

Rejection of the Application
by Agency for Quality Assurance and Accreditation of
Canonical Programmes of Studies in Germany (AKAST)
for Inclusion on the Register

Register Committee
 22 June 2020

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Application of:	17/06/2019
External review report of:	09/11/2018
Review coordinated by:	German Accreditation Council (GAC)
Review panel members:	
Decision of:	22/06/2020
Absented themselves from decision-making:	none
Attachments:	<ol style="list-style-type: none"> 1. External Review Report, 09/11/2018 (separate document) 2. Request to the Review Panel, 11/10/2019 3. Clarification by the Review Panel, 30/10/2019 4. Additional Representation by AKAST, 20/01/2020 5. Addendum to the Additional Representation, 10/02/2020

1. The application of 17/06/2019 included the report from an external review of AKAST that was completed before the application was made.
2. The Register Committee concluded that the external review fulfilled the requirements set out in the Procedures for Applications and covered all activities of AKAST within the scope of the ESG. The Register Committee therefore accepted the application as eligible pursuant to §3.11 of the Procedures.
3. The Register Committee considered the external review report of 09/11/2018 on the compliance of AKAST with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG, 2015 version).
4. The Register Committee sought and received clarification from the chair of the review panel (letter of 30/10/2019).
5. The Register Committee invited AKAST to make additional representation on the grounds for possible rejection on 5/11/2019. The

Register Committee considered AKAST's additional representation of 20/01/2020 and 10/02/2020 (addendum).

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Analysis:

6. In considering AKAST's compliance with the ESG, the Register Committee took into account:

- *Programme accreditations following the Interstate Treaty*
- *Programme accreditations awarding AKAST quality seal (beyond the Interstate Treaty)*
- *Peer-reviewed institutional evaluation procedures (evaluations on offer, not yet carried out)*

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7. The Register Committee found that the report provides sufficient evidence and analysis on AKAST's level of compliance with the ESG.

8. With regard to the specific European Standards and Guidelines, the Register Committee considered the following:

ESG 2.1 – Consideration of internal quality assurance

9. The panel stated that the requirements of ESG Part 1 were reflected in AKAST's own guidelines for institutional evaluation and that the new review criteria to be applied by AKAST for accreditation of canonical study programmes in Germany followed the ESG.

10. The Register Committee found the review panel's analysis brief and lacking in-depth analysis. While the Committee took note of the "equivalence table" provided by the agency, mapping how ESG 1.1 to 1.10 are addressed in the agency's programme accreditation procedures, the Committee found that some standards were addressed only implicitly, with a limited coverage, in particular with regards to ESG 1.2 and ESG 1.4.

11. In its additional representation AKAST explained that the accreditation of single-subject study programmes was previously based on the resolution of the Accreditation Council; under the current framework, the agency followed the Interstate Treaty and Specimen Decree. The Register Committee understood that AKAST used the harmonised criteria set out in there, which are used by all agencies operating under the auspices of the German Accreditation Council (GAC). The agency affirmed that the new framework was developed based on the ESG and provided a mapping table produced by GAC to illustrate how elements of ESG Part 1 are reflected.

12. The agency further added that once the new higher education canon law has been revised, AKAST will review its guidelines on the evaluations of faculties of Catholic Theology and of higher education schools of philosophy and theology and adapt them.

13. **Having considered the additional representation, the Register Committee concurred with the panel's conclusion that AKAST complies with ESG 2.1.**

ESG 2.2 – Designing methodologies fit for purpose

14. According to the panel’s analysis, AKAST future accreditation procedures are based on the Specimen Decree and the criteria are based on Article 4 of the Interstate Treaty.

15. The Register Committee was unclear how the agency developed its accreditation criteria and whether stakeholders were involved in the design of AKAST methodologies; the Committee therefore asked the panel for further clarifications.

16. The panel explained that Germany’s new legal framework defined the procedures for QA agencies operating in Germany; the German Accreditation Council (GAC) issued reporting templates to define the structure of review reports as well as self-evaluation reports for higher education institutions. AKAST was bound to use the prescribed procedures and templates developed by GAC in all its accreditation procedures.

17. The panel confirmed that stakeholders were consulted in the development of the Specimen Decree and the GAC templates.

18. The panel further added that AKAST maintained direct contact with stakeholders in drafting its own procedural documents and that stakeholders have been asked for feedback following their participation as “neutral” observers in site-visits.

19. Having considered the further explanation provided by the panel the Register Committee concurred with the panel’s conclusion that AKAST complies with ESG 2.2.

ESG 2.6 – Reporting

20. In its review report, the panel stated that AKAST had carried out 35 accreditations since its establishment (p. 8) and that the agency published the external review reports and its decisions on its website.

21. As the Register Committee was unable to locate all reports on AKAST’s website it requested clarification from the panel.

22. The panel explained that AKAST had not published reports right from the beginning of its activities, but that the agency has made public its review reports since it has been mandated in the legal framework in Germany.

23. The panel further added that, at the time of the review, AKAST had not taken any negative accreditation decisions and, if it were to do so in the future, AKAST would have to publish those.

24. Having considered the panel’s clarification, which explained the discrepancy observed, the Register Committee was able to concur with the panel that AKAST complies with ESG 2.6.

ESG 2.7 – Complaints and appeals

25. The Register Committee noted that both appeals and complaints processes are covered within a single procedure by AKAST. Complaints are

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examined and decided on a case-by-case basis by the Board, while appeals are decided upon by the Accreditation Committee.

26. The Register Committee noted that the appeals and complaints procedure only covered two of AKAST's activities, but not its peer institutional evaluation procedures.

27. The Register Committee further considered that the arrangements did not ensure an impartial process, since the appeals were considered entirely by the same committee that also took the accreditation decisions.

28. AKAST informed in its additional representation that the revised appeals and complaints procedure now covered all of its activities.

29. AKAST further stated that it had agreed to revise its procedure and to establish a complaints committee consisting of independent members (two academics, a student and a representative of another accreditation agency) who are not members of the Board or the Accreditation Committee.

30. AKAST clarified in its addendum to the representation (of 10/02/2020) that the revised procedure was adopted on 30 January 2020, but that the committee will be elected only by the next General Meeting in 2021 and then begin its work.

31. While the Register Committee welcomed the new appeals and complaints procedure, the Committee considered that, with the new committee to handle appeals yet to be elected, the procedure was not yet operational. The Register Committee thus remained unable to follow the review panel's conclusion of compliance, and concluded that AKAST complies only partially with ESG 2.7.

ESG 3.3 – Independence

32. The panel noted that, under canon law, AKAST was subject to the vigilance of the German Bishops' Conference. The Bishops' Conference influence extends to giving consent for the admission of members of the association and the nomination of members of the Accreditation Committee, the confirmation of the Chairperson of the Accreditation Committee and the Board, and the approval of each of the accreditation decision by the member of the Commission for Science and Arts (Commission VIII) of the German Bishops' Conference.

33. AKAST is also co-financed through an annual grant from the Association of German Dioceses (VDD), the legal entity for the German Bishops' Conference.

34. The panel explained that the German Bishop Conference member served within the Accreditation Committee in a "moderatorial and advisory capacity" (review report p. 19), and that the elected Accreditation Committee members, permanent guests and experts involved in reviews are all requested to sign a declaration of no-conflict-of interest. The agency also added that the involvement of the German Bishops' Conference in the decision-making process "helps ensure that there is no conflict between

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accreditation decisions and the subsequent ecclesiastical approval required under canon law” (self evaluation report p. 15).

35. While the Register Committee considered it usual and acceptable for the Bishops' Conference, as the main founder and hence key stakeholder of the agency, to be involved in the agency's structure, the Register Committee underlined that the requirement of independence should be understood to the effect that the new organisation, once it has been founded, should be able to function independently.

36. In particular, the Register Committee regards a situation where one single actor or stakeholder has a “controlling stake” in an agency as incompatible with the requirements of the standard. In the case of AKAST, the Register Committee considered that the various veto rights and consent requirements constrained AKAST's independence.

37. The Register Committee in particular found the requirement that each accreditation decision requires the consent of the representative of the German Bishops' Conference (member of the Accreditation Committee) to be in contrast with the requirement of the ESG that the responsibility for the final outcomes of the quality assurance processes remain the responsibility of the quality assurance agency.

38. While the panel considered ecclesiastical approval as a fundamental quality feature and accepted the arrangements were that approval is integrated into the accreditation process, the Register Committee considered that, as a result of the current arrangements, no AKAST decision or report could be published without the Bishops' Conference's approval, which remains an actor external to the agency. Hence, the separation of the AKAST decision/report and the ecclesiastical approval is not clearly visible to the public.

39. In its additional representation the agency explained that the Board of AKAST had submitted a proposal for an amendment to the Statutes (§ 7, Accreditation Committee), changing the role of the representative delegated by Commission VIII of the German Bishops' Conference from full member to advisory member, without voting rights (point 2).

40. AKAST further reported that it was planning to review the various approval rights of the German Bishops' Conference as regards membership of AKAST and its Accreditation Committee.

41. AKAST explained (addendum letter of 10/02/2020) that it had discussed the possible changes at its General Meeting, but noted that these changes required an amendment of the Statutes and the approval of the German Bishop Conference. AKAST explained that it would propose to adopt those amendments by the General Meeting in 2021.

42. In general, the Register Committee welcomed the planned statutory changes and considered that these would strengthen AKAST's independence. The Committee further encouraged AKAST to pursue its plans to review the Bishops' Conference's other approval rights or requirements for consent.

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43. With regard to AKAST's responsibility for the outcomes of its quality assurance processes, the Register Committee was unable to assess the impact of the planned changes at this stage. While AKAST considered that the requirement for ecclesiastical approval would be clearly separated from the accreditation decision/recommendation under the planned changes, the statutes appeared to still "integrate" the German Bishop's Conference approval of the accreditation/review report within AKAST's process (see point 7); it thus remained questionable whether AKAST would be able to conclude a review process (and publish the resulting report) irrespective of the ecclesiastical approval as a separate, later step.

44. The Register Committee considered that there was no actual change of the situation while the planned statutory changes remain pending approval by the German Bishops' Conference and adoption by the General Meeting of AKAST. The Register Committee therefore remained unable to concur with the panel's conclusion, but concluded that AKAST does not comply with standard 3.3.

45. At the same time, the Register Committee acknowledged the concrete plans AKAST made to resolve the matter. The Committee therefore encouraged AKAST to implement those changes and have them externally reviewed in a focused review, once they entered into force.

ESG 3.4 – Thematic analysis

46. According to the review panel's findings, AKAST participates in working groups, organises workshops, provides presentations and publishes regular reports of its findings to the German Bishop Conference and to the Congregation for Catholic Education and AVEPRO.

47. While the panel welcomed the analyses and related activities, it pointed out that AKAST had "not placed a focus on written thematic analyses in the past" and considered that the agency should give greater weight in future to documenting such outcomes for the public.

48. The Register Committee considered that the analyses of AKAST's own work did only occasionally lead to written publications and therefore did not fully meet the expectations formulated by the standard that such analyses are published regularly. The Committee thus underlined the panel's recommendation.

49. In its additional representation AKAST noted that it accepted and would take into account the review panel's recommendation; in the future, AKAST would publish more findings on analyses of the agency's own work.

50. Considering the lack of regular activities that can be understood as thematic analysis, the Register Committee remained unable to follow the panel's conclusion of compliance, and concluded that AKAST complies only partially with ESG 3.4.

51. For the remaining standards, the Register Committee was able to concur with the review panel's analysis and conclusion without further comments.

Conclusion:

52. Based on the external review report and the considerations above, the Register Committee concluded that AKAST demonstrated compliance with the ESG (Parts 2 and 3) as follows:

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Standard	Review panel conclusion	Register Committee conclusion
2.1	Full compliance	Compliance
2.2	Full compliance	Compliance
2.3	Full compliance	Compliance
2.4	Full compliance	Compliance
2.5	Full compliance	Compliance
2.6	Full compliance	Compliance
2.7	Full compliance	Partial compliance
3.1	Full compliance	Compliance
3.2	Full compliance	Compliance
3.3	Substantial compliance	Non-compliance
3.4	Substantial compliance	Partial compliance
3.5	Full compliance	Compliance
3.6	Substantial compliance	Compliance
3.7	(not expected)	Compliance (by virtue of applying)

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53. Also after duly considering AKAST's additional representation, the Register Committee concluded that AKAST does not comply with standard 3.3 as it stands. The Register Committee therefore remained unable to conclude that AKAST complies substantially with the ESG as a whole, given that non-compliance with any one standard prevents a positive overall judgement.

54. The Register Committee therefore rejected the application.

55. AKAST has the right, according to §3.21 of the Procedures for Applications, to undergo a focused review addressing those issues that led to rejection, and to reapply within 18 months based on that focused review. The Register Committee encouraged AKAST to implement the planned changes and then to avail of that opportunity.

56. AKAST has the right to appeal this decision of the Register Committee in accordance with the [Appeals Procedure](#). Any appeal must reach EQAR within 90 days from receipt of this decision.

Panel Chair, AKAST

Sigrid Müller, Chair of Theological Ethics at the Institute for Systematic Theology

– by email –

Brussels, 11 October 2019

Application by AKAST for inclusion of registration on EQAR

Dear Sigrid,

The Agency for Quality Assurance and Accreditation of Canonical Programmes of Studies in Germany (AKAST) has made an application for renewal of registration/initial inclusion on the European Quality Assurance Register for Higher Education (EQAR).

We are contacting you in your capacity as chair of the panel that prepared the external review report of 14/03/2018 on which AKAST's application is based.

The EQAR Register Committee's rapporteurs have been considering the application and the external review report. We would be obliged if you could clarify, in consultation with the panel members as necessary, some matters in order to contribute to the consideration of AKAST's application:

The EQAR Register Committee's rapporteurs have been considering AKAST's application for inclusion on the Register based on the external review report of 14/03/2018.

We kindly ask you to clarify the following matters to inform the Register Committee's consideration and decision-making:

1. ESG 2.2 Designing methodologies fit for purpose

In its analysis the panel noted (p. 30-31) that AKAST recently initiated accreditation procedures based on the Specimen Decree, and the criteria that the agency will use in its future accreditations are based on Article 4 of the Interstate Treaty.

Considering the requirements of standard 2.2, could you further specify how the agency has developed these accreditation procedures, how the feedback from the consulted stakeholders is integrated and how the criteria of the programme accreditation and institutional evaluation are (to be) applied?

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EQAR Founding Members:

2. ESG 2.6 Reporting

In its review report, the panel stated that AKAST has carried out 35 accreditations since its establishment (p. 8). The panel further noted that the agency publishes the external review report including the Agency's decision on its website.

As we were not able to locate all the agency's review reports and decisions published on the agency's webpage, could you clarify whether the panel has confirmed that the agency publishes all its review reports, including those with a negative result?

We would be grateful if it was possible for you to respond by 25 October, 2019, and we would appreciate if you get in contact with us should that not be feasible.

Please note that EQAR will publish this request and your response together with the final decision on AKAST's application. We, however, kindly ask you to keep information related to the application confidential until the final decision has been published.

We acknowledge that it might not be possible to clarify all of the above. However, we appreciate your assistance and I shall be at your disposal if you have any questions in relation to this request.

Kind regards,

A handwritten signature in black ink, appearing to read 'Colin Tück'.

Colin Tück
(Director)

Cc: GAC (coordinator)
AKAST



EQAR | Aarlenstraat 22 rue d'Arlon | BE-1050 Brussels

Colin Tüeck (Director)

Dear Colin,

thank you for your interest in our report about the re-accreditation of AKAST. I am glad to hear that AKAST is applying for the EQAR registration as a next step of development as an agency working in accordance with the European framework of Quality Assurance for Higher Education. Thank you for your questions, to which I am going to respond now.

Concerning (1): ESG 2.2 Designing methodologies fit for purpose

On January 1, 2018, Germany adopted a new legal framework for accreditation. It entrusted the “Stiftung Akkreditierungsrat” (the federal Trust “German Accreditation Council”) (GAC) with all accreditation decisions and with accrediting agencies which have the task to carry out the necessary procedures in preparation for the decision. The legal framework for all accreditation processes is laid down in the Interstate Treaty and the Specimen Decree (Musterrechtsverordnung, as of 7.12.2017) published by the Standing Conference of the Ministers of Education and Cultural Affairs of Germany (KMK).

To implement the regulations, the GAC has issued detailed templates that predefine the structure of expert panel reports, as well as the self-evaluation reports of the institutions to ensure that the criteria established in the Specimen Degree are applied. In addition, these GAC report templates respect the *Guidelines for external reviews of quality assurance agencies in the EHEA*, as has been mentioned on p. 2 of our evaluation report. The GAC report templates replace the guidelines that under the former legal framework had been developed individually by the various accreditation agencies.

The templates developed by the GAC can be found on the GAC homepage (unfortunately, the English version of the homepage is not yet functioning): <https://www.akkreditierungsrat.de/de/antragstellung/antragstellung>. To give an example of the different templates, a direct link to the scheme that needs to be followed in the case of single program accreditation is the following:

https://www.akkreditierungsrat.de/sites/default/files/downloads/2019/Programm_Fassung_01_Raster_Akkreditierungsbericht.pdf.

This explains that AKAST is bound to use the template developed by GAC, which make sure that the procedures developed in the German legal documents are kept to and European criteria are respected.

With regard to the integration of feedback from consulted stakeholders, we have received the information during the site visit that the stakeholders had been involved in the development of both the regulations formulated in the Specimen Decree, and the Accreditation Council's criteria that are expressed in the templates. This involvement took place either because stakeholders were members of committees or via the opportunity to submit written comments (see evaluation report, p. 31).

Beyond the fact that stakeholders have participated in the formulation of the criteria and the templates, the agency itself is maintaining direct contact with stakeholders in their daily work, especially when they draft procedural documents (see evaluation report, p. 14). With regard to the practice of the site visits, stakeholders have been asked for feedback in structured interviews, and "neutral" observers are participating in the site visit to report to the agency to make sure that standards are maintained and that aims agreed before the site visit are respected (see evaluation report, p. 31). In this way, I understood, stakeholders' feedback can be reported to and discussed in board meetings, which also represent the different groups of stakeholders, and can, after such a consultation process, be used for improving the procedural documents further.

Concerning (2): Documentation of accreditation procedures

Since the implementation of the new legal framework for accreditation in Germany, the GAC has assumed the task of keeping a central register for all accreditation records. AKAST has started to publish the reports before this register was opened, yet not right from the beginning

of its activity. This is why only 30 more recent accreditation reports can be found on its homepage:

<http://www.akast.info/AkkreditierteStudieng%C3%A4nge/tabid/59/language/de-DE/Default.aspx>.

The GAC's central register ought to refer also to older accreditations, because it documents the history of accreditation of each institution; however, it is not complete yet because of the recent creation of the online database, and so far reflects only a selection of the accreditations issued by AKAST:

https://antrag.akkreditierungsrat.de/akkrstudiengaenge/?akkr_organisation=205e6556-fe35-13cb-2ef9-e2d6e8bcb3b2&ordering=ordering_name&limit=10&offset=0.

However, according to the new legal framework, this register is the place where all future decisions made by the GAC – whether they follow or deviate from the recommendations prepared by the agencies – will be published along with the evaluation reports. The GAC is legally obliged to publish the results (Specimen Decree § 29 1) and has taken the decision to publish them irrespectively of whether they are positive or negative. This decision was taken on Sept. 30, 2015 and naturally respects all accreditation procedures of all agencies (see GAC annual report, p. 11):

http://archiv.akkreditierungsrat.de/fileadmin/Seiteninhalte/AR/Veroeffentlichungen/Taetigkeit_sberichte/AR_Taetigkeitsbericht_2015.pdf.

When the committee drafted the evaluation report, AKAST had not taken any negative accreditation decisions, but if this were the case in the future, it would have to publish it.

I hope that this information is helpful and can sufficiently answer your questions. If you have any further request, please do not hesitate to contact me.

With kind regards,

Sigrid Rutke



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Prof. Dr. Michael Gabel
Vorsitzender

Ingolstadt, den 20. Januar 2020

Additional representation – first part: Deferral of the Application by Agency for Quality Assurance and Accreditation of Canonical Programmes of Studies in Germany (AKAST) for Inclusion on the Register

via email

Dear Mr Dittrich,

Thank you very much for your letter of 12 November 2019 communicating the decision of the Register Committee (of 5 November 2019) on the Application by Agency for Quality Assurance and Accreditation of Canonical Programmes of Studies in Germany (AKAST) for Inclusion in EQAR.

AKAST is pleased to take the opportunity to make additional representation and would like to express thanks for the discussion on 21 November 2019 together with the additional information provided and the possibility of extending the time limit for part of the additional representation to 10 February 2020.

Please find attached the first part of the additional representation from AKAST submitted in due time for your notice and for consideration as appropriate in decision making. You will receive the second part of the additional representation, in particular on the evaluation of ESG 3.3 Independence, at the latest by 10 February 2020.

AKAST would like to expressly note once again that the self-evaluation report was prepared at a time when the German accreditation system was in the course of a fundamental reorganisation. In addition, the self-evaluation report was not originally prepared for EQAR registration but for national reaccreditation and the national

stakeholders familiar with the specific structure of AKAST, and this may have given rise to queries.

The forthcoming changes to the Statutes referred to in the additional representation can only be submitted to the AKAST General Meeting for final decision in 2021, primarily because there are also other changes that first need to be carefully examined and prepared before being decided together with the changes mentioned.

AKAST would specifically like to express thanks for the favourable consideration of our application.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael Gabel". The signature is written in a cursive, flowing style.

Michael Gabel

Chairman of the board

Attached: Additional representation

Additional Representation – first part: Deferral of the Application by Agency for Quality Assurance and Accreditation of Canonical Programmes of Studies in Germany (AKAST) for Inclusion on the Register

ESG 2.1 – Consideration of internal quality assurance

As the Register Committee's evaluation (paragraphs 7-9) indicates that the AKAST self-evaluation report did not clearly distinguish between accreditation under the prior and under the new legal framework, this distinction is now explicitly made.

1. Under the prior legal framework, accreditation of single-subject study programmes in theology and study programmes leading to qualifications having canonical value was carried out in accordance with the published Leitfaden für die Programmakkreditierung (Guidelines on Programme Accreditation). This is based on the resolution of the Accreditation Council, "Rules for the Accreditation of Study Programmes and for System Accreditation", as amended. In adopting those rules, the Accreditation Council complied with the current ESG and, in particular, incorporated the requirements formulated in Part 1 (see Annex 19 of the self-evaluation report and Annex 1 of the Additional Representation).

2. Under the new statutory framework (from 1 January 2018), accreditation of single-subject study programmes in theology and study programmes leading to qualifications having canonical value is carried out in accordance with the Interstate Treaty and the Specimen Decree, which are based on the current ESG. An overview in the form of a table is provided in Annex 11 of the AKAST application (submitted on 17 June 2019) and Annex 2 of the Additional Representation.

3. Accreditations of other canonical study programmes with ecclesiastical degrees, such as the licentiate, which were not covered by the KMK structural guidelines, were previously carried out, in analogy to the procedure for single-subject theology study programmes, in accordance with the published Guidelines on Programme Accreditation and, as with accreditations under point 1 above, were based on the Accreditation Council resolution "Rules for the Accreditation of Study Programmes and for System Accreditation" and the current ESG (see Annex 1 of the Additional Representation).

4. Accreditations of other canonical study programmes with ecclesiastical degrees, such as the licentiate, which are not covered by the Interstate Treaty, will be carried out in future in accordance with the review criteria under the Interstate Treaty and the Specimen Decree,

which are based on the current ESG. An overview in the form of a table is provided in Annex 11 of the AKAST application (submitted on 17 June 2019) and Annex 2 of the Additional Representation.

With regard to the canon law framework, the Apostolic Constitution *Veritatis Gaudium*, published on 8 December 2017, revises canon law as it applies to Catholic institutions of higher education, thus affecting ecclesiastical universities and faculties as well as degrees having canonical value. Once consultation required under German law governing relations between the state and the churches is complete and the new higher education canon law has been adapted to the requirements of the German higher education law, AKAST will develop separate guidelines on above-mentioned accreditations. For this purpose, draft guidelines prepared by Head Office in coordination with the Board will be presented to the Advisory Board for further in-depth consultation. The draft guidelines will then be presented for decision by the Accreditation Committee, which according to the Statutes has the task of deciding guidelines, standards and criteria for the conduct of external quality assurance, including accreditation and evaluation, and adopted at the next General Meeting.

5. The evaluation covering the institution as a whole has not yet been carried out. Conduct of the evaluation is based on the Guidelines on the evaluation of faculties of Catholic theology and of higher education schools of philosophy and theology (see Annex 16 of the self-evaluation report), which are based on the current ESG (see p. 7 of Annex 16). An overview of how the standards from ESG Part 1 are addressed is provided in Annex 19a of the self-evaluation report and Annex 3 of the Additional Representation. As set out in point 4 above, once consultation required under German law governing relations between the state and the churches is complete and the new higher education canon law has been adapted to the requirements of the German higher education law, AKAST will review the Guidelines on the evaluations of faculties of Catholic Theology and of higher education schools of philosophy and theology and adapt them.

ESG 2.6 – Reporting

Concerning paragraphs 17-19: We would like to take the opportunity to refer to the relaunched AKAST website (www.akast.info). The reports on previous accreditations are now available under “Archiv Erstakkreditierung” [“Initial accreditation archive”].

Concerning paragraph 20: AKAST affirms that in the event of negative accreditation decisions, the corresponding reports would be published. AKAST has not issued any negative accreditation decisions since its foundation.

ESG 2.7 – Complaints and appeals

Concerning paragraph 24: AKAST refers to Annex 9 (appeals and complaints procedure as amended 31 January 2019) of our application (submitted to EQAR on 17 June 2019) and to Annex 4 of the Additional Representation. In response to the external review recommendation (see external review report, p. 39), the appeals and complaints procedure has been revised and now covers all activities of AKAST (see § 1 of the appeals and complaints procedure as amended 31 January 2019).

Concerning paragraph 23: AKAST refers to Annex 5 of the Additional Representation. The Board of AKAST has resolved to establish a complaints committee in order to ensure an impartial process. The complaints committee is to consist of two academics representing different types of theological institutions of higher education, a representative each of professional practice and students and a representative of an accreditation agency. The members of the complaints committee must not be members of either the Board or the Accreditation Committee. A draft of the revised appeals and complaints procedure is provided in Annex 5 of the Additional Representation. The revised appeals and complaints procedure will – following consultation in the Accreditation Committee – be submitted to the General Meeting for adoption on 30 January 2020. Tasks and further details are to be laid down in rules of procedure to be drawn up for the appeals and complaints committee.

ESG 3.3 – Independence

Concerning paragraph 30: AKAST refers to Annex 6 of the Additional Representation. The Board of AKAST has submitted a proposal for an amendment to the Statutes (§ 7, Accreditation Committee). The member delegated by Commission VIII of the German Bishops' Conference will serve in future as an advisory member and no longer has a vote in accreditation decisions. The requirement for ecclesiastical approval is explicitly separated from the accreditation decision. Accreditation decisions and the requirement for ecclesiastical approval are two independent matters and are transparently separated from each other. This measure will be discussed at the General Meeting (30 January 2020) and pre-reviewed at working level in the Commission VIII secretariat. A final examination by Commission VIII cannot take place until the next meeting of Commission VIII in May 2020. EQAR will be informed of the situation as it then stands by 10 February 2020.

Concerning paragraph 26: Both the role of the German Bishops' Conference within AKAST and the connection between AKAST with the German Bishops' Conference will be discussed by the AKAST Board at the General Meeting. Potential outcomes will be pre-reviewed at working level in the Commission VIII secretariat and are to be further coordinated with the German Bishops' Conference. Due to the different meeting cycles and the required consultation levels, it will not be possible to submit the final outcome by 10 February 2020. A decision by the German Bishops' Conference is expected in the course of this year. EQAR will be informed of the situation as it then stands by 10 February 2020.

Finally, AKAST would like to explicitly note once again that under the new legal framework, accreditation decisions are made exclusively by the German Accreditation Council, and ecclesiastical approval and accreditation are therefore also physically separated.

ESG 3.4 – Thematic analysis

Concerning paragraphs 33-34: AKAST agrees with the review panel's recommendation (see external review report, p. 27) and underscores that in future it will publish more findings on analyses of the agency's own work.

Schedule of annexes:

Annex 1: Comparison between ESG 2015 and rules and criteria of German Accreditation System, September 2015, programme accreditation

Annex 2: Comparison between ESG 2015 and rules and criteria of German Accreditation System, July 2018, programme accreditation

Annex 3: Comparison between ESG 2015 and rules and criteria of German Accreditation System, September 2015, evaluation

Annex 4: Complaints procedure 2019

Annex 5: Complaints procedure_Revision 2020

Annex 6: Statutes_Extract §7_Revision 2021



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Prof. Dr. Michael Gabel
Vorsitzender

Ingolstadt, den 10. Februar 2020

Additional representation – second part: Deferral of the Application by Agency for Quality Assurance and Accreditation of Canonical Programmes of Studies in Germany (AKAST) for Inclusion on the Register

via email

Dear Mr Dittrich,

The 13th General Meeting of AKAST took place on 30 January 2020. As announced in our additional representation (first part) of 20 January 2020, we are writing to inform you about the status of the consultations, in particular on ESG 2.7 – Complaints and appeals and ESG 3.3 – Independence.

Concerning ESG 2.7 – Complaints and appeals

The AKAST General Meeting adopted the appeals and complaints procedure (Beschwerdeordnung) in the version attached (attached appeals and complaints procedure of 30 January 2020). The third sentence in the newly inserted § 5 *Beschwerdekommision* (“complaints committee”) has been amended as follows: “*The complaints committee is elected by the General Meeting for five years.*” The complaints committee will be elected by the next General Meeting in 2021 and then begin its work.

Concerning ESG 3.3 – Independence

The General Meeting consulted in depth on the proposal drafted by the Board for amendment of § 7 *Akkreditierungskommission* (“accreditation committee”) in the AKAST Statutes and approved the course of action as set out in our additional representation of 20 January 2020 (with reference to ESG 3.3).

Under the proposed amendment, the member delegated to the AKAST Accreditation Committee by Commission VIII of the German Bishops’ Conference is assigned advisory status and no longer has a vote in accreditation decisions. Ecclesiastical approval is obtained in a separate process step. Thus – in the opinion of AKAST – the requirement for ecclesiastical approval is now also explicitly separated from accreditation decisions and from the determination of proposed recommendations. Accreditation decisions and the requirement for ecclesiastical approval are two independent processes and are transparently separated from each other.

Furthermore, the General Meeting consulted in depth on the role and involvement of Commission VIII and the German Bishops’ Conference in its capacity as the body and responsible Church authority having oversight over AKAST as an incorporated public association under canon law in accordance with the Code of Canon Law (CIC), cc. 116, 301 § 3 and 312. In the opinion of the AKAST General Meeting, the following processes, among others, could be reviewed with a view to simplification:

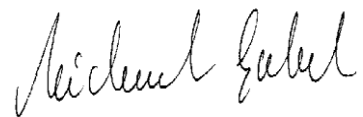
- Granting of the German Bishops’ Conference’s approval for all applications for membership (§ 3 (1) of the Statutes).
- Granting of the German Bishops’ Conference’s approval for all members of the Accreditation Committee elected by the General Meeting (§ 7 (3) of the Statutes).

As announced in our additional representation of 20 January 2020, the amendments to the Statutes adopted by the General Meeting require the approval of the German Bishops’ Conference. After the General Meeting AKAST will therefore present the proposed amendments to the committees of the German Bishops’ Conference with the request for examination and approval.

It is expected that the coordination process will be able to be completed in 2020 so that the amendments to the Statutes can be adopted by the General Meeting in 2021.

We would also like to reiterate that under the new legal framework, accreditation decisions are made exclusively by the German Accreditation Council, and ecclesiastical approval and accreditation are therefore also physically separated. This is also visible to the public in the accreditation report (attached Accreditation Council's accreditation report matrice, page 2).

Yours sincerely,

A handwritten signature in cursive script that reads "Michael Gabel".

Michael Gabel

Chairman of the board

Attached:

Appeals and complaints procedure of 30 January 2020

Accreditation Council's accreditation report matrice for programme accreditation