

Resolution of the
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HRK
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Reorganisation of the accreditation system

HRK German Rectors' Conference

The Voice of the Universities

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I. Introduction

It is the HRK's view that ensuring the quality of education and documenting both quality assurance measures and their results is one of the core tasks of universities. As with the analogous task of assuring and documenting the quality of research, tools such as peer review (involving internal and external stakeholders), standardisation of procedures, academic control and professional management are obvious components.

The procedures of the German Research Foundation (DFG) can provide a process-oriented and pragmatic framework for assuring the quality of education. The following recommendations are designed to provide the first steps in that direction by reframing the roles of the stakeholders and the procedure itself in the light of the requirement to restructure the accreditation system.

II. Need for and objectives of further improvement of the accreditation system and external quality assurance

The ruling of the German Federal Constitutional Court (1 BvL 8/10) on 17 February 2016 made fundamental changes to the accreditation system necessary. This provides an opportunity to further improve not only the overall system but also procedures for external quality assurance in such a way that

- they accommodate the improved academic representation called for by the Federal Constitutional Court;
- universities will be able to design the courses they offer in a way consonant with their understanding of their particular role in the academic system and their responsibility to society;
- teaching staff and students are deliberately granted more freedom in teaching and learning.

The Federal Constitutional Court emphasises the principle that academic institutions themselves must bear the primary responsibility for their quality assurance¹. Consequently, in line with the principle of institutional autonomy, the primary responsibility for quality assurance in higher education lies with each university itself. This autonomy not only constitutes the foundation, but also creates the need to answer to the public in external quality assurance processes that are academically directed.

Furthermore, the current roles of stakeholders in the accreditation system need to be rethought given the requirement for consultation, assessment and responsibility for guidelines to be separated.

¹ cf. ruling of the Federal Constitutional Court (1 BvL 8/10) on 17 February 2016, p. 27, point 65

Objectives and forms of accreditation

System accreditation and programme accreditation are the two ways in which the review of a study programme is currently carried out as part of an accreditation procedure. Both paths should remain open in the future.

In addition, universities should also continue to have the option of trialling innovative models of external quality assurance in consultation with the Accreditation Council (**experimentation clause**).

The purpose of **programme accreditation** is to review the qualification objectives of a degree programme to ascertain, amongst other things,

- whether they are in line with the level of the academic degree aspired to;
- whether the way the course is organised and the demands of study are suitable for achieving the defined qualification objectives;
- whether the Common structural guidelines of the Länder, which should be aligned with the "Standard Guidelines for Quality Assurance in the European Higher Education Area (ESG)"², are being complied with;
- whether the degree programme is comparable in the European Higher Education Area.

Beyond the objectives of programme accreditation, the process of **system accreditation** is intended to ascertain whether the university's internal quality management system is able to guarantee the achievement of the programme-specific objectives. In the spirit of institutional autonomy, this format should be flexible in relation to approaches to teaching and learning on the one hand and quality management on the other, and should naturally conform to general requirements for quality assurance. The process should be adapted to the institutional profile (type of higher education institution, size of institution etc.) and be designed along the lines of an audit.

It is ultimately a question of

- autonomous responsibility for ongoing strategic planning of the establishment and further development of study programmes;
- implementing tools within the university for systematic improvement and the safeguarding of framework conditions for education;
- allowing quality assurance to evolve into a culture of quality;
- investment in internal quality assurance instead of external processes.

² http://www.enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf and/or https://www.hrk.de/fileadmin/10-Publikationsdatenbank/Beitr-2015-03_Standards_und_Leitlinien_ESG_2.pdf

III. Altered roles of the stakeholders in the accreditation system

1. System-accredited universities

Since the introduction of system accreditation, the number of self-accrediting universities has grown rapidly and continuously. These universities assume comprehensive responsibility for the quality of their degree programmes and have a different relationship with the Accreditation Council in respect of their duties and responsibilities than those institutions where programmes are currently reviewed externally by agencies.

Both sides – universities and the Accreditation Council – need to take this fact into account. The commitment entered into by the system-accredited universities to provide internationally competitive quality management should mean that assessment is carried out in line with the European Standards and Guidelines (ESG) and that the process also undergoes continuous improvement to this end by the Accreditation Council in Germany.

The same applies to universities that assume responsibility for carrying out internal accreditation of degree programmes as part of an experimentation clause.

2. Agencies

As already proposed³ by the HRK in 2012, agencies currently active in the field of accreditation should be given the principal task of advising and supporting universities on their quality development journey. A clearer delineation of roles between the Accreditation Council and agencies will bring significantly more clarity regarding the different sets of responsibilities and competences: on the one hand, the agencies that provide advice and organise assessments and, on the other, the Accreditation Council that makes accreditation decisions against which legal action can be taken under administrative law.

At second glance, however, practical implementation problems become apparent: Every assessment process is and will always be "reviewer-centred". Shifting the locus of decision-making and the separation this is intended to achieve between support and decision-making will not alter this. Even the Accreditation Council (expanded to include representatives from academia) can only make judgements based on the final report of the review commission and is therefore dependent on the degree to which the group of reviewers have managed to understand and evaluate either the study programme or the overall system of the institution in all its complexity. Therefore, care should be taken to ensure the quality of reviewers and that they are equally qualified in respect of both the subject matter and quality assurance (cf. III.4).

³ Resolution of the HRK General Assembly "On the further development of the accreditation system - the Institutional Quality Audit model", on 24 April 2012

For the purposes of achieving the European Higher Education Area, all agencies that have been accepted into the European Register for Quality Assurance (EQAR) should be able to work for German universities.

3. "Foundation for the Accreditation of Study Programmes in Germany" (Accreditation Council)

On the basis of the ruling of the Federal Constitutional Court, the "Foundation for the Accreditation of Study Programmes in Germany" must alter the composition of its bodies (Accreditation Council and Foundation Council) in order to guarantee the required academic participation.

There are two options available for this:

It can be achieved by setting up an **Extended Accreditation Council**, which would include academics from particular disciplines in addition to the existing interests represented (federal states, universities, students, representatives of professional practice and international experts). Ideally, these persons as members of a university should represent the characteristics of a variety of academic disciplines, such as the humanities, social, natural and technical sciences, as well as different types of universities. They should have experience with quality assurance processes within Germany and abroad.

Alternatively, a majority can also be secured for academics by giving each academic representative a weighted vote.

The composition of the **Foundation Council** should also satisfy the requirements of the Federal Constitutional Court ruling, with academics being given a majority vote.

The procedure for appointing the members of all bodies should be retained in its existing form.⁴ The academic / expert members of the Accreditation Council should be appointed by the German Rectors' Conference, with due consideration of the various types of higher education institution and diverse range of disciplines in line with the requirements of the Federal Constitutional Court.

The responsibilities of the bodies of the "Foundation for the Accreditation of Study Programmes in Germany," which are to be more distinct in future, should be allocated as follows:

- the Extended Accreditation Council (regardless of whether expanded in numbers or weighted votes) will establish the rules and criteria for the accreditation processes and formulate resolutions concerning the proposals submitted (programme and system accreditations, experimentation clause).
- The Accreditation Council in its existing composition will be responsible for monitoring the overall system and for

⁴ Gesetz zur Errichtung einer Stiftung [German Statute for the Establishment of a Foundation] "Foundation for the Accreditation of Study Programmes in Germany" dated 15 February 2005, section 7(2), section 9(2)

registering agencies that are not listed in the EQAR (e.g. AKAST). All other agencies are adequately certified by membership in the EQAR.

- The Foundation Council will continue to monitor the lawfulness and efficiency of the management of Foundation business.

Naturally, this should entail adequate financing of the Accreditation Council's secretariat, without the costs for the universities increasing. As part of the restructuring of the accreditation system, financing should be structured so as to allow the Accreditation Council to fulfil its responsibilities appropriately and efficiently. The key task of the secretariat should be the preparation of decision papers for the bodies.

4. Peer Reviewers

The broad range of expertise that reviewers bring to the process is at the core of external quality assurance. Students and professional practice should also be represented in every procedure along with the representatives from academia who should have experience in the area of quality assurance for learning and teaching. The academic representatives should always hold the majority vote in review groups, in line with the legal principle underpinning the ruling by the Federal Constitutional Court.

The quality of the entire review system is dependent on these persons being carefully selected and adequately prepared for their task. universities should be given the opportunity to make non-binding proposals of persons to work in review groups. This should not entail the right to influence the selection of peers.

Recruitment and determination of the reviewers for all procedures should be in the hands of the HRK. It is essential that a high-quality commission of reviewers can be found by enlisting sufficient specialist expertise, such as that found in the professional associations, for example.

A clearing house for conflicts and complaints in all types of procedures should be established with the Accreditation Council.

IV. Criteria and procedures of appraisal processes

1. Criteria

The methods and the criteria to be applied should follow the ESG. The first part lays down the standards and guidelines for internal quality assurance of universities, the effectiveness of which is demonstrated in the external quality assurance procedures. Additionally, the Common structural guidelines of the Länder⁵ should be considered.

Academic representatives should constitute the majority in all review groups. The accreditation period should be uniformly set to seven years, with the Accreditation Council deciding on exceptions.

When the Accreditation Council reviews agencies, the second part (External Quality Assurance) and the third part (Quality Assurance Agencies) of the ESG should be referred to as the basis for the accreditation rules and criteria.

All reports should address specified core points and should be composed as briefly and precisely as possible. They should include analyses and findings, conclusions, examples of good practice within the university and recommendations for follow-up actions (cf. ESG 2.6).

2. Procedures

The following applies to all procedures:

“External quality assurance processes should be reliable, useful, pre-defined, implemented consistently and published. They include

- a self-assessment or equivalent;
 - an external assessment normally including a site visit;
 - a report resulting from the external assessment;
- a consistent follow-up.”⁶

Likewise, for the process of **programme and system** accreditation it is equally important that the review of a programme or a cluster of related programmes or of the quality management system should be assessed by a group of reviewers on the basis of the self-evaluation of the university. The majority of votes in this peer group should be held by academics. The universities should provide the Accreditation Council with a formal executive summary. This executive summary should be appended to the full peer report, which will also be prefaced by an executive summary.

⁵ [Common structural guidelines of the Länder for the accreditation of Bachelor's and Master's study courses \(Resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany dated 10/10/2003 in the version dated 04/02/2010\)](#)

⁶ http://www.enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf or https://www.hrk.de/fileadmin/redaktion/hrk/02-Dokumente/02-10-Publikationsdatenbank/Beitr-2015-03_Standards_und_Leitlinien_ESG_2.pdf, Standard 2.3, p. 68

The collated decision papers are to be presented to the Accreditation Council by the Accreditation Council's secretariat for decision. The decision will have effect under administrative law and can be reviewed in administrative court proceedings.

Conditions and further proposals for quality improvement can be attached to any accreditation decision.

Re-accreditation will take place exclusively by means of a self-evaluation by the university, insofar as external peer review for the purposes of quality improvement is demonstrated. Inspection can be waived, except in the event of appeal proceedings.

The university will bear the responsibility for implementation in the event of mandatory follow-up actions (conditions). Depending on the nature of the process, the agency or the Accreditation Council will carry out the monitoring. In the case of significant deficiencies, provision can be made for a mid-term report.

In contrast to programme accreditation, for system accreditation international appointments should comprise one-third of the peer group. Moving forward, after successful system accreditation the re-accreditation should be replaced by continuous internal monitoring of the system by the university, with the ongoing quality improvement of the courses on offer being demonstrated by an effective quality management system. The public will be updated about this process on a regular basis.

If the university organises the procedure within the framework of the **experimentation clause**, this will take place in consultation with the Accreditation Council. The Accreditation Council should establish minimum standards for this purpose in consultation with the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany and German Rectors' Conference; these standards should allow sufficient scope for the policies of the particular institution (e.g. in the area of internationalisation).

If the university so requests, all types of procedures can be overseen by an agency which will issue a recommendation on accreditation.

If the university organises the procedure independently, and arranges for a group of peers to be appointed by the HRK Commission, this group of reviewers should nominate a speaker who can report to the Accreditation Council if appropriate.

V. Implementation in the federal states / accreditation and state approval

Since education is the universities' most important task besides research, their autonomy demands that the decision to establish, alter or abolish a degree programme must lie with the respective university. The universities should merely be under a duty to notify the ministries concerned.

In implementing the ruling of the Federal Constitutional Court, the state legislatures must strive for a uniform regulation of accreditation across state boundaries in order to avoid a "patchwork".

The Federal Constitutional Court has given the state legislatures the task of satisfying the constitutional requirement for academic freedom, but also of instituting a series of organisational standards. They must be guided in this process by the ESG (cf. III) and the universities should be involved early on, across federal states and within each federal state.

Giving effect to the proposals presented here for shaping the process will guarantee the crucial involvement of academics in accreditations, on the Accreditation Council, in agencies and in carrying out the procedures, as demanded by the Federal Constitutional Court. It will pave the way for a system of external quality assurance that responds to the needs of universities.