

**Statement
on the
„Report of Results for Evaluation of the
Foundation for the accreditation of Study Programmes
in Germany“**

Preface

On 30.08.2006, the Accreditation Council has asked the “Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany” (KMK) as the responsible national organ to initiate an external evaluation of the “Foundation for the accreditation of Study Programmes in Germany“ (Accreditation Council). Herewith the Accreditation Council wished to fulfil the statutory duty for regular implementation of such evaluations. It simultaneously intended to apply for a confirmation of full membership with the *European Association for Quality Assurance in Higher Education* (ENQA) on the basis of this evaluation. It hoped to gain knowledge from the process of self-evaluation and the external evaluation in order to improve its own processes where applicable.

The Accreditation Council thanks the external experts for the intensive and impressive performance. The expert panel met no fewer than three times in order to prepare and conduct the evaluation. The members and staff of the Accreditation Council were impressed by the intensive preparation of the experts, who proved themselves to be intimately familiar with the German accreditation system; this impression was also confirmed by the other discussion partners. On this basis, the expert panel implemented its numerous discussions thoroughly, critically, professionally and fairly. In particular, the Accreditation Council valued the open atmosphere of the discussions.

The external evaluation has led to traceable and balanced results which provide a good foundation for the critical self-reflection of the Accreditation Council and will support the professionalism and quality of its activities. Herewith the Accreditation Council can continue to carry out its duties with regard to high quality of teaching and learning within the German system of higher educational institutions. Building on the discussions during the creation of its own report, it will analyse the knowledge and recommendations of the experts and derive measures from this.

The Accreditation Council herewith submits its initial position statement, which already includes a catalogue of measures. The experts’ report makes detailed reference to the position statements of numerous discussion partners of the expert panel and thereby creates the opportunity to discuss critical comments with the respective person again in order to gain a better understanding of their evaluation.

General statement

The Accreditation Council regards the largely positive assessment of the fulfilment of its tasks as a confirmation that it should continue on its commenced path of continuous further development. It will continue to de-bureaucratise the process regulations and intensify its efforts to ensure the correct application of accreditation regulations and criteria by the agencies, thereby increasing the consistency of agency decisions. Finally, the Accreditation Council will stop wrong competitive behaviour by monitoring the agencies.

The Accreditation Council particularly welcomes the positive evaluation of its activity in the determination of the accreditation standards and in agency monitoring as a confirmation of its efforts in the past two years. However it is aware of the fact that after the revision of all regulations, it must now devote special attention to the consistency of decisions with the agencies. It is pleasing that the experts positively assess the improvements in the processes of reaccreditation of the agencies and monitoring which were already implemented after the initial experiences. On the whole, the Accreditation Council sees a confirmation of the implementation of its central statutory tasks, however it will make detailed adaptations on the basis of the individual recommendations for improvements.

The critical position statement of the expert panel concerning the not yet satisfactory publicity work is taken seriously by the Accreditation Council. It must self-critically recognise that even as a rather normatively acting organisation, public communication is an important means for implementation of the standards.

The Accreditation Council is glad to see that the expert panel – within the context of the assessment that the Accreditation Council is fulfilling its statutory mandate of ensuring fair competition – has addressed the fundamental principles of the German accreditation system in detail. Even if the Accreditation Council assesses the role and the value of “true” competition between accreditation agencies differently than the experts, the experts’ report shows that ten years after its introduction, a more detailed analysis of the specific structure of the German accreditation system – “untrue” competition of actors which offer the same “product” by the same rules – may provide indicators for the further development of accreditation systems in Europe.

The Accreditation Council appreciates that the expert panel, in the section about international standards, reaches the conclusion that out of the nine standards, seven are completely and two partially fulfilled. Herein as well, the Accreditation Council sees a confirmation of its activities, since the standards whose fulfilment is in its immediate field of influence are all fulfilled.

The expert panel has reached the conclusion that the standards regarding independence and sufficient funding can only be regarded as fulfilled with some limitations. The Accreditation Council does not deny the significance of these criteria nor the depiction of the facts by the experts. In the assessment with regard to the actual work of the Accreditation Council, however, it reaches other weightings in some cases. Even if changes in terms of these two standards are not within the regulatory field of the Accreditation Council itself, it will give serious consideration to the suggestion of the experts that the limited fulfilment of the standards in terms of funding and independence might negatively affect the quality of the work of the Accreditation Council even though there were currently no signs of this. The Accreditation Council, in its considerations of the consequences which can be drawn

from these assessments, will take the guiding principle of the *European Standards and Guidelines* into account; namely that agencies must respect the national laws. This results in the problem that the European standards cannot be aligned with the national higher education laws in every aspect. It is important to develop standards of quality assurance which take national attributes into account and simultaneously guarantee the European dimension of quality assurance.

The experts' report lists a total of eleven recommendations for which the Accreditation Council provides individual position statements:

I. Statement concerning the recommendations in the chapter „Fulfilment of statutory tasks as defined by the Standing Conference of the Ministers of Education and Cultural Affairs of the Countries“

1. *“The panel emphatically recommends the implementation of a pre-defined process, before the first system accreditation process takes place, through which the criteria for the system accreditation at individual universities and their impact are subject to a re-view. From the viewpoint of the evaluation panel such analyses should be done after two years.” (p. 10)*

The Accreditation Council agrees with the experts in that experience from the processes of system accreditation must be utilised at an early time in order to modify criteria and process regulations where necessary. Last but not least for this reason, the Accreditation Council has already decided to accompany the first processes of system accreditation.

The Accreditation Council – in addition to the evaluation of system accreditation after five years as requested by the KMK – will also verify the practicality of the criteria and process regulations as well as their effects on the basis of an analysis of the first six processes, and implement changes where applicable.

2. *The panel recommends pursuing the students’ objection “whether or not the awarding of re-accreditation through the Accreditation Council was always consistent between the individual agencies.” (p. 11)*

The Accreditation Council will request a more detailed depiction of the students and on this basis, it will verify the criticised decisions as well as – where applicable – the reasons for inconsistent decisions. It will derive measures from this.

3. *“The panel recommends, in terms of the practical efficiency of the accreditation criteria, that the Accreditation Council actively co-operates with relevant stakeholders at the HEI and the higher education political public in the coming months and supports initiatives which contribute to the understanding of the processes of system accreditation. In particular, the too high a degree of detailing and formalisation of some of the previous regulations – also mentioned self-critically in the self-evaluation report of the Accreditation Council – should be urgently avoided in the new system accreditation processes being set-up.” (p. 11)*

The Accreditation Council regards broad information of the Higher Education Institutions and the stakeholders as an important means of securing the acceptance of system accreditation. Therefore, in March 2008, in a public event with nearly 200 participants, it officially presented the new process of system accreditation and herein, explained the criteria and process regulations in detail. This event is complemented by numerous lectures at conferences of the German Rectors’ Conference (19 May 2008), the Centre for Higher Education Institution Development (15 April 2008), the agencies and numerous other events, already seven in the first half of the year 2008. Furthermore the criteria and process regulations are shown in greater detail on the website and in publications (e.g. in the

handbook *Quality in teaching and learning*). The Accreditation Council will continue to use every opportunity to introduce the new processes in the future.

The Accreditation Council cannot understand the panel's recommendation to omit the level of detail of earlier regulations. The "Criteria for system accreditation" only include six criteria which correspond to catalogues of criteria for comparable processes in Europe. The process regulations largely show the process steps in accordance with the *European Standards and Guidelines* and limit themselves to the definition of process standards without making detailed procedural specifications. The Accreditation Council is convinced that its decisions have succeeded in creating balance between necessary simplicity and required reliability. (By the way, the self-critical comment in the self-report of the Accreditation Council for external evaluation referred to the criteria for programme accreditation, however their level of detail was also reduced considerably in the interim.)

4. "According to the evaluation panel, this self-regulation direction of the complaint process was able to be strengthened through the required setting-up of the corresponding modi within the agencies within the framework of the re-accreditation procedure so that any possible differences could already be cleared up early on between the agencies and universities." (p. 12)

Upon initiation by the Accreditation Council, all agencies have meanwhile set up internal complaints procedures. Therewith this recommendation is already implemented.

5. "In this connection, the panel recommends a more offensive information policy by the Accreditation Council so that the complaint path is made more transparent to the HEIs." (p. 12)

The Accreditation Council has published the options for complaints on its homepage. It has also contractually obliged its accreditation agencies to inform the Higher Education Institutions about the complaints procedures in the implementation of an accreditation process, so that each Higher Education Institution is informed about the conditions and expiry of complaints procedures in detail after contract closure. Consequently the Accreditation Council does not regard it as necessary to provide separate information about the complaints options. However it will place special emphasis on this aspect in its publicity work.

6. "Beside the analysis of the cluster accreditation mentioned, a comprehensive cross-agency inspection of the consistency of accreditation decisions by the agencies should be here, for example considered." (p. 12)

In its self-report, the Accreditation Council has stated intermittently occurring "inconsistencies" between the decisions of the agencies as a weakness of the German accreditation system (page 30). Ensuring correct and uniform application of the accreditation criteria is therewith the most important aim of the monitoring activities of the Accreditation Council. In its 57th meeting, the Accreditation Council will discuss a report about the results of monitoring by means of random sampling in the years 2007 and 2008 and implement measures where required. This report will be complemented by a cross-sectional exami-

nation of the conditions enacted by the agencies, which will be implemented in the summer of 2008. The interim report which was submitted in the 54th meeting already showed typical defects, which were then corrected by agencies – immediately in some cases.

7. “At the same time, and this is based on statements in the discussions held, there are, for example, in part, still large gaps in the information and a higher demand for reliable information for the question of system accreditation which have the quasi orientation function for the agencies, but also especially for the universities. The panel recommends here a still greater presence of the Accreditation Council.” (p.13)

Also see re. No. 3

Regarding the orienting function for agencies, the Accreditation Council has verified the analysis of application documents for deviant interpretations within the context of the admittance of agencies for system accreditation. Insofar as relevant deviations are found, the Accreditation Council will bring about matching interpretation of the criteria and process regulations. Furthermore the Accreditation Council has already announced that it will monitor the initial procedures of system accreditation in order to ensure uniform application of the conditions.

8. “From the discussions, moreover, it appears that it is hardly possible due to the current limited financial and personnel resources, to conduct conferences, workshops or public relations on the accreditation system in Germany. In co-operation with HRK and KMK, a still currently unused area of operation of the Accreditation Council could, according to the opinion of the evaluation panel, lie in the future – that is indeed resource-relevant.” (p. 13)

The Accreditation Council has already pointed out the limited opportunities for the implementation of measures in publicity work in its self-report. In terms of the expert discourse on matters of accreditation, it is, however, necessary to consider that in recent years, the BMBF-financed quality assurance project of the German Rectors’ Conference represented an important communication platform and, with its numerous measures and events at various levels, enabled an intensive discussion of quality assurance questions which were relevant to accreditation.

Towards the end of the year, the Accreditation Council will hold an “expert discussion on accreditation“ for the first time; hereafter, this is planned on an annual basis. It is intended for an in-depth discussion of current matters from the field of accreditation and quality assurance.

For June 2009, the Accreditation Council plans an expert conference on the event of the ten-year existence of the German accreditation system. This conference is intended to analyse what has been achieved and show fields where action is required, as well as placing both current and international matters of quality assurance in the foreground.

9. “The panel sees, however, a critical need that the basic understanding of the German accreditation system that shifts, for completely understandable reasons, between official recognition and competitive definition, be subject to a critical dis-

course in the coming years. (...) The introduction of a real competition between the agencies would not only mean allowing but also encouraging differences in performance. From the point of view of the evaluation panel, this aspect should, in the future, be given more attention. In this connection, a strong differentiation between minimum standards and above average quality standards appears reasonable. (...) The commission sees a possible approach to the initiation of a quality competition in the introduction of a simplified accreditation process for study programmes which have been accredited by recognised foreign agencies.” (p. 15)

The Accreditation Council agrees with the experts that the competitive design of the German accreditation system has a very specific character because its result, namely the award of the certificate of the Accreditation Council, is identical with all agencies. Therefore the competition only applies to the design of the accreditation process, but not to the results. The expert panel has rightfully pointed out that competitive advantages in this system are currently most likely achieved by the price design or by lowering process and evaluation standards in order to simplify accreditation, since the accreditation decisions of German agencies within the country thus far possess very low market relevance at best and therefore the elevation of process standards which may be associated with higher effort and costs will not bring a competitive advantage.

If the experts recommend a stronger differentiation between minimum standards and higher quality standards, they are, however, following an approach of quality assurance in the field of higher education which is scarcely followed in Europe at this time and is, at best, represented in the field of economic sciences in the form of competition in reputation among various accreditation agencies. A system of quality levels which are defined by external agencies and by which a Higher Education Institution or a study programme contradicts the current foundations of quality assurance in European higher education as specified in the *Standards and Guidelines for Quality Assurance in the European Higher Education Area* and which assigns the Higher Education Institutions the main responsibility for the determination of quality standards since the Bologna conference in Berlin 2003.

The German accreditation system therefore follows the “fitness-for-purpose” approach, which states that it is primarily the Higher Education Institution which sets quality goals, while accreditation, on the one hand, verifies whether it reaches these goals, and on the other hand, whether the study goals correspond to the formal standards of the countries’ joint structural specifications and the German Qualifications Framework. Precisely the revision of all criteria and process regulations of the study programme accreditation since the founding of the foundation in the spring of 2005 was obliged to follow this principle. The introduction of system accreditation also follows this policy and supports the core responsibility of the Higher Education Institutions for quality in teaching and learning as it was emphasised in the Berlin Communiqué of Berlin 2003 as the cornerstone of quality assurance.

The Accreditation Council will verify whether this fundamental principle of quality assurance should be given up in favour of a competition of externally defined quality standards for Higher Education Institutions and study courses. Herein it will pay special attention to the goals of accreditation, quality assurance and development on the one hand, and marketing on the other hand.

The Accreditation Council is open to the provision of a simplified accreditation process for study courses which are already accredited by recognised foreign agencies. It will verify whether such a process is possible without endangering fair competition in the German accreditation system. This suggestion also opens up the question of the consequences which the Register of European quality assurance agencies will have for the German accreditation system.

10. "The evaluation panel, therefore, recommends the future further development of the accreditation system in Germany be less promoted using political steering through the impulses of the KMK but rather, more strongly using empirical backing in the HEIs. (...) The evaluation panel is of the view that the council will need additional personnel resources in order to – above and beyond the pilot projects defined in the self-evaluation report and discussions for system or process accreditation – systematically accompany future system accreditations and thus be able to make further decisions on the basis of solid empirics. It is furthermore desirable to strengthen the financial funding of the council, so that it can conduct an information policy in terms of an increase in the acceptance of the system accreditation in the broad public" (p. 17)

The Accreditation Council shares the opinion of the experts that an empirically secured basis for decisions concerning further development of accreditation is important and furthermore preferable to political specifications. The experts' evident impression that the work of the Accreditation Council in developing the recommendations for the introduction of system accreditation were primarily politically controlled does not correspond to reality in the opinion of the Accreditation Council.

Fundamentally, it is noted that the decision concerning the introduction of an accreditation process is basically the duty of the Länder, which perform this through law. Insofar, it would certainly be correct to say that there was political control regarding the question of whether system accreditation should be introduced. However this is not surprising, for it corresponds to the practice of many European accreditation systems. However the matter is entirely different regarding the matter of how the process of system accreditation should be designed. Impulses for the further development of accreditation in the direction which has now been taken were provided by the accreditation agencies and the Accreditation Council as well as the Länder, but especially by the Higher Education Institutions, some regional rectors' conferences as well as the German Rectors' Conference. All stakeholders, including the Länder as well as organizations such as the *German Higher Education Association* and the *Centre for Higher Education Institution Development* (CHE), participated in the intensive discussion, which lasted more than one and a half years.

The development of the criteria and process regulations of system accreditation is therefore based on a broad dialogue with all stakeholders and other interested institutions. The Accreditation Council utilised its experience from programme accreditation as well as other knowledge about quality assurance processes from other European countries which are comparable to system accreditation. It is undoubtedly unfortunate that the Accreditation Council was herein unable to fall back on scientific empirical research on the effectiveness of assurance and particularly accreditation processes which aim at internal quality assurance systems. However it must be noted that within the context of its project "Further development of the accreditation system in Germany" which was supported by the

Foundation Association for German Science, it implemented an analysis of strengths and weaknesses in programme accreditation and closely compared the design of institutionally oriented quality assurance processes in Europe, also with the aid of study visits to some agencies which were of special interest for its own work. The Accreditation Council does not claim that these examinations met the current scientific needs of higher education research. However it places value on the determination that the criteria and process regulations of system accreditation have transferred the knowledge obtained in the stated investigations to the German context to a large extent. Political control of the design and content specifications of system accreditation is therefore not recognisable. It would also contradict the tradition in the German accreditation system, in which the state side, apart from formal specifications (Qualifications Framework), does not perform detailed control in terms of process regulations and criteria. Nonetheless, the Accreditation Council does not deny that in the passage of the decision-making processes through the Accreditation Council and in the KMK, it is possible to gain the impression that the KMK had exercised a determining influence on the contents of the recommendations in the final phase of the work of the Accreditation Council. It is therefore important to the Accreditation Council to correct this image.

After the Accreditation Council had set out and completed its recommendations for the introduction of system accreditation on 08 October 2007 with the provision of the criteria and process regulations for system accreditation, the KMK as the responsible institution resolved to complement the German accreditation system with the process of system accreditation in the form recommended by the Accreditation Council. Its resolutions deviated from the recommendations of the Accreditation Council in two points: It requested the modification of the access prerequisites of Higher Education Institutions for system accreditation and the addition of a further process element, which is part of system accreditation today as a “midterm random sample”.

In terms of the access prerequisites, the Accreditation Council notes that it is outside its regulatory power which Higher Education Institution is obligated in which manner to subject itself to an accreditation process. This decision is the duty of lawmakers or responsible ministries and is furthermore not connected with the actual process of system accreditation. Upon the request of the KMK, the Accreditation Council has incorporated these regulations into its resolutions on system accreditation for the sake of transparency. It is possible that the Accreditation Council should have clarified more strongly that this is a regulation outside its jurisdiction. If the KMK did not entirely follow the recommendations of the Accreditation Council in this point, it was not intervening into the jurisdiction of the Accreditation Council, but merely implementing changes to regulations in its own jurisdiction, with whose design it had mandated the Accreditation Council.

With regard to the so called “midterm random sample”, the Accreditation Council adopted the request of the KMK concerning the introduction of an evaluation after the first half of the accreditation period. However the Standing Conference of the Ministers of Education and Cultural Affairs of the Countries Accreditation Council, acting in its own expertise, accepted the design of this process element which was decided for reasons of practicality.

From the perspective of the Accreditation Council, this process is well suited for showing the type of state involvement in the German accreditation system: The countries largely avoid regulations and even leave the design of regulatory areas which are traditionally

more likely to be assigned to the state than to an agency in most European countries to the expertise of the Accreditation Council.

The German Accreditation Council is equipped with very comprehensive design tasks and decision jurisdiction and put together in accordance with the principle of participation by all stakeholders. In pursuit of a different model, the state side might transfer less responsibility to the agency in the field of design of criteria and processes, and omit all participation in this - much smaller - field. The Accreditation Council has always regarded the structure which is chosen in the German system - which provides the Accreditation Council with widely ranging jurisdiction and in which the state side largely relies on its expertise – as strengthening its position and independence.

11. "With a view to the more detailed design of the system accreditation, the evaluation panel recommends, furthermore, that the Accreditation Council, in the future, should especially move questions with regard to the qualifications of experts or the quality of training of experts as well as the significance of the research into the spotlight of the discussion." (p. 18)

The Accreditation Council agrees with the experts that the qualification of experts in the accreditation process is of central significance. Agencies currently take very different action in terms of how they prepare experts for the processes. Preparations range from a few hours' discussion of the current process to intensive trainings. The Accreditation Council will demonstrate *best practice* models by the end of the year and enact mandatory standards for the preparation of expert panels.

In terms of value of the research, the Accreditation Council is of the opinion that it is fundamentally necessary to take the statutory mandate of system accreditation into account, whose objects consist of teaching and learning, but not of the research work of a Higher Education Institution. The Accreditation Council does, however, believe that the research activities of the Higher Education Institutions should be taken into account in the system accreditation processes insofar as matters of the profile of Higher Education Institutions and the implementation of this profile into the individual study programmes are the explicit subjects. Since the Higher Education Institutions, particularly the universities, primarily define their profile by research, this plays a significant role in the processes without becoming an object of valuation in itself.

II. Statement regarding the conditions in the chapter “Fulfilment of European Standards: ESG and ECA”

12. *“The evaluation panel comes to the clear assessment that it is becoming less and less responsible for burdening such a small agency with such a far-reaching assignment for the German higher education system – namely the further development of the accreditation system. There is a discrepancy between the strategic assignment and the endowment with resources. The risk which is derived from this discrepancy is political control of the further development of the accreditation system, e.g. through the attempt to influence the representatives of the KMK on the Accreditation Council. The evaluation group recommends that the independence of the Accreditation Council be bolstered against the political attempts of influence. This is especially necessary against the background of the European standards and can be implemented, e.g., through the increase of personnel resources for a systematic monitoring of the system accreditation or alternatively through the allocation of further financial means for the allocation of contract research (e.g. with a view to the effects of the accreditation system). The financial resources (non-monetary resources) should also, in particular, for compliance with the information requirement and the improvement of the public relations as well as for the promotion of international collaboration be increased.” (p. 23)*

The Accreditation Council agrees with the experts that the resources do not enable activities which exceed the immediate tasks in fulfilment of statutory duties, nor do they permit offensive and extensive publicity work. The Accreditation Council has already stated in its self-report that the development of recommendations for system accreditation required the provision of third party funds in the amount of 40 000 EURO and that publicity work was only possible to a very limited extent thus far.

It therefore explicitly wishes to state its appreciation that the experts assign it a central strategic role in the further development of the accreditation system. This corresponds to the self-understanding of the Accreditation Council and evidently also the interpretation of its role by the Länder, who have turned to it with requests for recommendations concerning the further development of accreditation instead of mandating a group of experts which was independent from the Accreditation Council with this task, which would surely not have represented an unusual course of action.

As already mentioned repeatedly in this position statement, the Accreditation Council regards it as an important task for the coming years to monitor the implementation of the first processes of system accreditation in order to recognise requirements for additional adjustments at an early time, avoid erroneous developments, and in particular, ensure a uniform course of action and consistent agency decision-making practices in the sense of its resolutions. Since this activity has a wider scope than customary monitoring activities particularly in the first three years, the Accreditation Council will ask the countries for additional resources for these purposes and for more extensive publicity work.

Regarding accompanying research and effectiveness analysis of accreditation in general, the Accreditation Council will intensively verify the recommendations of the expert panel. However it points out that within this context, the experts assign it the role of a research institution, which was thus far not intended by the stakeholders (including the Länder) and furthermore did not correspond to its self-understanding. Analyses of the functions of ac-

creditation, working habits of the agencies, practicality of own process regulations and criteria are naturally among the tasks of the Accreditation Council. The question of whether further research work would not be better implemented by independent scientific institutions will receive special attention from the Accreditation Council. In this regard, the Accreditation Council has already contacted the Hochschul-Informations-System GmbH (HIS) and is creating an effectiveness-analysis jointly with this institution, to be implemented by HIS.

The Accreditation Council notes the assessment of the experts that its resources are not sufficient to fulfil the tasks in the field of international cooperation. However it wishes to point out that – as shown in its own report – it is represented in all current international networks, actively participates in corresponding work groups, and is also – as demonstrated by the respective programmes – an active participant with its own contributions in numerous international conferences and workshops. The Accreditation Council will, however, verify whether there are further tasks in the international field to which it should pay closer attention in the future.

Regarding the assessment of the expert panel that the partially insufficient endowment of the Accreditation Council would endanger its independence from the countries, we refer to the position statement under 13.

13. "The evaluation panel evaluated – in particular from an international perspective with a view to the ESG as an evaluation benchmark – the available influence of the politics by the state (Laender) representatives on the accreditation system in Germany as problematic. Lack of resources by the Accreditation Council (staff) combined with a high importance of the state (Laender) representatives on the Accreditation Council weaken the independence of the system. Only against the background of the German peculiarities in the higher education system (state system with strong regulation, federalism), is the status quo understandable. The evaluation panel recommends that the current status, in a broad sense, be interpreted as conforming to ESG in a broad sense with respect to the national peculiarity of Germany. At the same, they call on the Accreditation Council to rethink the current structure in terms of the political independence of the council and if necessary, to reform it no later than the next evaluation in approximately five years. This should be the central subject of the next evaluation." (p. 17)

The Accreditation Council can understand that the participation of the Länder in the Accreditation Council is regarded as unusual and critically judged in terms of the independence of the council, since the representation of state authorities in an institution for quality assurance in the field of higher education is not common in international comparisons and it is difficult to find comparable constructions in the European field of higher education.

The Accreditation Council does, however, believe that membership by representatives of the Länder has not negatively affected the independence of its decisions thus far. Fundamentally, two national overall conditions of the German accreditation system must be taken into account:

First, it must be pointed out that in the tradition of the public system of higher educational institutions, the Länder constitutionally bear the responsibility for the field of higher education. On the one hand, this responsibility is expressed in the state financing of Higher Education Institutions; on the other hand it is shown in the statutorily set task of guaran-

teeing the equal level of higher education diplomas. Furthermore state regulated qualifications are assigned in numerous study programmes (such as teaching, medicine, law). Regardless of the autonomy of the Higher Education Institutions which is also advancing in Germany, they maintain a public mandate. In view of this, the Länder see themselves as stakeholders in the accreditation system just as much as Higher Education Institutions, students, and the representatives of professional practice.

It must also be pointed out that the representation of the Länder in the Accreditation Council is derived from a principle of the German accreditation system: the participation of all stakeholders. This participation was one of the guiding principles in the creation of the German accreditation system and ensures the balanced participation of all relevant groups in the most important committee of the German accreditation system. For this reason, five representatives of professional practice are also appointed to the Accreditation Council, which is at least as unusual in an international comparison as the participation of the Länder and has furthermore never led to an assumption of a lack of independence of the Accreditation Council. It was natural since the resolutions for the creation of accreditation in Germany (1988) for the same reason that students are represented in the Accreditation Council with two members. As the Accreditation Council had already clarified in its self-report for external evaluation, it sees an important prerequisite for the high acceptance of the German system in this broad participation.

Furthermore the Accreditation Council places great value on the fact that the representatives of the Länder do not hold a veto right or occupy any other special position. They cannot influence the decisions of the Accreditation Council in any other way than other member groups, such as the representatives of the Higher Education Institutions who are represented in equal numbers, or professional practice, which is represented with one additional vote.

Fundamentally, the Accreditation Council is of the opinion that the understanding of “independence” as stated in item 3.6 (Independence) of the *European standards and guidelines* does not justify the assumption that the membership of stakeholders in general and state representatives in particular could, in themselves, already be equated with limited or absent independence:

“Agencies should be independent to the extent both that they have autonomous responsibility for their operations and that the conclusions and recommendations made in their reports cannot be influenced by third parties such as higher education institutions, ministries or other stakeholders”

The independence of an agency is herein understood as independence in the implementation of its processes and as independence of third parties in resolutions and recommendations. Herein the Accreditation Council notes that no third party participation rights of any kind are provided either in process implementation (such as appointment of experts, valuation) or in resolutions. The experts do not require third party consent, nor do accreditation resolutions require confirmation by any third-party authority. No third-party authority, neither from the state side nor from the higher education side, is able to change a resolution of the Accreditation Council. The assertion of agencies that “the countries, through the KMK, are keeping the option of revising or questioning resolutions of the Accreditation Council open” remains uncontradicted in the valuation. The Accreditation Council therefore values the statement that the Länder never had the opportunity, either directly via the

KMK or indirectly by exercising pressure on the Accreditation Council, to revise a decision which had already been made.

The Accreditation Council is surprised that a connection is made between its financial endowment and possible limitations of independence from the Länder. This would only apply if the personnel and financial resources of the Länder were competing with the Accreditation Council in the fulfilment of its duties in the preparation or implementation of its resolutions. In actuality, the Länder regard the Accreditation Council as a reliable and important source of advice in matters of quality assurance and turn to it in matters of the design and further development of the system. In recent years, the Accreditation Council was also increasingly in demand in an advisory and expert capacity beyond its actual mandate. This applies, for instance, to the development of the German Qualifications Framework and currently to the self-certification of the Qualifications Framework. There is no separate programmatic work in these fields which could compete with the work of the Accreditation Council.

In their report, the experts state that the Länder exercised significant influence on the introduction of system accreditation and cited this as an example of the influence of the Länder in the Accreditation Council. Herein, the Accreditation Council refers to its position statement under 10.

The experts do not provide any other examples of an influence by the countries on resolutions by the Accreditation Council.

The Accreditation Council certainly recognises the special attributes of its composition in a European comparison. It will therefore enter into a dialogue with the representatives of the Länder regarding whether the common European pattern of a state financed system should be applied to the German accreditation system as well, wherein the interests of the state are maintained without representation in the organ responsible for quality assurance.