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**Creating and seizing new
opportunities:
Recommendations for the
continuing
academic education**

HRK German Rectors' Conference

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Summary

The development of continuing academic education has been marked by various milestones. These include the federal-state programme "Advancement through Education: Open Universities" from 2011 to 2020, the recommendations of the German Council of Science and Humanities from 2019, the National Continuing Education Strategy from 2019 and the development of the continuing education portal "hoch & weit" since 2020. Building on this development, the HRK presents a two-part paper on the topic.

In the first part of the paper, recommendations are made that are directed at universities, the federal states and the federal government and address the relevant possibilities for action and responsibilities.

The second part of the paper explains the current challenges in detail. The following need for action is derived on this basis:

- The need for new impetus once the programme "Advancement through Education: Open Universities" has ended. One starting point could be the area of certificates.
- Improvement of accessibility between continuing vocational and academic education. In the context of a joint effort by universities and the BMBF and BMAS, existing barriers must be removed and replaced by adequate regulations.
- Establishment and networking in the new continuing education portal "hoch & weit." Universities and the BMBF are called upon to provide long-term support for this project.
- Utilisation of the scope for action of the recommendations of the German Council of Science and Humanities on continuing education at universities. This refers in particular to the reduction or exemption of fees in the case of special public interest.
- Modification and/or overcoming of legal restrictions. This involves uniform legal and financial framework conditions and the elimination of existing unfair competition.
- The very diverse configurations that exist in continuing education bachelor's study programmes. Regardless of the respective structure, it must be ensured that universities are reimbursed for their additional expenses.

I. Introduction

From a normative perspective, great importance continues to be attached to continuing academic education¹. Milestones include the completed federal-state programme "Advancement through Education: Open Universities," the recommendations of the German Council of Science and Humanities, the "National Continuing Education Strategy" and the development of HRK's continuing education portal "hoch & weit."

Practically speaking, continuing academic education still encounters problematic framework conditions. For example, a "continuing education bachelor's degree" has been introduced in some countries, although the related financing issues remain somewhat unresolved. Quality assurance as well as the recognition of university and non-university achievements,² which are hugely important in continuing education, persist as challenges.

Increased digitalisation as a result of the COVID-19 pandemic could be a starting point for overcoming challenges. It seems feasible that partial components of digital teaching developed during this time can also be transferred to continuing education.

The first part of this paper contains recommendations aimed at universities as well as to the federal states and the federal government. The background for these recommendations will be explained in a second, descriptive part.

II. Part one: Recommendations

1. Recommendations addressed to universities

It is recommended that universities do the following:

- Assess the opportunities for continuing academic education on the basis of their profile and embed these appropriately in university structures. These strategic considerations should predominantly take into account the interplay of teaching and research with continuing academic education.

¹ In the following, continuing academic education is defined as continuing education at an academic level offered exclusively at universities or supported by university partnerships. This does not include internal training opportunities for university members. This definition corresponds to the term "continuing education at universities" used by the German Council of Science and Humanities. See German Council of Science and Humanities: "Empfehlungen zu hochschulischer Weiterbildung als Teil des lebenslangen Lernens" (Recommendations on continuing education at universities as part of lifelong learning), Berlin 25/1/19, https://www.wissenschaftsrat.de/download/2019/7515-19.pdf?_blob=publicationFile&v=1, p. 36.

² The term recognition refers to university achievements and qualifications from home and abroad, while the term credit refers to the individual and blanket crediting of competences acquired outside of university, see HRK project nexus "Anerkennung von im Ausland erworbenen Studien- und Prüfungsleistungen. Ein Leitfaden für Hochschulen" (Recognition of degrees and examination results acquired abroad. A guide for universities), Bonn, 2013, https://www.hrk-nexus.de/uploads/media/nexus_Leitfaden_Anerkennung_Lang_03.pdf.

- Examine the extent to which centralised organisational units for continuing academic education can be created, if they do not already exist. Such organisational units can bundle services with regard to conceptualisation, acquisition, recognition and credit transfer issues, quality assurance and innovative digital formats, for example, and thus further promote the professionalisation of continuing education at universities.
- Create sustainable structures for successful continuing education activities. In addition to centralised organisational units, this also includes examining the extent to which permanent employment can be established.
- Further develop incentive structures for teachers to participate in continuing academic education, provided that the legal framework conditions permit this. Monetary incentives that may be considered are permits for full-time and part-time activities or allowances³. In addition, intangible factors such as appreciation and acceptance as well as consideration in career paths are also important.
- Monitor the demand for continuing academic education in expanding fields and create corresponding programmes. These particularly include the areas of continuing vocational education, health, further and continuing education for teachers in the school service, as well as art and music. In the case of art and music colleges, the development of polyvalent programmes appears to be sensible. Programmes in the international field may also be suitable for expansion.
- Constructively support the continuing education portal "hoch & weit," which is currently being set up, by comprehensively listing and continuously maintaining continuing education programmes.

2. Recommendations addressed to the federal states

It is recommended that the federal states do the following:

- Create a uniform legal framework for continuing academic education covering all 16 federal states in order to eliminate existing unfair competition. The areas of regulation primarily relate to regulations on part-time work, crediting of teaching hours, remuneration of teaching staff and overhead rates to be calculated.
- Grant universities sufficient legal leeway and resources from basic funding for strategy formation and implementation in continuing education.

³ Section 62 NRW State Salary Act, [Section 62 LBesG NRW, Research and Teaching Allowance for Teachers - Laws of the Federal Government and the Federal States \(lexsoft.de\)](#).

- Establish regulations under which fees can be reduced or waived in continuing education study programmes in the case of special public interest. This appears to be an effective tool against the shortage of skilled workers in the fields of health, art and music in particular as well as in the continuing education of teachers in the school service. A fee reduction or exemption must be combined with financial compensation from the federal states.
- Ensure that additional funds are made available to universities if continuing academic education is taken into account within the framework of allocation of funds dependent on performance. Such funding must not be at the expense of other higher education sectors.
- Ensure adequate funding for continuing education bachelor's study programmes. In the event that continuing education bachelor's study programmes are to be financed with basic funds, the basic funding from the federal states must be increased accordingly. If financing cannot be provided from basic funds, it must be possible to charge fees as an alternative.
- Distinguish the academic profile of bachelor's degrees in continuing education from the so-called Bachelor Professional introduced in 2020 for continuing vocational education in order to emphasise the academic character of continuing education bachelor's study programmes.
- For the purpose of holistic quality assurance in cooperation with the Accreditation Council, ensure that special regulations and specifics of continuing education are taken into account in accreditations without the need for additional accreditation procedures.
- Initiate funding measures for the development of new continuing education programmes, including in cooperation with the federal government.

3. Recommendations addressed to the federal government

It is recommended that the federal government do the following:

- Together with the federal states, develop guidelines for ministries and other authorities to provide the political decision-making levels and their units implementing decisions with legal certainty as to the conditions allowing commissioning of continuing education that serves a public interest.
- Work in coordination with the federal states at European level towards declaring the study programmes of continuing academic education in Germany as a sovereign task. Thus, comprehensive application of EU state aid law to continuing academic education could be restricted.

- Offer itself to the federal states as a source of impetus and, if necessary, as a moderator for the necessary harmonisation of the legal framework conditions.
- Strongly commit to improving accessibility between continuing vocational and academic education. This applies to both intra-ministerial cooperation and to cooperation between the BMBF and the BMAS. The implementation of measures by the Federal Employment Agency or job centres should be opened up further for universities.
- Initiate further funding programmes in coordination with the federal states. It would be wise to follow up on the results of the programme "Advancement through Education: Open Universities" and a programme that aims to improve accessibility between continuing vocational and academic education. University leadership must be closely involved for these programmes to have a sustainable impact. Medium-term financial support or relief is required to finance permanent operation once start-up funding has ended.
- Safeguard any necessary residual financing of the continuing education portal "hoch & weit" after the set-up phase in view of sustainability.

III. Part two: Presentation of the challenges

1. End of the "Advancement through Education: Open Universities" programme

In the short term, the federal-state programme "Advancement through Education: Open Universities" has been successful. Additional and innovative formats were developed, research with practical relevance was conducted, numerous collaborations were initiated and a large number of additional staff with proven expertise was trained. Even beyond the funding framework, the existence of the extensive programme alone has strengthened the legitimacy of continuing academic education.

Despite these successes in terms of content, the programme has not led to a sustainable breakthrough for continuing academic education. A large part of the measures were only related to funding, with the result that trained personnel and established structures are lost to a large extent. Due to the many fixed-term contracts that have been issued in this programme, long-term career prospects in the field of continuing academic education remain extremely uncertain. Even from a structural point of view, it is difficult to continue established networks profitably in the long term.⁴

The fact that numerous new continuing education programmes have been created within the framework of the programme, especially in the area of certificates, offers a promising prospect for the future. This could be a starting point for further activities on the part of the federal states or the federal government. In this regard, the HRK is also working on the project involving the continuing education portal "hoch & weit."⁵ In order to better and more sustainably anchor continuing academic education in the structure of universities, it is absolutely necessary that university leaders are involved as central contact persons.

2. Improving accessibility between continuing vocational and academic education

With regard to improving accessibility between continuing vocational and academic education, expectations of the National Continuing Education Strategy (NWS) are set out in the coalition agreement. The strategy paper published in 2019 places a clear focus on continuing vocational education, and in particular on measures aimed at those with few qualifications. This is understandable given that from the point of view of the BMAS it is primarily a matter of preventing or reducing unemployment.

In line with this main objective, continuing academic education at universities only plays a subordinate role in the National Continuing Education Strategy. Only two out of a total 70 individual projects relate exclusively to continuing academic education. Firstly, there is the information portal

⁴ This applies both to the "Open University Network" along with a network of university leaders and institutionalisation and cooperation with DGWF and DZHW.

⁵ See point 3.

on continuing academic education, which is described here in general terms and was launched as the HRK project "hoch & weit" in 2020.⁶ On the other hand, there is the relatively small competition in the follow-up to the large federal-state programme "Advancement through Education: Open Universities." This follow-up programme is likely to focus on certificate courses in continuing academic education.

German universities can also contribute various unique selling points for continuing academic education related to the professional field. These include the short transfer path from research and teaching to continuing academic education, the high speed and flexibility of interested university units, the expansion of the target group from academic to non-traditional participants and numerous scalable formats ranging from individual events and certificate courses to continuing education programmes including the awarding of academic degrees. Despite constructive discussions, especially between the BMAS and the HRK, it was not possible to achieve a more far-reaching inclusion of continuing academic education and universities in the short term. In this context, various certification standards appear to be particularly obstructive, such as the Accreditation and Approval Ordinance for Employment Promotion (AZAV) of the Federal Employment Agency or job centres. However, such certification is very costly for universities and usually inadequate for university programmes.

Universities and policy-makers, especially the BMBF and BMAS in this context, are still urged to remove these barriers or replace them with adequate regulations. One starting point for this could be the development of a new quality seal suitable for universities, which would be established by law. For their part, universities could develop special modules for continuing vocational education that address demand or occupational field orientation. Initial talks are already being held in North Rhine-Westphalia for such mutual opening. HRK's portal "hoch & weit"⁷ also pursues the possibility of cooperation or interfacing with portals for continuing vocational education. These initial attempts must be pressed ahead with and established nationwide, otherwise the synergies between continuing vocational and academic education cannot emerge.

3. Establishment and networking of "hoch & weit – Das Weiterbildungsportal der Hochschulen"

The four-year HRK-project "hoch & weit – Das Weiterbildungsportal der Hochschulen" (hoch & weit – the university continuing education portal) has been running since 2020. The aim of this project, which is funded by the BMBF, is to establish a nationwide, centralised information portal of universities for continuing academic education. The project is embedded in the National Continuing Education Strategy and aims to strengthen universities as places of lifelong learning and to contribute to increasing transparency in the continuing education market.

⁶ See point 3.

⁷ See point 3.

In addition to technical challenges, "hoch & weit" faces many challenges related to content and policy. The focus is on the further development of collegial cooperation with universities on the basis of the Higher Education Compass. It allows university employees to independently enter the information about continuing academic education programmes into a database using browser-based input masks. The input masks and the website, which is visible to all users, are designed in coordination with DGWF. An interface to the Higher Education Compass ensures that the study programmes from the Higher Education Compass are included in the database and do not cause any additional work for universities. In the course of this, digital introductory events are held, where university staff is given a thorough introduction to input masks.

"hoch & weit" supports universities in raising the profile of their continuing education programmes nationwide. This is achieved by approaching human resources managers and on the basis of large-scale public relations work. This information portal, which is accessible to all Internet users and includes a free continuing education interest test, is scheduled to go online in early 2022 and will be accompanied by a high-profile kick-off event.

The portal is also designed to increase accessibility for those interested in continuing education without an academic background by offering a differentiated search option for all continuing education programmes as well as information on the topic of continuing academic education. In addition, a contribution is to be made to improving accessibility between continuing vocational and academic education. To this end, cooperation with the Federal Employment Agency, regional portals, associations and chambers is also being considered.

For "hoch & weit" to succeed, it is crucial that the universities constructively support the continuing education portal that is currently being set up, in particular by comprehensively listing and continuously maintaining continuing education programmes. Cooperation with those involved in continuing vocational education should also be further developed. In order to establish the portal on a permanent basis, the BMBF is called upon to secure any residual funding that may be necessary.

4. Utilising the scope for action of the German Council of Science and Humanities recommendation

On 28 January 2019, the German Council of Science and Humanities published "Empfehlungen zu hochschulischer Weiterbildung als Teil des lebenslangen Lernens" (Recommendations on continuing education at universities as part of lifelong learning).⁸ Many of these recommendations

⁸ German Council of Science and Humanities: "Empfehlungen zu hochschulischer Weiterbildung als Teil des lebenslangen Lernens" (Recommendations on continuing education at universities as part of lifelong learning), Berlin 25/1/19 (https://www.wissenschaftsrat.de/download/2019/7515-19.pdf;jsessionid=3EEE7495C295BF78C3CCB6234E73B2DD.delivery2-master?_blob=publication-File&v=7).

appear to be helpful for improving the framework conditions and therefore need to be strengthened in view of immediate implementation.

The recommendation on the "reduction or exemption of fees in the case of continuing education programmes with special public interest" is to be fully supported. The same applies to the related recommendation to "develop targeted funding measures to support the expansion of continuing education programmes in fields where there is a particular public interest and there is a shortage of skilled workers."

The need to reduce or waive fees arises from individual and societal perspectives. From the individual perspective, participation in in-service training usually takes place without a clear prospect of financial improvement in the areas of health, art and music, as well as in further and continuing education for teachers in the school service. This is especially true in the health professions (e.g. nurses, midwives), where continuing academic education is largely unaccompanied by social advancement at present.

From a societal point of view, the areas of health and further and continuing education for teachers are occupational fields in which there is strong public interest due to shortages and an increased need for qualifications, while at the same time holding a high degree of relevance for the future. A reduction or waiver of fees for continuing academic education can only be granted if state funding partially or fully replaces individual contributions in these cases. Therefore, public or state interest must always be linked to additional financial resources.

This does not affect the legal uncertainty regarding the legal guiding principle of cost recovery and EU state aid law. In practice, commissioning or financing by the state and federal government in the case of special public interest often fails due to the legal uncertainty as to how a direct commissioning or closely managed tender can be carried out in accordance with budgetary law. The federal states and the federal government are still urged to eliminate this legal uncertainty. In this context, it is also important to grant greater scope for in-house (start-up) funding.

The German Council of Science and Humanities' recommendation to adapt the existing funding instruments should also be emphasised. This primarily refers to the instruments BAföG, scholarships and student loans. In addition, the German Council of Science and Humanities believes that the expansion of continuing education funding envisaged in the National Continuing Education Strategy should in principle also include continuing education programmes at universities. The federal government in particular seems to be called upon for implementation, but the federal states and universities could also help to improve the funding instruments.

The advantages of centralised organisational structures for continuing education at universities highlighted by the German Council of Science and Humanities are understandable. Universities should examine to what extent they can optimise the bundling of expertise, coordination, service

performance, professionalism, visibility, target group appeal and strategic capability on the basis of centralised structures.

The German Council of Science and Humanities recommends to the federal states that "in addition to funding measures for the development of new programmes, universities should also be granted sufficient scope and resources for strategy development and implementation." The HRK agrees with this with regard to basic funding for strategy development and implementation.

5. Modification and/or overcoming of legal restrictions

A fundamental legal problem is the question of whether continuing academic education is a sovereign task of universities. This is supported by the fact that continuing academic education is mentioned as a responsibility of universities in all state higher education acts.⁹ From a socio-political perspective, continuing academic education is also becoming increasingly important because of the need for lifelong learning.

Therefore, the federal states should, as far as possible, explicitly declare continuing academic education as a sovereign task in their state higher education acts,¹⁰ while the federal government strives for and establishes a corresponding definition of sovereign tasks within the framework of EU law. Then there would be no comprehensive application of EU state aid law, and basic funds could also be used to finance continuing academic education.

Irrespective of this fundamental issue, the federal states are also called upon to create uniform framework conditions in order to eliminate unfair competition between the federal states. This primarily applies to regulations on part-time work, crediting of teaching hours, the remuneration of lecturers and the specifications for the overhead rates to be calculated, which lead to prices that are not in line with the market. In the case of overhead rates in particular, regulations on the allocation of overhead costs to individual continuing education formats can even lead to the calculated costs exceeding the prices of private continuing education programmes.

This unfair competition can lead to cooperation between universities in different federal states and with non-university institutions, mostly within the framework of franchising, as part of circumvention strategies. Such strategies not only pose major quality assurance challenges, they also

⁹ Only in Bavaria is it argued more noncommittally that universities "may" offer continuing academic education, Section 56 (3) Bavarian Higher Education Law, <https://www.gesetze-bayern.de/Content/Document/BayHSchG/True>.

¹⁰ Section 3 (5) of the Berlin Higher Education Law already states that "as a rule, it is to be assumed that the exercise of sovereignty is involved," <https://gesetze.berlin.de/bsbe/document/jlr-HSchulGBE2011V11P4>.

lead to an overall shift in continuing academic education away from universities.¹¹ Partnerships with non-university institutions that are quality-assured can still be useful.¹²

Quality assurance and corresponding credit transfer procedures for qualifications acquired outside university are an essential feature of continuing education at universities. In order to ensure holistic quality assurance, special regulations and specifics of continuing education must be taken into account in accreditations without the need for additional accreditation procedures.

A unique phenomenon of continuing academic education is the dilemma of the externally financed continuous task. It arises when the volume of continuing education programmes is constantly at a solid level, but no permanent positions may be created due to the fluctuation of externally financed programmes. In this case, it is recommended that universities examine whether permanent employment contracts can be created for the constant supply of programmes. To make the creation of such permanent positions possible, the federal states are also called upon to abolish existing staffing arrangements.¹³

As a funding instrument for continuing academic education, the federal states can ensure that this is taken into account in the performance-oriented allocation of funds. In principle, this instrument appears to be helpful. However, this should include additional funding for continuing academic education, as otherwise there would be a zero-sum game and continuing education would be perceived as competing with already existing budget portions of universities.

6. Positioning on various (financing) models for continuing education bachelor's study programmes

Continuing education bachelor's study programmes are special cases in terms of legal and financial framework conditions. Continuing education

¹¹ Maschwitz, Annika; Schmitt, Miriam; Hebisch, Regina; Bauhofer, Christine: "Finanzierung wissenschaftlicher Weiterbildung. Herausforderungen und Möglichkeiten bei der Implementierung und Umsetzung von weiterbildenden Angeboten an Hochschulen Thematischer Bericht der wissenschaftlichen Begleitung des Bundes-Länder-Wettbewerbs 'Aufstieg durch Bildung: offene Hochschulen'" (Funding of continuing academic education. Challenges and opportunities in the implementation and execution of continuing education programmes at universities. Report on the academic monitoring of the federal-state competition "Advancement through Education: Open Universities"), 2017, pp. 11, 18.

¹² See "Franchising von Studiengängen" (Franchising of study programmes), Recommendation of the 15th HRK General Assembly on 19/11/2013 (<https://www.hrk.de/positionen/beschluss/detail/franchising-von-studiengaengen/>) and "Franchising-Modelle in der Medizin und Medical Schools" (Franchising models in medicine and medical schools), Resolution of the 18th HRK General Assembly on 12/5/2015 (<https://www.hrk.de/positionen/position/beschluss/detail/franchising-modelle-in-der-medizin-und-medical-schools/>).

¹³ Federal states that have formally abolished staffing arrangements: Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia.

bachelor's study programmes are explicitly provided for in the higher education laws of some federal states.¹⁴ Continuing education bachelor's study programmes are indirectly facilitated through the general use of the term "continuing education study programmes."¹⁵ By their nature, continuing education bachelor's study programmes are part-time bachelor's study programmes in a few federal states.¹⁶ A specific state regulation provides for "part-time, undergraduate bachelor's study programmes for continuing education."¹⁷ Finally, the introduction of continuing education bachelor's study programmes is being considered in some federal states.

The HRK assesses these heterogeneous manifestations of continuing education bachelor's study programmes in the following. Continuing education bachelor's study programmes or part-time bachelor's study programmes require more resources because of the additional teaching work and flexibility in terms of space and time. This increased amount of resources can be refinanced with fees.

If continuing education bachelor's study programmes are to be provided through the basic funding of universities, the basic funding from the federal states must be increased accordingly. There is no incentive for universities to offer continuing education bachelor's study programmes without income from additional fees or additional basic funding. This kind of funding arrangement endangers continuing academic education.

In the event that federal states do not provide for continuing education bachelor's study programmes, there should be the option to establish part-time bachelor's study programmes, especially for students with professional experience. The higher expenditure for the universities should preferably be compensated by an expansion of the basic funding. Alternatively, charges could be levied on students for the higher expenditure. However, this should be linked to corresponding financial support programmes for non-traditional students in particular.

In the context of continuing education bachelor's study programmes, it is necessary that bachelor's degrees from continuing education programmes are clearly distinguished from the so-called Bachelor Professional, which was introduced in 2020 for continuing vocational education. This is imperative due to the unique selling points of continuing academic education, which result, among other things, from scientific work, the unity of research and teaching and academic degrees¹⁸.

¹⁴ Baden-Württemberg (LHG Section 31(2)), Mecklenburg-Western Pomerania (LHG M-V Section 31(3)), Saarland (SHSG Section 61(3)), Rhineland-Palatinate (HochSchG Section 35(3)).

¹⁵ Section 16(2) HSchulG Saxony-Anhalt, see also continuing education bachelor's programme of Magdeburg-Stendal University of Applied Sciences, see <https://www.hs-magdeburg.de/studium/berufsbegleitendes-studium/betriebswirtschaftslehre.html>.

¹⁶ Lower Saxony: Specification of part-time BA (LHG Section 6 (3)); Bavaria (e.g. University of Applied Sciences Landshut, part-time BA, not anchored in LHG).

¹⁷ Thuringia (HG Section 57(1)).

¹⁸ See the Qualifications Framework for German Higher Education Qualifications, https://www.hrk.de/fileadmin/redaktion/hrk/02-Dokumente/02-03-Studium/02-03-02-Qualifikationsrahmen/2017_Qualifikationsrahmen_HQR.pdf.

The HRK recommends that the federal states examine whether these criteria, which are essential for the bachelor's study programmes mentioned above to function, are fulfilled and, if necessary, adjust the regulations.