

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

of 26 June 2006 (MBI. NRW. 2006 p. 431),
last amended on 10.02.2012 (MBI. NRW. 2012 p. 164) ¹⁾

Preamble

Without prejudice to the statutory responsibility of the state North Rhine-Westphalia and the constitutional, legislative authority of its bodies for the establishment, modification and suspension of the Foundation for the Accreditation of Study Programmes in Germany, established by the law of the state North Rhine-Westphalia of 15 February 2005 (GV.NRW., page 45, SGV.NRW. Classification number 223), and the authority of the responsible bodies of the state North Rhine-Westphalia resulting from the above-mentioned statute to approve these statutes, as well as their modification and suspension, it is agreed that, with regard to its function of performing its assigned tasks in the interest of all federal states, the Foundation is based on the requirement that the state North Rhine-Westphalia only exercise its legislative- and administrative authority in accordance with a corresponding resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder.

§ 1

Statutes

- (1) These statutes have their statutory basis in the North Rhine-Westphalia Law establishing the Foundation “Foundation for the Accreditation of Study Programmes in Germany” (Accreditation Foundation Law) of 15 February 2005 (GV.NRW., page 45, SGV.NRW. Classification number 223).

1) First statutes for the amendment of the statutes of the Foundation for the Accreditation of Study Programmes in Germany of 16.04.2009 (MBI. NRW. 2009 p. 264, published on 05.07.2009). Second statutes for the amendment of the statutes of the Foundation for the Accreditation of Study Programmes in Germany of 10.02.2012 (MBI. NRW. 2012 p. 164, published on 19.04.2012).

- (2) The name, domicile, tasks of the Foundation, the rights and obligations of its bodies, the membership of its bodies, and the rights and obligations of the members of its bodies and possible future amendments or additions are regulated in para. 1 of the law mentioned above. The fiscal year is the calendar year.

§ 2

Representation

- (1) Without prejudice to the provision relating to the representation of the Foundation as such pursuant to § 8 para. 1 of the Accreditation Foundation Law, the Foundation Council, the Accreditation Council and the Board are represented by the respective chairperson of each body.
- (2) The Foundation, Foundation Council, Accreditation Council and Board are represented by the respective vice-chairperson when the individual appointed as representative by statute or pursuant to these statutes is unavailable.
- (3) The representative appointed by statute may entrust the vice-chairperson or a member of the committee directed by him/her with the representation for a certain business area. Delegation of one single business transaction may also take place by verbal agreement; in this respect, third parties may also be authorised.
- (4) § 3 of these statutes remains unaffected.

§ 3

Managing director and head office

- (1) The Foundation has a managing director. The managing director manages the ongoing administration business for the Foundation and for the respectively responsible Foundation body. He/she prepares consultations and decisions of the Foundation and the Foundation bodies, and carries these out by commission of the respective body, which is revocable at any time up to implementation. He/she may be appointed by the chairperson of the Accreditation Council to legally represent the Foundation.
- (2) The Foundation establishes a head office. Management of the head office is assumed by the managing director. General regulations and the main structures of the organisation require the approval of the chairperson of the Accreditation Council. This person may issue individual priority instructions; this applies correspondingly to the chairperson of the Foundation Council for the task area of the Foundation Council.

§ 4

Principles of collaboration

- (1) The bodies of the Foundation and their members, the managing director and the members of the head office collaborate on the basis of trust. They reciprocally inform each other of resolutions and decisions that are important for the collaboration and for the Foundation in third-party relationships, in an objective and timely manner; this equally applies to the intended submission of draft decision templates for decisions. They exchange meeting minutes.
- (2) The chairperson of the Foundation Council and the Accreditation Council, or the respective vice-chairperson, participates in the other Foundation body's meetings with an advisory vote.
- (3) The Accreditation Council immediately informs the Foundation Council, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder, the German Rectors' Conference and the public of its accreditation decisions for agencies, along with the accreditation decisions of accreditation agencies for higher education institutions.
- (4) The Accreditation Council reports to the Foundation Council, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder, the German Rectors' Conference and the public in an objective and timely manner by presenting an activity report.
- (5) Without prejudice to the statutory obligations mentioned above, the members of the Foundation bodies, the managing director, the head office staff and other individuals who fulfil the tasks of the Foundation are bound to secrecy.

§ 5

Rules of Procedure

- (1) The Foundation Council, Accreditation Council and Board may enact Rules of Procedure for their respective business divisions.
- (2) Resolutions of the Accreditation Council require the majority of its members.
- (3) Members of the Accreditation Council may delegate votes to other members of the own group pursuant to § 7 para. 2 ASG. A member may not have more than two votes.

- (4) Members of the head office of the Accreditation Council and other advising individuals invited by the chairperson may take part in the meetings of the Accreditation Council with an advisory vote.

§ 6

Tasks and work approach of the Accreditation Council

- (1) The Accreditation Council fulfils its assigned tasks of accreditation and reaccreditation of accreditation agencies, and the revocation of accreditations, on the basis of a general, uniformly applicable set of rules.
- (2) On the basis of the Foundation Law and the statutes of the Foundation, the Accreditation Council concludes contracts with the accreditation agencies regarding the rights and obligations of the Accreditation Council and the respective accreditation agency. The conclusion of this contract between the Accreditation Council and an accreditation agency is a requirement for accreditation.
- (3) Without prejudice to the statutory monitoring of the Foundation Council, the Accreditation Council and its members are not bound by instruction.
- (4) The period in office for students is 2 years.

§ 7

Revocation of accreditation/reaccreditation

- (1) The Accreditation Council may revoke the accreditation of the agencies or refuse reaccreditation when factual circumstances justify the assumption that the agency does not guarantee an accreditation procedure that correspondingly complies with the governmental guidelines and the guidelines of the Accreditation Council.

This is particularly the case when the agency has not or has insufficiently demonstrated

1. a consideration of the structural guidelines pursuant to § 2 para. 1 no. 2 of the Accreditation Foundation Law
2. compliance with the minimum requirements pursuant to § 2 para. 1 no. 3 of the Accreditation Foundation Law
3. the commitment of the agency to the principle of good faith in dealing with the seal of the Foundation
4. quality requirements with regard to the internal organisation of the agency

5. reporting obligations of the agency toward the Foundation.
- (2) After consulting with the Foundation Council, the Accreditation Council decides regarding an appeal of the decision.

§ 8

Foundation Council

Members of the Foundation Council may not be members of the Accreditation Council or personal members of an accreditation agency.

§ 9

Business plan and annual financial statements

- (1) Before the start of each calendar year (fiscal year) the Board draws up a business plan in good time, which is adopted by the Accreditation Council with approval of the Foundation Council.
- (2) Within six months after expiry of the fiscal year, the Board is to draw up the annual financial statements and to present them to the Accreditation Council and Foundation Council together with the auditor's report, the balance sheet and the activity report.
- (3) The Foundation Council commissions an auditor for one respective fiscal year. This auditor has the task of assessing the annual financial statements as to whether the funds have been utilised in correspondence with the purpose of the Foundation pursuant to § 2 of the Law Establishing the Foundation "Foundation for the Accreditation of Study Programmes in Germany" and whether the business management and financial reporting complies with § 11 of the Law Establishing the Foundation "Foundation for the Accreditation of Study Programmes in Germany", as well as paragraphs 1 and 2 of this section. The managing director is to provide the auditor with information on budget- and business management and, at the auditor's request, to allow inspection of all business documents. The auditor prepares a report on the result of the audit (auditor's report).

§ 10

Formal approval of the actions of the Board

- (1) Taking the auditor's report into account, the Foundation Council decides the formal approval of the actions of the Board.

- (2) The Foundation Council informs the ministry of the state North Rhine-Westphalia that is responsible for higher education institutions regarding the decision and presents the formal approval of the actions of the Board for acceptance.

§ 11

Evaluation

The work of the Foundation is regularly evaluated at approximately five-year intervals. The Foundation Council decides the procedure. Foreign experts are to participate in the evaluation.

§ 12

Entry into force

These statutes enter into force on the day after their publication.