited decisions on the presentation of study programme-related master data and the workflow of the database after consultation with the HRK. During a meeting of representatives from the HRK, agencies and the Foundation's head office in April 2007, possibilities for improvement, such as increasing user friendliness and effective data entry and management, were mentioned by the agencies – their technical implementation is currently being investigated.

Although the accreditation system is still fairly new in Germany, it is highly dynamic and constantly evolving. In the interests of information that is urgently required by a wide range of people at higher

education institutions and interested members of the public on aims, approaches and execution of the accreditation procedures, even more extensive public work is urgently required, using information materials, but also symposia and expert interviews. The Accreditation Council should carry out this task in order to ensure a general acceptance of the accreditation system by all sides in the long term.

4.2.6 Task group 6: competition

According to Article 2 Clause 2 No. 1 AFL, the Foundation must work towards guaranteeing fair competition among agencies. This task is not only required by the Accreditation Foundation Law, but also by the Foundation's overall responsibility for the accreditation system in Germany. However, the actual "product" of the agencies must not be affected by the competition because the quality of the accreditation procedures and decisions, and thus the value of the Quality Seal of the Accreditation Council assigned by the agencies, must not be touched. The Foundation's role as a competition watchdog thus mainly involves:

- Preventing competitive restrictions, such as monopolies or restrictions on higher education institutions' free choice of agencies
- Guaranteeing (market) transparency, especially in terms of description of services and pricing
- Preventing unfair competitive advantages, such as cross-subsidising of individual agencies
- Ensuring integrity in dealing with the Quality Seal of the Accreditation Council

On the basis of (a) the Criteria for the Accreditation of Accreditation Agencies and (b) the agreement between the Foundation and agencies, the Foundation obliges agencies to carry out various measures to guarantee fair competition among the agencies. The Foundation ensures that the measures are incorporated into the (re)accreditation procedures or – if there is sufficient suspicion of non-compliance – a special checking procedure in line with the Accreditation Council decision from 21/09/2006.

Results

By signing the agreements between the Foundation and the agencies, all agencies accredited by the Accreditation Council undertake to act with integrity in dealing with the Quality Seal of the Accreditation Council in accordance with Article 9.

Check field 15 of the Criteria for the Accreditation of Accreditation Agencies aims at guaranteeing transparency, especially in terms of the description of services and pricing on the part of agencies. Agencies thus have to give higher education institutions sufficient information about important contents and procedures of the accreditation project and define the costs in a transparent and adequate way. In addition, the agencies also have to guarantee competitive integrity of their acquisition practice.

Evaluation

So far, the Foundation has succeeded in avoiding long-lasting distortion of competition in the German accreditation system, thanks to binding procedure rules that apply to all agencies. However, difficulties arise in the practical execution of these tasks since competition-distorting practices are not easy to identify. Those who are directly involved – the agency and higher education institution – do not voluntarily make irregularities public, for example in pricing. The Accreditation Council therefore has to rely on spot checks of the accreditation decisions to detect this kind of practice.

4.2.7 Task group 7: refining the system

In a decision made by the KMK on 22/09/2005 (Quality Assurance in Teaching), the Foundation for the Accreditation of Study Programmes in Germany was given the task of developing recommendations to hone the accreditation system. The aim of these was to simplify the accreditation procedure and reduce process costs and effort for higher education institutions if they can prove that they have a reliable internal quality assurance system.

Building on the Foundation's founding phase and in parallel to the continuous maintenance of the system, the Foundation must find answers to the following questions and challenges, in particular, in order to enhance the accreditation approach:

Autonomy of higher education institutions: The dynamic quality approach underpinning accreditation – in line with one of the key goals of the Bologna Process – aims to give higher education institutions increasing responsibility for quality assurance and development. This raises the question of to what extent and in which way accreditation can promote the understanding and responsibility of higher education institutions to ensure a constant improvement in the quality of study programmes and teaching.

Strengthening the manageability of higher education institutions: Quality assurance and development are increasingly becoming the basis for strategic and operational decision-making by higher education institutions as independent players – not least with regard to the allocation of resources. This is a new concept of quality assurance, which is becoming a key element of strategic higher education development and aims at developing and improving quality. The accreditation of study programmes can only meet this demand in a limited way because of its programme focus. Even if individual study programmes are highly effective, taken together they still do not provide enough information on the manageability of the institution as a whole, in light of staff, financial and time-related efforts.

Question of quantity: The programme-related accreditation approach ensures that the quality of each individual study programme at a higher education institution is assessed – either as part of a singular or a bundled procedure. While the benefit of this study programme-related accreditation approach lies in the “broad” character of the quality assessment for all study programmes offered by state or state-recognised higher education institutions, the number of study programmes that are still to be accredited and particularly those that have to be regularly reaccredited are a great challenge to the system and its capacities in terms of quantity, especially considering that high-quality consistency in decision-making also has to be guaranteed.

When developing recommendations for refining the accreditation system in Germany, (a) the expertise of interested parties (particularly higher education institutions and agencies), (b) the results of the current relevant pilot projects and (c) experiences of accreditation institutions from abroad should be taken into consideration.

The Accreditation Council has therefore set up a working group to formulate specific requirements as key reference points for the further development of the German accreditation system. The working group consists of members of the Accreditation Council, representatives from the HRK, KMK and agencies and three international experts. The Accreditation Council also published a recommendation in May 2006 for the trial run of procedures for system accreditation at the request of the KMK (Appendix 4.15).

The decision of the Accreditation Council on recommendations to the KMK to specify criteria for a procedure for system accreditation is planned for the fourth quarter of 2007. The results will then be presented at a public meeting and published in German and English.

To finance these tasks, the Accreditation Council raised third-party funds amounting to €40,000.

5. Summary: results and challenges

Fulfilling the legal tasks

The Foundation for the Accreditation of Study Programmes in Germany is making a key contribution to the current study reform process and is successful in fulfilling its task of ensuring the quality of individual study programmes, together with the accreditation agencies. The new version of the legal bases of the accreditation system and thus also the conversion of the Accreditation Council into a foundation under public law and the following revision of all underlying procedure rules and accreditation criteria have made a considerable contribution to this so that the system and accreditation procedure now have a reliable legal basis.

As regards the fulfilling of its legal tasks, the Foundation can also show positive results in the main. Since the summer of 2005, it has revised all procedure rules and accreditation criteria, thereby giving the accreditation of study programmes in Germany a reliable and transparent basis. The Foundation has also helped raise the quality of agency work considerably with its accreditation and, particularly, reaccreditation, as shown by reports from evaluators on the reaccreditation procedures. However, the Foundation is well aware that it constantly has to question its work. From a self-critical viewpoint, the accreditation criteria decided on by the Accreditation Council have some redundancies and are also limited in their practicality owing to the great level of detail. This is a task that the Foundation must deal with soon to avoid the risk of overregulation and bureaucratisation.

Accreditation Council and agencies

From the Foundation's position as an institution that, on the one hand, certifies and monitors agencies but, on the other hand, has to work very closely with the agencies since practical experiences of the agencies have to be incorporated into the decision-making processes of the Foundation, a conflict, which is inherent in the system, results. This situation calls for all partners to show a high level of willingness to cooperate. The past two years have shown, however, that this conflict does not necessarily mean lowering the quality of the Foundation's work. On the contrary, the Founda-

tion believes that collaboration with agencies on content issues has been friendly and profitable so far.

Clearing role

As regards the Foundation's position in the accreditation system, the Accreditation Council is not always able to carry out its legal task of imposing binding and practical procedure rules on accreditation agencies in the conflict between the common guidelines of the KMK and state-specific guidelines, which deviate from these. The increasing importance of the Accreditation Council's role as a clearing house for all accreditation issues also has a place in this context. The Accreditation Council is requested to look for ways to deal with the growing need for information by various interested parties, in spite of limited financial means.

Institution-related prerequisites

On the whole, the Foundation meets the institution-related prerequisites to be able to fulfil its tasks successfully. The underlying principle of involving all relevant interested parties in the Accreditation Council should be mentioned here. On the one hand, this is a good way of including different experiences and of gaining acceptance for the system and, on the other hand, a reliable guarantee of independence of the Foundation in the face of individual interests. In financial terms, the institution-related requirements are basically specified. The Foundation is able to fulfil its core tasks of accrediting agencies and defining binding guidelines for the accreditation of study programmes. Urgent tasks that go beyond this, e. g. in the field of public relation could not be taken on with the current financial resources.

Overall, the Accreditation Council has been able to drive the consolidation of the accreditation system to a considerable extent.

Challenges

The accreditation system is faced with great challenges resulting from changing framework conditions for quality assurance and issues that are inherent in the system.

The greatest challenge in the existing system is ensuring that accreditation decisions are transparent and consistent. The system currently has six competing accreditation agencies and, as a result, the decisions are not always consistent, even if all the agencies work on the basis of the same procedure rules and criteria. The Accreditation Council must multiply its efforts to guarantee a standard application of the rules. To avoid standardisation tendencies that limit innovation potential, the Accreditation Council will still have the task of preventing overregulation with tightly networked (professional) standards. The council must find the right balance between regulating and monitoring agencies on the one hand and letting the agencies have responsibility for processes on the other hand.

Especially in light of the new framework conditions of the federalism reform, the assurance of cross-state comparability and transparency of qualifications or of degrees and degree levels in the higher education area will continue gaining importance as one of the key tasks of the Accreditation Council.

Another challenge is presented by the honing of the accreditation system. In this case, rules for a new accreditation system must be developed according to the relevant decisions of the KMK,

which meet the goal of giving more responsibility to higher education institutions to ensure quality and minimise costs.

The third challenge is a result of the emerging European Higher Education Area and the renewed determination to enable cross-border recognition of accreditation decisions set at the Bologna follow-up conference in London in May 2007 and thus to simplify the mutual recognition of degrees. In all fields of action, the Accreditation Council will have to make an effort to ensure international compatibility of procedure rules and criteria. Here, the Accreditation Council can rely on previously very intensive international networking and collaboration.

6. Meeting European standards: “Standards and Guidelines for Quality Assurance in the European Higher Education Area” and the “Code of Good Practice” of the European Consortium for Accreditation

The Accreditation Council regards it as its task to ensure that the German accreditation system is compatible in a European and international context. On the one hand, this is demonstrated by active involvement in international discourses, projects and international associations. On the other hand, it means that the Accreditation Council makes international standards the basis for its own procedures for the whole German accreditation system. A special meaning is given to the application of the ESG in the German accreditation system, which is a prerequisite for the acceptance of these procedures in the member states of the Bologna Process.

The Accreditation Council thus took the opportunity to implement the ESG in the German accreditation system when, in summer 2005, directly after adopting the ESG at the Bologna follow-on conference in Bergen, it became necessary to revise the underlying decisions on principles, procedure rules and criteria of the German accreditation system. Between December 2005 and June 2006, several decisions of the ESG were included in the binding principles of accreditation in Germany. Part I of the ESG became the binding guidelines for quality assurance at higher education institutions in Germany when the accreditation agencies made it the basis for assessing internal quality assurance with relevant decisions by the Accreditation Council. Part II of the ESG is a binding basis for carrying out procedures of study programme accreditation by the agencies certified by the Accreditation Council. At the same time, these standards also apply to the procedures of the Accreditation Council for the accreditation of accreditation agencies. Part III of the ESG is of key importance for European acceptance of the Accreditation Council itself. The Accreditation Council is pleased that a check by the managing board of ENQA was able to confirm that the ESG had been fully incorporated into the German accreditation system (see the equivalence table in Appendix 4.6).

Another important reference point for the design of the accreditation procedures is the Code of Good Practice of the European Consortium for Accreditation, which corresponds to the ESG in the main (Appendix 0.1). By implementing the ESG, the procedure rules and criteria of the Foundation thus also correspond to the Code of Good Practice of the ECA.

The standards in Part III of the ESG and the ECA-Code are met as follows. (Below is a summary of the relevant text passages from Chapters one to five.)

6.1 Fulfilling ESG 3.1: Use of external quality assurance procedures for higher education, ECA-Code 17

The standards and guidelines for procedures of external quality assurance set out in Part II of the ESG were implemented in various decisions and measures of the Foundation:

ESG 2.1: Because the Accreditation Council does not carry out accreditation procedures at higher education institutions itself (this is done by agencies that are certified for this purpose), the Foundation does not apply Standard 2.1 itself. However, with its decision "Criteria for the Accreditation of Accreditation Agencies" (Appendix 2.10), the Accreditation Council has made including and assessing internal quality assurance at higher education institutions a binding criterion for agencies for the accrediting of study programmes in criteria 7; 14.1 and 14.2. This is similar to criterion 6 because the Accreditation Council uses it as a basis for assessing the effectiveness of the agencies' internal quality assurance systems when accrediting accreditation agencies.

ESG 2.2 and 2.3: In its decision "Criteria for the Accreditation of Accreditation Agencies" (Appendix 2.10), the Accreditation Council defined aims and basic principles of the accreditation procedures as they are carried out by agencies, and published this decision. The decision was developed by a working group consisting of all stakeholders and agencies. The Accreditation Council also obliged the agencies (in criteria 15 to 17) to give higher education institutions extensive information about procedures, regulations, criteria, etc., particularly if there are amendments or more precise versions of Accreditation Council decisions, before the accreditation procedures begin.

ESG 2.4: In designing the procedures for programme accreditation, the Accreditation Council has adapted the principles of quality assurance in Europe, which have been continuously evolving since the mid-1990s, in terms of specific accreditation conditions. This affects the type of decision and publication in particular. The elements listed in the guidelines for ESG 2.4 have all been made binding requirements for the accreditation procedures in the decision "Criteria for the Accreditation of Accreditation Agencies" (Appendix 2.10). This applies particularly to the selection and qualifications of the experts (criteria 2.8 to 2.11), the involvement of practitioners from the labor market and students (criteria 2.9 and 16.4), evidence-based evaluation (criteria 7 to 14), use of the four-tiered model and the role of internal quality development.

ESG 2.5: The Accreditation Council has obliged the agencies – in contract form – to publish accreditation decisions and brief, user-friendly descriptions of study programmes in the Accreditation Council database, which is available to the public on the Foundation website. The procedures that the Accreditation Council carries out to accredit or reaccredit agencies are also documented on the Foundation website in the aforementioned manner.

ESG 2.6: According to criterion 18, agencies are obliged to check that any conditions required have been fulfilled. The same applies to the procedures that the Accreditation Council carries out to accredit agencies. To this end, the Accreditation Council has specified a binding check to ensure that conditions have been fulfilled in Article 6 of the decision "Decisions of the Accreditation Council: Types and Their Effects" from 15/12/2005 (Appendix 2.12).

ESG 2.7: The periodicity of study programme accreditation is defined in Article 1 of the decision “Decisions of the Accreditation Agencies: Types and Their Effects” (22/06/2006) (Appendix 2.13). The same also applies to the Accreditation Council itself (Article 10 of the regulations) (Appendix 2.14).

6.2 Fulfilling ESG 3.2: Official status, ECA-Code 2

The Foundation was set up in line with the North-Rhine Westphalian Law Establishing a Foundation: “Foundation for the Accreditation of Study Programmes in Germany” from 15 February 2005 and thus has a legal basis (Appendix 2.5). The law sets out the tasks of the Foundation and its bodies. The federal states responsible for the higher education system transferred the observance of their tasks to the Foundation in fulfilling the common structural guidelines in accordance with Article 9 Clause 2 HRG (Appendices 2.6 and 2.7) based on the KMK decision from 16 December 2004 “Agreement on the Foundation: Foundation: Accreditation of Study Programmes in Germany”, combined with a supplementary declaration from 15 December 2005.

6.3 Fulfilling ESG 3.3: Activities, ECA-Code 13

The tasks transferred to the Foundation for the Accreditation of Study Programmes in Germany are set out in the Accreditation Foundation Law (AFL) (Appendix 2.5) and cover the accreditation and reaccreditation of accreditation agencies and the regulation of procedure rules and criteria for the accreditation of study programmes in accordance with Article 2.

6.4 Fulfilling ESG 3.4: Resources, ECA-Code 5

According to the personnel plan, the head office of the Foundation consists of one managing director, one programme manager (100%), two programme managers (75%, each) and one assistant (50%); this corresponds to a total of four full-time equivalents. The managing director and staff members are all higher education graduates and have permanent contracts (Appendix 3.12).

The Foundation has an annual budget of €350,000, which is provided by the 16 federal states. In addition, the Foundation is also entitled to accept third-party subsidies (Appendix 3.10).

6.5 Fulfilling ESG 3.5: Mission statement, ECA-Code 1

On 18/06/2007, the Foundation adopted a mission statement giving the following as its tasks:

“The Foundation for the Accreditation of Study Programmes in Germany has the legal task of organising the quality assurance system for study programmes and teaching by accrediting study programmes.

By carrying out these tasks, the organisation makes a key contribution to ensuring and developing the quality of study programmes and teaching at German higher education institutions, thereby ensuring and improving the reputation of German study programmes in Germany and abroad”. The Foundation’s quality concept and method of working are also described (Appendix 3.1).

6.6 Fulfilling ESG 3.6: Independence, ECA-Code 3, 9, 10

The Foundation works on the basis of the Law Establishing a Foundation "Foundation for the Accreditation of Study Programmes in Germany" from 15/02/2005. The members of the Accreditation Council are appointed for a period of four years and are not bound by instructions, as stated in Article 6 Clause 3 of the regulations. In accordance with Article 2 AFL, the Foundation has the task of compiling regulations for its procedures. Decisions made by the Foundation do not require the consent of third parties (Appendix 2.5).

6.7 Fulfilling ESG 3.7: External quality assurance criteria and processes used by the agencies, ECA-Code 4, 8, 12, 14

The Foundation specified the procedure elements and steps for accreditation in the decision "General Rules for Carrying Out Processes for the Accreditation and Reaccreditation of Accreditation Agencies" (AC decision from 22/06/2006) (Appendix 4.1). These include the following components, among others:

"1. The Accreditation Council is bound by the decision "Criteria for the Accreditation of Accreditation Agencies" from 1/12/2005 and the decisions with their amendments and replacements that cover the Standards and Guidelines for Quality Assurance in the European Higher Education Area.

2. The applicant must submit a rationale for the application. The rationale should cover a self-presentation of the institution and document compliance with the criteria for the accreditation of accreditation agencies.

3. For the evaluation procedure, the Accreditation Council appoints a group of experts, consisting of at least five persons. These include:

- 2 members of the Accreditation Council
- 2 representatives from higher education institutions
- 2 international experts in the accreditation sector
- 1 student member
- 1 expert from the labor market

5. The evaluation is based on:

- An analysis of the application rationale, incl. self evaluation report
- An onsite visit during a meeting of the decision-making committee of the agency that is responsible for final decisions on accreditation applications
- Separate interviews with the head of the agency, the staff, evaluators and representatives from higher education institutions that have already experienced accreditation procedures carried out by the agency, if applicable
- Participation in an onsite visit to the agency during an accreditation procedure,
- taking into account any assessments made by the Accreditation Council since the last accreditation

8. Following the procedure, the Accreditation Council publishes the decision, the application rationale and the evaluation."

6.8 Fulfilling ESG 3.8: Accountability procedures, ECA-Code 6, 7, 8, 15

On 18/06/2007, the Foundation compiled its procedures for internal quality assurance to form a binding system of internal quality assurance. The decision was published on the website. The system is oriented towards the Foundation's tasks and mainly includes procedures for obtaining feedback from all persons involved in the accreditation process. These include members of the Accreditation Council, external experts, head office and the agencies, as well as other interested parties. The decision also specifies a binding, regular external evaluation. The Foundation Board has also specified that all evaluators who work for it must sign a declaration of impartiality (Appendix 3.7).

6.9 Fulfilling ECA-Code 11: International collaboration

Through its members and staff, the Accreditation Council is represented in all of the relevant international networks (ENQA, ECA, D-A-CH and INQAAHE). The Accreditation Council also has a cooperation agreement with the Agencia Nacional de Evaluación de la Calidad y Acreditación (AN-ECA). At procedure level, the Accreditation Council set a new tone with the cross-border procedure for the reaccreditation of FIBAA, which began in autumn 2006. The project, which was carried out in collaboration with the Dutch-Flemish accreditation institution (NVAO), uses the synergy effects resulting from the organisational merging of two procedures without affecting the clear allocation of responsibility and respective accreditation decisions.

6.10 Fulfilling ECA-Code 16: Quality enhancement

In its decision "Criteria for the Accreditation of Accreditation Agencies" (15/12/2005) (Appendix 2.10), the Accreditation Council made the principle of constant quality improvement and the existence and use of systematic internal quality assurance binding prerequisites for the accreditation of agencies (with criteria 1.3 and 6) and higher education institutions (with criteria 7, 14.1 and 14.2).