

Substantive Change Report
by Agency for Quality Assurance through Accreditation of Study
Programmes (AQAS)

Register Committee

Ref. RC24/C45

Ver. 1.0

Date 3/7/2019

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Decision of:	19/06/2019
Report received on:	29/05/2019
Agency registered since:	25/05/2010
Last external review report:	23/01/2017
Registration until:	31/01/2022
Absented themselves from decision-making:	n/a
Attachments:	1. Substantive Change Report 2. Request of 29/04/2019

1. The Register Committee considered the Substantive Change Report of 29/05/2019 in response to its request of 29/4/2019 and thanked AQAS for responding to the specific questions raised in its request.
2. The Register Committee took note of the changes brought about by the [Interstate Treaty](#) between the German federal states, which entered into force in 2018, and the related [Specimen Decree](#). The main change lies in the fact that – for accreditation in Germany – AQAS no longer takes accreditation decisions itself, but prepares an assessment report on the basis of which the German Accreditation Council (GAC) takes a decision; the way in which AQAS carries out these assessments remains largely similar to the pre-2018 system.
3. The Register Committee underlined that agencies themselves remain responsible for the alignment of their activities with the ESG, even if they work based on third-party processes and criteria. As an EQAR-registered agency it is AQAS' responsibility to assure itself that the frameworks under which it decides to operate are compatible with the ESG.
4. The Register Committee took note of the decision to establish a new “standing committee”, replacing the previously separate accreditation commissions for study programmes and quality assurance systems. Based on the information from AQAS' website, the Committee noted that the different stakeholder perspectives continue to be represented on the committee.
5. The Register Committee took note of the fact that AQAS applies the criteria as set out in the Specimen Decree, which replace the accreditation criteria previously set by GAC.

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6. The Committee thanked AQAS for enclosing the mapping table elaborated by the GAC, which illustrates how the criteria correspond to Part 1 of the ESG.
7. The Register Committee noted that AQAS did not change its practice as regards site visits.
8. The Register Committee noted that no final details on follow-up processes could be provided to date, but understood that the GAC is likely to have a role in the follow-up processes. The Committee underlined that AQAS retains responsibility for follow-up to take place, even if GAC makes accreditation decisions. This does not exclude that GAC actually implements the follow-up processes, as long as AQAS has assured itself that this indeed happens.
9. The Register Committee expects that the interaction between GAC and AQAS, and their respective roles in the follow-up process, will be analysed in the next external review of AQAS.
10. The Register Committee noted that AQAS did not change the composition, selection and appointment of review panels, as its established practice is in line with the nomination procedure adopted by the German Rectors' Conference (HRK).
11. The Register Committee noted that AQAS did not change the way in which it assures consistency of reports and continues to rely on the existing committees/working structures in that regard.
12. The Committee nevertheless underlined that the next external review of AQAS should analyse whether the new arrangements had any impact on the consistency of applying the accreditation criteria.
13. The Register Committee noted that AQAS continues to publish the full expert reports on its own website, in addition to the report being published by GAC together with its eventual decision. AQAS thus discharges its responsibility to ensure that all its reports are published and the Committee welcomed that commitment to transparency.
14. The Register Committee noted that AQAS changed its appeals procedure to reflect its new role, while institutions retain the possibility to both complain about procedural errors, etc., or to appeal the report, i.e. specific statements or conclusions in the report.

European Quality Assurance Register for
Higher Education (EQAR)
Mr. Colin Tück
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Belgium

**Substantive Change Report
- Your letter of 30th April 2019 -**

Dear Colin,

thank you very much for your clarification request concerning our substantive change report 2019.

As you have correctly pointed out, the German Accreditation System experienced some major changes after the Interstate Treaty and the Specimen Decree came into effect in 2018 and the role of the agencies in Germany changed significantly. The German Accreditation Council (GAC) is now the accrediting body while agencies carry out the procedures requiring universities to deal with the GAC directly, without the agencies as arbitrators and decision-making bodies. The agencies have become service providers for review procedures but they do not take the final accreditation decision in Germany anymore.

Even with the new legal framework for accreditation in force since January 2018, it is important to highlight that AQAS currently mainly works on accreditation procedures which are based on the former law, because universities had the opportunity to sign agreements on this legal basis until the end of the year 2017, and our institutions extensively used this option

From the 1st of January 2018 until today AQAS initialized accreditation procedures for 407 study programmes based on the old regulations and took accreditation decisions for 504 study programmes. In the same time we initialized accreditation procedures based on the new legal framework for 101 study programmes (most of them rather recently) and completed accreditation reports (which universities can use to make an application at the GAC) for 12 study programmes only. Until today the GAC did not take any decision concerning one of these reports yet.

Of course, AQAS had to review all documents for the procedures on the programme and institutional level in Germany to adapt them to the new national regulations, but the period of change is not finished yet. Our general assembly decided on the structural changes which are necessary to adapt to the new legal framework only in December 2018. Currently we are waiting for the official registration in the register of associations. Our new standing committee has its constitutional meeting only at the end of May. So it can clearly be said that the period of change is still in a very early stage. The required adjustments at AQAS have not yet reached

The logo for AQAS, consisting of the letters 'AQAS' in a bold, sans-serif font. Above the letters is a vertical bar with horizontal lines of varying lengths, creating a stylized 'A' shape.

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a status, where reliable and future oriented explanations seem reasonable

The changes in the national Accreditation System do not have any influence in our international work. In international accreditation procedures AQAS still is the decision-making body which is the reason why AQAS adheres to the procedures described in the self-evaluation report in 2017 and endeavours to keep the highest standards in conducting programme and institutional review procedures as well on the national as the international level.

Clarification of questions:

1. Please explain the changes in the accreditation criteria and how ESG 1.1 – 1.10 are reflected in the new criteria (ESG 2.1).

The new Accreditation Criteria, which are relevant for accreditation procedures in Germany, were formulated by the Standing Conference of the Ministers of Education and Cultural Affairs and set down in the Specimen Decree¹, which is the binding basis for accreditation procedures in Germany, so it is an obligatory legal standard for AQAS: We don't use any other criteria.

The reflection of ESG 1.1 – 1.10 can be taken from the enclosed table provided by GAC.

2. Did AQAS change its approach to ensuring consistency (ESG 2.5)?

AQAS did not change its approach to ensuring consistency. Our internal quality assurance processes to ensure the quality of our reports also did not change.

The main changes in the German Accreditation system concern the final decisions, which are not taken by the agencies anymore. Because of this the agencies are not responsible for the decision making or the consistency of these decisions.

However, AQAS will continue to meet the requirements of quality and consistency in the parts of the procedure we are responsible for. Consequently, the mechanisms to ensure consistency described and discussed in our 2017 review will remain in place. AQAS has paid special attention to the initialization of the review process. For this reason we involved our accreditation commission already in that part. Even if the accreditation procedures based on the new legal framework don't have an official initialization by our commission anymore, we still keep up our process and use this step to let our commission decide about the formal reports („Prüfberichte“), which concern the fulfilment of the formal criteria. This is how we live up to our responsibilities about the formal criteria (which have to be proved by the agency) to a special degree

In international accreditation procedures we did not change anything.

3. Please explain if and how the composition, selection and appointment of review panels (ESG 2.4) changed, in particular with reference to the new nomination procedure for external experts according to Article 3 (3) of the Treaty / §25 (4) of the Specimen Decree.

§ 25 (4) of the Specimen Decree determines, that concerning the nomination of experts

¹ <http://www.akkreditierungsrat.de/fileadmin/Seiteninhalte/KMK/Vorgaben/Musterrechtsverordnung.pdf>

the agency is bound by the procedure to be developed by the German Rector's Conference. We were happy to see that the procedure published by the German Rector's Conference in April 2018 is nearly identical with the procedure AQAS always used. The only change is, that we used to inform the commission about the names of the experts first before we gave them the university. Now we have to inform the university first.

4. Does the new legal framework lead to any changes as regards the use of site visits (ESG 2.3), the publication of reports (ESG 2.6) or follow-up processes (ESG 2.3)?

The new legal framework does not have any influence to our site-visits and the publication of reports. Even if the Specimen Decree gives the opportunity that the review panel can unanimously agree to waive a site-visit. (§ 24(5)) we do not see any reason to make use of this. Furthermore, all our reports and decisions will be published on our website and also in the relevant databases (e.g. DEQAR). Also, the GAC will publish his decisions in his own new database.

With the transmission of the decisions to the GAC, the follow-up processes will be set up in a different way. The Interstate Treaty as well as the specimen decree do not provide any information about the follow-up process. Since the agencies are not allowed to deviate with their procedures from these regulations it depends on the further development of the new accreditation system and the dialogue between the Accreditation Council and the agencies how the follow-up process will be designed and implemented. As stated above, at this time no procedure of AQAS was decided by the GAC. Hence it is clearly too early to outline any procedure.

5. Did AQAS change its appeals process (ESG 2.7) in light of the fact that the agency does not make final accreditation decisions, but reports forwarded to the German Accreditation Council (GAC)?

AQAS has clearly defined such processes as part of the design of its external quality assurance processes and communicated them to the Higher Education Institutions. The underlying regulatory framework forms part of the contract between the university and AQAS. On the national level, it was adapted to the regulations of the new German Accreditation System in 2018. As the complaints and appeal procedure was not changed, minor clarifications were implemented to adjust the wording to the new context. It is available on our website:

<https://www.aqas.de/programmakkreditierung/beschwerdeverfahren/>

On the international level, the regulations for complaints and appeals are part of a description of the accreditation process which is also part of the contract between the university and AQAS. It is published on our homepage:

<https://www.aqas.eu/programme-accreditation/procedure/>

The "Beschwerdekommission" of AQAS had its inaugural meeting in March 2013. Due to the small number of complaints and appeals the commission only met in 2015 and in 2017. In addition, two decisions were taken by written circulation. Our experience shows so far that complaints by universities can normally be solved by the Accreditation Commission. The Complaints and Appeals Commission only intervened in very few individual cases.

6. Did AQAS change its organisational structure in relation to the new legal framework?

The only structural change in relation to the new legal framework is the decision of our general assembly not to have two accreditation commissions anymore. The main task of those commissions was the decision-making for the accreditation of study programmes („Programmakkreditierung“) respectively quality management systems („Systemakkreditierung“). This essential task is eliminated in the new legal framework. Consequently, the previous accreditation commissions have been combined in one „standing committee“, which will have its constitutional meeting at the end of May. The standing committee will take over all tasks the former commissions had. As we are still in a transitional period (as explained before) there is no final decision about the composition of the committee yet.

Summarizing the detailed explanations AQAS believes that at this time the changes to our work have not substantialized enough, to be able to provide well grounded future oriented statements regarding the impact of the changes.

Brussels, 29 April 2019

Substantive Change Report on New Legal Framework in Germany

Dear Doris,

On 1 January 2018, a new legal framework for accreditation entered into force in Germany, i.e. the [Interstate Treaty](#) between the German federal states accompanied by the related [Specimen Decree](#). As AQAS operates as part of the official accreditation system in Germany we understand that your agency is directly affected by those changes.

As a registered agency you are required to notify EQAR about substantial changes to your process or methodology (see §6.1 of the [EQAR Procedures for Applications](#)).

According to the EQAR Guide for Applicants, “changes should be reported as soon as the changes are sufficiently clearly defined to allow providing comprehensive information on their nature and impact” and we are confident that this is the case by now.

We therefore kindly request that you **make a Substantive Change Report, using the official [reporting form](#)**.

In order to streamline your report and ensure comparability with other agencies' reports, we kindly ask you to address the following questions (instead of the aspects i. to viii. as listed on the form):

1. Please explain the changes in the accreditation criteria and how ESG 1.1 – 1.10 are reflected in the new criteria (ESG 2.1).
2. Did AQAS change its approach to ensuring consistency (ESG 2.5)?
3. Please explain if and how the composition, selection and appointment of review panels (ESG 2.4) changed, in particular with reference to the new nomination procedure for external experts according to Article 3 (3) of the Treaty / §25 (4) of the Specimen Decree.

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4. Does the new legal framework lead to any changes as regards the use of site visits (ESG 2.3), the publication of reports (ESG 2.6) or follow-up processes (ESG 2.3)?
5. Did AQAS change its appeals process (ESG 2.7) in light of the fact that the agency does not make final accreditation decisions, but reports forwarded to the German Accreditation Council (GAC)?
6. Did AQAS change its organisational structure in relation to the new legal framework?

I wish to draw to your attention that we have addressed identical questions to all EQAR-registered agencies operating within the official accreditation system in Germany, i.e. AAQ, ACQUIN, AHPGS, ASIIN, AQAS, AQ Austria, evalag, FIBAA and ZEvA. It is at your discretion whether to coordinate your response with some or all other agencies.

If there are **other changes** to your organisational structure or external quality assurance activities, i.e. not related to the new legal framework in Germany, please kindly include them in the same report. For those activities please follow the usual questions and instructions.

We kindly ask you to make your report **by 29 May 2019**.

Please also note that this request will be published together with the final decision on your Report.

I shall be at your disposal if you have any further questions or inquiries.

Kind regards,



Colin Tück
(Director)