Report on the Evaluation of the Foundation for the Accreditation of Study Programmes in Germany (German Accreditation Council)

April 2008

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1. Introduction

This report documents the evaluation of the "Foundation for the Accreditation of Study Programmes in Germany" carried out in 2007/2008.

In Chapter 2, the background of the evaluation as well as its procedure will be discussed in detail. According to the 'Guidelines for national reviews of ENQA member agencies' the context of the evaluation, i.e., the reason for the evaluation, the timing and the essential stadia of the review is described as well.

Chapter 3 outlines the framework in which the work of the Accreditation Council is incorporated. This includes the German Higher Education System, the structure of the (external) quality assurance at German higher education institutions (HEI) as well as the legal duties of the Accreditation Council.

In Chapter 4 the central results of the evaluation with regard to the legal commission of the Accreditation Council are presented. The evaluation of the work of the Accreditation Council alongside the criteria of the 'European Standards and Guidelines for Quality Assurance (ESG)' including the Code of Good Practice 'European Consortium for Accreditation in Higher Education (ECA)' is covered in Chapter 5. Because the legal duties and the ESG correspond to an extent and are to be read separately but also complementarily, the versions of the respective sections vary in terms of analytic intensity. Based on the description and evaluation of the compliance with the legal specifications, the application of the ESG is referred to hereafter in the course of the report. In those places where the ESG exceed the legal specifications, the basics of the evaluation will be described in more detail in Chapter 5.

The summary in Chapter 6 forms the conclusion of the report.

The evaluation panel saw the evaluation of the Accreditation Council as a process constructively borne from all of the involved persons and institutions. To this end, the very helpful Accreditation Council's self-evaluation report also especially contributed as well as the open atmosphere in the discussions held. A heartfelt thank-you goes to all involved.

2. Evaluation Background and Procedure of the Evaluation Process

According to the articles of the Foundation for the Accreditation of Study Programmes in Germany, the work of the Accreditation Council is evaluated in intervals of about five years. Subsequent to the external evaluation in 2001, the Foundation in a decision from 30 August 2006, asked the Conference of the Ministers of Education and Cultural Affairs (KMK) to arrange for another external evaluation in cooperation with the German Rectors' Conference (HRK). With this procedure, the evaluation uses both national and international evaluation standards including the evaluation of the compliance with

    (i)   the legal tasks and those defined by the KMK including recommendations for improvement of the system,

    (ii)   the European Standards and Guidelines of the European Association for Quality Assurance in Higher Education, as well as

    (iii)   the Code of Good Practice of the European Consortium for Accreditation.

The review process is based on the rules of the 'Peer Review system for Quality Assurance Agencies' which reappear in the Standards and Guidelines for Quality Assurance in the European Higher Education Area.

The responsibility for the evaluation process lies at the national level: The KMK bears the overall responsibility for the evaluation process and is supported in this task by the HRK.

The first step was the nomination of the members of the evaluation panel by KMK and HRK. The selection and appointment of the experts was oriented to the decisive criteria which also form the basis for the ENQA coordinated reviews. Appointed were

- three national representatives of the German Higher Education System;
- two international experts from the quality assurance area;
- a national/international student proposed by the "European Students' Union (ESU)";
- a secretariat proposed by the KMK and the HRK.

According to these criteria, the following expert group was appointed:

-Panel chairman: Prof. Dr. Dr. h.c. Alfred Kieser, Chair for General Business Administration and Organisation, Mannheim University

-Panel member: Prof. Dr. Ilse Helbrecht, Deputy Headmistress for Instruction, Studies and International Relations, Bremen University

-Panel member: Prof. Dr. Dr. h.c. Reinhard F. Hüttl, Academic Executive Board and Chairman of the Board of the GeoForschungsZentrums [Geo Research Centre] Potsdam

-Panel member: Christina Rozsnyai, M.A., M.L.S., Programme Officer for Foreign Affairs, Hungarian Accreditation Committee, Member of the EUA Institutional Evaluation Programme Steering Committee, Secretary General of the CEE Network, Budapest

-Panel member: Dr. Ton Vroeijenstijn, Senior Expert, Former Head Quality Assurance Department of the Association of Universities in the Netherlands (VSNU), Former Member Steering Group ENQ|A, Former Coordinator ECA, Rijswijk

-Panel member: Nina Gustafsson Åberg, student in the Master's Programme "International Politics", Uppsala University

-Secretariat: Dr. Uwe Schmidt, Head of the Centre for Quality Assurance and Development (ZQ), Johannes Gutenberg-University Mainz; Daniela Heinze, academic employee at the ZQ

At the forefront of the first internal session of the panel, the KMK and HRK sent relevant documents to the experts and the panel secretariat which were to serve as the basis of the review. On the part of the Accreditation Council, a self-evaluation report was prepared which was given to the panel in a timely manner and served as an essential basis for the evaluation in addition to the discussions with different representatives and stakeholders. Furthermore in mid October 2007, a first meeting between the chair of the panel and the panel secretariat took place.

At the end of October 2007, the first session of the evaluation panel took place in the premises of the HRK in Bonn where open questions and comments by the experts regarding the self-evaluation report were discussed as well as the further process. The results of the first session led to a result annotation. Further documents were requested based on this result and put together by the panel secretariat.

At the end of January 2008, a two-day session of the panel was held in Bonn. The first day of the session was used for further internal discussions as well as for the discussion of relevant questions about the self-evaluation report. This was followed by discussions with the representatives of the six accreditation agencies at the end of the first day and which continued on the second day.

At the end of February there was a two-day session at the premises of the HRK. On the first session day, discussions with the chairperson of the Accreditation Council, the managing director and the staff of the council as well as students, representatives of the HEI and states (Laender) on the Accreditation Council took place. Further discussions followed on the second session day with representatives from the professional practice on the council as well as with representatives of the KMK and the HRK. A planned discussion with a representative of the association "Free Coalition of student Bodies (fzs) " had to be cancelled due to illness.

In the following table, the meetings of the evaluation panel as well as the discussions held are summarised:

Sessions of the evaluation panel and discussions	Datum
1. Session of the evaluation panel	30 Oct.07
2. Session of the evaluation panel	21-22 Jan.08
• Discussion with the chairperson and the academic head of FIBAA	21 Jan.08
• Discussion with the deputy managing director of ASIIN	22 Jan.08
• Discussion with the chairperson and the managing director of ACQUIN	22 Jan.08
• Discussion with the managing director and the academic head of ZEvA	22 Jan.08
• Discussion with the managing director of AHPGS	22 Jan.08

• Discussion with the deputy managing director of AQAS	22 Jan.08
3. **Session of the evaluation panel**	**28-29 Feb.08**
• Discussion with the chairperson of the Accreditation Council	28 Feb.08
• Discussion with the managing director and the staff	28 Feb.08
• Discussion with the student representatives in the Accreditation Council	28 Feb.08
• Discussion with HEI representatives in the Accreditation Council	28 Feb.08
• Discussion with state representatives in the Accreditation Council	28 Feb.08
• Discussion with a representative of professional practice in the Accreditation Council	29 Feb.08
• Discussion with the secretary general of the HRK and the head of the 'Project Q' of the HRK	29 Feb.08
• Discussion with the head of the HEI department in the KMK	29 Feb.08
• Final discussion with the chairperson and the managing director of the Accreditation Council	29 Feb.08
4. **Editorial session of the chairperson with the secretariat of the evaluation panel**	**10 Apr.08**

3. German System of Higher Education and Responsibilities of the Accreditation Council

The following section orients itself for the most part to the information in the self-evaluation report of the Accreditation Council. Because the self-evaluation report provides a look at the German Higher Education System and the tasks of the Accreditation Council to a clear and comprehensive degree, this chapter is limited to several basic aspects of German higher education as well as the Accreditation Council.

In Germany it is possible for students to take on a study programme at universities and technical universities, at art colleges and universities of applied sciences and furthermore at teacher training colleges and theological colleges. Either general or subject related qualification for university entrance form the prerequisites for taking on study programmes at HEI.

Universities equally serve academic research and education functions. Furthermore they are distinguished by a comprehensive range of subjects and the right of conferring doctorats.

While German universities can look back on a very long tradition, universities of applied science exist primarily only since the sixties. Entering a study programmes at a university of applied science requires, as a rule, the advanced technical college entrance qualification, the German equivalent of GCSE, and the corresponding vocational educational background or a master craftsman's title. The subject-related majors of the university of applied science study programmes lie mainly in the engineering disciplines as well as in the areas of economy, social services, computer sciences and design. Universities of applied science are

less research than application-oriented. So one to two practical semesters are obligatory components of the curriculum and the lecturers can call on their scientific qualifications as well as their experience in professional life.

Art colleges concentrate their course offers in the areas of visual arts, design, music, acting, media, film and television. Before acceptance into the study programmes at an art college, an admission examination is usually required.

In the winter semester 2007/2008, the federal statistics office counted 391 HEIs, of those, 104 universities, 215 universities of applied science, 52 art colleges, six teacher training colleges and fourteen theological colleges. Approximately 1.93 million students are enroled for the current semester; of those, 1.33 million students at universities, 570,000 at universities of applied science and 30,000 at art colleges.[1]

The German Higher Education System is primarily a state-financed system. As a result, the financing of the HEIs is the responsibility of the sixteen states (Laender) especially during the strengthening of the federal structures in the educational area over the past years. Financial involvement of the federal government is primarily directed towards building and real investments as well as the research promotion through the financing of special programmes.

The system for the accreditation of study programmes was established within the framework of the existing legal obligations for external quality assurance of teaching and learning at German HEIs in 1998. Specific to the German system is, in particular, the establishment of uniform regulations for the accreditation of study programmes based on legislative texts from the states (Laender) and resolutions of the KMK, the current principle of compulsory programme accreditations as well as the separation of the quality assurance process for the areas 'teaching and learning' and 'research'.

The German Accreditation Council was founded in 1998 on the basis of a 3-year pilot-project and permanently implemented after the expiration of the project as well as a first external evaluation in 2001. The question of the legal legitimating of the Accreditation Council was only answered several years later when the council was municipalised into a legal foundation in 2005. The decentralized organisational structure with an Accreditation Council, which as a decision-making organ, defines the basic demands on the accreditation process, and the six agencies, which carry out the accreditation processes at the German HEIs, has their roots in federalism.

The tasks transferred to the foundation[2] are written down in the accreditation foundation law and read as follows:

- Accreditation and re-accreditation of accreditation agencies through a time-limited concession of the right to accredit study programmes through the awarding of the seal of the Foundation.

- Summary of design specifications both common to all and specific to each of the states (Laender) into binding instructions for the agencies;

- Regulation of minimum requirements for accreditation procedures including the requirements and limits of combined accreditations;

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[1] cp. STATISTISCHES BUNDESAMT [CENTRAL STATISTICS OFFICE] 2008, P. 5f..
[2] cp. ACCREDITATION COUNCIL 2007, P. 13.

- Monitoring of the accreditations which are done by the agencies.

Additionally, included in the area of assignments of the Foundation are

- Working toward a fair competition between the agencies;
- Establishing requirements for the recognition of accreditations done by foreign agencies;
- Promoting international collaboration in the accreditation area;
- Reporting to the states (Laender) regularly on the development of the transformation of the degree system into the two cycle structure as well as on the quality development within the framework of the accreditations.

Furthermore the KMK conferred on the foundation the task of further developing the accreditation system in the future.

At the beginning of the winter semester 2007/2008, there were according to information from the HRK around 1,103 study programmes at universities accredited, of those 513 Bachelor's and 590 Master's study programmes.[3] At the universities of applied science, 566 Bachelor's and 847 Master's programmes were accredited, and at the art colleges four Bachelor's and eleven Master's programmes were counted. At this time, approximately 40% of the Bachelor's and Master's study programmes were accredited whereby the distribution of the accredited study programmes fluctuates greatly between the states (Laender).

According to the German Federal Ministry of Education and Research, approximately half of the Bachelor's and Master's programmes registered in Germany have been newly introduced while the remaining study programmes have been developed based on content and structure of already existing study programmes.[4]

4. Compliance with the Law and Responsibilities defined by the KMK

The German accreditation system grants a special status to the Accreditation Council in that the primary function of the council is not the accreditation of individual study programmes at HEI, but rather is the accreditation, re-accreditation of the agencies and the continuous examination and further development of the system. The legal mandates to the Accreditation Council (cp. 3) derived from this will be addressed in the following sections, whereby, in part, as already mentioned – Chapter 5 should be referred to.

4.1 Regulation of the Minimum Requirements

The Accreditation Council sees as one of its core tasks the design of the regulation of minimum requirements for the accreditation of study programmes and the adaptation of these requirements to the changing parameters of the quality assurance in German higher education.

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[3] cp. HOCHSCHULREKTORENKONFERENZ [ASSOCIATION OF UNIVERSITIES AND OTHER HIGHER EDUCATION INSTITUTIONS IN GERMANY] 2007, P. 11.

[4] cp. BUNDESMINISTERIUM FOR BILDUNG UND FORSCHUNG [German Federal Ministry of Education and Research] 2007.

According to the council in its self-evaluation report, it has been successful in placing the accreditation of study programmes on a reliable and transparent basis based on the revised version of the legal elements of the accreditation system and the associated revision of the entire process rules and accreditation criteria.

In particular, the state (Laender) representatives on the Accreditation Council highlight that the council has made an important contribution to the quantitative accomplishment of this comprehensive task in the course of the conversion from ministerial approvals based on framework regulations to accreditations done through agencies.

Also from the agencies' viewpoint, the Accreditation Council has, in principle, met its obligations acting as a link between the guidelines of the KMK, the individual states (Laender) and the agencies and assuring appropriate standards. The translation of the guidelines functions well because the Accreditation Council provided helpful interpretation notes with the resolutions. Out of the concrete application of the design specifications there were, however, frequent difficulties in the conversion and repeated problems that were not adequately addressed by the Accreditation Council. This state of affairs was the result of the fact that, among other things, the Accreditation Council lacks decision-making authority as well as resources (financial and personnel, cp. hereto 5.4). This also leads, subsequently, to a loss of acceptance for the Accreditation Council.

This assessment corresponds to the remarks in the Accreditation Council's self-evaluation report in which the operational limits set are taken up due to the lacking law-making authority which leads to the fact that no grounds exist other than the "pure interpretation of the design specifications" and that the organisational possibilities of the council are overrated.

The criteria agreed upon by the council and the process guidelines associated with them, are, from the agencies representatives' viewpoint, frequently too strongly regimented and formalised even if the degree of formalisation has decreased in recent times. Instead of this detail regulation, the agency representatives want the creation of a binding framework within which they can act.

The evaluation panel posed, within the framework of the discussions, the question of how the orientation to minimum standards is reasonable and which quality perceptive is represented by the Accreditation Council and the accreditation agencies. All agencies agree in the assessment that the orientation to minimum standards, as well as the terminology of the minimum standards as such is not reasonable because minimum standards must, in principle, be quantifiable, which in the case of the accreditation criteria is hardly ever the case. On the contrary, the so-called minimum standards should be understood as threshold standards which, however, should not lead to the quality concepts of study programmes being oriented only on these stringently enforced criteria. Rather accreditation must make a genuine contribution to quality development.

The evaluation panel is of the opinion that the guarantee of the so-called minimum standards work and overall a transparent and reliable basis for the accreditation of study programmes is given even if, in individual cases, uncertainty exists with regard to the interpretation of standards. The panel has the opinion that to state at the same time – and this affects less the concrete work of the Accreditation Council than, in fact, the accreditation system in Germany as such – that through the orientation to minimum standards, the harmonisation of the German and European Higher Education Area of necessity can only work imperfectly.

Above all, aspects of student mobility have not, so far, found satisfactory consideration.[5]

Additionally the evaluation panel arrived at the conclusion that the definition of minimum standards with a simultaneous requirement of justifying quality development over these standards, involves significant ambivalences which will be addressed later.

With reference to the still to follow review of the further development of the accreditation system in Germany (cp. 4.7), it became very clear in the framework of all the discussions that the standards for system accreditation[6] were interpreted controversial between individual representatives and the now-defined standards, are seen in part, as not practical for the further development of the accreditation process. 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 review. From the viewpoint of the evaluation panel such analyses should be done after two years.

4.2 Accreditation and Re-accreditation of Agencies

In the Accreditation Council's self-evaluation report, it was stated that since 2000, a total of 14 accreditation and re-accreditation decisions were made, whereby in 2006 three re-accreditations of the agencies ACQUIN, ASIIN and ZEvA and in 2007, re-accreditations of the AQAS and the FIBAA.[7]

The processes of re-accreditation were perceived as principally reasonable and purposeful in the discussions with representatives of the agencies. Critique was wreaked on the review of the documentation of accreditation procedures conducted by the agencies, which was done by the staff of the council. According to the remarks in the self-evaluation report, the consistency of the decisions as well as the process organisation of the agencies was at the centre of this review. The agency representatives maintain that the examination of the records by the council staff is not practical because they do not, in part, have the necessary information and the background data to be able to recognise relevant aspects in the documents in each case. A positive highlight is, on this note, that the random sampling is no longer only done through a document analysis but rather council staff accompanied the individual processes on-site. This process, according to the chairperson and managing director of the Accreditation Council, amicably, are, by and large more efficient, but are not, however, able to replace the thorough overall view of an agency within the framework of the accreditation or re-accreditation.

Although this procedure is seen as principally welcome, agency representatives also sporadically express critique on this form of monitoring which applies to the (up to now) lack of experience of the council's staff with such processes. In this case, it must additionally be considered that the relatively small size of the office of the Accreditation Council results in

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[5] cp. KEHM 2007, P. 94f.

[6] A part of the system accreditation in Germany "is the internal quality assurance system of a university in the area of studies and education. The structures and processes relevant to education and studies are inspected to see if they meet the qualification targets and ensure the high quality of the study programmes whereby the European Standards and Guidelines for Quality Assurance in Higher Education (ESG), the guidelines of the Kultusministerkonferenz (KMK) and the criteria of the Accreditation Council apply. A positive system accreditation certifies that the university has a quality assurance system that is appropriate in the areas of studies and teaching, that it has met the qualification targets and can guarantee the quality standards of its study programmes. Study programmes which are set up after the system accreditation or were already a part of the internal quality assurance according to the guidelines of the accredited systems, are therefore accredited." (GRIMM 2008, P. 3).

[7] The re-accreditation by the agency AHPGS was already done in 2004.

the fact that it is – purely from the numbers – inferior when comparing staff from each of the six agencies in their competency pools and degree of specialisation.

From the perspective of the student representatives on the Accreditation Council, there is also the question of whether or not the awarding of re-accreditation through the Accreditation Council was always consistent between the individual agencies. In part, the impression is conveyed that the criteria for re-accreditation is more or less strictly interpreted which is reflected in the corresponding conditions. This impression could not be confirmed however in the remaining discussions.

Altogether the evaluation panel supports the expansion of the present process through the on-site monitoring of the agencies. Even when the appraisals of the student representatives could not be verified within the framework of the discussions, the panel recommends pursuing this objection.

With the introduction of the system accreditation, the Accreditation Council faces the task in the current year of authorising existing and, if necessary, new agencies for the process of system accreditation. The impression of the panel is, with a view to this accreditation process, that the range of interpretations of the system accreditation per se – as expected also the corresponding relevant criteria – is currently still enormous. 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.

4.3 Monitoring the Accreditation done by the Agencies

The monitoring of the accreditations is essentially done through random sampling and as required inspections (with the presentation of a sufficient initial suspicion) of individual processes. Currently an inspection of the so-called cluster accreditations is being done. From this perspective, it is planned that the Accreditation Council will identify specific problems every half year which should be inspected in a cross-agency approach.

From the viewpoint of the accreditation agencies, the monitoring, in part, is seen – as already mentioned before – as taking place in very small steps even when the change in the direction of the monitoring of the individual processes is perceived as positive. According to the information from the office, the critique of the agencies could, among other things, be attributed to the fact that in the recent past, the compliance to specific criteria has been more decisively demanded. The agencies had previously developed a practice which, in part, led to inconsistencies between individual agencies and their accreditation decisions.

The second instrument for the continuous inspection of the work of the agencies by the Accreditation Council is the function as grievance authority. The representatives of the agencies evaluate the work of the Accreditation Council in this function as positive because it returns the complaints of the universities first of all to the agencies in order to bring about an internal clarification between the agency and the HEI. According to an agency representative, the Accreditation Council "has up to now always acted very professionally and decidedly fair" with concrete complaints.

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.

When questioned, all discussion participants mentioned sceptically that the complaint process is hardly known at the HEIs and thus seldom used. 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.

The panel greets the fact that the Accreditation Council attaches great importance to the consideration of specific questions which are awkward to the individual agencies. 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. As a result, it would be possible, from the perspective of the panel, to help shape the discourse on qualitatively high quality study programmes more strongly than to date in addition to evaluating the minimum or threshold standards. In a creative sense, the panel also greets the planning of the Accreditation Council to accompany the first processes of the system accreditation done by the agencies.

4.4 Promoting International Collaboration

"The core assignment of the international collaboration is to promote the mutual understanding about the quality assurance systems, develop comparable criteria, methods and standards of the quality assurance to assist in the mutual recognition of accreditation and quality assurance decisions and as a consequence of this, to simplify the mutual recognition of the degree programmes, improve the transparency of the course offerings and promote mobility in the sense of trans-national freedom of movement in this way."[8]

According to the managing director of the Accreditation Council, the Accreditation Council is, for example, facing the question of which conditions must be met so that already accredited study programmes can be mutually recognised within Europe.

Both the managing director of the HRK as well as individual agency representatives and the student representatives on the Accreditation Council express, in this connection, that the duty of the international collaboration cannot be performed to a satisfactory extent by the Accreditation Council due to the limitations of the resources (cp. 5.4). In the future the Accreditation Council must have to a greater extent, the possibility of being able to concentrate on strategical duties. Only then can it also perform its duty as an interface for Europe.

Based on the accounts in the self-evaluation report and the discussions held, the evaluation panel holds the position that the Accreditation Council has, at its disposal, a good network with the European accreditation and quality assurance agencies and complies with its tasks in the international collaboration – within their framework – to a sufficient degree. The panel greets the planned monitoring of the Swiss Accreditation Council's evaluation process and encourages the extension of this form collaboration beyond Switzerland. In this context, the panel shares the point of view that the Accreditation Council should have more resources placed at its disposal in the future (cp. 5.4).

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[8] **cp. A**CCREDITATION COUNCIL 2007, P. 31.

4.5 Information

The Foundation's information requirement refers to the addressee groups in the states (Laender), the HEIs, the interested public, agencies and the Foundation's organs. According to the self-evaluation report, the foundation's website represents "one of the central instruments for the announcement of accreditation data and the distribution of information for states (Laender), universities, agencies and the interested public [...] which was radically overhauled and newly designed at the beginning of 2007".[9]

The self-evaluation report also contains a description of the information flow between the office/the Accreditation Council and the KMK, HRK and the agencies. In the Appendix, there are a variety of lectures documented by the members of the

Accreditation Council and the staff within the framework of symposia and seminars.

From the viewpoint of the evaluation panel, the website is clearly structured, well arranged and contains a variety of information and documents for the different addressee groups. The Information on the website, the accounts in the self-evaluation report and discussions held imply that the Foundation adequately meets the information requirement on the Internet.

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.

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.

At this point with a look at the information policy on grievance procedures and resource questions, additional information can be found in the accounts in 4.3 or 5.4..

4.6 Competition

One assignment of the Accreditation Council is to guarantee a fair competition between the six agencies in Germany. The compliance with this duty is apparently difficult to do as shown in practically all of the discussions.

The evaluation panel gave this aspect a special importance within the framework of the on-site discussions, because here – as already mentioned in 4.1 – essentially, questions on the quality perception and accreditation system overall are affected. The leading question here was, how far the competition is geared to high qualitative standards or low prices or how the former can be trained within the German accreditation system.

As far as this topic was broached, all discussion participants agreed that currently a competition over high qualitative standards only in basic approaches becomes important, and primarily, the design of the conditions determines the competition. The agencies fight for

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[9] **cp. A**CCREDITATION COUNCIL 2007, P. 31.

customers, in part, with cheap offers at the universities. This is all the more problematic, because actually, all agencies have the legal duty to guarantee compliance with the same minimum standards.

Based on the differing financing modi of the agencies and especially through the state-supported knock-on financing of several agencies, there have been – according to the assessment of the majority of the agency representatives –, especially in the first years of the accreditation system in Germany, differing working conditions so that distortions of competition were seen which, according to an agency representative, could be labelled as "hidden subsidies" through the knock-on financing for agencies by individual federal states. This situation has contributed significantly to the fact that clear distortions of competition with regard to pricing have been detected.

According to several agency representatives, the Accreditation Council should have anticipated this problem sooner and more emphatically. In the "Round Table", the subject was, it is true, taken up, but remained without consequences. Corresponding expectations of the re-accreditation, have not been met according to the viewpoint of several agency representatives. Thus the re-accreditation of the agencies has not been used for structurally needed changes – like the adjustment of the different financing models of the agencies and the associated creation of a fair competition. When questioned, however, the vast majority of the discussion participants gauged this aspect currently as having a subordinate significance because, in the meantime, all of the agencies are exclusively supported by self-earned revenues.

Associated with a competition which is primarily adjusted downwards through market prices, the risk of a qualitative downward spiral is given fear both representatives of the agencies as well as all groups of the Accreditation Council, the HRK and of the KMK. This could express itself in the attempt to reduce the accreditation outlay by, for example, within the framework of cluster accreditations, reducing the evaluation panels and not involving subject-specific experts in every case, in order to procure a competitive advantage through corresponding pricing. This initially plausible assumption cannot be proven, however, on the basis of previous inspections according to statements by the management of the Accreditation Council; at any rate, there have been no cases in which universities have complained. The evaluation panel verifies in this connection that this situation can probably be explained in that the interest of the specialist departments is frequently directed toward low-priced and less complicated processes.

The establishment of a competition based on the quality and reputation of the agencies is apparently difficult to carry out. The representatives of the accreditation agencies foster, according to their own testimony, a corresponding, above the minimum standard, quality perception and award, in part, their own additional certificate for study programmes which are demonstrably visibly above the expected standards. To what extent these quality certifications are taken note of by HEI applicants, the teaching staff and the broad public, cannot be proven satisfactorily on the part of the evaluation panel. A certain amount of scepticism by the panel members persists in connection with this problem. At the same time, it shows that on the one hand, the already mentioned problem of the simultaneity of accreditation in the sense of standard assurance as well as accreditation as a factor of quality development has not yet been satisfactorily solved. On the other hand, within the discussions, it is clear that based on the comparatively short tradition of the German accreditation entity, the agencies have not yet been able to build up a wide-ranging

competitively-relevant reputation. Additionally according to the chair of the Accreditation Council, the question of the competition with regard to an immense number of still to be accredited and re-accredited study programmes hardly comes up.

According to individual agency representatives, a certain qualitative competitive factor, for example, through the choice of the experts or the intensity of the consultation by the individual agencies could, partially, become important whereby the development of a consulting by the agencies stumbles on narrow limits and competes with the evaluation duty.

In principle, the evaluation panel sees the duty of the Accreditation Council to arrange for a fair competition as complied with. The problems mentioned apparently refer partially to the set-up phase of the German accreditation system. So the German accreditation system is identified by the contradiction that the six agencies, on the one hand, assure the same minimum standards, but on the other hand, should compete with each other: Which effect, other than price dumping, is to be expected under the authority of the Accreditation Council? And what can the Accreditation Council actually do to guarantee "fair competition" with the exact same product?

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 discourse in the coming years. Especially the experience from the re-accreditation of individual study programmes and the system accreditation and also internationally comparative knowledge should be incorporated here. 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. Although the accreditations done by the agencies should show equivalence, it should be possible for the agencies to distinguish themselves above and beyond the basic accreditation by being able to award e.g., a seal of quality which is above and beyond the usual one.

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. Foreign accreditation agencies are distinguished by differing degrees of standing or through different quality standards which, among other things, are signalised through different levels of accreditation petition failure rates. Increasingly, Faculties, especially those in economics opt for accreditation by foreign agencies so that the varying levels of the quality of the education are signalised on an international level. According to the valid regulations, these study programmes must then once more go through a complete accreditation process by an agency recognised by the Accreditation Council. The chair of the council signifies that he is open to an initiative for the introduction of a shortened process for study programmes already accredited by foreign agencies in good standing.

4.7 Further Development of the System

According to the resolution of the KMK "quality assurance in education" of 22nd September 2005, the Accreditation Council was charged with formulating recommendations for the further development of the system in addition to compliance of the legal tasks. According to

the Accreditation Council, as a result, a working group was set up and with its help, recommendations were developed which were, at first, publicised by the Accreditation Council for the implementation of system accreditation processes on a trial basis then further substantiated and in a decision by the council of 08th October 2007, recorded. At the end of 2007, the decision was made by the KMK to introduce the system accreditation at German universities (Resolution of the KMK of 13th December 2007). Based on the ad interim suspension of the documents, a final resolution was made at the session of the Accreditation Council of 28th and 29th February 2008. Consequently, there is still no experience with regard to the system accreditation so that for the evaluation panel, the documents relevant for the system accreditation, the Accreditation Council's self-evaluation report and the discussions with the stakeholders primarily served as a basis for evaluations.

In the future, German HEIs have the opportunity to choose between programme or system accreditation, under the assumption that they meet the requirements for the respective process. The system accreditation is judged to be a necessary step for the majority of the council members because the programme accreditation shows a series of weaknesses including

i)   the overload of capacity of the agencies attributed to the abundance of Bachelor's and Master's programmes,

ii)   symptoms of fatigue associated with the numerous evaluation processes on the part of the universities,

iii)   the high costs for the universities and

iv)   the overlapping of the simultaneously done evaluation and accreditation processes.

The majority of the discussion participants see in the establishment of system accreditation, a promising way to advance the process of quality development at German HEIs. In this way the autonomy concept of the institutions could be strengthened in line with the decision for the system accreditation, the motivation of the HEIs toward the quality assurance increased to comprehensive quality management approaches and subsequently an upward bound quality spiral actuated. The argument on cost savings for the universities is not supported by the majority of the discussion participants. Consequently the institutions would have to anticipate comparatively high investments with the implementation of a functioning quality management system. The investments remain, however, – unlike with the programme accreditation – at the universities. A self-monitoring process was created through the system accreditation where at last the level of results can also be depicted, whereby the programme accreditation has not got over the character of an "inspection". When queried on how the programme accreditation should be dealt with in the future, the representative from the professional practice stated that this would be needed, also in the future; for random sampling within the system accreditations and should not be completely done away with.

The student representatives are much more critical of the system accreditation and express concerns that only a few HEIs have the structure necessary for the system accreditation. It is feared that study programmes would be set up with greatly simplified procedures and without further reviews. A programme accreditation with greater parts on the systemic level is deemed more promising from their viewpoint.

On the part of the HRK representatives and the state representatives it was pointed out that there is currently a tendency toward low acceptance of the system accreditation by the

public. Consequently the internal process for the setting up of programmes at a system-accredited university is hardly known. The system accreditation also has a "negative manner of speaking" due to its alleged competitive pricing in public discussion.

All of the discussion participants agree in a very positive assessment of the use of the working group "Further development of the accreditation system". The agencies criticised that a more deliberate approach had been requested and the decisions in the council had been precipitant as well as frequently strongly politically motivated. The chair of the accreditation council also described the underlying interests of the individual stakeholders as, in part, not exclusively coming from rational considerations. On the basis of the composition of the representatives on the Accreditation Council and their presence on the relevant committees, however, self-adjusting forces were released which finally led to rational decisions.

The evaluation panel supports the decision to introduce the system accreditation[10] into the German Higher Education System. The adopted course to leave to the HEIs, in the future, the choice between programme accreditation and system accreditation, appears to be goal-oriented and should, at least, be continued until a critical mass of system-accredited institutions is reached.[11]

There seems, however, to exist a gap between the conceptional further development of the accreditation system in Germany and its empirical coverage. The origination process of the new recommendations for the introduction of the system accreditation can largely be assessed as politically-steered in so far as the system accreditation is introduced even before the Accreditation Council submits adequate empirical results hereto. The needed resources for a concomitant research are also missing. 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.

In the future the Accreditation Council should ensure that the wide-ranging experience in the area of system accreditation can be systematically collected and evaluated on a scientific basis. The plan of the council to participate in coming system accreditation processes is seen as extremely useful. 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 (cp. 5.4).

Independent of the previous remarks, the question was taken up within the framework of the discussions held, of just how far the current design of the accreditation system in Germany should be maintained in the future. The introduction of a European register but also the significant part of the visible 'official' function of the accreditation agencies suggests the

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[10] With reference to the international context (or the international concept formulisation), the evaluation commission recommends that the term the "system accreditation" be subject to a renewed discussion in the near future and if necessary, more clearly defined.

[11] In this context, it is pointed out that the student representatives of the evaluation commission share the concern expressed by the student representatives on the Accreditation Council with a view to the system accreditation.

question of, whether the Accreditation Council as a comprehensive committee is required it or if not a design were conceivable in which the individual agencies were a part of the central accreditation agency and formed a common board.

The evaluation panel is of the view that both questions cannot be definitively answered at the moment because on the one hand, no experience exists in the establishment of the European register for quality assurance agencies and on the other hand, a system change cannot be carried out at the moment with regard to the current introduction of the system accreditation. The panel is, however, of the view that both questions should be given increased attention in a sequential evaluation.

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.

5. Compliance with the European Standards: ESG and ECA

In terms of the ENQA Guidelines, the Compliance of the *European Standards and Guidelines for Quality Assurance in the European Higher Education Area* will be considered in the following. The Sections 5.1 to 5.8 correspond to the subchapters 1 to 8 of the third part of the *European Standards and Guidelines: European standards for external quality assurance agencies.*

Each of the sections quotes the text of the corresponding ESG standard, the evidence used in the evaluation of the standard, a deliberation and an appraisal of this evidence by the evaluation panel and contains a concluding evaluation of the way the respective standard can be judged as fully compliant, partially compliant or non-compliant.

A separate adjustment with the standards of the European Consortium for Accreditation *Code of Good Practice* will not be made because the contents of the ESG standards and the ECA standards, are, for the most part, identical. The equivalent of the ESG and the ECA standards are found in the headings the respective sections.

The ECA Standard 11 (international collaboration) is an exception. For this standard a separate evaluation is done in Section 5.9.

5.1 Use of external quality assurance procedures for higher education (ESG: 3.1; ECA: 17)

Standard:

The external quality assurance of agencies should take into account the presence and effectiveness of the external quality assurance processes described in Part 2 of the European Standards and Guidelines.

Guidelines:

The standards for external quality assurance contained in Part 2 provide a valuable basis for the external quality assessment process. The standards reflect best practices and experiences gained through the development of external quality assurance in Europe since the early 1990s. It is therefore important that these standards are integrated into the

processes applied by external quality assurance agencies towards the higher education institutions.

The standards for external quality assurance should together with the standards for external quality assurance agencies constitute the basis for professional and credible external quality assurance of higher education institutions.

Proof:

In the self-evaluation report of the Foundation, there is extensive documentation on how the standards and guidelines defined by ESG in Part 2 are integrated in the processes of the external quality assurance. Furthermore, out of the varied activities of the council in European and international committees and networks, the international activities of the former chair and two of the permanent international experts on the Accreditation Council, an integration of proven European practices and experience in the work of the Foundation can be concluded.

Assessment:

The Accreditation Council does not accredit study programmes itself but rather accredits agencies which carry out the accreditation at the HEIs. The evaluation panel sees the process rules and criteria of the standard as complied with based on the self-evaluation report and the resolutions on principles submitted.

Evaluation:

Fully compliant

5.2 Official Status (ESG: 3.2; ECA: 2)

Standard:

Agencies should be formally recognised by competent public authorities in the European Higher Education Area as agencies with responsibilities for external quality assurance and should have an established legal basis. They should comply with any requirements of the legislative jurisdictions within which they operate.

Certification:

The law *Foundation for accreditation of study programmes in Germany* (ASG) of 15th February 2005 contains, among other things, the tasks of the foundation and a description of the foundation authority.

Out of the resolution *Agreement of the Foundation "Foundation: accreditation of study programmes in German" of* 16th December 2004, the additional explanation of 15th December 2005 of the KMK as well as the states (Laender), the assignment of the fulfilment of their tasks follows in the implementation of the mutual structural instructions to the Foundation.

Especially out of the discussions with the representatives of the KMK and of the states as well as with the HRK, but also in all further discussions, it becomes apparent that the foundation in its functions and the tasks associated with it are formally recognised by the different stakeholders.

Assessment:

Based on the ASG, a secure, legal basis of the Foundation can be assumed. The official status of the Foundation is supported by the fact that the members of the different organs of the Foundation represent the relevant stakeholders in the German higher education system.

Evaluation:

Fully compliant

5.3 Activities (ESG: 3.3; ECA: 13)

Standard:

Agencies should undertake external quality assurance activities (at institutional or programme level) on a regular basis.

Guidelines:

These may involve evaluation, review, audit, assessment, accreditation or other similar activities and should be part of the core functions of the agency

Proof:

The Accreditation Council does not carry out – as already described – accreditation processes at HEIs itself, but rather accredits and re-accredits accreditation agencies, defines criteria and process rules for accreditation procedures and monitors the work of the agencies. In this respect, the criteria and resolutions prepared by the Foundation, the accreditation and re-accreditation of agencies as well as the treatment of complaints can thus be interpreted as activities. The criteria and other resolutions of the past three years can be seen on the Foundation's Internet portal. They include:

- Criteria and process rules for the accreditation of agencies,
- Criteria and process rules for the accreditation of study programmes,
- Criteria and process rules for the system accreditation,
- Resolutions on the application of interstate structural instructions und international guidelines,
- Resolutions on the accreditation of agencies, as well as
- Resolutions on further basic questions.

In the past three years, a total of 46 resolutions were adopted by the Foundation (2005: 14 resolutions, 2006: 12 resolutions, and 2007: 20 resolutions). Further activities of the Foundation are found in the progress reports of 2003-2006.

Additionally the Accreditation Council re-accredited the six currently recognised accreditation agencies in 2004, 2006 and 2007 (cp. Hereto in detail 4.2).

A further central task of the council, with the resolution of the KMK, is to strive more intensely for the development of alternative or additional accreditation processes (cp. 4.7) in respect of the increasing critique of processes of the programme accreditation. The first corresponding pilot experiments of the process accreditation were done with the financial support of the Federal Ministry of Education and Research (BMBF), by the HRK and the accreditation agency ACQUIN. The Accreditation Council was involved in this pilot project, but not

classified as the central agency. With the beginning of the discussion on the introduction of the system accreditation, this was changed and the Accreditation Council integrally shaped the process basics in discourse with the agencies and stakeholders.

Assessment:

The central tasks of the Foundation for the accreditation of study programmes – like the accreditation and re-accreditation of study programmes, the drawing up of criteria and process rules for accreditation procedures – is reflected in the resolutions of the last three years. The contents as well as the quantity of the resolutions suggest brisk activities in central areas of tasks of the Foundation. Especially the monitoring of the agencies within the context of individual random sampling and the prospective processes of the system accreditation as well as the analysis of specific, agency-overlapping aspects of the accreditation, represent, from the viewpoint of the evaluation panel, a sensible and welcome extension of the previous activities of the Accreditation Council and result in the Accreditation Council primarily having experience available in different processes of the quality assurance on institutional and program levels.

Evaluation:

Fully compliant

5.4 Resources (ESG: 3.4; ECA: 5)

Standard:

Agencies should have adequate and proportional resources, both human and financial, to enable them to organise and run their external quality assurance process(es) in an effective and efficient manner, with appropriate provision for the development of their processes and procedures.

Proof:

Currently at the office of the Foundation, in addition to the managing director, three consultants (100%, 75%, and 75%) as well as a clerk (50%) are employed.

Material resources are available to the Foundation according to the self-evaluation report in the form of rented office space and IT equipment. Currently the Foundation receives financial allocations in the amount of 350,000 € p.a. which is collectively paid through the 16 states (Laender). The Foundation also has available the possibility of seeking external funding.

According to statements by the management, the non-monetary materials and financial means provided are sufficient for the coverage of the fixed costs and to pay for routine task-filling. Also in the future, it is anticipated – for example, in the context of the introduction of the system accreditation – that the day-to-day business can be covered with the existing resources.

Tasks and plans which surpass the day-to-day business cannot be afforded to a satisfactorily extent according to statements by the majority of the discussion participants.

Consequently the Foundation cannot adequately satisfy their assignment to promote international collaboration from the viewpoint of the student representatives due to the limited means for trips abroad. In the same way, individual agency representatives and the

secretary general of the HRK remark that the current Foundation funding and materials are not sufficient in order to be able to take over the assignment of an international networking and scientific analysis of relevant processes in addition to other strategic assignments. The chair of the Accreditation Council says, in this context, that he hopes for better financial funding for assignments in the European and international areas for the future within the framework of a project financing by the BMBF.

The current funding is not enough from the viewpoint of the chair and the management for duties which would be conducive to the further development of the system to the desired extent. Consequently in the near future with a view to the system accreditation, a systematic monitoring of gained experience is needed. In the same way research projects in the area of quality assurance and accreditation are desirable in order to be able to guarantee a stronger empirical foundation of the work of the Accreditation Council. The staff themselves cannot, it is true, conduct a scientific monitoring, however, the awarding of research assignments to external facilities is conceivable. The state representatives and representatives of the HEIs share the assessment that research projects should be, primarily realised by external facilities in the sense of mission-oriented research and not by the council's staff. Generally the strategic further development of the system is seen less as an assignment of the staff from the viewpoint of the state representatives. Rather the discussion participants deem Accreditation Council as a learning system in the centre of which, the stakeholders decisively influenced and promoted the strategic further development of the accreditation system.

Based on the statement in the self-evaluation report and the comments of the student representatives, the financial means are not adequate in order to realise duties in the area of the public relations, for example, through the orientation on events and seminars in to a reasonable degree.

In discussions with agency representatives, the management of the Foundation, the chair and staff, the necessary qualifications of the staff to be provided was the topic of discussion. Whereas the managing director was expressly certified by all discussion participants as having a high level of expertise, individual agency representatives expressed themselves in a more critical manner with regard to the background experience of the council's staff. Consequently it was shown, using the example of the review of the documents in the re-accreditation process, that they did not have, in part, the necessary experience or competence to be able to recognise the relevant aspects in the documentation. This has as a consequence a loss of acceptance of the Foundation's work.

From discussions with the council's staff and the CVs provided, it appears that they could fall back on varying experience in the area of the accreditation and quality assurance before the appointment at the agencies. Hereto belong consultant and academic employee functions at universities and agencies. Within the Foundation, the staff takes part regularly in the Accreditation Council sessions, relevant conferences and seminars and annually sit in on the on-site inspections of the accreditation agencies.

According to the management of the Foundation, the critique of the agencies regarding the past is, in part, understandable, in the meantime, processes have been established which are conducive to the promotion of the competencies of the staff. In the future, it is planned, for example, that the staff take over the secretarial function within the context of the evaluation processes in Switzerland and be able to gather needed additional experience by the monitoring of processes of the system accreditation. In this connection the chair of the Accreditation Council mentioned that the critique of individual agency representatives can be

attributed to the fact that the Accreditation Council carries out the monitoring of the agencies today much more consequently than in the past, and when necessary, the evaluation of the agencies is, because of this, more discerning. Basically the staff received positive feedback for their work in the day-to-day operations also on the part of the agencies.

Assessment:

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.

Evaluation:

partially compliant

5.5 Mission Statement (ESG: 3.5; ECA:1

Standard:

Agencies should have clear and explicit goals and objectives for their work, contained in a publicly available statement.

Guidelines:

These statements should describe the goals and objectives of agenciesÕ quality assurance processes, the division of labour with relevant stakeholders in higher education, especially the higher education institutions, and the cultural and historical context of their work. The statements should make clear that the external quality assurance process is a major activity of the agency and that there exists a systematic approach to achieving its goals and objectives. There should also be documentation to demonstrate how the statements are translated into a clear policy and management plan.

Proof:

The Foundation for accreditation of study programmes has a Mission Statement which can be called up on the homepage of the Foundation website. The Mission Statement was embodied in the resolution of 18th June 2007 and contains the duty of the Foundation, self-concept, work principles and goals as well a representation of its own understanding of quality.

The aspects on the questions of quality perception of the Accreditation Council are addressed in 4.1 and 4.

Assessment:

The duty of the Foundation and the goals are clearly and explicitly recorded, available to the general public as well as comprehensibly formulated. The accreditation is highlighted as the central activity of the Foundation and the translation of this duty is represented in concrete activities.

Evaluation:

Fully compliant

5.6 Independence (ESG: 3.6; ECA: 3, 9, 10, 15)

Standard:

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.

Guidelines:

An agency will need to demonstrate its independence through measures, such as:

• Its operational independence from higher education institutions and governments is guaranteed in official documentation (e.g. instruments of governance or legislative acts).

• The definition and operation of its procedures and methods, the nomination and appointment of external experts and the determination of the outcomes of its quality assurance processes are undertaken autonomously and independently from governments, higher education institutions, and organs of political influence.

• While relevant stakeholders in higher education, particularly students/learners, are consulted in the course of quality assurance processes, the final outcomes of the quality assurance processes remain the responsibility of the agency.

Proof:

The ASG as well as the results of the on-site discussions serve as an evaluation basis of the above-formulated standards and guidelines.

The organs of the Foundation for accreditation of study programmes in Germany are the Foundation council, the Accreditation Council and the board of the Accreditation Council. The Foundation council monitors the legitimacy and economy of the administration of the foundation business through the Accreditation Council and the board. The Foundation council is made up of state representatives (six votes) and university representatives (five votes).

The Accreditation Council is made up of four HEI and four state representatives each, five representatives from professional practice, two students, two foreign representatives with experience in the area of accreditation as well as an agency representative (with advisory vote).

The board is made up of the chairman and the deputy chairman of the council as well as the managing director.

Within the framework of the evaluation discussions, the topic of discussion was to what extent here the independence of the Accreditation Council is compromised with regard to the presence of the state representatives on the Accreditation Council. Independence here especially has to be seen with regard to the integration of politics as well as of the HEIs.

In the discussions, the representatives of individual agencies expressed the opinion that independence in the true sense is not possible because in the end, the influence of the states is still very significant. As an example, the intervention of states within the framework of the introduction of the system accreditation was mentioned. The states kept open the possibility to revise or question decisions of the Accreditation Council over the influence of the KMK.

The state (Laender) representatives find the current design of the Accreditation Council a successful one. It is emphasised here that the states are also responsible for, inter alia, the financing of the universities and accordingly also had a voice in the determination of the rules of the accreditation. From the evaluation panel's point of view, as an explicit result of the above, the required or existing standard of "independence" on a European level has been questioned by the state (Laender) representatives. Though the state (Laender) representatives emphasize in discussions that through their inclusion in the Accreditation Council, the communication between the KMK and the Accreditation Council has been significantly simplified. The federal structure of Germany requires the production of a complex balance between the interests of the states and regulations which affect all states.

Additionally the state (Laender) representatives do not have a majority on the Accreditation Council so that a dominance of the states is out of the question. In the end, the state (Laender) representatives do not act as political representatives, but rather they are independent in their voting behaviour and to be seen as experts who can fall back on enormous professional competencies ad persona or within their ministries.

Even if the chair of the Accreditation Council sees the state (Laender) representatives as stakeholders to the same extent as in their function as experts, there is a balance of power in the Accreditation Council because the state (Laender) representatives alone do not have a majority.

The HEI representatives on the Accreditation Council agree with this assessment in principle. From their point of view, the KMK has set up a framework for the work of the Accreditation Council, without lobbying for decisions within the framework. Picking holes in arguments is thus less the decision-making practice of the council, but rather, if the framework specifications of the KMK should not be further defined perspectively in order to open up more freedom of action for the Accreditation Council.

The representative from the professional practice also sees, it is true, improvement potential for the future, but at the same time with a look at the history and influencing control of politics on the contextual form of the curricula, sees an enormous gain through the current accreditation system.

The student representatives, in contrast, strongly criticise the direct influence of politics, mediated over the ministerial bureaucracy involved with the decision-making of the Accreditation Council. Even the introduction of the system accreditation cannot be understood or explained without the influencing control of the ministries.

From the point of view of the discussion participants of the HRK, the Accreditation Council can only be understood in an ideal-typical sense as a panel of experts. Individual

stakeholders still emerge on the Accreditation Council who have special interests instead of expert orientation. The implementation of problem-oriented working groups can sidestep this problematic partially so that an expert monitoring of the individual processes can be implemented the soonest using the instrument of the working groups.

Assessment:

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.

Evaluation:

Partially compliant

5.7 External quality assurance criteria and processes used by the agencies (ESG: 3.7; ECA: 4, 9, 12, 14, 16, 17)

Standard:

The processes, criteria and procedures used by agencies should be pre-defined and publicly available.

These processes will normally be expected to include:

• a self-assessment or equivalent procedure by the subject of the quality assurance process;

• an external assessment by a group of experts, including, as appropriate, (a) student member(s), and site visits as decided by the agency;

• publication of a report, including any decisions, recommendations or other formal outcomes;

• a follow-up procedure to review actions taken by the subject of the quality assurance process in the light of any recommendations contained in the report.

Guidelines:

Agencies may develop and use other processes and procedures for particular purposes.

Agencies should pay careful attention to their declared principles at all times, and ensure both that their requirements and processes are managed professionally and that their conclusions and decisions are reached in a consistent manner, even though the decisions are formed by groups of different people.

Agencies that make formal quality assurance decisions, or conclusions which have formal consequences should have an appeals procedure. The nature and form of the appeals procedure should be determined in the light of the constitution of each agency.

Proof:

As the relevant documents for this question, the "criteria for the accreditation by accreditation agencies" and the "general rules for the implementation of processes for accreditation and re-accreditation by accreditation agencies" as well as the "general rules for the implementation of processes for the accreditation and re-accreditation of study programmes" are especially drawn on.

Assessment:

The relevant processes of the accreditation and re-accreditation by agencies indicate the necessary application of the standard i.e. they are based on a self-evaluation of the agencies to which an external review is added. The process standards provide that all relevant stakeholders are involved. The accreditation and re-accreditation processes implemented by the Accreditation Council follow in accordance with the evaluation panel's on-hand documents and the meeting results these process principles.

The evaluation report is properly published by the Accreditation Council and the random monitoring and inspection of the agencies as well as the process of the re-accreditation and the requirements which have been identified and are to be met within the framework of the process, are adequate for a suitable follow-up.

Evaluation :

Fully compliant

5.8 Accountability procedures (ESG: 3.8; ECA: 6, 7, 8, 15)

Standard:

Agencies should have in place procedures for their own accountability.

Guidelines:

These procedures are expected to include the following:

1. A published policy for the assurance of the quality of the agency itself, made available on its website;

2. Documentation which demonstrates that:

• the agency's processes and results reflect its mission and goals of quality assurance;

• the agency has in place, and enforces, a no-conflict-of-interest mechanism in the work of its external experts;

• the agency has reliable mechanisms that ensure the quality of any activities and material produced by subcontractors, if some or all of the elements in its quality assurance procedure are subcontracted to other parties;

• the agency has in place internal quality assurance procedures which include an internal feedback mechanism (i.e. means to collect feedback from its own staff and council/board); an internal reflection mechanism (i.e. means to react to internal and external

recommendations for improvement); and an external feedback mechanism (i.e. means to collect feedback from experts and reviewed institutions for future development) in order to inform and underpin its own development and improvement.

3. A mandatory cyclical external review of the agency's activities at least once every five years.

Proof:

The Foundation formulated with the resolution of the Accreditation Council of 18th June 2007, a quality policy which is accessible to the public over the foundation's website. In addition to the basics of the quality policy, the core processes for compliance of the legal requirements as well as a description of the associated measures can be found.

The prejudice of external experts or agencies is countered by having these sign a corresponding declaration.

Because the Foundation does not employ any subcontractors, this aspect is not taken into closer consideration.

In the quality policy of the foundation both internal and external feedback-structures are planned. Weekly meetings for the purpose of short and middle-term planning take place within management as well as annual feedback meetings between the management and the staff. External feedback structures are visible through annually occurring discussions with the KMK and HRK and active participation in European and international organisations.

Out of the self-evaluation report and the discussions held, furthermore, it emerges that for the HEIs accredited by the agencies, the possibility of opening a grievance process with the Accreditation Council exists (cp. hereto 4.3). In addition, a series of examples are found in the self-evaluation report which suggest the existence of procedures for the obtainment of feedback from the different stakeholders.

Based on the statements of the agency representative on the council, the chairman and the management of the Accreditation Council, a series of different feedback structures exist especially between the Accreditation council and the accreditation agencies. A round table held three-times a year is an institution with the agencies. Additionally a representative of the agencies with an advisory vote is a permanent member of the Accreditation Council. Finally, the processes of the re-accreditation as well as the informal way, offer possibilities for the exchange of information.

Individual agency representatives see in the current available processes, approaches for a feedback structure but not a systematic participation of the agencies in a quality cycle. In this way, the representation of the agencies on the Accreditation Council through only one representative is not deemed as adequate and the lacking possibility of the participation in working groups is critically evaluated. The wish for a "more direct culture of discussion" has been mentioned in this connection. This can be implemented through the use of institutionalised working groups, for example, or through the establishment of an "extended board of the council".

The work of the Foundation is evaluated regularly in five-year intervals by a group of external experts according to the bylaws of the Foundation for the accreditation of study programmes in Germany.

Assessment:

The evaluation group sees the standard as met.

Evaluation:

Fully compliant

5.9 International Collaboration (ECA: 11)[12]

Standard:

The agency works with other national, international and/or professional agencies together.

Question:

Which European networks or agencies in the area of quality assurance and accreditation does the agency work with on a regular basis?

References:

The agency works actively with other national/professional agencies together.

The agency acts in compliance with the set framework in the area of quality assurance and accreditation in Europe.

Proof:

The Foundation belongs to the following European or international networks of the quality assurance as an active member: the European Association for Quality Assurance in Higher Education, the International Network for Quality Assurance Agencies in Higher Education (INQAAHE), the European Consortium for Accreditation (ECA), the Joint Quality Initiative (JQI), the Trinational Netzwerk der Akkreditierungseinrichtungen in Deutschland, Österreich und der Schweiz (D-A-CH) [Trinational Network of the Accreditation Facilities in Germany, Austria and Switzerland].

Co-operation agreements exist with the Spanish Agencia National de Evaluatión de la Calidad y Acreditación (ANECA) and the Dutch-Flemish accreditation facility (NVAO).

Furthermore the various activities of the management of the Foundation and current or previous members of the Accreditation Council in European committees out of the area of the quality assurance are referred to in the self-evaluation report.

The discussions signalised, in part, a lack of clarity with a view to how the relationship between the Accreditation Council and the agencies is regulated with regard to international co-operation. According to the managing director of the council, it can be assumed, however, that international activities between the council and agencies are sufficiently communicated and coordinated.

More information on the question of international networking of the council can be found in Chapter 4.4.

Assessment:

Overall from the point of view of the evaluation commission, the impression exists that the

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[12] The translation of the ECA standards 11 was done by the Centre for quality assurance and development.

international orientation of the Accreditation Council is already advanced, but that further co-operation appears desirable.

Evaluation:

Fully compliant

6. Conclusions

The German accreditation system finds itself in a transitional situation. It is no longer the old system of government control (Keyword: general examination regulations) of education and studies by the ministries. It has not yet completely developed into a new system of market management through free competition between universities and free competition between agencies. Instead the German accreditation system has the features of both - of persistence and innovation. For this reason, it is also marked, in part, by hybrid moments. Such transitional phenomena is, for example, found:

- in the participation of the states (representation by the ministries) in the work of the Accreditation Council (cp. 5.6).

- in the relationship of the agencies to each other and to the Accreditation Council because these should be in competition to each other as well as all guarantee the same standards.

- in the north-south-differential between the federal states and the associated spatially/territorially unbalanced expansion or penetration of the accreditation process in Germany. While in some states all Bachelor's and Master's programmes are accredited (e.g. Bremen), this has happened in other states until now (e.g. Bavaria) only by way of exception.

- in the, in part, unexplained or contradictory relationship between the KMK and the Accreditation Council, which consequently means that the Accreditation Council according to the self-evaluation report, can be perceived only ineffectually in its function as a clearing site between divergent state guidelines for the studies and education.

If the analysis of the German accreditation system is followed as a national quality assurance system in transition, in the transformation stage, a clear look at the phenomena, problems and prognoses of the observed change arises. From this, there are consequences to be drawn especially for the desired future development such as:

- the personnel restructuring of the Accreditation Council and a new, clear role definition for the states;

- the announcement of a required uniform nationwide administration of the necessity of the accreditation of the 16 federal states (Keyword: empirical dissemination);

- the setting up of a higher education research on the mechanism of the accreditation which can serve a prospective but also empirical guaranteed further development of the accreditation system in Germany.

Within the framework of the evaluation, the aspect of Gender Mainstreaming could not be definitively evaluated. This does not only apply to the question of organisation of the accreditation system in Germany, but also to the consideration in the study programmes

themselves. The evaluation commission recommends that this question as well as the aspects mentioned before be given special attention within the framework of the following evaluations.

Appendix

Appendix A 1: Overview of Literature and Documents used

1   BUNDESMINISTERIUM FÜR BILDUNG UND FORSCHUNG (BMBF) (2007): Der Bologna-Prozess. Online im Internet: http://www.bmbf.de/de/3336.php. (Stand: 11.04.2008).

2   GRIMM, REINHOLD R. (2008): Das Verfahren der Systemakkreditierung. Vortrag auf der Tagung des Akkreditierungsrates „Systemakkreditierung: Verfahrensregeln und Kriterien" am 13. März 2008, Berlin-Brandenburgische Akademie der Wissenschaften, Berlin. Online im Internet: http://www.akkreditierungsrat.de (Stand: 11.04.2008).

3   HOCHSCHULREKTORENKONFERENZ (2007): Das Projekt Qualitätsmanagement.

4   KEHM, BARBARA M. (2007): Struktur und Problemfelder des Akkreditierungssystems in Deutschland. In: Beiträge zur Hochschulforschung, Jahrgang 29, Heft 2, Seite 78-97.

5   STATISTISCHES BUNDESAMT (2008): Studierende an Hochschulen, Wintersemester 2007/2008, Vorbericht, Fachserie 11, Reihe 4.1.

6   AKKREDITIERUNGSRAT (2007): Evaluationsbericht. Selbstbericht zur externen Evaluation der Stiftung zur Akkreditierung von Studiengängen in Deutschland.

Material for the 2. Session der Commission zur Evaluation der foundation zur accreditation von study programmes in Germany:

1   Ergebnisvermerk zur 1. Session der commission zur Evaluation der foundation zur accreditation von study programmes in Germany. [Internes Dokument].

2   Durch den Accreditation Council bereitgestellte Verfahrens documents zweier anlassbezogener Überprüfungen. [Internes Dokument].

3   Durch den Accreditation Council bereitgestellte Verfahrensdocuments zweier Stichproben. [Internes Dokument].

4   Ausgestaltung der Verfahren der Überwachung and des Monitorings gemäß Beschluss „Verfahren des Accreditation Council zur Überwachung der seitens der agencies durchgeführten accreditation en gemäß § 2 Abs 1 Nr. 4 accreditation foundation Gesetz (ASG)" vom 21.09.2006. Online im Internet: http://www.accreditationsrat.de/index.php?id=6 (Stand: 11.04.2008).

5   Leitfäden bzw. criteriakataloge der accreditation agencies ACQUIN, AHPGS, AQAS, ASIIN, FIBAA and ZEvA. Online im Internet: www.acquin.org, www.ahpgs.de, www.aqas.de, www.asiin.de, http://www.fibaa.org/, www.zeva.uni-hannover.de (Stand: 11.04.2008).

6   External review of the foundation for the Accreditation of Study Programmes in Germany – terms of reference – (cp. Anhang A 3).

Appendix A 2: List of abbreviations

ACQUIN   Accreditation , Certification, Quality Assurance Institute

AHPGS   accreditation agentur for study programmes im area Heilpädagogik, Pflege,
         Gesundheit and Soziale Arbeit

ANECA   Agencia National de Evaluación de la Calidad y Acreditación

AQAS   agency for quality assurance durch accreditation von study programmes

ASG   Gesetz zur Errichtung einer foundation: foundation zur accreditation von
         Studien gängen in Germany

ASIIN   accreditation agentur for study programmes der Ingenieurwissenschaften, der
         Informatik, der Naturwissenschaften and der Mathematik

BMBF   Bundesministerium for Bildung and Forschung

ECA   European Consortium for Accreditation in Higher Education

ENQA   European Association for Quality Assurance in Higher Education

ESG   European Standards and Guidelines for Quality Assurance

ESU   European students' Union

EUA   European University Association

FIBAA   Foundation for International Business Administration Accreditation

fzs   freier zusammenschluss von studentInnenschaften

HRK   Hochschulrektorenkonferenz

INQAAHE International Network for Quality Assurance Agencies in Higher Education

JQI   Joint Quality Initiative

KMK   Kultusministerkonferenz

NVAO   Nederlands-Vlaamse Accreditatieorganisatie

ZEvA   Zentrale Evaluations and accreditation agentur Hannover

Appendix A 3: External Review of the Foundation for the Accreditation of Study Programmes in Germany, Terms of Reference

1. Introduction

This document explains the terms of references for the external review of the Foundation for the Accreditation of Study Programmes in Germany (henceforth German Accreditation Council, or GAC). In accordance with the principle of subsidiarity which underlies the *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (henceforth ESG), responsibility for the reviews resides at the national level. Consequently, the Standing Conference of the State Ministers of Education and Culture (henceforth KMK) holds overall responsibility for a review of the GAC, which is performed in consultation with the German rectors' conference (henceforth HRK).

The KMK organises and co-ordinates the process. An external review of the GAC ought to demonstrate in a verifiable manner how effectively the GAC performs the principal statutory functions set out by Accreditation-Foundation-Act and the basic regulations for accreditation given by the KMK, as well as to what extent the GAC in its work adheres to ESG and thereby fulfils the membership criteria for ENQA as well as the standards of the ECA Code of Good Practice.

The process is based on the Guidelines for National Reviews of ENQA Member Agencies.

2. Terms of reference

A cyclical external review of the German Accreditation Council is compulsory both according to the ordinance of the GAC and to international standards:

- The ordinance of the GAC has designated an external review approximately every five years.
- The *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (ESG) comprise a cyclical external review every five years
- ENQA decided at the general assembly 2005 that all members, in order to retain their membership, have to undertake an external review with respect to ESG by 2010 at the latest;
- ECA members agreed to undertake an external review of their fulfilment of the *Code of Good Practice* by 2007.

3. Aims of the Review

The following explanation is based on a process design for external reviews which was passed by the GAC at its meeting on 31 August 2006. The design was approved by the KMK on 1 February 2007.

Among other things, the external review is meant to determine to what extent the GAC meets the tasks given by national law. To determine this, both the national legal context as well as the requirements of international standards are to be taken into consideration. For this reason, the external review ought to be placed within European as well as national terms of reference.

Accordingly, this formulation of the review corresponds to a Type B report as outlined in the *Guidelines for National Reviews of ENQA Member Agencies*. During the process, the following areas of the GAC's work ought to be examined:

- In what way and to what extent does the GAC fulfil the tasks set by the Accreditation-Foundation-Law and the additional regulations by the KMK?

- In what way and to what extent does the GAC meet the membership criteria of ENQA, which at the same time means, to what extent GAC meets the *Standards and Guidelines for External Quality Assurance in the European Higher Education Area*?
- In what way and to what extent does the GAC fulfil the ECA *Code of Good Practice*?

The entire review process ought to be conducted in a spirit of full and frank objectivity, using analytical parameters such as description, strength/weakness analysis and potential for improvement.

4. Process Responsibility

Overall responsibility for the process lies with the KMK, which coordinates and organises all processes necessary for the review and takes agreement from the German Rectors' Conference on its procedure.

5. The Review Process

The external review of the GAC consists of the following phases:

- Nomination and appointment of a review panel
- A self-evaluation report by the GAC
- Review by the panel of reviewers, including a site-visit
- Report by the panel of reviewers
- Submission of the review report to the respective boards of KMK and HRK, ENQA and ECA
- Publication of the review report
- Draft of a plan for implementation of the reviewers' recommendations by the GAC

5.1. Nomination and Appointment of a Review Panel

Based on the procedure outlined by ENQA, the panel of reviewers has the following structure:

1 chairperson
1 representative of a quality assurance agency
1 national representative of higher education institutions
1 international representative of higher education institutions
1 representative of students nominated on suggestion by ESIB

The secretary performs support functions for the panel, in particular the organisation of communication and work processes as well as the drafting of the expert report. The KMK appoints members of the panel of reviewers and prepares them in an appropriate way for carrying out the review.

The review takes place in German. Though English may also be used as a working language, each member of the panel ought to have sufficient passive knowledge of German so as to allow them to read documents and understand the content of conversations.

5.2 Self evaluation

The self-evaluation report ought to be self reflexive as well as and future-oriented.

The self-evaluation report ought to demonstrate in a verifiable manner how well the GAC fulfils the legal duties, as well as to what extent GAC in its work adheres to the ESG and thereby fulfils the membership criteria for the ENQA as well as the standards of the ECA *Code of Good Practice.*

The following points must be included in the self-evaluation report:

- An outline of the national context;
- Documentation of the activities of the GAC, in particular the methods, instruments and procedures of the external quality assurance it has undertaken and appeal methods;
- Details of the GAC's internal system of quality management;

The self-evaluation report is to be sent to the panel of reviewers and the KMK six weeks at the latest before the site-visit.

The self-evaluation report is passed in a plenary session of the GAC.

5.3 Site-visit

Using input from the GAC and/or the chair of the review panel, the KMK will create and publish a schedule for the panel's site-visit. The site-visit will last two to three days, providing opportunity for conversations with all key stakeholders and representatives of the different bodies of the GAC.

5.4 Report

Together with the members of the review panel, the panel's chairperson is responsible for drafting its report. The report should be drafted in agreement among all the reviewers involved. A list of the report contents will be agreed upon by the KMK and the review panel to ensure that the formulation and aims of the review have been given appropriate consideration. The following points must be included in the report:

Executive summary

Contextual details of the review

Outline of the report's supporting documentation

Outline of the frame of reference, sequence and central elements of the review

Evidence-based analysis referring to national issues, membership criteria of ESG/ENQA and the standards of ECA-CGP

A summative conclusion regarding whether and/or to what extent ENQA membership criteria are considered to be substantially fulfilled, partially fulfilled or not fulfilled

Recommendations for improvement

6. Publication of the Review Report and Follow-Up Measures

The Review' report will be sent to KMK and HRK, ENQA and ECA and will also be published. GAC will also comment on the reviewer's recommendations and, as the case may be, agree upon follow-up measures which are based on the findings and, in particular, on the recommendations of the review panel. These documents will be sent to KMK and HRK, ENQA and ECA.

7. Time schedule

The review panel shall be nominated by ….

The site visit shall take place in early September 2007

The draft review report is to be submitted 4 weeks after the site visit to the GAC for comments within three weeks

The final report is to be submitted to KMK and HRK, ENQA and ECA together with comments of GAC

GAC report on planned follow up measures is to submitted to KMK and HRK, ENQA and ECA by February 2008