

Resolution of the  
147<sup>th</sup> Senate of the HRK  
on 16 March 2021  
Video conference

**Effective framework  
conditions for teaching  
and learning**

**HRK German Rectors' Conference**

The Voice of the Universities

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Maintaining and developing the quality of teaching and learning is a genuine task of universities. This involves planning and implementing teaching and learning as well as shaping the necessary organisational framework conditions. As far as these aspects are concerned, universities depend on the Federal Government and the Länder to lay the foundations in the form of adequate regulations and funding. The ongoing COVID-19 pandemic has undoubtedly released potential in many areas of universities. However, it has also once again highlighted structural shortcomings in the framework conditions for teaching and learning that have been an issue for many years. With the number of students enrolling at universities staying high, these deficits massively impair the future viability of higher education programmes. The universities therefore call for the Federal Government and the Länder to take remedial action – either within their individual remits or in partnership where appropriate – to ensure that universities can continue to fulfil their tasks.

The circumstances and concerns outlined in detail below require changes across almost every area of higher education. State action is essential as a first step to get the ball rolling or even enable many of these processes to get underway. Boosting basic funding for universities remains an important goal in the medium term so that institutions can continue to offer teaching and learning at the highest possible level on their own responsibility. All suggested changes will need to be accompanied by adjustments at the university administration level (with a focus on rolling out digital processes and further qualification).

## 1. Develop digital infrastructures

**Basic principle:** The digitalisation of higher education teaching must be substantially funded on the basis of a corresponding agreement between the Federal Government and the Länder, with all aspects covered.

**Explanation:** Aside from the commendable short-term immediate programmes implemented by many Länder, the structural shortcomings in the digitalisation of higher education teaching will only persist without the influence of an agreement between the **Federal Government and the Länder**. At the basic level, the relevant equipment needs to be installed in offices and teaching rooms. However, action also needs to be taken to provide the relevant infrastructure (e.g. server environments with sufficient capacity and wireless networks across campuses), licences (including for AI-based tools) and specialist staff. IT professionals are essential here as are experts in consultancy roles (such as those specialising in educational media and degree programme design). Everyone involved in a higher education setting also needs ongoing training at a high level with a focus on the links between teaching and (media) technology. The COVID-19 pandemic has also revealed that a major shift to online teaching was only possible in the beginning with short-term assistance from external commercial providers. However, this is not an ideal solution in the long term if the universities are to be able

to take control of their own digital future. The universities need to be able to procure or develop secure and reliable solutions for digital and hybrid teaching and learning formats safe in the knowledge that data protection has been taken care of. Cross-university cooperation based on the essential resources is of crucial importance here. It has also become evident that a thriving culture of cooperation between universities is essential as far as teaching and learning are concerned. There must be no chance of this being derailed by unfavourable legislation on VAT.

## **2. Increase the credits for digital teaching**

**Basic principle:** The teaching obligation regulations of the Länder must provide for a consistent regulation across the Länder on the crediting of digital teaching towards the teaching load.

**Explanation:** The Corona pandemic has led to university teaching currently taking place in digital formats in a comprehensive manner. This accelerates a trend that has existed for some time, which results from the individualisation of study courses, an increasingly supervision-intensive diversification of the student body, the differentiation and internationalisation of teaching offers and the advantages of new methods of analysis and transfer, and which consists of supplementing the face-to-face dialogue between teachers and learners as the core of academic teaching with digital elements. The development and expansion of this blended learning culture must take place step by step, understanding teaching and media qualification as a unit. However, it is already foreseeable that the expansion of teaching formats in the digital area will mean an increased effort in the preparation and implementation of academic teaching with regard to technical and didactic requirements, accessibility/compensations in case of disability, and re-usability of content. However, the existing teaching obligation regulations do not usually take this reality of digital or hybrid teaching into account or contain very different regulations for crediting digital teaching towards the teaching load. The **Länder** are therefore requested to modernise the outdated ordinances accordingly, whereby a uniform regulation across Länder borders is required in the core elements.

## **3. Secure frameworks for digital examinations**

**Principle:** The legal situation regarding digital examinations is in need of clarification, particularly with regard to feasibility and data protection, and must be made uniform.

**Explanation:** The need to enable several cohorts of students to take examinations even during the pandemic and thus ensure the success of their studies has made the question of stable digital examination formats, which has existed for some time, particularly with regard to part-time studies, distance learning and international students, very visible.

Regardless of the current needs, in the medium term it is important for universities to be able to further develop the forms of examination (analogue and digital) in a differentiated and innovative way along the content-related guideline of competence-oriented examination and then also to be able to offer them reliably. This makes it necessary for digital examinations to be available as a reliable option in addition to face-to-face examinations. So far, the majority of the **Länder** have no or only isolated legal provisions on the subject. A regulation of the matter is urgently needed both now and in the long term. It is not enough to design the regulations only in terms of audit law; data protection, data security and complementary issues must also be regulated. Now and in the future, the choice of the concrete examination form will have to be made in each individual case by the higher education institution or the units responsible internally there, primarily on the basis of didactic, technical and administrative considerations. Overall, the availability of digital examination formats should be seen as a building block for the development of mature higher education e-government structures, which must also include the creation of legal certainty for digital committee decisions.

#### **4. Enable student financing**

**Principle:** The existing funding system, scope and use of funds of the BAföG are not (any longer) aligned with the reality of students and must be adapted.

**Explanation:** The Federal Government's controversial and often considered inadequate emergency funding during the Corona pandemic has once again brought the issue of student financing and thus the issue of fair access to higher education into focus; rapid price developments in the areas of rent and cost of living in many large university cities as well as growing necessities in terms of mobility and technical equipment have caused the financial requirements for studying to increase over the years. At the heart of state support for student financing are the BAföG benefits, which recently, despite several attempts at reform, were only received by about 11% of students. Overall, it is apparent that the system and content of BAföG no longer adequately reflect the reality of life for students. Therefore, in the future, options for part-time study should be integrated, for example, with a view to the diversity of students, and the age limits should be made more flexible so that further education courses can also be used extensively. In addition, the accessibility of funding should be improved, above all through leaner procedures, an adjustment of the allowances, the inclusion of higher education orientation programmes and a moderate extension of the reference period beyond the standard period of study. Finally, an emergency component should cushion drastic individual or social situations; this should apply also and especially to international students. The **Federal Government** is asked to tackle the reform in consultation with the Länder and universities.

## 5. Improve the practical framework conditions for students

**Principle:** The student infrastructure in Germany - especially internet access and the ability to plan and succeed in finding accommodation - must be permanently improved.

**Explanation:** The price dynamics for student housing, especially in the large German university cities, which were only slightly alleviated by the Corona pandemic, and the difficulties many students have in obtaining stable access to the internet, have once again impressively illustrated the fundamentally inadequate level of development of the student infrastructure. A university degree is the standard educational pathway in Germany; currently, with over 2.9 million students at German universities, a large social group is directly or indirectly affected by the infrastructural deficits. From the point of view of the universities, it is insufficient to address these deficiencies only in the course of general political measures. If the supply of accommodation does not improve, or improves too slowly, despite market-guiding interventions, the accommodation rate, which has now fallen below 10%, must be increased again through appropriate investment in the stock of student halls of residence. Linked to this is the still inadequate availability of high-performance internet access in Germany as a whole, which must be bridged at least temporarily by expanding the services in the halls of residence and at the universities themselves that can be used for studying and teaching. The **Federal Government and the Länder** are called upon to initiate an overarching concept to provide appropriate funding for the student infrastructure.

## 6. Ensure the participation of international students

**Principle:** In order to guarantee the participation of international students in the long term, a variety of measures are necessary in all phases of the international student cycle.

**Explanation:** The German higher education system has proven to be comparatively robust in terms of its international attractiveness, even in the Corona pandemic. However, the work process carried out by the universities together with the Federal Government, the Länder and other stakeholders to limit as far as possible the decline in international first-year students in the pandemic semesters has made it clear that a number of structural obstacles to the participation of international students also exist with regard to regular study in post-pandemic times. For example, the system of student health insurance, the issuing of visas for those wishing to study, entry for study or study preparation (such as entrance examinations at art and music colleges), the processing of accommodation contracts, the presentation of language certificates and the actual preparation for study (preparatory courses) all need to be improved. The aforementioned aspects should be optimised in a joint effort by all stakeholders and, in addition, their design should also be

adapted to digital or hybrid forms of study, as these are becoming increasingly important, especially from an international perspective. The universities respect the fact that attracting international students is always in a special context shaped by various state actors and interests, but expect that the open questions will be answered by the **Federal Government and the Länder** in the interest of Germany's long-term attractiveness as a place to study.

## **7. Ensure the restructuring and development of study programmes**

**Principle:** The design and restructuring of study programmes (e.g. health sciences, psychotherapy, teacher education) must be financed now and in the future.

**Explanation:** As part of a series of reforms to professional law, the Federal Government and the Länder have revised the education pathways for some health professions and for psychotherapy. The purpose of these new regulations is the complete or partial transfer of education and training to the higher education system. This is politically linked to the expectation that universities will impart the respective knowledge and competences at an academic level and in connection with practice-integrating elements. The universities are therefore faced with the challenge of establishing new and additional study programmes without, however, having received promises of corresponding additional funding for their establishment and permanent operation from the Länder. This not only creates uncertainties for the perspectives of students, but also undermines legitimate expectations of society for a quality-guided implementation of reforms in the health professions that are particularly visible due to the pandemic. Against the background of the forthcoming amendment of the licensing regulations for physicians, the amendment of the licensing regulations for psychotherapy that has already taken place and the urgent need for further academisation in the area of the health professions, the HRK therefore demands that the **Federal Government and the Länder** open up correspondingly stable financing perspectives for the universities. In this context, a roadmap is necessary that has to be developed with the significant participation of the universities and which can describe the purposes, scope and the respective expenditure of the additional education tasks. By analogy, the system described here also applies outside the health sector, for example in the case of newer demands on teacher education (e.g. digitalisation, inclusion, internationalisation).

## **8. Modernise copyright law**

**Principle:** The permissible scope of use for digital teaching material is insufficient and should be addressed in a package with complementary issues in the ongoing copyright reform.

**Explanation:** The unconditional digital availability of relevant, copyright-protected materials at universities is a basic prerequisite for modern, digitally-supported teaching. However, the current legal situation only allows the necessary access under far too narrow conditions. While a (flat-rate) remuneration claim is indisputable, the existing time limits on the validity of the permissions, the small scope of use (15%) and the partial prohibitions on use (e.g. newsstand magazines) are particularly unacceptable. The **Federal Government**, in its capacity as legislator, is called upon, within the framework of the European guidelines, to weigh up copyright law with a view to academic teaching from the perspective of Article 5 (3) of the Basic Law, to lift time restrictions and to expand the possibilities of use appropriately in the sense of contemporary, also digital teaching. The **Länder** are requested to permanently and conclusively clarify the still unresolved issues of remuneration for the use of digital teaching materials and intra-library lending with the collecting societies and in this way to establish legal and planning certainty.

## 9. Reform capacity law

**Principle:** The simple linking of teaching obligations and admission capacity in capacity law is an obstacle to the quality of teaching and requires further flexibilisation.

**Explanation:** German capacity law is in need of reform regardless of the pandemic; in many respects it blocks the qualitative development of teaching. Originally conceived with a view to regulating the need for a temporarily understood overload, many of its "building blocks" no longer correspond to the current framework conditions. Differentiation of the higher education system, constantly high student numbers, growing supervision requirements due to heterogeneity/diversity, modularisation within the subjects, new analogue and digital teaching and learning formats, Europeanisation of teaching, changed (outcome-oriented) management models in higher education governance - all these changes are not, or only insufficiently, reflected; the core of the traditional control instruments (SWS/CNW, etc.) is correspondingly unsuitable, which ultimately results in the extensive establishment of an unfavourable supervision ratio. Against this background, the HRK advocates further development of the existing capacity law. It must be fundamentally modernised in dialogue with the **Länder** and understood in future less as a state control instrument and more as a flexible means of implementing profile building, differentiation and quality development. In this context, it is crucial that the capacity regulations only apply to basic funding and that any additional funds (special/third-party funding) are always capacity-neutral.

## **10. Push ahead with university construction/refurbishment for teaching and learning**

**Principle:** There is a great need for funding to construct, upgrade and design university buildings to meet the requirements of both digital and face-to-face teaching.

**Explanation:** Following the abolition of the Joint Task for Higher Education Construction in the course of the unbundling of financial relations between the Federal Government and the Länder, a funding backlog for new construction, renovation and upgrading of infrastructures of approximately 35 billion euros will have arisen at the universities by 2025. From the HRK's point of view, it must be stated that despite some remarkable investment programmes, the Länder will not be able to clear this recognised backlog with sole responsibility for financing. This is all the more true because the recognised funding requirements do not adequately reflect the transformation dynamics of universities. On the one hand, universities are developing into unique real laboratories in this constellation for establishing a culture of sustainability through orientation towards climate protection goals, through findings from research processes and through activities and projects in the area of teaching that are supported in particular by students. On the other hand, the pandemic-related acceleration of the establishment of innovative digital teaching-learning formats acts as a catalyst for a transformation that is changing universities into an exemplary social space of digital and analogue interactions. Both developments require new spatial concepts, also and especially for teaching, that go far beyond a mere addition to existing structural infrastructures and the design options currently available to universities. Here, fundamental spatial features such as multifunctionality, infrastructural equipment, flexibility and quality of stay must be taken into account. In the area of university construction, the HRK calls for its financing system to be adequately aligned as a permanent task with planning and utilisation horizons appropriate to science and the transformation projects described. It is in favour of further developing the responsibility for financing with the participation of the **Federal Government** in such a way that the **Länder** receive incentives to provide additional funds.