

# **The German Accreditation System - A Short Presentation -**

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# Gebt die Hochschulen den Professoren!

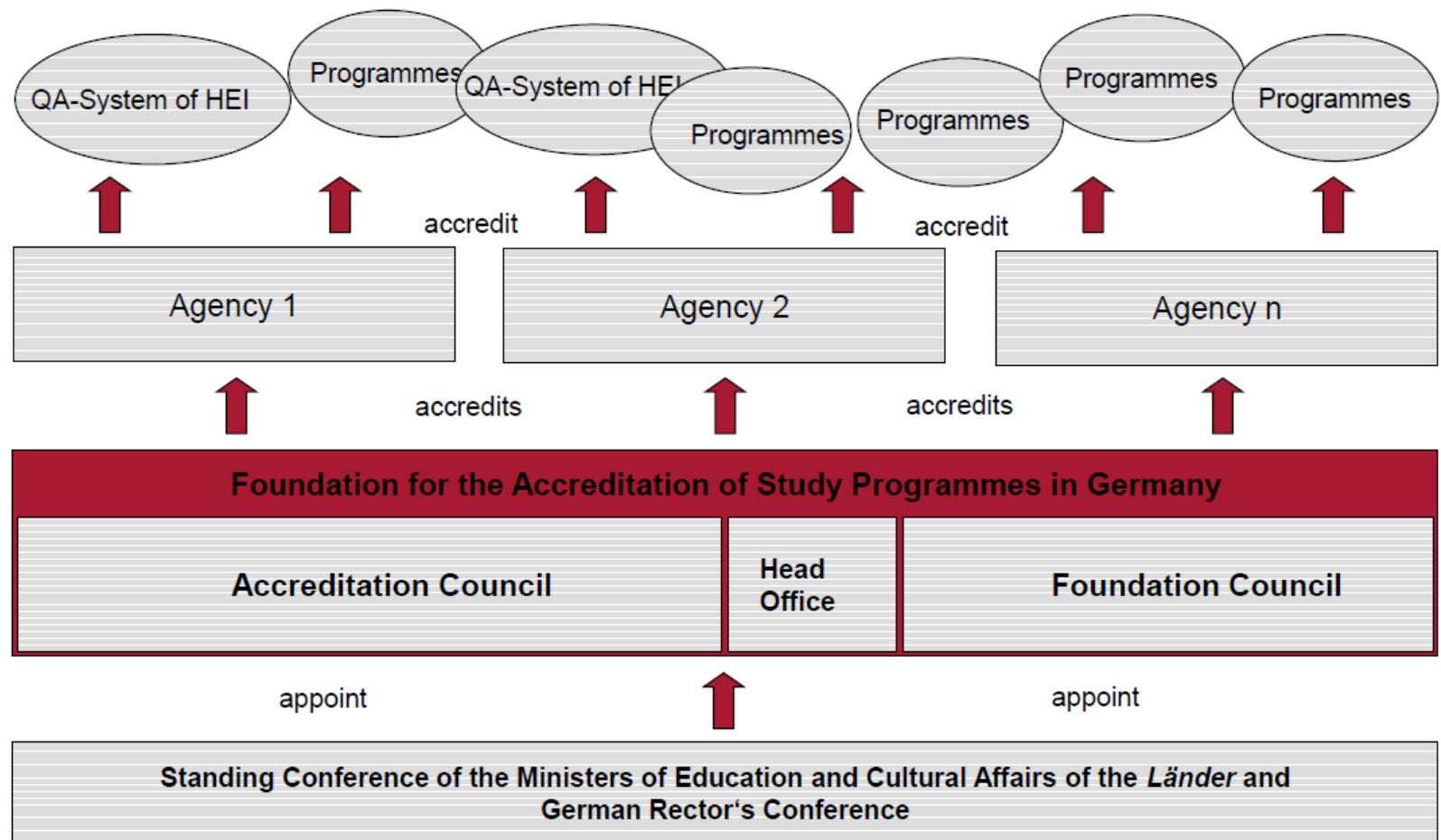
Warum die Genehmigung von Studiengängen (Akkreditierung) nach dem jüngsten Urteil des Bundesverfassungsgerichts grundlegend geändert werden muss. *Von Mathias Brodkorb*



Die Umgebung macht's: Solch eine Strandbar war für manches Akkreditierungsverfahren eine Erfolgsgarantie.

Foto Bildagentur Huber/R. Schmid

## The Accreditation System in Germany II



# Agencies

1. ZEvA (Hanover)
2. AQAS (Cologne)
3. ACQUIN (Bayreuth)
4. evalag (Mannheim)
5. AHPGS (Freiburg)
6. ASIIN (Duesseldorf)
7. FIBAA (Bonn)
8. AKAST (Eichstätt)
9. AAQ (Bern, Switzerland)
10. AQ Austria (Vienna, Austria)

# Core Structural Aspects

## ➤ Accreditation Council

- Accredits and controls agencies
- Sets rules and regulations, makes further regulations binding for accreditation (National Qualifications Framework, *Länder*-specific rules, KMK-provisions etc.)
- Final appeals provision (Administrative law? Civil law?)
- Academia: 4 (no private HEIs), 4 representatives of *Länder*, 4 representatives of professions, 2 students, 2 international members, 1 representative of agencies (non-voting) = 16 (17)

## ➤ Procedures

- Programme accreditation, single or cluster (self-report, site-visit, report, commentary, decision by agency (commission, sub-commissions), 5/7 years
- “Systemakkreditierung” (admission to procedure, first site-visit incl. sample selection, second site-visit, report, commentary, decision by agency (ZEVA: KSA, SAK), 5/8 years
- Other activities: Evaluations, Audits, Consultancy, Networks, International etc.

# Acceptance of System

- Change from „Diplom“/“Magister“ to Bachelor/Master: 90% (2015)
  - Universities of Applied Sciences:
  - (Research) Universities:
- Accreditation ratio (2012): 30 to 77%
- Criticism mostly from public universities and traditional disciplines (Humanities...)
  - Too bureaucratic
  - High costs (4,400-7,200 €/program external costs, 30,000€/program internal) [0.02% of HE-expenditure]
  - No impact vs. too much detailed intervention
  - ...

# The Case of Accreditation

- 2008: Agency denied accreditation of two study programs at a private University of Applied Sc.
- 2008: HEI requested a preliminary injunction/sued agency at a lower administrative court.
- Problem: administrative or civil law? → 2010: court referred to the case to the „Bundesverfassungsgericht“ (Federal Constitutional Court)
- February 2016: BVerfG decided.

# Decision by BVerfG 2017

- Current system interferes with the basic constitutional right of ‚freedom of science‘ (research + teaching) (Art. 5 GG).
- However: Interference is possible, if balanced with another right on constitutional level → right of free choice of profession (Art. 12 GG) /Transparency on quality of degrees
- Problem is: legal basis for German accreditation system is not sufficient. And: not appropriate representation of academia
- Accreditation Council just a foundation; agencies‘ status not legally regulated, no majority of academia in decisions.



# Implications

- Länder have to rectify the problems and put the system on a legal basis (legitimized by the Länder parliaments)
- Until end of 2017.
- Discussion started immediately. Positions:
  - Media/ University/DHV: Get rid of accreditation (and Bologna)!
  - Mecklenburg-Vorpommern: Agencies only sit at the beach...
  - Ministries: State Treaty
- 8 December 2016: State Treaty agreed by Länder (15 yes, 1 abstention)

# Continuities

- Program and System Accreditation; but: also other ways of accreditation (constant experimental clause)
- Peer review organized by agencies, but only with recommendation for decision
- Accreditation decision: no conditions, conditions

# Changes I

- Application for external Accreditation to AC
- Use of an EQAR-registered agency (admission of any EQAR-agency taken for granted)
- Selection procedure to be developed by German Rectors' Conference
- Split-up: formal criteria (agency) – ‚fachlich-inhaltlich‘ (peer group)
- Final decision by AC as administrative act
- Statutes by Länder detail formal and ‚fachlich-inhaltlich‘ criteria → common/deviations
- „Stiftung Akkreditierungsrat“: based on law in NRW

# Changes II

- AR composition: 8 academic reps. (inkl. private HEIs), 1 GRC, 4 Länder representatives, 5 professionals, 2 students, 2 foreign members, 1 agency representative (no vote) = 23 (22)
- Decisions on ‚fachlich-inhaltlich‘ aspects: double vote of academic representatives
- No detailed oversight of AR over agencies (?)
- Länder might set up financial framework for remuneration of agencies.

# Timeline

- At least 15 Länder has to ratify state treaty
- Later accession of Mecklenburg-Vorpommern
- Ministers' Conference develops common template for ordinance
- Both become effective before 31 December 2017

***Thank you***  
***Enjoy the Working Groups!***