

HRK

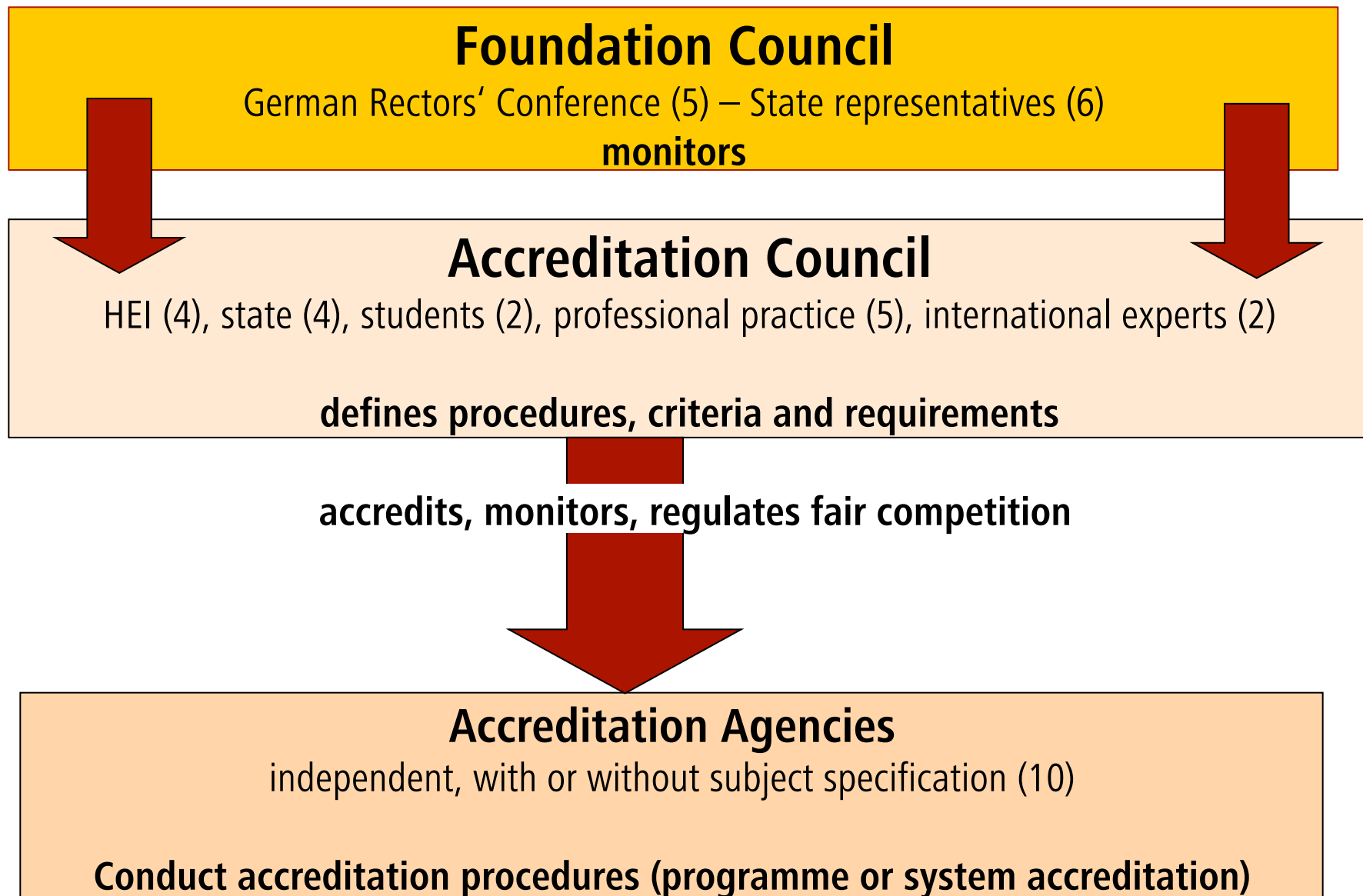
System-wide changes in external quality assurance: Germany

Barbara Michalk

Germany



Accreditation System (valid until 31 Dec 2017)



Current regulatory framework for accreditation in Germany – legal basis for the “German Accreditation Council”

- Agreement on the establishment of a foundation “Foundation for the Accreditation of Study Courses in Germany” by the ministers of education of the Länder
- Law establishing a foundation “Foundation for the Accreditation of Study Courses in Germany” of 15 February 2005
 - Law of the state North-Rhine Westphalia

Current regulatory framework for accreditation in Germany, issued by the Länder

- “Common structural guidelines of the Länder for the accreditation of Bachelor’s and Master’s study courses”,
Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany of 10 October 2003 as amended on 4 February 2010 (“formal criteria”)
- **Challenge:** state-specific HE laws and specific structural guidelines provide 16 different frameworks for implementation

Current regulatory framework for accreditation in Germany, issued by the GAC

The Accreditation Council accredits the agencies according to the "Rules for the Accreditation of Agencies as of 23.09.2016"

Current regulatory framework for accreditation in Germany, issued by the GAC

The agencies issue the “Seal of the Accreditation Council” for

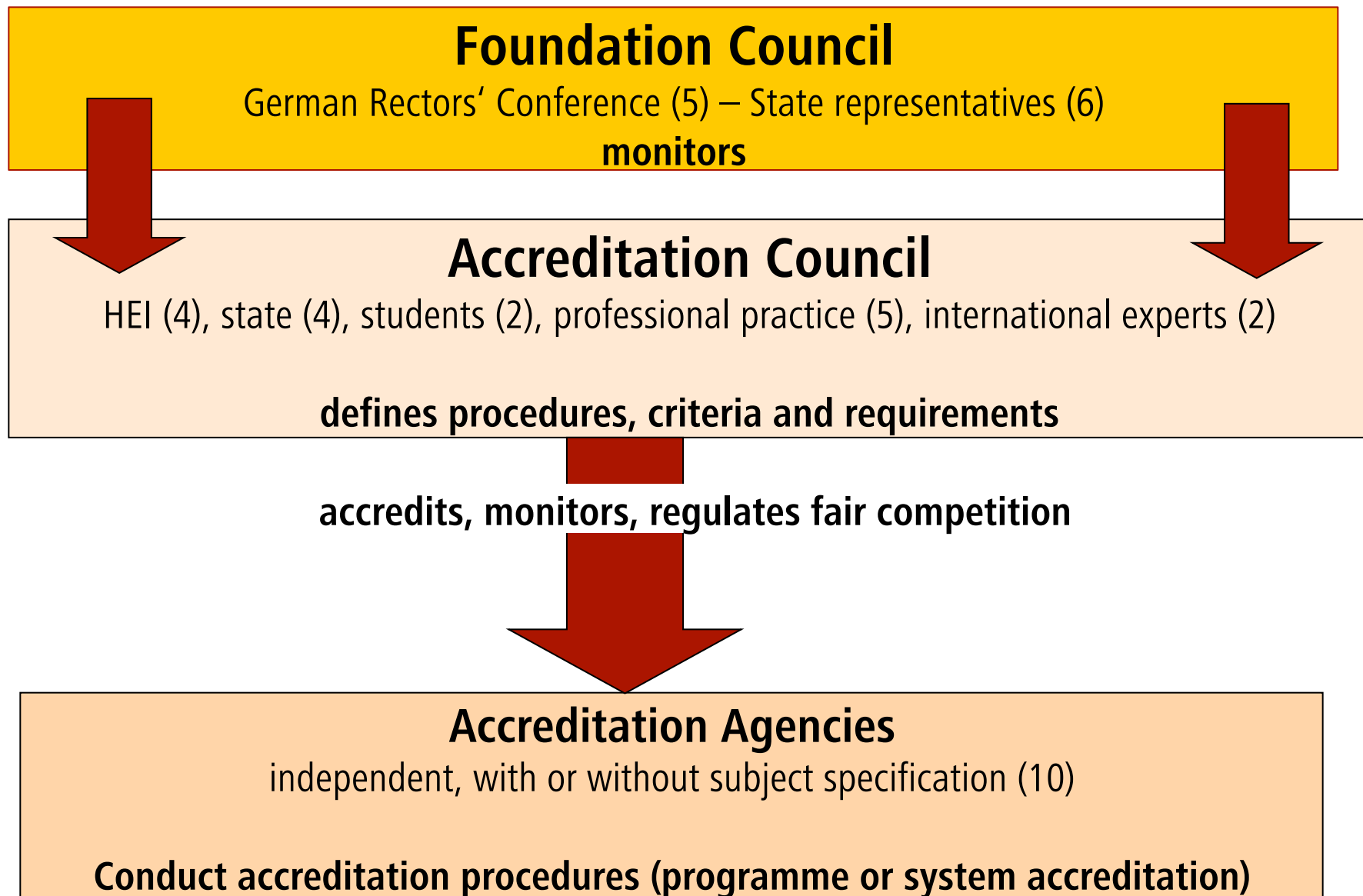
- Programme accreditation, based on the “Rules for the Accreditation of Study Programmes and for System Accreditation, 20.02.2013” by the German Accreditation Council
 - these rules incorporate the ESG and a set of formal criteria from the “Common Structural Guidelines” of the Länder

Current regulatory framework for accreditation in Germany, issued by the GAC

The agencies issue the “Seal of the Accreditation Council” for

- System accreditation of HEI = accreditation of IQA systems for teaching and learning (≠ institutional accreditation), based on the “Rules for the Accreditation of Study Programmes and for System Accreditation, 20.02.2013” by the German Accreditation Council
 - these rules incorporate the ESG and a set of formal criteria from the “Common Structural Guidelines” of the Länder
 - the HEI can award the “Seal of the Accreditation Council” to the study programmes that have undergone QA within the IQA system (“self-accrediting HEI”)

Accreditation System (valid until 31 Dec 2017)



Accreditation in Germany

Public / state HEI

general monitoring by the state +
general reporting by the HEI



Private HEI

institutional accreditation
by the Science Council
+ state approval

programme accreditation
or
system accreditation
(accreditation of quality
management system of the HEI ->
"self accrediting" HEI)



programme accreditation
or
system accreditation
(accreditation of quality
management system of the HEI ->
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Some “legalese”

- The awarding of the “Seal of the Accreditation Council” has consequences related to administrative law
- The contract between the agency and the HEI is regulated by private law
- There are several gaps – from a legal point of view – between the regulations on accreditation that ought to be valid for all Länder, the higher education acts of the Länder, the rules and procedures of the Accreditation Council, the Common Structural Guidelines, and the activities of the agencies...

In 2008...

- ... a BA programme at a private HEI was not accredited...
- ... the HEI followed the procedures for complaint of the agency, of the GAC, and in the end took the case to court...
- ... from where it was handed upwards for decision until it fell under the jurisdiction of the Federal Constitutional Court
- ... where it rested until in February 2016 a decision was issued

The Federal Constitutional Court decided that...

- Article 5 (3) of the German constitution (“Arts and sciences, research and teaching shall be free”) has to be respected,
- therefore external QA may not be regulated in contradiction to this principle.
- Legislation has to provide a set of rules and regulations that guarantee the freedom of teaching in respect to decision making, information and control of QA.
- The regulations must guarantee the adequate participation of academics.
- This set of rules and regulations has to be created in a way that provides for the consistent application of administrative law.

As a consequence, the Länder will sign a treaty. Some important changes:

- The **Länder** will introduce a common regulatory framework to be implemented consistently across all the German states and linked to their HE legislation. It will contain academic and formal criteria (in accordance with the ESG) and rules and procedures (in accordance with the ESG) and administrative law.
- In future, there will be 3 types of accreditation:
 1. Programme accreditation,
 2. System accreditation,
 3. “Experiments”, i.e. new forms of EQA not covered by 1. or 2.

Some more changes:

- The **agencies** will conduct the accreditation procedures as before, but will only give recommendations for the accreditation.
 - the agencies will check the formal criteria
 - the peer experts will evaluate the academic / content related criteria
- Academics will have the majority of votes in all decision making bodies, when it comes to academic / content related criteria of quality of T&L.
- For the **reports** a template will be introduced that
 - covers all the criteria but
 - leaves room for individual valuations.

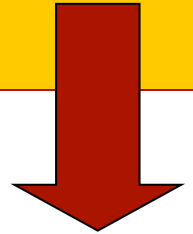
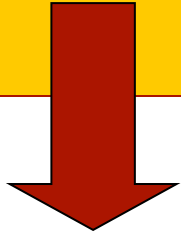
Some more changes:

- The **Accreditation Council** will be the accrediting body instead of the agencies. Its decisions can be challenged within the administrative law.
- Accreditation criteria will be differentiated into academic content related criteria of quality of T&L and structural and formal criteria.
- Academics will carry the majority of votes in the GAC when it comes to content related criteria of quality of T&L.
- Agencies listed in EQAR won't need to undergo GAC accreditation; agencies that are not listed in EQAR need to undergo a certification procedure. Nevertheless, before taking up activities in Germany, agencies need to prove that they comply with the German regulations.

Draft for revised Accreditation System from 1 Jan 2018

Foundation Council

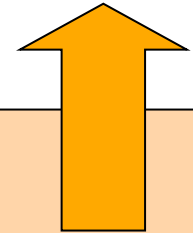
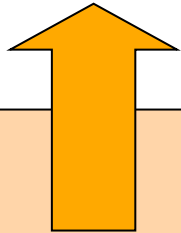
German Rectors' Conference (5) – State representatives (6)
monitors



Accreditation Council

academics (8), HRK (1), state (4), students (2), professional practice (5), international experts (2)

decides on the accreditation of programmes and/or quality management systems



Accreditation Agencies

independent, with or without subject specification (10)

**Conduct procedures (programme or system accreditation),
recommend accreditation to AC (or not!)**

Consequences:

for HEI:

- need to adjust internal QA to changes in EQA
- but “never change a running system”
- ...

for agencies:

- need to define new internal procedures
- need to re-train peer experts
- ...

for GAC:

- need to adjust internal organisation
- need to inform new members
- need to develop consistency in decision-making
- ...

From HRK's point of view,

- + increased role of academic expertise,
- + comparable legal framework in all of the Länder,
- + clearly defined legal status of accreditation decisions,
- + clear-cut role of agencies,
- + "experiments" = HEI may apply "innovative" ways of EQA - if the GAC approves,
- + ...
- (pro)rectors and (vice)presidents of HEI are not considered to be academics" → loss of expertise,
- system-wide regulations difficult to change → loss of flexibility, threat of patchwork regulations in single states,
- ...

**Thank you for your attention –
any comments or questions?**

michalk@hrk.de