

Report on the External Evaluation of the
German Accreditation Council (*Akkreditierungsrat*)

31 July 2013

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I. INTRODUCTION AND BACKGROUND TO THE REVIEW PROCESS

1. Introduction

This report contains the observations and conclusions of the external review panel (henceforward “the Panel”) set up for the evaluation of the German Accreditation Council (GAC) – formally the “Foundation for the Accreditation of Study Programmes in Germany” – for a dual purpose:

- Compliance with the European Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) as a core requirement for continued membership of ENQA;
- Fulfilment of the national German requirements, pursuant to the Accreditation Foundation Law (ASG) and the statutory regulations of the tasks entrusted to the Foundation.

The evaluation procedure spanned the years 2012 and 2013. The Panel’s site visit took place in Berlin on 2 -4 June 2013 and led to observations and conclusions that are broadly in line with those presented in the Foundation’s very helpful Self-Evaluation Report. The Panel’s work also draws extensively on the open and informative discussions with the different groups of actors and stakeholders involved in the on-going process of shaping a suitable quality assurance system for Germany. This is a complex process that needs to find a balanced answer paying attention to the demands of federalism, respect for the autonomy of Higher Education Institutions (HEIs) and their search for differentiation, the need for a strong anchorage of higher education in the society and economy, and the international responsibilities of a major higher education system in Europe and the world.

As a consequence, it was very important to understand that the German quality assurance system is still “work in progress”, in constant search of the most adequate balance between all actors involved, and that the Foundation serves as a national forum where the various interests and views are presented and discussed.

The panel was impressed by the high level of commitment of all persons and groups involved in the evaluation process. It wishes to express its appreciation and gratitude to all of them.

2. Background to review process

According to the law setting up the Foundation for the Accreditation of Study Programmes in Germany, its work should be evaluated regularly, in intervals of about five years.

The previous evaluation was carried out in 2006-2008 against German requirements and European principles (both the ESG and the Principles of Good Practice of the European Consortium for Accreditation - ECA). The Panel used the evaluation report of its predecessors (dated April 2008) as a source of inspiration for questions and confirmed certain of its observations and conclusions where no change was necessary.

A mid-term progress report was issued by the Foundation in 2010 and a series of internal and external suggestions were made since then for changes/improvement in Germany's unique quality assurance system for higher education.

The evaluation process started at the end of December 2011 when the Accreditation Council asked for a new external review. The procedure was to use both national and international evaluation standards in order to assess the Foundation's compliance with:

- Its legal obligations and the tasks defined by the KMK, including the recommendations made for the improvement of the system;
- The European Standards and Guidelines, as core requirement for membership in the European Association for Quality Assurance in Higher Education (ENQA).

Contrary to the previous rounds of evaluation, the Accreditation Council did not request to be evaluated against the Code of Good Practice of ECA, to which it no longer belongs as a member.

On 30 November 2011 the Foundation commissioned ENQA to conduct the external review. The Accreditation Council appointed the members of the team responsible for the preparation of the Foundation's Self-Evaluation Report (Working Group "evaluation"). This team included representatives of all relevant stakeholders, namely HEIs, international experts qualified in quality assurance, students, professional practice as well as the *Länder*. It worked on the basis of a draft internal evaluation report prepared by Foundation staff and leadership. The authorised accreditation agencies and the various groups of stakeholders were invited to contribute to the SER by means of specific questionnaires. In addition to accreditation agencies and students from the umbrella student association (FZS), the following bodies were also invited to answer such questionnaires: German Rectors' Conference (HRK), Standing Conference of Ministers of Education

and Culture of the *Länder* (KMK), Confederation of German Employers' Associations (BDA) and German Trade Unions' Alliance (DGB).

The evaluation team held several meetings that led to the final approval of the Self-Evaluation Report, its adoption by the Accreditation Council in its 73rd meeting on 29 November 2012 and its subsequent communication to ENQA.

In parallel, pursuant to its mandate, ENQA worked on a proposal for the composition of the external review panel and in agreement with the responsible German bodies the following five persons were appointed:

- Jon HAAKSTAD, former Director of Research and Analysis at NOKUT, Norway – Chair
- Guy HAUG, Advisor to the Rector at Valencia University of Technology, Spain, and expert on the EHEA, Belgium – Secretary
- Karmela BARIŠIĆ, Full Professor and Dean, Faculty of Pharmacy and Biochemistry, University of Zagreb, Croatia
- Erazem BOHINC, Student at the European Faculty of Law, Slovenia – ESU nomination.
- Norma RYAN, Higher Education Consultant and Former Director Quality Promotion Unit, National University of Ireland, Cork– EUA nomination

The Foundation's Self Evaluation Report was communicated to the members of the Panel in a timely manner in March 2013, both in the form of an electronic document and on paper (except for certain annexes, in agreement with the Panel). All key documents were available in English. Panel members were informed that the SER reflects the situation at the time of its adoption at the end of 2012. The members of the panel were also informed of the relevant interim developments.

After the completion of the SER, the site visit had to be postponed for logistical reasons until the beginning of the month of June 2013. The discussions during the site visit were mainly in English, except for two sessions for which simultaneous translation was provided in English and German.

The rescheduling of the site visit was by no means intentional, but it allowed the Panel:

- To take into account the latest steps in the further development of GAC's procedures, in particular the new version of the "Rules for the Accreditation of Study Programmes and for System Accreditation",

that were revised on 20 February 2013 and could thus be part of the review process;

- To meet with the Accreditation Council in its new composition, following the appointment/reappointment of the new members, on the occasion of their first meeting since the start of their term in office on 23 February 2013.

II. COMPLIANCE WITH NATIONAL REQUIREMENTS

1. German Higher Education and quality assurance

The Self-Evaluation Report provides an overview of the structure and organisation of the German system of higher education and of the diversity of German HEIs. It also provides clear and comprehensive information about the intended and actual role of the Accreditation Council.

1.1. German higher education and federalism

The same as in most federal countries, education in the Federal Republic of Germany is a matter that lies primarily in the hands of the 16 federal states (*Länder*) that make up the country. The role of the federal government is restricted to the setting of some framework structures and rules, but it has other ways in which it can weight on the development of the system, such as the setting of rules for civil service, the funding of grants for students or institutions (e.g. "excellence grants") and the funding of research and some major research foundations. Educational institutions, including HEIs, depend on the government of the *Länder*, which explains for example that the implementation of the Bologna Process was more complete, quick and successful in some *Länder* than in others.

In order to maintain a sufficient level of coherence between the various State systems, the federal government has the power to define some basic features (for example through the Framework Law on Higher Education that was revised in 1998) as was already mentioned. But an equally important body is the Standing Conference of (state) Ministers of Education (KMK) that meet regularly to coordinate the system and make decisions about questions of common interest. This coordination role of the KMK is maybe even more important in higher education, e.g. in the areas of internationalisation, quality assurance and the promotion of "excellence".

This structure at national (federal) and regional (*Länder*) level explains why in international discussions about higher educational issues Germany is always represented both by national representatives and regional representatives acting on behalf of the *Länder* via the KMK. This is the case in particular within the EU framework, for example for ERASMUS and other EU exchange and cooperation programmes in higher education and for the EU's Framework Programme in Sciences and Technology. This is also the case within the inter-governmental framework of the Bologna Follow-up Group. It is crucial to keep this in mind in order to understand the German approach to quality assurance in higher education, which

needs to pay close attention simultaneously to the national and European/international positions of the national (federal) government and the power of regional (*Länder*) governments in education.

Federalism has also a direct bearing on the financing of higher education. It is primarily a system financed by the 16 States (*Länder*), which entails very significant regional differences in the funding of HEIs. Federal Government funding in higher education is primarily directed towards buildings and facilities, grants systems for students and young researchers, and a variety of special federal institutions and programmes for the promotion of research (e.g. the German Council of Science and Humanities – *Wissenschaftsrat* – or the Max-Planck Foundation) and higher education (as in the case of the German Academic Exchange Agency (*DAAD*)).

1.2. Diversified HEIs offering diverse study programmes

Higher education in Germany is offered at several types of Higher Education Institutions, requiring different entrance credentials and offering students (and employers) a different type of educational programmes and approaches.

- Universities and equivalent institutions (including “Technical universities”, Teacher Training Colleges (“Pedagogical HEIs”), Colleges of Theology et al.) focus on academic and scientific research – particularly basic research – in a wide range of disciplines at all levels of higher education, including the doctorate; several of them have existed for centuries and count a number of world-famous scholars and scientist among their teachers or graduates.
- Universities of Applied Science (*Fachhochschulen, Hochschulen*) were introduced over the last 50 years; they are usually smaller, more regional, more specialized (mainly in the areas of engineering and technology, computer science, design, business economy and social services) and oriented mainly towards application-oriented studies and research. Study programmes usually include one or more compulsory periods of internship or practical work and teaching staff is required to hold both a scientific qualification and significant experience in professional life.
- There are also Colleges of Art and Music offering courses in the areas of visual arts, design, music, acting, media, film and television and the Baden-Wuerttemberg Cooperative State University (DHBW) offering courses that integrate academic studies with workplace training in a dual curricular concept.

According to the Accreditation Council's SER, in the summer semester of 2012 Germany counted 387 Higher Education Institutions that are either state institutions (280) funded primarily from *Länder* budgets, or state-recognised private HEIs (107). These 387 HEIs included:

- 110 universities or equivalent institutions like technical universities, pedagogical and theological colleges and some others;
- 221 universities of applied science (including public administration universities of applied science);
- 56 art and music colleges.

Approximately 2.34 million students were enrolled at German HEIs. About 2/3 were studying at universities and 1/3 at universities of applied science, including some 120,000 studying at private state-recognised institutions.

1.3. Quality assurance and the role of GAC

The same as in most European countries, Germany's current system of quality assurance started in the 1990's and was developed over the past decade within the framework of the Bologna Process and the European Higher Education Area. A first series of experiences with internal self-evaluation and external review was carried out from 1994 within the framework of an EU project and the basic principle of a shared responsibility in quality assurance involving the HEIs themselves and external quality assurance agencies continues to be applied today.

The quality assurance of teaching/learning and the involvement of students in it became statutory obligations of all HEIs from the 1998 amendment of the Framework Act for Higher Education, which was subsequently introduced in the Higher Education Acts of the various *Länder*. Simultaneously, pursuant to the new obligation for quality assurance in German higher education, the KMK and the HRK jointly introduced external accreditation for all new programmes with the establishment of the Accreditation Council (1998).

The Accreditation Council was first introduced as a 3-year pilot-project and was subsequently made permanent after the expiration of the project phase and after a first external evaluation in 2001. The question of the legal legitimating of the Accreditation Council was only addressed several years later (in 2005) when the Council was organised legally as a Foundation under the Law of one of the *Länder* (North Rhine-Westphalia). Yet, the issue of the system's legal basis and stability is still an area of concern.

These steps laid down the basic features of the German quality assurance system, which include in particular:

- The separation of quality evaluation/assurance for “teaching and learning” and for research activities – including for doctoral studies;
- The shared responsibility of HEIs and external agencies for quality assurance in teaching/learning; this has become all the more important with the recent introduction of what is surprisingly called “system accreditation”, i.e. the external certification of the quality of the internal quality assurance system of HEIs in the field of teaching and learning;
- A decentralized organisational structure for external quality assurance, as befits a federal country, with a single Accreditation Council as a decision-making body responsible for setting the criteria and procedures for the award of Germany’s single “accreditation seal”, and accreditation agencies that apply these procedures and criteria carrying out the evaluation/accreditation processes in the field;
- The establishment of uniform regulations for the accreditation of study programmes at State and recognised non-State HEIs, based on legislative texts from the states (*Länder*) and “resolutions” of the KMK; this does however not prevent some *Länder* from having specific structures for their higher education programmes (for example with respect to their duration in time and in ECTS credits);
- The initial focus on programme accreditations for new Bachelor and Master-level programmes. As of November 2012, some 60% of all programmes were accredited (3,816 of 7,286 Bachelor programmes and 3,724 of 6,772 Master programmes). Doctoral programmes are not subject to accreditation. This high volume of accreditation procedures for individual programmes has led over the past few years to an active debate about more significant and less cumbersome procedures for quality assurance (e.g. in the form of “cluster accreditation”) and a higher level of respect of institutional autonomy and differentiation (notably through the adoption of the procedure for “system accreditation”).

These specific features of the German quality assurance system explain the role of the central body in the system – the Accreditation Council – and have also been shaped by it over time. The following section analyses the legal set-up and the specific tasks of the Accreditation Council since its creation.

2. Legal set-up and tasks of the Accreditation Council

The German Accreditation council is a unique organisation in European higher education and quality assurance. It is the guardian of the national

quality seal conferred upon study programmes (and henceforward also HEIs) by means of their accreditation, but it is not itself engaged in the evaluation and accreditation of these programmes (and HEIs). The German system is one of "meta-accreditation": the Accreditation Council accredits agencies, and these in turn accredit study programmes. To the best of the panel's knowledge, this system is unique in Europe and it needs therefore to be evaluated at national and European level under the specific light of the German higher education and quality assurance system.

The main legal basis of the Accreditation Council is the Law of the *Land* of North Rhine -Westphalia of February 2005 establishing the "Foundation for the Accreditation of Study Programmes in Germany" (ASG). With this Law the already existing Accreditation Council eventually gained legal status (as a foundation under public law) and capacity. The law defines the Foundation's internal organisation (with the Accreditation Council as its central body) and sets out its tasks.

This Law of the Land of North Rhine - Westphalia was made possible thanks to an agreement between the *Länder* reached in December of the previous year, in the form of a Resolution of the KMK. With this very important Resolution and a "Supplementary Declaration" of the KMK of December 2005, the *Länder* transferred to the Foundation the tasks in quality assurance they have to perform in accordance with the federal "Framework Law on Higher Education" of 1998. These tasks were defined previously (in 2003) in another agreement between the *Länder* establishing the Common Structural Guidelines for the accreditation of study programmes. The purpose of these Common Guidelines is to guarantee the uniformity of quality standards applied at national (federal) level and thus to allowing the mobility of students between HEIs of different *Länder*. These Common Guidelines should also be seen as a signal of Germany's commitment to the ESGs from their adoption in 2005. The Common Guidelines were revised on various occasions (most recently in February 2010) in line with the various stages in the further development of the German accreditation system.

Pursuant to the Law and the KMK resolutions, the Accreditation Council has been entrusted with the following main tasks:

- *Regulation of the minimum requirements for accreditation*, which means mainly establishing binding instructions for the agencies on the basis of the specifications for accreditation issued by the *Länder*
 - both those that are common to all federal states and those that are specific to each of them;
- *Accreditation of, and fair competition between agencies*: the Council is responsible for the accreditation and re-accreditation of accreditation agencies, which means conceding them a time-limited

right to accredit study programmes and/or internal quality assurance systems of HEIs through the awarding of the quality seal governed by the Foundation; the Council is also required to monitor the accreditations carried out by the agencies and to ensure a fair competition between the agencies;

- *Development of accreditation in German higher education*; this means monitoring progress made in quality assurance in German higher education and making proposals for the further development of the accreditation system; the latter is of paramount importance, because it means that the German Law did not impose a set procedure and criteria, but considered from the outset the need to further develop them, in accordance with the experience with accreditation and its impact;
- In addition, the Foundation was also asked *to promote international cooperation in quality assurance*, including in the form of establishing rules for the recognition of accreditations awarded by foreign agencies.

3. Compliance in the main areas of activities

The German accreditation system grants a special status to the Accreditation Council, whose primary functions are the accreditation and re-accreditation of agencies (not of individual study programmes at HEIs, or HEIs themselves) and the continuous monitoring and further development of the system.

Part of the mandate of this Evaluation Panel is to assess to what degree the Accreditation Council, as core actor in the German quality assurance system, is fulfilling the mandate conferred to it in the national context. This assessment will be the object of the sections that follow. Each section consists of a presentation of the tasks involved and of the evidence and opinions used by the Panel, followed by an appraisal of the level of compliance of the Accreditation Council with the responsibility entrusted to it at the national level.

3.1. Regulation of the minimum requirements for accreditation

Both in the SER and during the interviews, the Accreditation Council emphasised as one of its core tasks the regulation of the minimum requirements for accreditation and their adaptation to the changing needs and patterns of quality assurance in German higher education. According to the SER, the Accreditation Council sees this as a fundamental function ensuring that accreditation is awarded according to "fair", "reliable" (i.e. consistent) and "internationally-recognised" standards and rules.

The SER and discussions also highlighted that accreditation should be based on an assessment of each HEI's ability to achieve its own objectives (rather than neutral, predetermined standards), while at the same time respecting the common requirements set by the Accreditation Council, e.g. with respect to labour market relevance, modularisation or the definition of learning outcomes in terms of knowledge and skills that students are expected to acquire.

After the previous Review Process in 2008 the Accreditation Council undertook a comprehensive revision of all its minimum requirements, with a view to making them easier to read, understand and implement. This exercise led in 2009 to the compilation of numerous specific resolutions into two main new documents:

- The Rules for the Accreditation of Agencies (Annex 3.1. to SER), and
- The Rules for the Accreditation of Study Programmes and for the newly introduced System Accreditation (Annex 4.1. to SER). System accreditation will be dealt with mainly in the Section on the further development of the German accreditation system.

The Accreditation Council also took steps aimed at improving the appeal system (most complaints are now handled by the accrediting agencies, with only a few reaching the Accreditation Council itself) and at clarifying the rules applying to the accreditation of "special" programmes.

- A Working Group including members of the Council, the agencies, the *Länder*, students as well as external experts examined the case of co-operative or "sandwich" programmes (*duale Programme*), part-time programmes, e-learning and distance learning programmes, intensive programmes and teacher training programmes; this led *inter alia* to the introduction of the possibility to assess clusters of teacher training study programmes qualifying for the same type of teaching careers in a joint procedure rather than individually; such joint procedures were already possible for "clusters" of programmes offered at any given HEI.
- There were also changes in the rules for the accreditation of joint programmes. Following a comprehensive survey and a pilot experiment, the Council came to the conclusion that such programmes need not seek accreditation in Germany if they are already accredited in another country by a recognised foreign quality assurance agency; the recognition of foreign accreditations for joint programmes, which was initially lying within the power of the Accreditation Council, has been transferred to the German accreditation agencies in 2010. Instead of visits to all campuses involved, a single site visit should henceforward be sufficient. The single procedure is normally expected to check whether "resources and study organisation comply with the requirements of the Accreditation Council at all sites", but when this is likely to prevent

the accreditation of a joint programme in Germany, the Board of the Foundation can grant an exemption, upon application of an Agency or a HEI.

In December 2010 these rules for “special programmes” became part of a revised version of the Rules for the Accreditation of Study Programmes and for System Accreditation. The possibility of “exemptions” has been introduced by an amendment of February 2013.

The Accreditation Council also undertook a compilation of all common and state-specific structural guidelines of the *Länder*, in order to support the work of the agencies in their dealing with the complex set of Acts and Directives issued by the various state authorities. The main aim is for the Accreditation Council to be in a position to inform the accreditation agencies of all new or amended common or state-specific guidelines of the *Länder* by means of electronic circular letters. In the not unlikely case that an agency finds itself confronted with a contradiction between the various sets of regulations, the Accreditation Council is committed to cooperating with the agency and seek clarification from the State involved – or possibly, when this is not enough, from the KMK.

Irrespective of this, the Panel learned during the site visit that there is currently a legal case about accreditation pending at the Federal Constitutional Court. The main legal issue on which the Court has to decide is whether the accreditation in its present configuration violates fundamental rights like the freedom of teaching and research. The Court’s ruling is expected shortly; it could either consolidate the legal construction of quality assurance in Germany or possibly dismantle the system on the ground that it infringes on fundamental academic rights.

In the SER, the Accreditation Council expresses the view that with the compilation and clarification of these rules it has successfully provided HEIs, agencies and the interested public with “a transparent, manageable and reliable basis for reviews and decisions” in the accreditation of programmes, “systems” and agencies. By and large, the interviews with agencies and stakeholders confirmed the usefulness of these revised sets of rules. The Panel also heard some sceptical or critical remarks, for example from some agencies about alleged “over-regulation” (e.g. in the case of the recognition of joint programmes), students (e.g. about the “system accreditation” procedure) or employers (e.g. about the lack of disciplinary regulation for professionally-oriented study programmes). But in the view of the Panel, these remarks –whether justified or not with respect to their content – actually provide evidence that the Accreditation Council indeed complies with its responsibility to set the rules for accreditation. The Panel was also positively impressed by the attention paid in German accreditation procedures to the particular profile and objectives of each HEI – even though there may be some distance between the intended principles and their application.

In the view of the Panel, there is therefore no doubt that the Accreditation Council has indeed played the role assigned to it with respect to the regulation of accreditation conditions in Germany, in line with Germany's federal system and the need to respect and promote diversity in the profile and objectives of the various HEIs.

In the Panel's view there remain nonetheless two aspects that will need attention in the years ahead:

- One is the role of disciplinary standards in accreditation: in the Accreditation Council's view, a major responsibility of the evaluation panels set up by the accreditation agencies is to interpret the generic standards in view of the specific identity of each programme, which also means that these panels need to include evaluators with sufficient knowledge of disciplinary standards; this explains why the Accreditation Council does not feel a need to establish binding discipline-specific rules and criteria. In the opposite direction, the Panel heard voices doubting the usefulness of accreditation seals in professional environments in the absence of sufficiently explicit discipline-specific standards and calling for "professional accreditation" in addition to the national system of accreditation focused on intrinsic (or generic, or "academic") quality criteria. The Panel would like to recall that discipline boundaries are getting ever more blurred, but it fully understands the importance of this debate and welcomes the planned setting up of a new Working Group dealing with this issue within the Accreditation Council, pursuant to a decision taken already in June 2012.
- The second aspect needing attention is the equality of treatment between public and private HEIs, in particular with respect to the dual procedure required from the latter. A private HEI first needs a preliminary institutional authorisation or licence from the *Land* in which it has its place of business; this State authorisation is based on a recommendation of the German Council of Science and Humanities – *Wissenschaftsrat* and is surprisingly called "accreditation") and then a normal programme accreditation– or henceforward possibly a "system accreditation" – from one of the accreditation agencies approved by the Accreditation Council. This duality of procedures and supervision also means additional evaluation bureaucracy, as alleged by the Association of German Private HEIs. The panel was also told that this issue is compounded by the not uncommon feeling among private HEIs that they are being evaluated more in accordance to their resemblance with public HEIs than according to their own personality and objectives. In view of these questions, the Panel would like to invite the Accreditation Council to make certain that there is indeed no difference in the

treatment of public and private HEIs in the German practice of quality assurance and accreditation.

Overall, the Panel feels that the so-called minimum standards provide a reasonably transparent and reliable basis for the accreditation of study programmes, even though there is some uncertainty about their interpretation in some individual cases. The Panel shares the Council's view that this is an inevitable consequence of generic standards and that the alternative (rigidly predefined standards and indicators) would be a worse option. Some actors (notably students) seem to fear a wider divergence in the interpretation of the minimum standards required for accreditation in the case of "system accreditation" in comparison to programme accreditation. Yet, no evidence of this was presented to the Panel, who therefore recommends that at this stage it is crucial to build up the standards and their interpretation in various institutional contexts as more experience is gained in Germany and comparisons can be established with other countries using a similar institutional approach to accreditation.

Overall appraisal

In spite of the questions raised above that still need clarification the Panel's conclusion is that the Accreditation Council complies with its duty in respect of setting minimum criteria for accreditation.

3.2. Accreditation of and fair competition between agencies

Accreditation and re-accreditation of accrediting agencies

Since the previous Evaluation review in 2008, the Accreditation Council has carried out 6 reaccreditation procedures and 4 first accreditation procedures of accrediting agencies. According to the SER, there are currently 10 accreditation agencies that are "certified" (i.e. accredited or re-accredited) by the Accreditation Council. Their list is provided in Annex 3.5. Most of them were set up by groups of universities – not by a governmental act as is more customary in other countries. All of them except one are certified for both programme accreditation and system accreditation. Two recently added agencies are not German: the OAQ (Switzerland) and AQ Austria, whose interests lie most probably mainly with the development of "system accreditation" or "audits", rather than with programme accreditation.

In the interviews, the Panel learned that the Accreditation Council is not expecting the creation of any new agency in Germany, but in view of the growing demands from German HEIs for audit-type of evaluations, it would welcome the application of a few more foreign agencies interested in being accredited by GAC.

The procedure for accreditation/re-accreditation of agencies is set out in GAC's "Rules for the Accreditation of agencies" and is presented in the SER. The evaluation team of normally 5 experts (from academia, industry and students, of which 2 are foreigners) used to include also a member of the Accreditation Council; this practice has been discontinued from the beginning of 2012 "in order to ensure a clear separation between the external review process and the authority setting the rules and deciding the outcomes of these reviews, according to a common international good practice". The Panel welcomes this change, which is expected to be formalised shortly in the rules for the accreditation of agencies.

All but one of the accrediting agencies approved by GAC are themselves members of the ENQA network and of the European Register of Quality Assurance Agencies (EQAR). The Panel learned with satisfaction that in a number of cases, the evaluation of these agencies for Accreditation Council approval and for ENQA membership could be combined in a single procedure, which means a significant reduction in the evaluation bureaucracy required from agencies. Agencies confirmed this view, while at the same time some of them wondered about the need for national evaluation and certification of agencies that were already approved at the European level.

Monitoring the accreditations done by the Agencies

The Accreditation Council was also entrusted the responsibility of monitoring the programme accreditations done by agencies, in order to ensure that they are carried out in a fair and consistent way and according to the applicable rules and criteria.

This is done mainly through random sampling and in as much as required though specific inspections (when there is sufficient initial suspicion) of individual processes. In the period of 2007 to the completion of the SER at the end of 2012, a total of 135 procedures were assessed by random sampling and 15 were submitted to a specific-purpose assessment. Following a proposal by the Council's competent Working Group, a new approach to this monitoring role of GAC has been tested in a pilot phase started in 2012; its aim is to place the monitoring of agencies on a broader basis and to make the improvement process more sustainable. The Council may also carry out thematic reviews across the various agencies; a first such "benchmarking" exercise has been performed by the Council and looked at the agencies programmes and practices for the briefing of evaluators; the results of this review were however not yet ready before the site visit.

These processes are seen as legitimate and they have on occasions provided an opportunity to clarify how a certain rule or standard should be interpreted. But this area of monitoring/supervision of the agency's work

has been criticised by agencies from various angles, in particular on the basis of doubts whether the Council has the necessary resources (in terms of staff numbers and qualifications) to actually review accreditation procedures conducted by experts. While sampling may indeed represent a practical compromise (as suggested in the SER), it is bound to be less effective as the number of programme evaluations increases and the inconvenience of re-considering decisions *post factum* become apparent. There is no clear indication about how this aspect may/should be improved, except that the Council intends to involve more closely the HEIs, as customers or “subjects” of the accreditation procedures, into the evaluation of the agencies’ work.

Consistent with the conclusions of the previous Review, the Panel is of the opinion that the present process of on-site monitoring of the agencies should be further developed, with a view to consolidate the fairness and credibility of the overall system of meta-accreditation; this does not seem possible without a further financial effort to employ and train the highly qualified personnel needed for the exercise.

So far, there is very little experience with the monitoring of system accreditation procedures in Germany. The Panel would like to recall that the 2008 Review report considered that the criteria for system accreditation were still liable to “enormously” different interpretations, which would mean either that criteria would need to become less generic and more detailed (an option discarded by the 2008 Panel) or that the monitoring function would need to be strengthened in order to track possible divergences in interpretation of standards. Five years later there is less reason for concern that system accreditation criteria are necessarily more “open” than criteria for programmes, as experience has also shown in many other countries practicing institutional evaluation or accreditation.

The second instrument for the continuous monitoring of accreditation procedures is through the handling of complaints and appeals. Since the previous evaluation, accrediting agencies have been requested (at the time of their re-accreditation) to develop their own appeal function and there has been an effort to alert HEIs on the possibility to use them. This allows most conflicts to be resolved directly between an agency and the HEI concerned, with only a small number of unresolved cases reaching the Accreditation Council.

Fair Competition between accreditation agencies

One assignment of the Accreditation Council is to guarantee a fair competition between the agencies in Germany. The previous Review report was of opinion that “the compliance with this duty is apparently difficult, as shown in practically all of the discussions”. This seems to have improved in the meantime.

According to the self-evaluation report, the Accreditation Council has tightened the rules protecting fair competition both in the agreement between the agencies and in the document setting out the accreditation procedure for agencies. It has also made efforts to ensure “the comparability of the procedures”, “the consistency of decisions” and the “fairness of pricing for activities tied to the award of the Accreditation Council’s seal” at the time of re-accrediting agencies and monitoring their activities. The regulation of prices has become more stringent in 2009.

Overall, the Panel heard no complaint from agencies or any other actor about possible limitations or distortions in competition. In practice the competition between German agencies on the domestic market is thus not focussed on the accreditation function, but limited to functions carried out alongside accreditation, such as coaching or advising. Hence, competition seems to be moving from the domestic to the international market.

The agreements between the Council and the agencies refer to some international activities. The special case of joint programmes has already been discussed. With respect to transnational higher education (German study programmes offered abroad), agencies are obliged to apply the same rules as for domestic programmes and can award the Council’s official seal for the accreditation of study programmes and for system accreditation.

The situation is more complicated in the case of international accreditation, i.e. applications for accreditation applications received by German agencies from non-German HEIs. The agreement between the Accreditation Council and agencies requests that agencies must “avoid the impression with third parties – particularly their contract partners – of pursuing activities other than those of an agency certified by the Accreditation Council”. This obliges agencies to make a clear distinction between evaluations for the award of the national German accreditation seal and other evaluation procedures in which agencies award only their own “seal”, whose value for national and foreign HEIs depends entirely on the agency’s reputation. In reality, it is very difficult to draw a clear line between these two activities, and there are some areas for improvement. Even though nearly all German agencies enjoy full membership of ENQA and EQAR, their reputation and attractiveness also hinges on their certification through the GAC, but they are not in a position to award the Council’s official seal to foreign HEIs.

In the spirit of the consolidation of quality assurance in the EHAE, the Panel sees high value in the expansion of evaluation procedures carried out by non-national agencies, both for the evaluated HEI (that can in this

way choose an agency and demonstrate that they meet foreign standards in addition to domestic ones) and the evaluating agency (e.g. in terms of capacity building and international experience and as a source of credibility). The Panel therefore commends the international expansion of German accreditation agencies, but regrets that the current rules of the Accreditation Council make it really difficult for them to award the official GAC seal to foreign applicant HEIs.

Overall appraisal

Overall, the Panel came to the conclusion that the Accreditation Council complies with its duty to ensure fair competition between agencies within Germany. At the same time, the Panel invites the Accreditation Council to take a broader view and enter into a dialogue with the agencies in order to build on their national and international activities and enhance in this way the robustness of German accreditation. This aspect may of course become even more crucial with the development of "system accreditation", which may attract more foreign agencies with experience in this area to Germany and reduce the German domestic demand for programme accreditation. This issue about international activities and competition is also connected with the question of the recognition of foreign accreditation decisions, which will be dealt with in Section 3.4.

3.3. Monitoring and further development of the system

Monitoring of the development of accreditation in Germany

A major task of the Accreditation Council has been to underpin the transformation of the traditional German degree structure (with long first-degrees leading up directly to the master's level, without intermediate stage) into a two-tier degree structure (Bachelors + Masters) in accordance with the Bologna Declaration and the new German Framework Law on Higher Education. At the same time the accreditation system as defined by (or through) the Accreditation Council is expected to have a positive impact on the development of quality in higher education.

All stakeholders, including in particular the representatives of the *Länder*, acknowledge the Accreditation Council's role in the achievement of the transition from ministerial approval to external accreditation of study programmes.

The task accomplished is easiest to measure in terms of the quantitative growth in the number of accredited programmes. According to the previous Review Report, in September 1997, the proportion of accredited Bachelor and Master study programmes offered in Germany was approximately 40%, with a very uneven distribution among the *Länder*. Five years later, according to the SER, some 52% of the Bachelor

programmes and 55% of the Master programmes were accredited – with a very uneven distribution across Germany. The main reason is that programme accreditation was not introduced by all *Länder* at the same time and is required *ex ante* as a condition for starting a new programme in some *Länder*, while in others it takes place *ex post* after 5 years of programme implementation.

The development of programme accreditation went in parallel with progress in the Accreditation Council's information system on accredited programmes (which is now fully coordinated with the decision-making agencies). The Panel however heard more criticism about unmet information needs concerning the recently introduced system accreditation, especially from the side of universities; the panel believes that these gaps in the information system should be addressed urgently, not least as a means for the dissemination and acceptance of system accreditation. The Accreditation Council's website seems to satisfy its users, at least those using the German version (the Panel heard some doubts about the quality and relevance of the information available to international users of the English version of the website). Progress was also reported in the flow of communication between the Council and the agencies, the KMK and the HRK – both by the Council itself in the SER and during the interviews with agencies and users.

Overall, the members of the Accreditation Council and the majority of stakeholders seem to agree that the lessons learned through these quantitative and qualitative measures have created the conditions for a new stage of development giving more space to "system accreditation" and more responsibility to the HEIs themselves.

Further development of the system: system accreditation

The introduction of system accreditation for whole HEIs or important parts of such HEIs is the major new feature in German quality assurance since the 2008 Review. The Accreditation Council, as the main forum where the interests of the various stakeholders come together, has played a key role in shaping, setting up and advocating this new type of accreditation.

System accreditation was introduced in 2007-2008 with the usual caution (following the conclusions of an ad hoc Working Group of the Accreditation Council and a two-year pilot phase) and with some hesitations (e.g. it was first to be reserved to HEIs who already have a large proportion of their degrees accredited, until it was realized that this was actually an obstacle to its development).

The introduction of System Accreditation is mainly meant as an additional option available to HEIs. It requires a huge effort from HEIs to build up a solid internal Quality assurance system that offers sufficient guarantees for the waiver of individual accreditation seals for each new programme.

Henceforward, HEIs can choose between programme accreditation (for single study programmes or for “clusters” of curricula that share something in common) and system accreditation (possibly starting with a part of a university rather than with the HEI as a whole). The first system accreditations have now been awarded and have alleviated the initial fear that only universities would seek this form of accreditation, while *Fachhochschulen* would stick to programme accreditation. Existing and new study programmes at HEIs enjoying system accreditation are deemed to be accredited with the Accreditation Council quality seal.

Over and above the adoption of procedures and criteria for “system accreditation”, this new possibility signals the broader movement of German accreditation as a whole in the direction of institutional “audits” or “accreditation”. By and large, the move has been encouraged or supported – with more or less enthusiasm – by various groups of actors and stakeholders.

Its introduction was seen as necessary by the majority of Council members in order to offset the weaknesses/deficiencies of programme accreditation. Among these, the most important ones were, in the view of the Council, the overload of agencies and the backlog in the accreditation of new programmes due to the high number of new bachelors and master programmes, as well as the high cost of the system for universities. At the same time, the new approach signalled a new level of trust in the self-managing capacity of the HEIs, in line with developments that were taking place in many other European countries.

Hence, the majority of Council members and stakeholders interviewed during the site visit see in system accreditation an indispensable and promising step for the advancement of quality assurance in German higher education. It was also presented – mainly by HEI and *Länder* representatives – as a mechanism that better respects the autonomy concept and encourages the move from punctual attention to quality (at the time of accreditation or reaccreditation of each programme) towards on-going, comprehensive quality management approaches; this is expected to ultimately lead to an enhancement in the overall level of quality and relevance of study programmes offered by HEIs.

Employers pointed out that the need for programme accreditation would not vanish, especially not in those areas where professional accreditation is related to the learning of strong disciplinary contents and competences.

The Panel found out, however, that HEIs were unconvinced that the new approach would save them time and money (in view of the huge preliminary investment in quality mechanisms upon which system accreditation hinges) and that students were rather sceptical about the level of protection they would get from institution-based (self-) accreditation.

In view of the SER and comments gathered from the discussion the Panel endorses the observations already made by the previous Review panel with respect to system accreditation:

- It supports the decision to introduce this new possibility into German higher education and thus leave a choice to HEIs, even though system accreditation still lacks unanimous public understanding and acceptance and may be seen by some to be a jump into the unknown. The Panel also appreciates that when opening this new approach the Accreditation Council has been able to draw on the experience of several other agencies and countries that introduced it several years earlier.
- It recommends that the impact of system accreditation on higher education (both universities and non-university, public and private) is carefully monitored through empirical data and research supplementing declarations from governments and HEIs about its expected results and desirability;
- It is concerned that the needed human and financial resources needed for the implementation of the new system on a large scale (including in particular for the training of experts and agency staff) as well as for its monitoring and the information of the public are still not adequately provided.

Overall appraisal

In view of the above comments and recommendations, the Panel concludes that the Accreditation Council complies with its duties with respect to the further development of the system.

3.4 Promoting International Collaboration

The activity of the Accreditation Council shows a certain international dimension in many respects:

- The Council is a member of several international networks and associations (ENQA, INQAAHE, DACH,...) and participates, through staff and some members, in European workshops and conferences; through their international activities, accredited agencies (that are members of EQAR and ENQA) and HEIs may also function as antennas able to catch and read the main trends in quality assurance in Europe.
- It has signed collaboration agreements with a number of foreign agencies.

- It has issued rules for the recognition of foreign accreditation decisions with a view to increasing the mobility of foreign persons and qualifications into Germany and making easier the accreditation of joint programmes with participation of German HEIs and students.
- Although attention to internationalization is not formally a requirement for programme accreditation and not a central requirement in system accreditation, evaluation panels tend to look into it.
- There are two foreign members in the Accreditation Council and the evaluation panel for system accreditation must always include foreign experts.

Yet, the Panel misses a real international orientation reaching beyond these structural aspects. The SER and the discussions confirmed that the Accreditation Council and its activities are not really conceived and viewed from an international perspective in a way that would benefit the German higher education system's role in Europe and the world. This observation is based mainly on the Panel's impression that the Accreditation Council thinks and acts (in the words of an interviewee) "in view of the German end of issues", without paying enough attention to the European and international dimension. The Panel gained this impression from the following main observations:

There seems to have been a reflection on the need to pay attention to internationalization when evaluating an institution for system accreditation.

- In spite of its many international contacts, the Accreditation Council's preoccupation with national issues seems to prevent it from paying attention to the experience of its accredited agencies outside Germany, especially with respect of the potential (mainly positive) impact these activities may have on the value of the German accreditation seal abroad.
- The Council seems to take for granted that the seal is respected and sought after abroad, without any empirical data for this and without considering what could be done to promote it worldwide.
- The Council seems not to reflect in a strategic way on the consequences entailed by the fact that agencies with full membership in ENQA and EQAR may at some stage challenge the need for German certification of agencies already enjoying European status.

- In spite of the possible granting of “exemptions”, the ruling about the recognition of foreign accreditation decisions for the accreditation of joint programmes in Germany still seems very cautious too preoccupied by domestic considerations (as opposed to European/international ones). The same is true with respect to European “quality seals” that are being developed in certain disciplinary or professional areas (like management, chemistry, engineering or music). A comparison with more open or “generous” approaches in other countries seems not to have taken place (in Spain Erasmus Mundus masters are deemed to be nationally accredited as soon as they get the label from the European Commission; in France foreign engineering degrees accredited by CTI entail the same rights as national degrees).
- The Council seems not to have considered the possible advantages of allowing access to the quality seal of the German Accreditation Council to foreign HEIs seeking accreditation from a Council-certified accreditation agency.
- Information efforts beyond Germany seem to be rather limited, and the Council’s website in English leaves much room for expansion and development.

This list is hopefully sufficient to explain why the Panel came to the conclusion that the attention given to internationalisation in all its various dimensions in the Council’s activities is not really up to the position that German higher education holds in Europe and the world. The Panel recommends that this dimension should receive priority attention in the future; the Panel is of course fully aware that this recommendation is – to a significant extent albeit not entirely – resource dependent.

Overall appraisal

On the basis of the above observations, the Panel concludes that the Accreditation Council complies substantially with the internationalization tasks entrusted to it by German regulations, but only partly with regard to what may be expected from the main quality assurance body of a major higher education country like Germany. The Panel is aware of the lack of resources and the need to prioritize national concerns in a complex system of political governance. It suggests nonetheless that not to commit more attention and resources to internationalisation may ultimately have a detrimental impact on German accreditation as a whole.

III. COMPLIANCE WITH THE EUROPEAN STANDARDS AND GUIDELINES (ESG)

In terms of the ENQA Guidelines, the Accreditation Council's compliance with the *European Standards and Guidelines for Quality Assurance in the European Higher Education Area* will be considered in the same sequence as in part III of the *European Standards and Guidelines: European standards for external quality assurance agencies*. Each consists of a quote of the corresponding ESG standard, the evidence and opinions used and their appraisal, and a concluding assessment by the Review Panel about the level of compliance (fully compliant, substantially compliant, partly compliant or not compliant).

1. Use of external quality assurance procedures for higher education

Standard 3.1:

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.

The SER provides extensive evidence on how the standards and guidelines defined by Part II of the ESG are integrated in the external quality assurance procedures and criteria for study programmes as well as for system accreditation, by means of the emphasis placed on HEIs' internal quality assurance system.

The Accreditation Council does not itself carry out any accreditation, be it for study programmes or for "systems". Rather, it accredits agencies which carry out these accreditations at the HEIs. The membership of German accreditation agencies of both ENQA and EQAR may in itself be seen as evidence that these agencies, who apply the procedures and

criteria for accreditation as defined by the Accreditation Council, are fully in line with ESGs.

Concluding assessment:

Fully compliant

2. Official Status

Standard 3.2:

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.

The structure and activities of the *Foundation for accreditation of study programmes in Germany* is defined by the founding law of the Foundation (ASG) of 15 February 2005. Its role has been further defined and confirmed by the Standing Conference of Ministers of Education and Culture of the *Länder* (the KMK).

From the SER as well as from the discussion, there is no doubt whatsoever that the Accreditation Council is the official and central body of the German system of external quality assurance. The previous chapter of the present report confirms that it is compliant with the legal and statutory requirements set for it in Germany. Its activities and its decisions regarding the rules for accreditation and the certification of agencies are formally recognised by the various stakeholders.

On the basis of the ASG and the tasks entrusted to it by the KMK, the Foundation can claim an established legal basis – all the more since its main bodies (the Foundation Council and the Accreditation Council) bring together, in different ways, representatives of the various categories of stakeholders in the German higher education system.

It seems nonetheless important to mention that there is currently one pending case in the German Constitutional Court that may – potentially – question the legal set-up of the Accreditation Council and the whole system of external quality assurance in Germany. This issue is related to the federal structure of German higher education and the balance between action at the national level and power of the federal states. It is however not questioning the status and the quality of the work carried out by the Council, the accreditation agencies or the higher education institutions.

Concluding assessment:

Fully compliant

3. Activities

Standard 3.3:

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

As already mentioned the Accreditation Council does not itself carry out any accreditation procedures at HEIs, but rather accredits and re-accredits accreditation agencies, defines criteria and rules for accreditation procedures and appeals, monitors the work of the agencies and organises the information to society at large about accredited programmes – and now also system-accredited HEIs.

In this system of meta-accreditation, the role of the Accreditation Council can be interpreted as an activity of external quality assurance, carried out as its core function and on a regular basis, but directed towards those agencies that will later do the accreditation of programmes and HEIs rather than directly to these programmes or HEIs. There are currently 10 certified agencies, of which nine enjoy ENQA and EQAR membership.

Furthermore, the Accreditation Council's responsibility includes the further development of the accreditation system in Germany; in compliance with this task, the Accreditation Council has taken major initiatives such as the possibility to group the evaluation of individual study programmes ("cluster accreditation"), to recognise foreign accreditation decisions under certain conditions and above all to add the possibility of "system accreditation" to the options open to German HEIs. In this way also, the activities of the Accreditation Council, while not carried out on the ground at HEIs, are crucial in defining the accreditation processes that will be carried out by agencies certified and monitored by the Council.

Concluding assessment:

Fully compliant

4. Resources

Standard 3.4:

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.

The human resources and financial resources available to the Accreditation Council have only marginally improved since the previous

external Review, while the physical and technical work conditions of staff have remained stable, with rather low level computer equipment and technology. The SER and the discussions showed that these resources make it already difficult to cope with the current, routine activities and are likely to be clearly insufficient with regard to foreseeable new activities (like the monitoring of system accreditation) or other activities that would allow the Council to adopt a stronger strategic and international position in the broader European and international quality assurance community. More participation in workshops, conferences, projects and training activities require more financial and human resources. So does the development of a fully-fledged international website in English, as well as the implementation of general communication and public relations, e.g. to explain system accreditation and enhance its acceptance among stakeholders and the general public.

In few words, the panel is convinced that with its current resources the Accreditation Council may be able to run its ordinary business, but would not be in a position to take on a more proactive role in the further and continuous development of German quality assurance and in its promotion at the European and international level. In the Panel's view, it would be a misconception to believe that the shift towards system accreditation will free resources in the short term. The further development of the system, the indispensable empirical research projects, the development of a real strategy in line with the country's medium term needs, all these tasks hinge on the availability of additional human, financial and technological resources.

Like its predecessor in 2008, the Panel observes a potentially very serious discrepancy between the strategic role assigned by the *Länder* and the KMK to the Accreditation Council and the agency's endowment with resources. The risks involved are not only that certain crucial tasks may become too difficult to achieve in spite of staff's dedication, but also that the Council may no longer be in a position to assume its major role as a clearing house between the interests of the various stakeholders and falls under political control from those who govern its resources, thus jeopardizing the agency's independence and credibility amongst its peers.

The Panel is concerned by these risks, even though it recognises that they are more related to desirable future developments rather than to current operations.

Concluding assessment:
Substantially compliant.

5. Mission Statement

Standard 3.5:

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 agencies' 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.

The Foundation for accreditation of study programmes has in place a Mission Statement (not adjusted since 2007). It consists mainly in a list of goals and duties of the Foundation, its self-conception, its understanding of "quality" and its work principles.

However, the Mission Statement does not reflect in any way a high level of ambition for German accreditation, nor a vision of the Council's role in making it happen. As someone put it during the interviews, it is rather a "pedestrian" mission statement, in need of update (the same as the name of the Foundation and its bylaws; it has not been revised since the introduction of system accreditation). While recognizing the fact that the Council's strategy is for itself to decide, and not the object of this evaluation, the Panel would nevertheless like to express its wish for a significantly higher level of ambition for the Foundation.

Concluding assessment:

Fully compliant

6. Independence

Standard 3.6:

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.

The SER refers to the critical views expressed by the previous Review Panel in 2008 (about a possible influence of governments on Council decisions through the *Länder* representatives) and suggests that ESG 3.6. should be applied differently to its different functions:

- With reference to its function as a regulating body of the work of agencies, the Council sees its main responsibility in guaranteeing that the agencies in charge of programme and system accreditation work fully free of external influences; in this case, the Council, in chiselling out rules and standards, must act as a mediator and buffer between (legitimate) political and institutional power on the one hand and the accrediting agencies on the other;
- But when it functions as a certification body of agencies, the Council's main responsibility is to reach its own decisions independently of influences from external influences, including in particular from those groups of stakeholders that nominate some of the Council members.

This Panel acknowledges that the risks referred to must indeed be carefully taken into account, but believes that the Council's composition and improved rules offer some real guarantees that it can fulfil its dual function in a satisfactory way. The Council has been purposely designed as a representative body where the interests of the various stakeholders are expressed and shaped into a line that does not fully suit the views of any single category of stakeholders or actors. In this respect, the Panel checked in particular that there is no possibility for any one category of members (including those from the *Länder* and those from HEIs) to act as a blocking minority.

The composition of the Foundation's governing bodies and the terms of membership are laid down in the Law (ASG) and the statutes. While the Foundation Council, which has no role in the quality assurance activities, seeks a balance between *Länder* and HEIs and counts persons that are indeed expected to act as "owner" representatives of their constituencies, the Accreditation Council – which is the only decision making body in quality assurance – reflects the balance sought between all various categories of stakeholders in higher education.

According to the Foundation's statutes the Council makes its decisions by means of majority votes and all members (including those from the

Länder) must act independently, i.e. without external instructions. In response to the 2008 Review report, the Council adopted in 2009 a Code of Conduct for Members that sets out a number of clear and important principles and adds a number of new safeguards:

- The members of the Accreditation Council act and decide as experts in quality assurance in higher education – not as delegates of the group that nominated them;
- When there is a potential conflict of interest in view of the meeting agenda, Council members must declare such conflict and do not participate in the discussion and the vote;
- Council members cannot be active in the work of accreditation agencies carrying the seal of the Accreditation Council and in organisations tied to these agencies.

The SER refers to the Accreditation Council's "positive experience with the representation of *all* stakeholders, including those of the Länder". The Panel found no reason, either in the SER or the interviews with Council members and other actors, to challenge this view. It suggests nonetheless that some additional measures might help fencing off the Council against scepticism in this respect:

- One possibility would be that *Länder*-nominated members become non-voting members, as suggested by the Council itself in its interim report of 2010;
- Yet, there may be better ways, in particular through a clearer, more explicit differentiation between *Länder* and KMK *representatives* sitting on the Foundation Council, and *Länder experts* (or at least qualified persons) dealing with quality issues in higher education and sitting on the Accreditation Council; such differentiation would require a change in the Foundation statutes and preferably also in the law; these changes could be consolidated with others regarding e.g. system accreditation, name, etc.

Concluding assessment:
Substantially compliant

7. External quality assurance criteria and processes used by the agencies

Standard 3.7:

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.

As the relevant steering documents for these questions, the “Rules for the accreditation of Study programmes and for System accreditation” as well as the “Rules for the accreditation of accreditation agencies” demonstrate in an obvious way the commitment of the Accreditation Council and the community of accreditation agencies and evaluated HEIs to the principles and methods of this ESG.

Although the principles of this ESG also apply to the procedures of agency certification carried out by the Council itself, in Germany’s decentralised system of “meta-accreditation” they are even more important with respect to the need to ensure consistency between programme and system accreditation procedures conducted by the various certified agencies. The mechanisms aimed at ensuring such consistency on the basis of common rules and fair competition between the agencies were already presented and assessed in Chapter II.2. Suffice it therefore to recall here that the Council has consolidated the applicable rules and strengthened its follow-up (monitoring) of agency decisions; all agencies now have an appeals procedure in place and negative decisions are now mostly being published after completion of the procedure (i.e. in case the conditions set to a programme or HEI are not met within the timeframe allowed).

The Panel would nonetheless also recall the need to monitor in a particularly close way the still new system accreditation procedures and decisions, both in order to ensure their consistency across agencies (that still have little experience with it) and to be able to introduce as soon as possible the adjustments that may be found necessary.

Concluding assessment:

Fully compliant

8. Accountability procedures

Standard 3.8:

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.*

The Foundation introduced a formalized system for internal quality assurance in June 2007, which means that little feedback and evidence of the functioning of this evidence was available at the time of the previous Review in 2008. This explains why the Panel at that time "deemed" the Accreditation Council to be fully compliant, but could not yet provide much more information.

In the meantime, the Accreditation Council's internal system of quality assurance has been in operation for several years. It is mainly based on a Council Resolution introducing a continuous system of feedback on the Council's objectives and activities from all engaged parties, under the responsibility of a specific working group of 3 members of the Accreditation Council, who formulate aggregate assessments in an annual quality report. Part of the system is that all experts (those working for the Council and those working for a certified accreditation agency) must sign a declaration of impartiality.

The current external evaluation report coordinated by ENQA is pursuant to the Foundation's statutes (paragraph 11), which require such an external evaluation by foreign experts at regular intervals of about 5 years.

Another aspect of the Accreditation Council's accountability concerns its legal and statutory obligations to generate and communicate information to various groups and to the public in general. The Council must regularly inform the *Länder* and KMK about progress made in the introduction of the new structure of degrees (in accordance with the Bologna principles) and on the development of the accreditation system. This is part of the Foundation's annual report, which has been supplemented since the beginning of 2011 by a quarterly Newsletter.

The Council must also maintain and make available on its website a list of certified accreditation agencies and a database of accredited study programmes (and now also of HEIs with "system accreditation"). The Foundation's website has been overhauled and improved in 2012 – even though in the Panel's view it needs some further work in order to better answer to the information needs of international users not familiar with German higher education and the German approach to accreditation.

Concluding assessment:

Fully compliant

IV. SUMMARY AND CONCLUSIONS

The Foundation for the Accreditation of Study Programmes in Germany – and in particular its main body, the Accreditation Council – plays a key role in Germany’s decentralized higher education and quality assurance systems. The federal structure of Germany and its diversified system of higher education have led to a unique organization of quality assurance, with a strong emphasis on the role of the HEIs themselves, a plurality of accreditation agencies with different profiles and a small keystone organization whose main function is to keep together in a sustainable way the various pieces of the whole system.

At the time of concluding this Review, the Panel feels therefore a need to underline that its work has tried to pay due attention to three fundamental aspects:

- One is the actual role of the Accreditation Council in the German national context, well beyond its formal, technical tasks: At present, the Council plays an invaluable role as a clearing house of the diverse and sometimes contradictory interests of the main groups of stakeholders and actors involved (HEIs, governments, students, employers, agencies, European/international associations, and the public in general), and this aspect is, by necessity, reflected in its policies and activities. At the same time, the Council has the ambition to play a proactive and agenda-setting role within its constituency, which the Panel finds would be in accordance with its central position. For this role to be efficiently executed, however, the resources of the Foundation should be increased. (The Panel is aware that this is not for the Council itself to decide.) In particular, a strengthening of its administrative office (*Geschäftsstelle*) – operating under the Board – would make it easier for the Council to steer developments through professionally-conducted monitoring and sector-wide studies and reviews, rather than through negotiated, consensus-oriented compromises.
- The second aspect is that the system is in constant flux, which leads to frequent change in regulations and operations, new experimentations followed by subsequent adjustments and a shifting power balance between the various stakeholders and actors – in particular the state governments (including in their own relationship with the federal government) and the various types of higher education institutions. This means that any appraisal of the German quality assurance system and of its main body, the Accreditation Council, always remains subjected to external change that may tilt

the delicate balance of interests upon which it is based at any particular moment in time; this could happen, for example, in case one of the upcoming decisions expected from the Constitutional Court questions the legal basis upon which the whole system has been gradually built over the past decade.

- The third key aspect is that it is not really possible to provide an opinion about the Accreditation Council's situation and achievements in its national context without keeping closely in mind the European and international factors that contribute to shaping them and are at the same time affected by them.

With this in mind the Panel acknowledges significant progress achieved over the five years since the previous Review and comes to the following conclusions:

1. The German Accreditation Council complies with the tasks and responsibilities entrusted to it at national level.

However, this overall conclusion needs to be viewed in the light of one important comment. A major limitation already criticised in the previous Review report five years ago was that the Council's resources were only just sufficient to cope with its day-to-day operations. The panel finds that this situation still largely prevails, in spite of some modest recent increases. With the current level of resources it is difficult to see how the Accreditation Council could play in the future the central and proactive role in German external quality assurance that its position really calls for, or how the international aspects could be further strengthened and the German quality seal could be constructively promoted abroad. The Panel thinks that the forthcoming Review, in about five years from now, should pay particular attention to these issues.

2. The German Accreditation Council complies with the European Standards and Guidelines.

The Panel finds that there is full compliance with six of the eight ESG and substantial compliance with two more – those referring to the Foundation's independence and its resources. On the first one, the Panel finds that the Council is faced with a difficult federal set-up, but has all the same taken steps to disengage itself from dominant stakeholders. On the second point, the Panel finds that the Council has made the most with the resources put at its service and can only plea for a better alignment between the Council's endowment and its core role.

V. RECOMMENDATIONS TO THE GERMAN ACCREDITATION COUNCIL

The Panel would like to draw the attention of the German Accreditation Council to the following recommendations:

- In the complex context in which the Council is operating, it would find high benefits from the development of a real strategic plan for the Accreditation Council, with particular attention paid to the areas of system development and internationalization.
- It will be of paramount importance for the overall development of the German quality assurance system and for the Council itself to carry out a careful evaluation of the development of system accreditation; such an evaluation should consider the multifaceted consequences of this development on the operations of the Council and the accreditation agencies, as well as on quality assurance and quality improvement at the various types of HEIs, with a view to striking a desirable balance between the two types of accreditation.

The Council should consider the desirability of including doctoral studies in its portfolio and raise a discussion with regulating authorities about this.

- The Council should pay significantly more attention to its role, performance and impact beyond German borders, in particular with regard to the certification of non-German accreditation agencies, the international activities of German accreditation agencies and the visibility and value of the official German quality seal in the world.
- The Council should also consider reviewing a number of pending issues, in particular with respect to:
 - o the desirable balance between generic and subject-specific standards and the linkage (or separation) of generic (academic) and professional accreditation;
 - o the simplification and possible mainstreaming of the procedure for private HEIs and the guarantee of their equal treatment;
 - o the necessary updating and desirable upgrading of the mission statement;
 - o the adjustment of the name of the Foundation following the introduction of system accreditation;
 - o the further development of the Foundation's website and communications strategies in general.

APPENDIXES

Appendix 1: List of abbreviations

AQ Austria	Austrian Quality Assurance Agency
ASG	Law setting up the Foundation for the Accreditation of study programmes in German Higher Education
CTI	French Agency for the Accreditation of Engineering Studies
DACH	Regional cooperation between the quality assurance agencies of Germany, Austria and Switzerland
ECA	European Consortium for Accreditation in Higher Education
EHEA	European Higher Education Area
ENQA	European Association for Quality Assurance in Higher Education
EQAR	European Register of Quality Assurance Agencies
ESG	European Standards and Guidelines for Quality Assurance
ESU	European Students' Union
EUA	European University Association
GAC	German Accreditation Council (<i>Akkreditierungsrat</i>)
HEI	Higher Education Institution
HRK	German Rectors' Conference
INQAAHE	International Network for Quality Assurance Agencies in Higher Education
KMK	Standing Conference of State Ministers of Education and Culture
NOKUT	Norwegian Quality Assurance Agency
OAQ	Swiss Quality Assurance Agency
SER	Self-Evaluation Report

Appendix 2: Programme of the site visit of the Review Panel to the German Accreditation Council, Berlin 3-4 June 2013

External review of the German Accreditation Council:

Site visit schedule (FINAL)

Site visit: 02 June – 04 June 2013

Venue: Landesvertretung Baden-Württemberg (Baden-Württemberg State Representation),
Tiergartenstraße 15, 10785 Berlin

Programme

02 June 2013		
16:00 - 20:00	Private meeting of the review panel	Review panel only
20.00	Dinner	Review panel only

03 June 2013		
08:30 - 09:45	Meeting with the Board of the German Accreditation Council	Prof. Dr. Grimm , Chairman Dr. Bartz , Managing Director
09:45 - 10:45	Meeting with representatives from agencies accredited by the German Accreditation Council	Doris Herrmann (AQAS) Thomas Reil (ACQUIN) Dr. Anke Rigbers (evalag)
10:45 - 11:00	<i>Coffee break with internal review panel discussion</i>	Review panel only
11:00 - 12:00	Meeting with experts/evaluators that were involved in the accreditation of agencies by the German Accreditation Council	Dr. Sabine Felder , Head of Teaching Coordinating Unit, Rectors' Conference of the Swiss Universities (CRUS) Jacob Müller , Student at the University of Potsdam Dr. Rita Weber , Head of Department Research/Science/Hans-Böckler-Stiftung,

		IG BCE (Mining, Chemical and Energy Industrial Union)
12:00 - 13:00	<i>Internal review panel discussion with lunch</i>	Review panel only
13:00 - 15:00	Meeting with members of the Accreditation Council	
15:00 - 15:30	<i>Coffee break with internal review panel discussion</i>	Review panel only

15:30 - 16:30	Meeting with representatives from the Foundation Council	Secretary of State Martin Gorholt , Ministry of Science, Research and Culture, Brandenburg (Chairman) Dr.-Ing. Thomas Kathöfer , Secretary General of the German Rectors' Conference (Vice Chairman) Prof. Dr. Micha Teuscher , Rector of the Hochschule Neubrandenburg
16:30 - 16:45	<i>Coffee break with internal review panel discussion</i>	Review panel only
16:45 - 17:45	Meeting with representatives of system-/ and programme accredited higher education institutions	Dr. Philipp Pohlenz , Managing Director ZfQ - Centre for Quality Development at the University of Potsdam Prof. Dr. Peter Schäfer , Dean of the Applied Social Sciences at the Hochschule Niederrhein - University of Applied Science Prof. Dr. Dörte Schultze-Seehof , Rectrice of the design akademie berlin - Hochschule für Kommunikation und Design GmbH Dr. Anne Töpfer , Head of Department for Quality Development at the University of

		Stuttgart
17:45 - 19:00	<i>Review panel meeting to summarize outcomes of day one</i>	Review panel only
19:30	<i>Dinner</i>	Review panel only

04 June 2013		
09:00 - 10:00	Meeting with staff from the Head Office	Friederike Leetz , Programme Manager Agnes Leinweber , Programme Manager Katrin Mayer-Lantermann , Programme Manager
10:00 - 10:15	<i>Coffee break with internal review panel discussion</i>	Review panel only
10:15 - 10:45	If questions remain: Meeting with the Managing Director and/or the Chair	
11:00 - 15:00	<i>Final discussion of review panel to agree outcomes and to discuss main lines of the report with lunch</i>	Review panel only
15:00 - 15:15	Final meeting with Board	Prof. Dr. Grimm , Chairman Dr. Bartz , Managing Director
15:15	<i>Departure</i>	