

Quality Assurance in Higher Education in Germany:

Players and Procedures

Higher education in Germany is regulated for the most part by the federal states (“Länder”) and their higher education laws, with the Higher Education Framework Act (“Hochschulrahmengesetz”) as a basis on the national level. The Standing Conference of Ministers of Education and Cultural Affairs (“Kultusministerkonferenz (KMK)”) provides frameworks for higher education that the federal states agree upon. The university system is divided into universities, universities of applied sciences and universities of arts and music. Additionally, universities of cooperative education or vocational academies (“Berufsakademien”), which are technically outside of the higher education system, can offer Bachelor’s programmes that are equated to higher education programmes and lead to the same qualifications. Higher Education Institutions (HEIs) can be public or private, but, to be able to offer academic degrees, private institutions have to be recognized by the state, usually after an institutional accreditation by the German Scientific Council (“Wissenschaftsrat (WR)”). Most study programmes have been adapted to the Bachelor/Master system, but there are still programmes leading to a Diploma degree or a State Examination (e.g. teacher training, laws, medicine). Additionally, some universities have formalised doctoral programmes, some of them adapted to ECTS.

With the introduction of the Bachelor/Master system, the KMK also conceived an external quality assurance system and issued “Common Structural Guidelines of the Länder for the Accreditation of Bachelor's and Master's Study Courses” and the German Qualifications Framework for Higher Education. The German Accreditation Council (GAC) was established in 2003 as a foundation under public law and tasked with the formulation of criteria and procedural rules based on the Structural Guidelines as well as the accreditation of private, non-profit agencies to carry out programme accreditation procedures. The agencies could then decide on accreditation in their accreditation commissions and issue the quality seal of the GAC alongside their own.

In 2008, system accreditation was introduced, which has as its subject not individual programmes but the quality assurance system of an entire institution (or possibly a faculty). In turn, all programmes that have undergone this quality assurance system will be accredited and carry the GAC seal – that is, the institution gains self-accrediting authority for a limited time period.

The accreditation agencies in Germany are private not-for-profit institutions competing for accreditation procedures on an open market. At the moment, 10 agencies are competing on the German market, including the national agencies of Austria and Switzerland. Four of these agencies have specialized in certain subjects. In general, HEIs are free to choose an agency based on quotation. The criteria for selection and their weighting vary from case to case (e.g., pricing, the proposed timeframe, prior experience with the agency, quality of a proposed concept etc.). Especially for larger projects (system accreditation or cluster accreditations), public HEIs are often legally bound to place an open call for tender that agencies can apply to.

Since the legal status of this accreditation system had been put into question, in March 2016, the German Federal Constitutional Court tasked the federal states with the establishment of a new accreditation system that would rectify this unclear status until the end of 2017. As a result, the KMK agreed on an “Interstate Treaty on the Organization of a Joint Accreditation System to Ensure the Quality of Teaching and Learning at German Higher Education Institutions (Interstate Study Accreditation Treaty)” in 2016, which provided the legal framework for a new accreditation system. It was supplemented with the “Specimen Decree Pursuant to Article 4, Paragraphs 1 – 4 of the Interstate Study Accreditation Treaty” in 2017. Both were enacted on January 1st, 2018, and the federal states agreed to implement the specimen decree into their own accreditation decrees that would not differ from the specimen decree in any substantial way. The last of these state decrees was ratified in March 2020. These decrees form the basis for all accreditation procedures contractually agreed upon from January 1st, 2018 onward and constitute state law. Thus, all accreditation decisions taken by the GAC are now to be regarded as litigable administrative acts.

Accreditation procedures with contracts concluded before that date can be carried out according to the previous accreditation system, and thus, a very few of these procedures have not yet concluded. Additionally, decisions about substantial changes to the study programmes or quality assurance systems accredited under the old system still fall to the agency that has accredited them.

The main differences of the new accreditation system are that, on the one hand, the GAC takes all decisions on accreditation while the agency carries out the review and provides an accreditation report, and on the other hand, agencies are no longer accredited by the GAC but are licensed on the basis of their inclusion in the EQAR. Furthermore, the criteria are now divided into formal and academic criteria and it falls to the agency itself to formulate an assessment on the formal criteria while the expert group is tasked with the assessment of the academic criteria. The GAC can decide on a conditional accreditation and decides on the fulfilment of the conditions.

German higher education institutions can also undergo further quality assurance procedures in the realm of teaching and learning, e.g. evaluations, or an accreditation or certification of programmes that do not fall in the Bachelor or Master category, but since as a rule these are not mandatory under state law, these procedures are undergone voluntarily and are not subject to common rules or criteria.

Central Evaluation and Accreditation Agency Hanover (ZEVA)

Short Profile

Mission and Activities of the Agency

ZEVA was established in 1995 as the central evaluation and accreditation agency of higher education institutions in Lower Saxony. It was the first agency for quality assurance in higher education founded in Germany, the first to establish an accreditation procedure and the first agency to be accredited by the German Accreditation Council. From the beginning, ZEVA has been active in national and international networks for quality assurance in higher education, such as the Joint Quality Initiative and the European Association for Quality Assurance in Higher Education (ENQA). It has also been listed in the European Quality Assurance Register for Higher Education (EQAR) since 2008. Since its foundation, ZEVA has continued to widen its range, establishing new kinds of assessment procedures and offering its services both nationally and internationally.

Today, ZEVA's services include programme and system accreditation in Germany, evaluation (especially at higher education institutions in Lower Saxony), international accreditations on a programme and institutional level, institutional audits at Austrian Universities of Applied Sciences, certification of further education at higher education institutions, validation of educational offerings outside of higher education, and consultations and seminars in the area of teaching and learning in higher education. From the beginning, ZEVA has ensured that all activities that pertain to quality assurance in higher education are carried out in line with the European Standards and Guidelines (ESG) in their current version.

ZEVA works across all disciplinary fields at all types of higher education institutions, both in the public and the private sector. As a foundation under public law, the agency is charitable and not profit-orientated.

At present, ZEVA counts a total of 19 staff, including five administrative staff.

Organizational Structure

ZEVA's internal structures are bindingly established by its Foundation Charter as well as the rules of procedure assigned to the bodies and commissions. The Charter clearly states the Foundation's purpose, namely "to carry out tasks of quality assurance and thus to promote science and research".

The Charter also defines ZEVA's legal bodies, namely the Foundation Board of Trustees, the Executive Board, the ZEVA Commission (ZEKo) and the Standing Evaluation Commission (SEK).

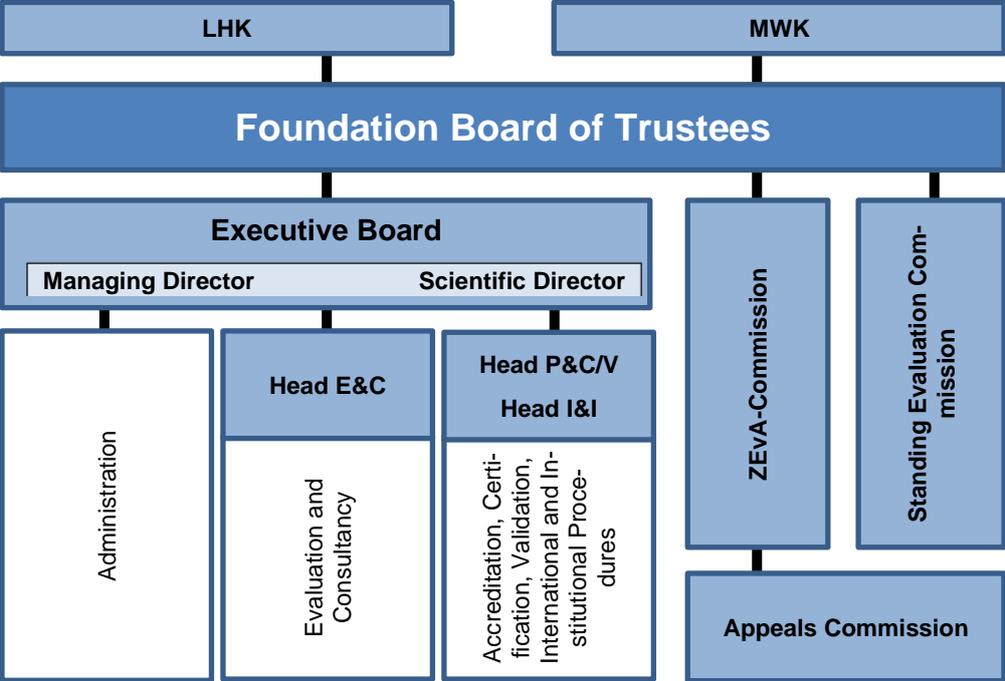
The Board of Trustees is the main supervisory body of the agency. It consists of seven members, six of them appointed by the State Universities Conference (LHK) in agreement with the Ministry of Science and Culture of Lower Saxony (MWK) and one appointed directly by the

MWK. The Board's tasks include the resolution of the agency's business plan, the appointment of the members of the Executive Board and the two commissions as well as decisions on amendments to the statutes of the foundation.

The Executive Board consists of the Managing Director and the Scientific Director. The Managing Director manages the day-to-day business of ZEvA, acts as superior of staff and represents ZEvA in judicial and extrajudicial matters. The Scientific Director (a current or former rector/president or vice-rector/-president of a HEI in Lower Saxony) acts as head of the two ZEvA commissions.

For its different kinds of activities, ZEvA has appointed three Division Heads, one for Evaluation and Consultancy, one for Programme Accreditation and Certification/Validation and one for International and Institutional Procedures, who act as middle management for the project officers.

The following diagram shows ZEvA's internal structure:



The ZEvA Commission (ZEKo) is comprised of long-standing experts from academia, the professional world, quality assurance and the student body. The ZEKo takes decisions on national and international accreditation procedures (apart from those within the current German accreditation system), institutional audits, certifications and validations, and appoints expert groups for all of these procedures, including those according to the current German accreditation system.

ZEvA's Standing Evaluation Commission (SEK) supervises ZEvA's evaluation activities as a whole and makes decisions about ZEvA's evaluation activities in Lower Saxony. The commission receives reports on ongoing evaluation processes and decides on recommendations for measures concerning quality improvement. Furthermore, it decides on the refined procedural principles for ZEvA's evaluation procedures (based on the ESG) and monitors compliance with them.

As the Appeals Commission does not take any final decisions, it is not counted among ZEvA's bodies but advises the ZEvA Commission in appeals and complaints.