

**External review of the German Accreditation Council (GAC)
by the European Association for Quality Assurance in Higher Education (ENQA)**

**Annex I: TRIPARTITE TERMS OF REFERENCE BETWEEN GAC, ENQA AND
EQAR**
December 2020

I. Background and context

GAC has the legal form of a foundation of public law. It was originally set up by the North Rhine-Westphalian Law establishing a foundation “Foundation for the Accreditation of Study Programmes in Germany” of 15 February 2005. With the Interstate Study Accreditation Treaty, which came into force on 1 January 2018, the name of the foundation was changed to “Foundation Accreditation Council”. In international contexts, the foundation is referred to as the German Accreditation Council.

The tasks of GAC, according to the Interstate Study Accreditation Treaty, **are to decide on the accreditation of study programmes (programme accreditation), on the accreditation of quality management systems (system accreditation) on the basis of experts’ reports.** A third activity of GAC are the so-called alternative procedures. These procedures, which are developed independently by the higher education institutions and which are subject to the same quality requirements as those for programme and system accreditation, are intended to gain insights into alternative approaches to external quality assurance beyond the standard accreditation procedures.

The need for this review is defined in Article 15 of the Interstate Study Accreditation Treaty:

“The accreditation system shall be evaluated on behalf of the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rector’s Conference, in particular with respect to the organisational structure and work of the foundation as well as the other rules of procedure, regularly and at appropriate intervals, for the first time five years after this interstate treaty comes into effect.”

Taking Art. 15 into account, GAC wishes to be reviewed as an organisation (“in particular with respect to the organisational structure and work of the foundation”), and on the other hand the review should consider that GAC is integrated in an “accreditation system”, consisting also of the 16 German States (“Länder”) laying down the criteria for accreditation, and of the agencies who provide the reports GAC decides upon.

Representatives of the Standing Conference of the Ministers of Education and Cultural Affairs and the German Rector’s Conference have agreed upon conducting this review a little earlier than foreseen in Art. 15, in 2021, as the reformed accreditation system has been long enough into effect now.

GAC has been a member of ENQA from 2008 to 2018 and afterwards holds a status of an affiliate. GAC is now applying for ENQA membership.

GAC has not yet been registered on the European Quality Assurance Register for Higher Education (EQAR) and is thus applying for initial inclusion on EQAR.

2. Purpose and scope of the evaluation

This review will evaluate the extent to which GAC fulfils the requirements of Parts 2 and 3 of the *Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)*. Consequently, the review will provide information to the ENQA Board to aid its consideration of whether membership of GAC should be granted and to EQAR to support GAC application to the register.

2.1 Activities of GAC within the scope of the ESG

In order for GAC to apply for ENQA membership and for registration in EQAR, this review will analyse all activities of GAC that are within the scope of the ESG, i.e. reviews, audits, evaluations or accreditation of higher education institutions or programmes that relate to teaching and learning (and their relevant links to research and innovation). This is independent of whether the activities are carried out within or outside the EHEA and whether they are obligatory or voluntary in nature.

The following activities of GAC have to be addressed in the external review:

1. the programme accreditation
2. the system accreditation,
3. alternative procedures and
4. equivalency assessment (German Jordanian University)

The review should further consider how GAC's activities outside the scope of the ESG (e.g. involvement in QA related projects) are separated from its external QA activities within the scope of the ESG (i.e. equivalency assessment), taking into account Annex 5 of the Policy on the Use and Interpretation of the ESG.

Considering GAC's role in the recognition of external QA activities and decisions, the review is also expected to address how GAC ensures ESG compliance when considering the results of an external QA activity by a non-EQAR-registered quality assurance agency.

The subject of programme accreditation are Bachelor's and Master's programmes of German Higher education Institutions (HEI), the subject of system accreditation are the internal quality assurance systems of such institutions. The programme and system accreditation procedures are characterised by a two-stage procedure: The assessment and preparation of an accreditation report is organised by an agency commissioned by the HEI. GAC ensures the integrity of the process and takes the final accreditation decision.

In case of alternative procedures, the subject of accreditation is the alternative procedure itself. With successful accreditation, the higher education institution receives the self-accreditation rights for the study programmes assessed within the alternative procedure. The Higher education institution will submit a self-evaluation report to GAC. The evaluation procedure shall be carried out with the participation of external independent experts, in

particular academic experts and experts from professional practice as well as students. GAC may carry out the evaluation procedure but may also delegate these activities to third parties. The result of the evaluation procedure is an experts' report. GAC takes the accreditation decision.

Besides, GAC has concluded a contract with the German Jordanian University (GJU), according to which GAC will certify the fulfilment of the German accreditation criteria to the study programmes of the GJU, provided that the GJU submits assessment reports, which show the fulfilment of the specified criteria and the assessment procedures were carried out by an agency authorised by GAC. No legal consequences are associated with the issuing of the certificates of equivalence. The procedure does not lead to study programmes accredited with the seal of the Accreditation Council.

3. The review process

The review will be conducted following the methodology of ENQA Agency Reviews. The process is designed in line with *the Guidelines for ENQA Agency Reviews* and the requirements of *the EQAR Procedures for Applications*.

The evaluation procedure consists of the following steps:

- Formulation and agreement on the Terms of Reference for the review between GAC, ENQA and EQAR;
- Nomination and appointment of the review panel by ENQA;
- Notification of EQAR about the appointed panel;
- Self-assessment by GAC including the preparation and publication of a self-assessment report;
- A site visit by the review panel to GAC;
- Preparation and completion of the final evaluation report by the review panel;
- Scrutiny of the final evaluation report by the ENQA Review Committee;
- Analysis of the scrutiny by the ENQA Board and their decision regarding ENQA membership;
- Decision making by the EQAR Register Committee on the agency's registration on EQAR;
- Follow-up of the panel's and/or the ENQA Board's recommendations by the agency, including a voluntary progress visit.

3.1 Nomination and appointment of the review team members

The review panel consists of four members: one or two quality assurance experts (at least one of which is currently employed by an ENQA member agency), an academic employed by a higher education institution, a student member, and eventually a labour market representative (if requested). One of the members will serve as the chair of the review panel, and another member as a review secretary. For ENQA Agency Reviews at least one of the reviewers is an ENQA nominee (most often the QA professional[s]). At least one of the reviewers is appointed from the nominees of either the European University Association (EUA) or the European Association of Institutions in Higher Education (EURASHE), and the student member is always selected from among the ESU-nominated reviewers. If requested, the labour market representative may come from the Business Europe nominees or from ENQA. An additional panel member may be included in the panel at the request of the

agency under review. In this case, an additional fee to cover the reviewer's fee and travel expenses is applied.

The panel will be supported by the ENQA Review Coordinator who will monitor the integrity of the process and ensure that ENQA's requirements are met throughout the process. The ENQA staff member will not be the secretary of the review and will not participate in the discussions during the site visit interviews.

Current members of the ENQA Board are not eligible to serve as reviewers.

ENQA will provide GAC with the list of suggested experts and their respective curricula vitae to establish that there are no known conflicts of interest. The experts will have to sign a non-conflict of interest statement as regards the GAC review.

3.2 Self-assessment by GAC, including the preparation of a self-assessment report

GAC is responsible for the execution and organisation of its own self-assessment process and shall take into account the following guidance:

- Self-assessment is organised as a project with a clearly defined schedule and includes all relevant internal and external stakeholders;
- The self-assessment report is broken down by the topics of the evaluation and is expected to contain, among others: a brief description of the national HE and QA system; background description of the current situation of the Agency; an analysis and appraisal of the current situation; proposals for improvement and measures already planned; a SWOT analysis; each criterion (ESG part 2 and 3) addressed individually, and considerations of how the agency has addressed the recommendations as noted in the ENQA Board's membership decision letter and the instances of partial compliance noted in the previous EQAR Register Committee decision of inclusion/renewal. All agency's QA activities (whether within their national jurisdiction or outside of it, and whether obligatory or voluntary) will be described and their compliance with the ESG analysed.
- The report is well-structured, concise and comprehensively prepared. It clearly demonstrates the extent to which GAC fulfils its tasks of external quality assurance and meets the ESG.
- The self-assessment report is submitted to the ENQA Secretariat which has four weeks to pre-scrutinise it before forwarding the report to the panel of experts. The purpose of the pre-scrutiny is to ensure that the self-assessment report is satisfactory for the consideration of the panel. The Secretariat will not judge the content of information itself but whether the necessary information, as stated in the guidelines for ENQA Agency Reviews, is present. For the second and subsequent reviews, the agency is expected to enlist the recommendations provided in the previous review and to outline actions taken to meet these recommendations. In case the self-assessment report does not contain the necessary information and fails to respect the requested form and content, the ENQA Secretariat reserves the right to reject the report and ask for a revised version within two weeks. In such cases, an additional fee of 1000 EUR will be charged to the agency.
- The report is submitted to the review panel a minimum of six weeks prior to the site visit.

3.3 A site visit by the review panel

The review panel will draft a proposal of the site visit schedule which shall be submitted to the agency at least two months before the planned dates of the visit. The schedule is to include an indicative timetable of the meetings and other exercises to be undertaken by the review panel during the site visit, the duration of which is usually 2,5 days. The approved schedule shall be given to GAC at least one month before the site visit, in order to properly organise the requested interviews.

The review panel will be assisted in a site visit by the ENQA Review Coordinator.

The site visit will close with a final de-briefing meeting outlining the panel's overall impressions but not its judgement on the ESG compliance of the agency or the granting or reconfirmation of ENQA membership.

3.4 Preparation and completion of the final evaluation report

On the basis of the review panel's findings, the review secretary will draft the report in consultation with the review panel. The report will take into account the purpose and scope of the evaluation as defined under articles 2 and 2.1. It will also provide a clear rationale for its findings concerning each standard of part 2 and 3 of the ESG. A draft will be first submitted to the ENQA Review Coordinator who will check the report for consistency, clarity and language, and it will be then submitted to GAC usually within 10 weeks of the site visit for comment on factual accuracy. If GAC chooses to provide a position statement in reference to the draft report, it will be submitted to the chair of the review panel within two weeks after the receipt of the draft report. Thereafter, the review panel will take into account the statement by GAC and finalise and submit the document to ENQA.

The report is to be finalised within three months of the site visit and will normally not exceed 40 pages in length.

When preparing the report, the review panel should also bear in mind the *EQAR Policy on the Use and Interpretation of the ESG* to ensure that the report will contain sufficient information for the consideration of the Register Committee of the agency's application to EQAR¹.

For the purpose of applying for ENQA membership, GAC is also requested to provide a letter addressed to the ENQA Board outlining its motivation for applying for membership and the ways in which GAC expects to contribute to the work and objectives of ENQA during its membership. This letter will be taken into consideration by the Board together with the final evaluation report when deciding on the agency's membership.

4. Follow-up process and publication of the report

GAC will receive the expert panel's report and publish it on its website once the ENQA Board has approved the report. The report will also be published on the ENQA website, regardless of the review outcome and decision by the ENQA Board. As part of ENQA Agency Review follow-up activities, GAC commits to react on the review recommendations and submit a follow-up report to the ENQA Board within the timeframe indicated in the Board's decision on membership. The follow-up report will be published on the ENQA website, in addition to the full review report and the Board's decision.

¹ See here: <https://www.eqar.eu/about/official-documents/#use-and-interpretation-of-the-esg>

The follow-up report could be complemented by a small-scale progress visit to the agency performed by two members of the original panel (whenever possible). This visit will be used to discuss issues, based on the ESG, considered to be of particular importance or a challenge to GAC. Its purpose is entirely developmental and has no impact on the judgement of membership and/or judgment of compliance of the agency with the ESG. Should the agency not wish to take advantage of this opportunity, it may opt out by informing the ENQA Review Coordinator about this.

5. Use of the report

ENQA shall retain ownership of the report. The intellectual property of all works created by the expert panel in connection with the review contract, including specifically any written reports, shall be vested in ENQA.

The review report is used by the ENQA Board for the purpose of reaching a conclusion on whether GAC can be admitted/reconfirmed as a member of ENQA. The report is also used as a basis for the Register Committee's decision on the agency's registration on EQAR. The review process is thus designed to serve these two purposes. However, the review report is to be considered final only after being approved by ENQA. Once submitted to ENQA and until it is approved by its Board, the report may not be used or relied upon by GAC, the panel, or any third party and may not be disclosed without the prior written consent of ENQA. The approval of the report is independent of the decision of the ENQA Board on membership.

For the purposes of EQAR registration, the agency will submit the review report (once approved by the ENQA Board) via email to EQAR. The agency should also include its self-assessment report (in a PDF format), a Declaration of Honour, full curriculum vitae (CVs) of all review panel members and any other relevant documents to the application (i.e. annexes, statement to the review report, updates). EQAR is expected to consider the review report and the agency's application at its Register Committee meeting in autumn 2022.

6. Indicative schedule of the review

Agreement on Terms of Reference	December 2020
Appointment of review panel members	December 2020
Self-assessment completed	31 July 2021
Pre-screening of SAR by ENQA Review Coordinator	August 2021
Preparation of site visit schedule and indicative timetable	September 2021
Briefing of review panel members	October 2021
Review panel site visit	30 November -2 December 2021 (tbc)
Draft of evaluation report and submitting it to ENQA Review Coordinator for pre-screening	January 2022
Draft of evaluation report to GAC	February 2022
Statement of GAC to review panel if necessary	March 2022
Submission of final report to ENQA	April 2022
Consideration of the report by ENQA Board	April 2022
Publication of report	May 2022
EQAR Register Committee meeting	October/November 2022