

Country Report Germany

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Introduction

The QACHE project

Cross-border higher education (CBHE) is among the key issues that QA bodies need to address today. Regulatory regimes, specific legislations and/or frameworks for QA of CBHE have been increasingly developed in different countries and territories. Both the sending and receiving countries are becoming increasingly alert in the area of the quality assurance of CBHE. Various regional and international initiatives have focused on these areas in the past decade or more.

In order to further enhance policy dialogue in different regions and countries on quality assurance of CBHE, and thus enhance mutual understanding of different approaches to CBHE and different methods in quality assurance, and protect students against low standard provision, the Quality Assurance of Cross-border Higher Education (QACHE) Project was initiated on 1 October 2013.

The QACHE project is funded by the Erasmus Mundus programme of the European Union, coordinated by the European Association for Quality Assurance in Higher Education (ENQA). The partnership of the QACHE project involves the two main host regions of European cross-border education (Asia-Pacific and Gulf regions), quality assurance agencies from four significant European provider countries, and the main provider country outside Europe (Australia).

Methodology of this report

The aim of this country report is to describe first the state of the art of German higher education abroad.² It will give an overview of the national legal framework and regulations governing quality assurance and recognition of such cross-border provision, it will present policies and strategies concerning CBHE projects of German higher education institutions (HEIs) and funding mechanisms for such projects. Then specific features of QA of CBHE will be dis-

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² This report is based on the legal and factual situation as of 2014.

cussed, the role of international guidelines in this context and obstacles and challenges for CBHE and its QA, The report ends with some good practice examples of QA of German CBHE projects. The author interviewed an HEI representative, a representative of a German Land, of an accreditation agency and of the German Academic Exchange Service in the preparation of this country report. The interviews are attached to this report as annexes.

Chapter 1 – German higher education abroad – state of the art

The QACHE project concentrates on the movement of programmes, institutions and course materials excluding thus the traditional student mobility. Thus for the purpose of this project CBHE refers to any learning activity in which the students are based in a different country to the country where the home institution providing (mainly) the education is located. In accordance with the predominant approach to CBHE as formulated by the German Academic Exchange Service (DAAD),³ higher education institutions or single study programmes will be included which are mainly offered abroad for students of the respective country, for which an HEI of another country, here Germany, bears the main academic responsibility⁴.

The export of German higher education will be in the focus of this report as Germany is a significant provider country of CBHE. It should be nevertheless mentioned that also the activity of foreign higher education providers in Germany is a phenomenon which raises quality assurance issues. According to a recent study of the Centre for Higher Education (CHE), the EU member States receiving the highest levels of CBHE activity within their borders are Greece, Spain, Hungary and Germany.⁵ The Higher Education Acts of the German Länder include provisions for state recognition of private higher education providers. Less regulated is the case that a provider does not apply for this recognition but just provides education offers in Germany not leading to a German recognized academic degree.⁶ Especially in this last mentioned case issues of consumer protection may arise.

The offer of CBHE by German HEIs is the newest and most prominent trend of Germany's long standing internationalisation efforts. Australian, British and American higher education

³ See below in this chapter

⁴ This definition is taken from the policy paper of the DAAD "Transnational Education in Germany. DAAD Position Paper"; see https://www.daad.de/imperia/md/content/hochschulen/studienangebotedeutscherhochschulenimausland/ausaetze/phb_tne_postionspapier_lf.pdf for the German version of this paper

⁵ See the study of CHE "Delivering education across Border in the European Union": http://www.academia.edu/4143137/Delivering_Education_across_Borders_in_the_European_Union

⁶ See http://www.hrk.de/fileadmin/redaktion/hrk/HRK_MV_15_Franchising_Empfehlung_Tabelle_Sandberger.pdf for an overview on the respective regulations in the Higher Education Acts of the Länder. In some cases foreign HEIs offer their degrees in cooperation with a German franchisee. See for examples of this case the dissertation „McUniversity: Innerstaatliches Academic Franchising (AF) deutscher Hochschulen – Eine public-private Perspektive“ by Britta Leusing, http://www.zhb-flensburg.de/dissert/leusing/Dissertation_Leusing_Ver%C3%B6ffentlichung.pdf, pages 45-46

institutions were among the first active in this area. In 2001 the DAAD started to fund CBHE activities of German HEIs systematically. The DAAD puts emphasis on the fact that CBHE “made in Germany” is characterised by a cooperative approach. Often German CBHE projects are developed on the basis of existing partnerships in higher education and are developed and implemented cooperatively.⁷ The DAAD and its funding policy from the beginning influenced the development of certain models.⁸ The German HE system is largely state-funded, German universities usually (with the exception of the small group of private universities) do not charge tuition fees or generate financial profit in other ways. As CBHE engagement in most cases demand considerable initial investment, the greater part of German CBHE activity would not exist without initial DAAD support.⁹ In this respect, the situation in Germany differs from other major CBHE providing countries, especially Australia and UK, where HEI depend on tuition fees and CBHE is seen primarily as an additional source of income for the providing institution. The three main categories of CBHE activity supported by the DAAD at present are “German study programmes abroad” (in many cases involving dual/double/joint degrees), “branch campuses” and “German-backed universities”.¹⁰ These categories also will be in the focus of this report. Other types of delivery abroad like franchising and validation exist, but are at the moment not supported by the DAAD. The main reason for this is that the funding criteria of DAAD stress certain points which require a high degree of engagement and presence of the providing HEI as a precondition of funding, namely the academic responsibility of German HEI in their study courses offered abroad¹¹ as well as a close relation to Germany.¹² As a consequence, since the DAAD is the main information provider on export activities of German HEIs, information on these types of CBHE from Germany is scarce.¹³

The same is true for online courses. Distance learning programmes do not, as yet, play a significant role in DAAD funding schemes in general. With reference to CBHE, study courses

⁷ See the policy paper of the DAAD “Transnational Education in Germany. DAAD Position Paper”

⁸ See interview with Susanne Kammüller, DAAD

⁹ See interview with Susanne Kammüller

¹⁰ These categories are taken from the policy paper “Transnational Education in Germany. DAAD Position Paper”.

¹¹ Important aspects of academic responsibility as understood by the DAAD are that the German HEI is engaged in the curriculum development, that German lecturers are engaged, that degrees by German HEIs are awarded and the German HEIs are responsible for quality assurance measures, as well. In the case of franchising and validation some of those aspects as the engagement of German lecturers normally are not fulfilled.

¹² as the German HEI is not present on site at the foreign HEI

¹³ See interview with DAAD; Some information can be found in the mentioned CHE study “Delivering education across Border in the European Union”; according to Britta Leusing (see footnote 4, page 46) there are only few examples known in which a German HEI is franchisor of a foreign education provider. One would be the cooperation of “Hochschule Mittweida” with an education provider in Austria, another one the cooperation of “Fachhochschule Südwestfalen” with an education provider in Spain.

offered entirely online to students abroad would not easily fulfil the funding requirements of DAAD in terms of academic responsibility and relation to Germany.

However, the development and implementation of internet-based forms of distance learning/teaching to supplement and enhance existing CBHE offers, e.g. blended learning or 'flipped classroom' models, however, are supported by the DAAD, partly with special funds provided by the Stifterverband für die Deutsche Wissenschaft.

Coming back to the main categories of exported CBHE funded by the DAAD, the largest group of projects belong to the category of German study programmes abroad. In this type of activity, a German HEI operates a study programme at a foreign partner HEI. The partner HEI generally provides its infrastructure and teaching staff for some basic courses. Especially in this category are examples of CBHE engagement developing 'bottom-up' through academics and HEI using the DAAD funding schemes to institutionalize and deepen their contacts with foreign partners.

A type of CBHE engagement which requires an even stronger commitment of the partners involved and much greater and often longer financial engagement are the 'German-backed universities'.¹⁴ In this category a new HEI abroad is founded which is part of the local HE system and subject to the local legal system. It has a German "mentor" HEI which supports it strongly concerning curriculum development, quality assurance and training of teaching staff. The German HEI often provides teaching staff, as well.¹⁵ In practice, often several German HEIs collaborate in projects of this type, even forming consortia headed by one of them or by an organization as the DAAD. This applies e.g. to the German University Cairo (GUC),¹⁶ the German-Jordanian University (GJU) in Amman,¹⁷ the Turkish-German University (TDU) in Istanbul and the Vietnamese-German University (VGU) in Ho Chi Minh City.¹⁸ One should add the Andrassy University in Budapest, which is a special case because it is the only entirely German speaking university outside the German speaking countries and because it was established by a joint initiative of Hungary, Austria, Germany and the German Länder Bavaria and Baden-Württemberg. The DAAD supports the Andrassy University with funds of the Federal Foreign Office.

'German-backed universities' in the classical sense as characterized by the DAAD more often result from "top-down" initiatives. An example for this approach is the application-oriented

¹⁴ Another term often used is „binational universities“.

¹⁵ See also Ute Lanzendorf (2008) „Foreign-Backed Universities: A New Trend“, in: „International Higher Education“, No. 51, Spring 2008

¹⁶ See interview with Marion Moser, ACQUIN, for information on the GUC

¹⁷ See interview with Prof. Dr. Andreas Geiger, HS Magdeburg-Stendal, for information on the GJU

¹⁸ See interview with Wolfgang Hendricks, Hessisches Ministerium für Wissenschaft und Kunst, for information on the VGU

German-Jordanian University. King Abdullah paid a visit to the German chancellor Schröder in 2002. The German minister for higher education was placed between the king and the Jordanian minister for higher education. The last one explained that 70.000 engineer graduates had been educated in Jordan without meeting market needs and explained his idea to establish a binational university.¹⁹

In case of branch campuses of German HEIs abroad, which is the third category of delivery funded by the DAAD, the German HEI is fully responsible for all issues of teaching and learning as for administrative matters and awards its degrees. There is only a small number of German examples for this type of CBHE engagement. One is the German Institute of Science and technology - TUM Asia in Singapore, which has become quite independent from its patron university, the Technical University of Munich. Other examples are the campus of the University Erlangen-Nurnberg in Busan (Korea) and the campus of the Technical University of Berlin in El Gouna (Egypt).

Most CBHE programmes of German HEIs are offered in the fields of engineering and natural sciences.²⁰ The reason is that German higher education in these disciplines has a very good reputation. Besides providers from the Anglo-American countries rarely offer study programmes in the mentioned disciplines as they are not as profitable as study programmes in the field of management or informatics, especially because of the need for high personal and material resources.²¹

The DAAD estimates that in the three mentioned categories of CBHE funded by the DAAD within its 'classical' TNE funding programmes, there are about 20.000 students enrolled in about 70 CBHE projects.²² In terms of student numbers Egypt, Jordan and China are three 'hot spots' of German CBHE activity. China hosts a number of small and medium-sized projects, while the large number of students in German CBHE is explained by the existence of big binational universities, the GUC and the GJU. The fourth largest number of students in

¹⁹ See interview with Prof. Dr. Andreas Geiger

²⁰ About 50 % of students in German CBHE projects study Engineering, about 30 % Natural Sciences and Mathematics; see „Wissenschaft weltoffen 2014, facts and figures on the International Nature of Studies and Research in Germany“, published by the DAAD and the DZHW; http://www.wissenschaftweltoffen.de/publikation/wiwe_2014_verlinkt.pdf

²¹ In contrast, for German HEIs it is, as detailed above, not a priority that their CBHE offers are profitable; See “Transnational Education in Germany. DAAD Position Paper”; Transnational Education ‘made in Germany’, A policy perspective on challenges, best practices and success stories, Journal für the European Higher Education Area, 2011, https://www.daad.de/imperia/md/content/hochschulen/studienangebotedeutscherhochschulenimausland/ausaetze/ausgabe_ehea_2011_gesamt.pdf

²² The number refers to students in CBHE projects which are funded or were funded by the DAAD. As detailed above, there is no information on CBHE not funded by the DAAD.

German CBHE is counted in Vietnam, the majority at the VGU in Ho Chi Minh City.²³ The majority of students in German CBHE projects are studying for a Bachelor's degree.²⁴

Chapter 2 – National context and approaches to QA and recognition of CBHE

2.1. Overview of the national legal framework and regulations governing quality assurance and recognition of cross-border provision

The legal basis of higher education in Germany is provided by the legislation on higher education of the Länder. The higher education acts of the Länder describe the general objectives of higher education institutions as well as the general principles underlying the system of higher education, study, teaching and research, admission, membership and participation, as well as the staff of HEIs. As a rule, the regulations apply to all HEIs, including privately-maintained establishments.²⁵ Most higher education acts of the Länder contain provisions that stipulate international cooperation as a task of German HEIs and that allow them to develop joint study programmes and to award double, multiple and joint degrees.²⁶ To be able to offer recognized German academic degree, a private higher education provider has to apply for state recognition. The conditions to become a state recognized higher education provider also are prescribed in the higher education acts, as well as the obligation that all Bachelor's or Master's study courses, irrespective if they are offered at state or private but state recognized HEIs, have to be accredited. The accreditation of study programmes is done under the auspices of the Foundation for the Accreditation of Study Programmes who commissions accreditation agencies to perform the accreditation procedures, take the accreditation decisions and award the seal of the foundation. The legal basis of the work of the foundation is the Accreditation Foundation Law.²⁷ The criteria and procedures governing the quality assurance of CBHE will be further developed in chapter 3.

The academic recognition of foreign qualifications in Germany is ruled by Lisbon Recognition Convention²⁸ and provisions in the higher education acts of the Länder implementing it. The

²³ See „Wissenschaft weltoffen 2014, facts and figures on the International Nature of Studies and Research in Germany“

²⁴ About 82 % according to „Wissenschaft weltoffen 2014, facts and figures on the International Nature of Studies and Research in Germany“

²⁵ See “The Education System in the Federal Republic of Germany 2011/2012”, published by the Secretariat of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany; http://www.kmk.org/fileadmin/doc/Dokumentation/Bildungswesen_en_pdfs/dossier_en_ebook.pdf

²⁶ See Theresa Lemser, „Double-Degree-Programme und Joint-Degree-Programme, Rechtliche Hinweise zur Gestaltung der Studiendokumente“, https://www.daad.de/imperia/md/content/hochschulen/doppeldiplom-programm/infoservice/theresalemser_leitfaden_zu_rechtsfragen_bei_doppelabschlussprogrammen.pdf

²⁷ See http://www.akkreditierungsrat.de/fileadmin/Seiteninhalte/AR/Beschluesse/en/ASG_Stiftungsgesetz_en.pdf

²⁸ <http://conventions.coe.int/Treaty/en/Treaties/Html/165.htm>

principles of the convention, as the shifting of the burden of proof from the applicant to the recognition authority, will also be applied if the respective degree was not issued by an authority from a non-ratifying country²⁹. The respective institution of higher education is responsible for recognizing foreign qualifications for the purpose of further studies. The HEIs have to assess the educational background of the applicants to classify them for a German course of study. The principles of the Lisbon Convention have to be applied. On behalf of the Standing Conference of the Ministers of Education and Cultural Affairs the Central Office for Foreign Education (Zentralstelle für ausländisches Bildungswesen, ZAB) is the official agency for the evaluation and recognition of foreign educational qualifications.³⁰ The Central Office for Foreign Education provides advisory and information services, but has no rights to make decisions itself. The ZAB administers the database ANABIN which documents the education systems of about 180 countries and provides information on institutions of higher education, types of degree and degrees, as well as extensive background information.³¹ A foreign qualification in general will only be recognized if the awarding institution has an official status in its home country. The fact that the institution or study programme in question was externally quality assured will be taken into account by recognition authorities.³²

The Lisbon Convention not only sets out to provide recognition for the purposes of access to higher education but also to evaluate higher education qualifications for the purposes of access to the German labour market. One of the main tasks of the ZAB is to assess foreign educational qualifications of individual applicants upon request. An evaluation issued by the ZAB can facilitate access to the German labour market for graduates with foreign higher education qualifications.

Graduates with a degree awarded by a foreign HEI in the context of a CBHE project which plan to continue their studies in Germany have to apply for recognition at the respective German HEI. The Recognition of the degree might be easier if the applicant has already studied at that German HEI in the context of the CBHE project.³³ In contrast, a joint degree

²⁹ See “The 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 of 10 October 2003 as amended on 4 February 2010) at http://www.kmk.org/fileadmin/veroeffentlichungen_beschluesse/2003/2003_10_10-Akkreditation-Bachelors-Masters-study-courses.pdf. Section 1.2 of the “Framework Guidelines for the Introduction of Credit Point Systems and the Modularisation of Study Courses”, which is an annex of the “common structural guidelines”, refers to Lisbon Convention without differentiating between ratifying and non-ratifying countries. This was also clarified by the Accreditation Council: http://www.akkreditierungsrat.de/fileadmin/Seiteninhalte/AR/Sonstige/AR_Rundschreiben_Lissabon2.pdf

³⁰ <http://www.kmk.org/zab/unsere-aufgaben.html>

³¹ See <http://anabin.kmk.org/anabin-datenbank.html>. This website is only provided in German. Information on recognition issues in English can be found at <http://www.anerkennung-in-deutschland.de/html/en/index.php>

³² This is recommended in the European Area of Recognition Manual; http://www.eurorecognition.eu/manual/ear_manual_v_1.0.pdf

³³ See interview with Prof. Dr. Andreas Geiger

offered by the partner HEIs constitutes a degree recognized by German law which does not require an additional recognition process at German universities. The same is true if only a German degree is awarded or if double degrees are awarded by the German and the foreign partner HEIs. The access to the German labour market for graduates of CBHE programmes of German HEIs will depend on the profiles of the graduate and the company in question. CBHE projects of German HEIs mostly have a specific profile which distinguishes its graduates from purely national study programmes, e. g. their strong application-orientation. Projects funded by the DAAD must have a strong relationship to Germany, as well. That is why job opportunities in general will be good for graduates of such CBHE projects. The best chances on the German market will graduates have which had already completed an internship at the respective company in the context of their studies.³⁴

2.2. CBHE policies and strategies

Based on the Mobility Strategy 2020 for the European Higher Education Area (EHEA) of the ministers responsible for higher education in the 47 Bologna states,³⁵ the German Federal Government and the German Länder in their "Strategy of the Federal and Länder Ministers of Science for the Internationalisation of the Higher Education Institutions in Germany"³⁶ have defined nine fields of action for promoting the internationalisation of the higher education institutions and have developed a joint policy goal with strategies for each field. The ministers recommend inter alia that HEIs should develop their own strategies for internationalisation and "think" internationalisation in all areas of university life. They also mention the "Internationalisation of Universities" audit of the German Rectors' Conference (HRK) as an example of a counselling service offered to HEIs to assist with confidence-building and profile development in the field of internationalisation.³⁷ They also see the necessity to improve the legal conditions for internationalisation of HEIs and ask the Accreditation Council to take measures to facilitate the accreditation of joint study programmes.³⁸ Apart from further recommendations³⁹ the ministers also proclaim that they will continue to support transnational study pro-

³⁴ Students of the GJU for example spend one year in Germany: half of the time in a German partner HEI, half of the time in a German company (see interview with Prof Dr. Andreas Geiger).

³⁵ The Mobility Strategy was adopted at their meeting in Bucharest on 26/27 April 2012; see [http://www.ehea.info/Uploads/\(1\)/2012%20EHEA%20Mobility%20Strategy.pdf](http://www.ehea.info/Uploads/(1)/2012%20EHEA%20Mobility%20Strategy.pdf)

³⁶ Resolution of the 18th Meeting of the Joint Science Conference in Berlin on 12 April 2013; see http://www.bmbf.de/pubRD/Internationalisierungsstrategie_engl.Fassung.pdf

³⁷ More information concerning the audit is available at: <http://www.hrk.de/audit/>

³⁸ Also see chapter 3.1

³⁹ Those recommendations are to establish a culture of welcome in Germany for foreign students and scholars, to develop international curricula, to foster the mobility of German students, to enhance the attractiveness of Germany as a place to study and to attract excellent academics from abroad and to expand international research cooperation.

grammes. They here especially refer to CBHE projects of German HEIs abroad and underline that the number of students taking such courses is growing even more rapidly than the number of internationally mobile students. Germany had increased its activities in this area significantly over the past decade. The ministers recognize that the participation of German higher education institutions in transnational study courses abroad is proving to be a positive driver for the institutions' own internationalisation. They underline that it strengthens their international academic influence and contributes towards establishing expertise and structures in partner countries. The involvement of German university teachers in projects abroad constitutes an important part of their individual international qualifications and furthers their activities at their home institutions.⁴⁰

In their internationalisation strategy the Federal and the Länder Ministers explicitly mention that they build on the activities and experiences of German Rectors' Conference (HRK) in the field. The HRK as association of HEIs in Germany recognizes that German HEIs increased their involvement in setting up courses, faculties and HEIs abroad and that they lend increasing weight to CBHE in their institutional internationalisation strategies. With the aim to give a signal for high quality CBHE offers, the HRK and the DAAD adopted a common "Code of Conduct for German Higher Education Projects Abroad". The code formulates qualitative – academic and ethical – standards for German higher education projects abroad to be observed by both German higher education institutions (HEIs) engaged in TNE and their foreign partners.⁴¹ Up to now 21 HEIs signed the code of conduct.⁴²

2.3. Funding of CBHE projects of German HEIs

⁴⁰ In the interviews the opinion was shared that German HEIs may enhance their reputation by projects in the field of CBHE. Thus they may also attract graduates of CBHE projects abroad to continue their studies in Germany. Third, CBHE offers possibilities for further cooperation with foreign HEIs e. g. in research projects or with companies. An example for good cooperation between HEI and companies is the Vietnamese German University (VGU). Graduates of the VGU are well qualified to find a job in one of the many German companies in Vietnam. Those companies also offer internships and scholarships (see interview with Wolfgang Hendricks). Another example is the German Jordanian University (GJU). Students of the GJU spend one year in Germany half of the time in a German partner HEI, half of the time in a German company (see interview with Prof Dr. Andreas Geiger).

⁴¹ These standards include that German higher education projects abroad are based on a collaborative approach. They should ensure academic freedom in research and teaching and guarantee access to education, research and teaching free from discrimination. They should support students' study success through clear and transparent selection criteria for admission. They should charge student contributions and tuition fees only to the extent required and appropriate to ensure the continuation of the course. They should be conducted with the participation of German staff and/or faculty trained teaching staff or staff employed at German HEIs. They should guarantee that graduates will be qualified for successful employment in their area of specialisation in the project's host country. They should provide students with specific contact persons for their subject-specific, organisational and social concerns and they should strengthen linguistic and cultural ties through the intensive exchange of students and teaching staff in both directions.

⁴² See <http://www.hochschulkompass.de/internationale-kooperationen/kodex-fuer-projekte-im-ausland.html>; as downloaded on the 08.09.2014)

In general, the 16 Länder are responsible for higher education in Germany. In addition, the Federal Government also holds responsibilities for questions of international higher education policy and promotion of international relations among universities and other institutions of higher education.⁴³ With respect to public funding for CBHE via the DAAD, three federal ministries are involved, the Federal Ministry for Education and Research (Bundesministerium für Bildung und Forschung, BMBF), the Federal Foreign Office (Auswärtiges Amt, AA) and the Federal Ministry for Economic Cooperation and Development (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung, BMZ). The DAAD supports activities which can be defined as CBHE with funds from each of these ministries. They each have a special emphasis in their funding policy. The main government sponsor for the systematic support of CBHE via the DAAD is the BMBF, with the clear aim to foster the internationalisation of German HEIs. The provision of public funding by the BMBF constitutes the main driver for German CBHE.⁴⁴ The AA provides funds for CBHE as an element of German cultural relations and education policy, whereas the primary goals of the BMZ are capacity building, strengthening of local HE systems etc.⁴⁵

The 'standard' funding scheme for CBHE administrated by the DAAD⁴⁶ with the highest number of projects is „Transnational Bildung – Studienangebote“ (before: „Studienangebote deutscher Hochschulen im Ausland“) which started in 2003.⁴⁷ The DAAD grants financial support to German universities as initial funding for the introduction and establishment of study offers abroad, which are expected to become financially self-supporting in the medium term. In the early years of the funding programme, the maximum funding period consisted of normally four years, with a possible extension in exceptional cases of up to six years. Based on the experience from the development of funded projects, the DAAD in the following years adapted the funding periods. At the moment, projects can apply for funding for up to eight years. The preconditions for funding under this scheme according to the call for applications include:

- The degrees awarded are recognized in Germany and the host country.
- The study programme should be conform to the principles of the Bologna Declaration.

⁴³ For further information about the relationship of Länder and Federal governments, see Nadim Fromm/Ralf Ramin, „Zur Entstehung der TDU in Istanbul“ in *Wissenschaftsrecht* 47 of March 2014, pp. 60-90, especially pp. 81-87.

⁴⁴ See *Transnational Education in the European context – provision, approaches and policies, geographical annex*, p. 21; http://www.aca-secretariat.be/fileadmin/aca_docs/documents/reports/TNE_in_the_European_context_-_Geographical_Annex.pdf

⁴⁵ See interview with Susanne Kammüller, for the strategies and aims of the different public financiers.

⁴⁶ Source of this funding scheme are BMBF funds.

⁴⁷ After a pilot funding since 2001

- The German HEI or consortium of HEIs is clearly visible abroad as responsible for the study programme.
- The project planning is based on declining public funding and financial self-reliance after the funding period.
- German standards concerning teaching, resources and quality assurance are aimed at.
- The project is subject to a permanent quality control by the German partner HEI(s) and will be accredited by a German or international accreditation agency by the end of the funding period.
- The project has a close connection to Germany e. g. by German university teachers, integrated study stays or internships in Germany, German language courses etc.

The 'standard programme' for the introduction and establishment of CBHE study offers is supplemented by two further funding programmes. Under "TNB-STEP" ('Stärkung und Exzellenz durch Profilbildung') German universities can apply for financial support for measures designed to strengthen the profile of their successfully implemented transnational study programmes by qualitative or institutional enhancement, e.g. establishment of research structures or of university faculties building up on existing CBHE study programmes; development of additional, consecutive graduate programmes etc.. In this programme, too, funding for up to eight years is possible.

The second supplementary programme, "TNB - Binationale Hochschulen", started in 2014 and aims specifically at 'German-backed universities'. 'These are usually largely financed by local partners who guarantee, after the start-up period, the basic operation of the HEI. To ensure the enduring binational character of these institutions, however, a long-term commitment of the German partner higher education institutions is necessary, especially to maintain German standards in research and teaching and to maintain the close relationship to Germany. The funding scheme aims at supporting German HEI engaged in binational universities abroad in this respect.

Funding conditions include a cooperation of the German and binational HEI based upon:

- Significance and impact of the cooperation and the binational institution with regard to cultural relations/educational politics; academic renown of involved HEIs
- Visible relations to Germany at existing binational institution
- Appropriate German representation in the decision-making bodies of the binational university
- Secure financial basis for basic operation of the binational
- Professional and sustainable project management; documented achievement of milestones

- Sufficient demand and good career prospects for graduates
- Cooperative partnership between the German and the local partner HEIs

In addition to these three programmes financed by the BMBF, the DAAD offers funding for scholarships to be granted to students enrolled in German CBHE projects, especially for study stays and internships in Germany, which are part of most CBHE projects supported by the DAAD. Also from AA funds, the DAAD supports capacity building of qualified teaching staff for German as a foreign language to prepare the students adequately for their stay abroad. The AA also provides the funds for DAAD support of a number of individual CBHE projects.⁴⁸

Apart from DAAD funding, German CBHE projects are funded by governments of the host countries, private donors, tuition fees and funds of the German Länder.⁴⁹ The GJU is co-financed by a debt transformation programme.⁵⁰

Chapter 3 – Criteria and guidelines for QA of CBHE

3.1 Actors involved in quality assuring (evaluating, accrediting) exported cross-border education provision

The German accreditation system was introduced in 1998, being part of a greater structural reform of study programmes. One of the main objectives of this new quality assurance in higher education was the modernisation of the system in response to an increasing European and international cooperation and competition.⁵¹

The structure of the German accreditation system consists of two levels: Accreditation Council and Accreditation Agencies. The Accreditation Council (full name: Foundation for the Accreditation of Study Programmes in Germany, usually abbreviated as “GAC” for “German Accreditation Council”) has the statutory task of organising the system of quality assurance in learning and teaching through accreditation. To this end, on behalf of the Länder, the Foundation takes care that the accreditation agencies certified to carry out accreditation proce-

⁴⁸ The DAAD budget for the core of its CBHE support (“TNB”- and scholarship programmes; binational universities VGU, TDU, DKU) from funds of BMBF and AA was 10.2 mio EUR in 2013.

⁴⁹ Material costs are often financed by local governments. In case of VGU the Land Hesse funds the project with 1,5 Mio. Euro per annum (see interview with Wolfgang Hendricks), whereas the Land Mecklenburg-Vorpommern gives only non-financial support to the GJU after a start-up fund of 300.000 Euros per annum in the first years (see interview with Prof. Dr. Andreas Geiger). Some other German Länder opine that public HEIs financed by the Land are, above all, responsible to guarantee higher education in Germany.

⁵⁰ See interview with Prof. Dr. Andreas Geiger

⁵¹ See for more details the policy analysis of Barbara M. Kehm: <http://www.unc.edu/ppaq/docs/GermanAccreditation.pdf>

dures, demonstrate that they do this to the highest degree of quality, comparability and transparency. Before any agency is given the authority to award the quality seal of the Foundation, it must itself be subject to a licensing process by the Accreditation Council. The Accreditation Council has 17 members: four representatives from higher education institutions, four representatives from the ministries for education and research of the Länder, four representatives from professional practice, two student representatives, two international experts and one representative from the accreditation agencies. It is financed mainly by the German Länder.

The quality assurance of transnational study programmes is one of the priorities of the Accreditation Council. Pursuant to the Accreditation Foundation Law, promoting international cooperation in the field of accreditation is one of the central tasks of the Accreditation Council. It is member in the relevant European network of quality assurance agencies ENQA and the international network of quality assurance agencies INQAAHE. Structurally, the international networking is also ensured through the permanent representation of several international experts in the Accreditation Council, as well as the certification of international agencies in Germany. The rules of the Accreditation Council already enable a quite flexible accreditation approach concerning transnational study programmes.⁵² In its strategy for the coming years the Accreditation Council proclaimed to develop further its strategy for internationalisation taking into account the expert's recommendation of its external evaluation⁵³ and the „Strategy of the Federal and Länder Ministers of Science for the Internationalisation of the Higher Education Institutions in Germany“.⁵⁴ It is one of the priorities of the Accreditation Council for the next years to facilitate further the accreditation of transnational study programmes.

The at present ten accreditation agencies licensed by the Accreditation Council are allowed to perform accreditation procedures, take accreditation decisions and award the seal of the Accreditation Council. The legal status of the accreditation agencies varies. While pursuing accreditation procedures on behalf of the Accreditation Council they have to act on a non-profit basis. Member of their decision taking bodies are higher education institutions, students and representatives from the professional field. The agencies are free to offer further services to HEIs. Most of them do so by performing evaluation and accreditation procedures

⁵² See in more detail in chapter 3.2

⁵³ An independent group of external experts regularly evaluates both the fulfilment of the foundation's statutory tasks and the fulfilment of the membership criteria of ENQA. See the latest expert's report of 2013: http://www.akkreditierungsrat.de/fileadmin/Seiteninhalte/AR/Sonstige/Gutachten_Evaluation_AR_2013_en.pdf

⁵⁴ See the strategy of the Accreditation Council at http://www.akkreditierungsrat.de/fileadmin/Seiteninhalte/AR/Beschluesse/AR_Strategische_Planung_2013-17.pdf; for a comment on the „Strategy of the Federal and Länder Ministers of Science for the Internationalisation of the Higher Education Institutions in Germany“ see above chapter 2.2

of international study programmes outside the competence of the Accreditation Council. In this case they apply the local accreditation or evaluation criteria and/or own sets of criteria.⁵⁵

3.2 CBHE QA criteria, methods, or procedures in place

As seen above, all study programmes of state or state recognized HEIs delivering a Bachelor's or Master's degree have to be accredited. The accreditation procedures and decisions are conducted by accreditation agencies which have to be licensed by the Accreditation Council. The agencies commit themselves to the deployment of the "Rules for the Accreditation of Study Programmes and for System Accreditation", developed by the Accreditation Council.

According to the standards for programme accreditation⁵⁶ study programmes have to have clearly defined and valid objectives, have a concept that enables the implementation of the objectives, implement the concept accordingly and check regularly whether the objectives of the study programme are successfully reached or if the study programme needs modification. Those standards include the "Common structural guidelines of the Länder for the accreditation of Bachelor's and Master's study courses" which e. g. contain requirements concerning the standard period of study programmes, the number of ECTS, the modularization and the degrees offered.⁵⁷

The mentioned standards and requirements in general apply to all study programmes in which a degree of a German university is offered, irrespective if the degree is offered inland or abroad.⁵⁸ The rationale behind is that the German state is responsible for all degrees offered by German HEIs no matter at which place. The Accreditation Council's concept of accreditation is based on the fitness of und fitness for purpose approach: the higher education institution decides on the learning outcomes and has to prove that concept and implementation are conform to the intended outcomes; it has to monitor and enhance its programmes if necessary. With such a generic framework the specificities of transnational programmes can be easily evaluated.

The principle that nevertheless the specific profile of CBHE has to be taken into account as any other special profile of a study programme is established in criterion 2.10 of the men-

⁵⁵ See chapter 3.2 for details

⁵⁶ Those standards are included in the mentioned framework of the Accreditation Council.

⁵⁷ See

http://www.akkreditierungsrat.de/fileadmin/Seiteninhalte/KMK/en/KMK_Laendergemeinsame_Strukturvorgaben_en_aktuell.pdf

⁵⁸ For joint programmes this is explicitly stated in section 1.5.2 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation"

tioned “Rules for the Accreditation of Study Programmes and for System Accreditation”. There it says: “Study programmes with a special profile demand have special requirements. The afore-mentioned criteria and rules of procedure have to be applied under consideration of these requirements.” Therefore the issues peers will have to address in case of the export of German higher education abroad will to some extent be different to those in national programmes. As an example, the qualification objectives and concept of the respective programme⁵⁹ should show a close relationship to Germany. It should be taken into account that teaching is partly provided by flying faculty and that material resources abroad might be less easy available.⁶⁰

Another criterion of the Accreditation Council applicable for all study programmes and thus also for CBHE programmes of German HEIs⁶¹ is criterion 2.6. It says that the Higher Education Institution ensures the implementation and the quality of the study programme concept, if other organisations are involved or commissioned by the former to carry out parts of the study programme. A written record has to be kept of the extent and nature of existing cooperations. This criterion is especially important for CBHE projects. It mainly underlines the responsibility for quality assurance of the degree awarding HEI.

Even if the mentioned criteria are, as seen, quite flexible, experience showed that they do not fit to transnational study programmes in all respects. Especially, the Bologna tools such as ECTS and modularization might not be implemented in countries outside the EHEA and even inside the EHEA they will be implemented differently in every country.⁶² That’s why the Accreditation Council for joint programmes opened up the possibility not to apply a national rule, if its application would most likely prevent the accreditation of the study programme, since it is contrary to a national specification of one of the partner countries involved.⁶³ In this case the Accreditation Council may permit the responsible Agency not to use the specification in question. This exception might also be helpful for CBHE,⁶⁴ as also in CBHE national accreditation regulations might cause problems.⁶⁵

⁵⁹ See section 2.1 of the mentioned “Rules for the Accreditation of Study Programmes and for System Accreditation”

⁶⁰ See for details chapter 4 of this report.

⁶¹ provided a German degree is awarded

⁶² E. g. Achim Hopbach, „Externe Qualitätssicherung von transnationalen Bildungsangeboten“, essay for the German Academic Exchange Service (DAAD), published in “Transnationale Bildung – Praxishandbuch”, HRK 2012

⁶³ or contrary to a specification of another accreditation institution involved; see section 1.5.3 of the mentioned “Rules for the Accreditation of Study Programmes and for System Accreditation”

⁶⁴ The rules directly are only applicable to study programmes jointly carried out by at least one foreign and one German Higher Education Institution and leading to at least one degree recognized by German law. This broadness of this definition of joint programmes was intended as a more precise description might have excluded models of cooperation which also should be subject to the rules. Even if the definition is broad one can say that in any case a joint programme according to the mentioned rules requires the common responsibility of the partner HEIs

Also the procedural rules the Accreditation Council developed for joint programmes might be transferred to CBHE offers. With those rules, the Accreditation Council tries to balance the need for adequate quality assurance with the need to reduce the burden of HEIs. As the Accreditation Council believes that the accreditation procedure itself must fulfil the demand of internationality, experts with international experience have to take part in the procedure.⁶⁶ On the other hand, just one site visit is needed for the accreditation of joint programmes HEIs as long as the agency ensures that resources and study organisation comply with the requirements of the Accreditation Council at all sites and as long as the site visit includes interviews with representatives (teachers, students, programme managers) of all partner HEIs.⁶⁷ Compared to a former version of the rules for joint programmes this means a reduction concerning the number of site visits required. The reason for this change was that HEIs and agencies had informed the Accreditation Council that especially in big consortia and/or participation of HEIs from outside the EHEA site visits at all locations would lead to an unacceptable burden and to unacceptable costs for HEIs. Those procedural rules could in the same way be applied accordingly to CBHE. Also in case of CBHE international competences of peers are needed and countries of destination are in most cases outside the EHEA which calls for flexibility concerning the number of site visits. Third, the possibility of joint accreditation procedures by several, cooperating agencies in the case of joint programmes⁶⁸ could be transferred to CBHE as well.

However, the possibility for recognition of a foreign accreditation decision which is foreseen in the rules of the Accreditation Council for joint programmes cannot be transferred to CBHE

for the programme and which foster the mobility of the students. Students of a joint programme spend parts of the study programme abroad that is at one or several of the foreign partner HEIs. In CBHE according to the understanding in the QACHE project, to the contrary, traditional student mobility should be excluded. Only learning activities in which the students are based in a different country to the country where the home institution providing (mainly) the education is located should be defined as CBHE. It is expected, that the Accreditation Council will establish a working group, dealing among others with the question if the rules of the Accreditation Council for joint programmes should be applied to CBHE, as well.

⁶⁵ See also below in chapter 4. A transfer of any provisions concerning joint programmes to CBHE would require, of course, that also a German HEI awards a degree. This requirement is explicitly stated in section 1.5.1 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation" for joint programmes. The rationale behind it is that the German state is only responsible for degrees offered by German HEIs.

As concerns the accreditation practice of accreditation agencies licensed by the Accreditation Council there is no valid information which rules they apply in case of CBHE programmes. Marion Moser, ACQUIN, confirmed that the rules for joint programmes fit to CBHE and are applied, as well, in case of accreditation of German study programmes abroad (see interview). Also the good practice examples (see chapter 5) show the use of those rules by German agencies in case of CBHE.

⁶⁶ See section 1.5.5 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation"

⁶⁷ Modern forms of communication may be implied for this purpose. See section 1.5.4 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation"

⁶⁸ See section 1.5.6 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation"

issues easily.⁶⁹ This is because a precondition for recognition is the compliance of the foreign agency's criteria and procedures with the ESG.⁷⁰ Agencies from outside the EHEA are, as mentioned, the main host countries of European CBHE and thus it might be interesting to be able to recognize their accreditation or, more general, quality assurance decisions. But the problem is that the ESG are usually not applied by agencies from non-EHEA countries⁷¹ and alternative trust building standards have not been developed yet. The GGP of INQAAHE might be an alternative but have, in a number of respects, a different focus, e. g. concerning the question of independence of agencies. A solution may be bilateral cooperations with individual agencies with the aim to create mutual trust.

To become system-accredited, HEIs have to show that they have installed a quality management system that guarantees the quality of their study programmes according to the respective standards of the Accreditation Council.⁷² System-accredited HEIs have self-accrediting powers for the accreditation period. Standards for cooperations of the system-accredited HEI with other organisations in the field of teaching and learning are laid down in a special section. Joint programmes are determined as an example of such cooperation.⁷³ CBHE offers are not explicitly mentioned but might be governed by this section nevertheless, as in most cases a CBHE project of a German and a foreign HEI will constitute a cooperation in the field of teaching and learning.⁷⁴ The standards that are formulated here do not prescribe in which way a system-accredited HEI shall ensure the quality of study programmes offered in cooperation with other HEIs, companies or organisations. The reason is that system-accredited HEIs in general are relatively free to choose in which way they ensure the quality of their programmes, as long as the programmes are regularly internally and externally reviewed.⁷⁵ No reference is made either in this section to the criteria of the Accreditation Council for the accreditation of study programmes. Nevertheless system-accredited HEIs, as a rule, have to apply those criteria in their cooperations. This is shown by the fact that as in programme accreditation, the Accreditation Council may be asked for exemption from na-

⁶⁹ The possibility to recognize foreign accreditation decisions should ease the burden of multiple accreditation procedures and for the Accreditation Council was quite innovative when developed in 2009; see section 1.5.7 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation".

⁷⁰ More precise it has to be member of ENQA and/or listed in eqar. As mentioned before host countries of CBHE will in most cases are agencies of non-EHEA countries. Those cannot be full members of ENQA. The register (eqar) is in theory open for them, but provided that they comply with the ESG. Up to now no agency from outside the EHEA is listed there.

⁷¹ or, if applied, there is no transparent information on the use of ESG in non-EHEA countries

⁷² See section 6.2 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation"

⁷³ See section 6.7 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation"

⁷⁴ always provided that the system-accredited German HEI awards a degree

⁷⁵ See section 6.3 of the mentioned "Rules for the Accreditation of Study Programmes and for System Accreditation"

tional requirements in case of conflict with foreign accreditation rules.⁷⁶ The only requirement especially mentioned in this section is that type and scope of the cooperation has to be documented in a cooperation agreement.

To sum up, there are no special accreditation standards or procedural rules for the accreditation of CBHE in Germany. The general criteria of the Accreditation Council for the accreditation of study programmes are applicable and, as they are quite general, fit CBHE, as well. Besides, the rules for joint programmes could, to a great extent, be applied accordingly.

In case the accreditation agencies perform evaluation procedures outside the competence of the Accreditation Council, they may apply the criteria of the host country, especially if the evaluation shall have legal effects in the foreign national system. Alternatively they will apply their own sets of criteria. Those catalogues consider the criteria of the Accreditation Council. This means that criteria such as employability, the feasibility of studies and personal and material resources as well as student support and quality assurance are seen as criteria relevant for every study programme and as necessary requirements, not least as those aspects are common reference points for the EHEA laid down in the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG). Purely national regulations concerning e. g. modularisation and ECTS will not be assessed.

The DAAD, as well, attaches great importance to internal and external quality assurance. Funding conditions stipulate that the funded projects should be accredited by a German or an international accreditation agency until the end of the funding period.⁷⁷ Besides, the DAAD rules make it a condition for extension of funding that the funded project undergoes an external evaluation commissioned by the DAAD after a period of three to four years. The peer group normally comprises three members, among them two experts for the relevant discipline. Their site visit includes interviews with all relevant stakeholders. It will be evaluated if the general goals of the funding scheme⁷⁸ as well as the specific project objectives have been achieved.

One resolution of the Länder should be mentioned here. It is the resolution „Anrechnung von außerhalb des Hochschulwesens erworbenen Kenntnissen und Fähigkeiten auf ein Hochschulstudium (II) (resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder of 18.09.2008) which deals with the recognition of compe-

⁷⁶ In the case of programme accreditation, the agencies have the competence to ask for such an exemption, whereas in case of quality assurance of a joint programme by a system-accredited HEI the HEI is responsible to address the Accreditation Council.

⁷⁷ See above in chapter 2.3

⁷⁸ See above in chapter 2.3 the selection criteria for each funding scheme

tences acquired outside higher education. It covers the case that a foreign provider conducts study courses abroad as franchisee for a German HEI as franchisor.⁷⁹

3.3 Role of international guidelines (OECD-UNESCO Guidelines and the ESG) on national approaches to QA of CBHE

The presumed lower quality of CBHE was one of the starting points to develop the Guidelines for Quality provision in Cross-Border Higher Education in 2005 (in the following: UNESCO/OECD-guidelines). The objectives of the Guidelines are to enhance the development of high quality CBHE and to protect students and other stakeholders in higher education from low-quality higher education provision. The guiding principle of the guidelines are transnational cooperation and common responsibility for the quality of CBHE with the aim to promote mutual trust between providers and receivers of cross-border higher education and thus facilitate recognition of qualifications.⁸⁰ The UNESCO/OECD-guidelines provide quite general principles for all relevant stakeholders (governments, higher education institutions/providers including academic staff, student bodies, quality assurance and accreditation bodies, academic recognition bodies and professional bodies) which are already incorporated in the above mentioned rules of the Accreditation Council, such as the recommendation for quality assurance agencies to cooperate with each other or to include international peers. Besides, the recommendation to HEIs to ensure that the programmes they deliver across borders and in their home country are of comparable quality is guaranteed by the fact that the rules of the Accreditation Council are applied whenever a German HEI awards the degree. The recommendation that HEIs should take into account the cultural and linguistic sensitivities of the receiving country, concerns, as specified before, one of the main points which mentioned by German accreditation agencies when asked for characteristics of procedures abroad.

The Standards and Guidelines for Quality Assurance in European Higher Education Area (ESG) are incorporated, as well, in the rules of the Accreditation Council. This was repeatedly confirmed by the peers of ENQA; the most recent evaluation took place in 2013. As also

⁷⁹ In the resolution it is mainly stated that the recognition of competences acquired outside higher education is possible, provided that those competences are equivalent to the respective part of the higher education and that recognition is limited to 50 % of the academic studies. The Ministers oblige the accreditation agencies to check compliance with these standards in the accreditation procedures. As stated above franchising of German HEIs as franchisor with foreign education providers is not yet widespread in Germany, the impact of this aspect of the resolution may thus be limited. Besides, it is questioned that franchising is comparable with the recognition of competences acquired outside higher education. See recommendation of the German Rector's Conference for Franchising of study programmes: <http://www.hrk.de/positionen/gesamtliste-beschluesse/position/convention/franchising-1/>

⁸⁰ See Achim Hopbach, „Externe Qualitätssicherung von transnationalen Bildungsangeboten“, essay for the German Academic Exchange Service (DAAD)

the German agencies which are active in the quality assurance of CBHE⁸¹ are members of ENQA and registered in EQAR, they are expected to apply the ESG, as well, in every quality assurance procedure, no matter where it takes place.

Chapter 4 – Main obstacles and challenges of CBHE and its QA

4.1 For agencies

For a national regulator⁸² in the context of quality assurance of CBHE questions concerning the scope of application of national accreditation rules arise. In general, the solution that German accreditation is only necessary in case of the award of a German degree seems reasonable. German regulators do not bear the same responsibility for the quality of foreign degrees as for national degrees. In case a foreign degree is awarded, quality assurance in the host country will be compulsory. A duty to be accredited also in Germany would overtax the HEIs. In contrast, they may opt for quality assurance by a German agency, e. g. for reasons of reputation of German standards or for the reason of an easier recognition of the awarded degree in Germany.⁸³ The question cannot be answered that easily in case of a CBHE programme offered by a German HEI which has a clear connection to Germany and is given a name making reference to that connection, as in the case of German-backed universities. If degrees of German partner HEIs are not awarded and thus German accreditation is not required, the question arises how the respective HEI can keep the promise of application of German standards nevertheless.⁸⁴

In the majority of German Higher Education projects abroad, however, degrees of German HEIs are awarded.⁸⁵ Also in those cases there may be some uncertainties concerning the applicable rules. Those uncertainties may lead to the situation that accreditation in Germany of a new started CBHE offer does not take place at all, e. g. as the programme abroad seems to be identical to a similar, already accredited, programme offered by the German HEI in Germany. In such a case an easier accreditation procedure seems reasonable, which focuses on the differences between the offers inland and abroad. However, it might be questionable in these cases whether one should refrain completely from accreditation according to German standards.

⁸¹ – and which are licensed by the Accreditation Council –

⁸² ,in the case of Germany mainly the Accreditation Council and the KMK,

⁸³ which in this case will apply standards based on the criteria of the Accreditation Council but which will not apply purely national standards

⁸⁴ In case of funding by the DAAD the then binding external project evaluation may be an important element of quality assurance.

⁸⁵ See interview with Susanne Kammüller

If German accreditation rules are applied, conflicts of national accreditation standards with foreign accreditation standards may arise. German national requirements concerning the standard period of study programmes, the number of ECTS, the modularization or the degrees offered⁸⁶ may not fit to the foreign national system. E. g. the workload in countries such as China is traditionally higher than in Germany. Also the standard period of studies abroad might be very different to the German system.⁸⁷ The Rules of the Accreditation Council already face this problem and allow exemptions from German national rules on a case-by-case basis.⁸⁸ One may question however, if the application of national regulations, in the case of transnational education, should not be replaced by a more trust-based approach. However, such an approach will only work if flexibility and trust will be strengthened on both sides.⁸⁹

Partly different legal rules abroad reflect different values, e. g. if courses in Politics are obligatory in Natural Sciences. There might also be differences in teaching and learning. In some countries for example rote learning and memorization still prevail. In some countries the teacher is seen as an authority which must not be criticised by a student. This makes it difficult to establish course evaluation by students. For German HEIs planning cooperation it is important to become aware of such differences and to show sensitivity for other norms and values.⁹⁰ The same is true for accreditation agencies active in the field of CBHE, no matter if they are engaged in a procedure according to the rules of the Accreditation Council or not. The training of experts should include those aspects.

On the other hand German agencies active abroad are all ENQA members and thus, in any QA activity abroad, will usually apply the ESG. In case of too big cultural or legal differences agencies will refrain from such an activity.

The mentioned difficulties may also be a challenge for cooperations between quality assurance agencies. Such cooperations would be needed to ease the burden of HEIs and avoid

⁸⁶ as laid down in the already mentioned Common structural guidelines of the Länder for the accreditation of Bachelor's and Master's study courses

⁸⁷ See interview with Marion Moser, ACQUIN: The accreditation agency which regularly accredits study programmes of the German University Cairo, in the case of accreditation of engineering programmes had to face the problem, that the standard period of studies defined in the structural guidelines of the KMK, altogether (for Bachelor's and Master's study courses) must not exceed five years. This did not fit to the Egyptian system where in Engineering after five years only the Bachelor's degree is awarded and after two more years of study the Master's degree. The solution found was to have two different models, a study programme modelled after the German system and a study programme modelled after the Egyptian system.

⁸⁸ This exemption is laid down in the rules for the accreditation of joint programmes which could be applied accordingly in case if CBHE and already often are applied in practice, already; see e.g. interview with Marion Moser

⁸⁹ Host countries for example may have input oriented norms for study programmes to be respected in case of a transnational study programme, e.g. in Egypt; see the interview with Marion Moser

⁹⁰ See the interview with Wolfgang Hendricks: at the Vietnamese German University (VGU) German teachers motivate Vietnamese students to enter into discussion. Even if students like this new approach they still need more support if the ability to work independently is needed, e. g. when writing a Bachelor's or Master's thesis. See also Achim Hopbach, „Externe Qualitätssicherung von transnationalen Bildungsangeboten“, essay for the German Academic Exchange Service (DAAD)

double quality assurance procedures. But cooperation will only work if the quality assurance systems of provider and host country are not completely different.⁹¹ Sometimes quality assurance has not been established yet in a host country or is in the process of being established. Also in these cases cooperation is difficult.⁹² Besides, a German CBHE project abroad which is funded by the DAAD is required to obtain accreditation by a German accreditation agency and has to undergo evaluation by the DAAD, additionally. That's why it might be worthwhile, as well, to explore ways to increase synergies between both quality assurance mechanisms.⁹³

4.2 For institutions

Often CBHE projects in Germany are started bottom-up, based on the personal commitment of individual professors. Sustainable engagement in CBHE, however, requires capacity for teaching, curricular development, administration, quality assurance etc., which can only be ensured with the support of the faculty, administration and management of the sending HEI.⁹⁴ Projects which do not have this backing may die when the individuals whose initiative they rely on leave. Another challenge is the financing of the project. According to the funding conditions of the DAAD, a project should be able to operate on a cost-covering basis in a mid-term perspective. One means to cover running costs are tuition fees. But as detailed above, the DAAD learned that even well-established projects with a secure basis, such as German-backed universities, may need financial support for a longer period to be able to maintain close relations to Germany and continuing orientation towards German standards.⁹⁵ In addition, the complexity of endeavours like establishing and running a German backed university requires an especially high degree of engagement. Projects of this type are often initiated top-down and based on agreements at the political/governmental level.⁹⁶ They may require the formation of consortia of German HEIs, as the required engagement will over-

⁹¹ See interview with Marion Moser: the German University Cairo (GUC) was not only accredited by the German agency ACQUIN but also had to get accreditation by the national Egypt accreditation agency NAQAAE. Documents are only available in Arab Language. A comparison of the criteria was, due to language problems, not possible. Accreditation criteria of NAQAAE have to consider the NARS which defines for each discipline a relatively strict curriculum-framework. Accreditation procedures and criteria seemed to be quite different from each other. For those reasons no cooperation took place between ACQUIN and NAQAAE.

⁹² See interview with Marion Moser, ACQUIN: ACQUIN also accredited study programmes of the GUtech in Oman in 2009. The national agency only was in the process of establishment at that time. A representative of the national agency took part in the preparatory meeting of the peer group but could not take part in the site visit because of scheduling problems. The national agency also got the expert's report.

⁹³ See interview with Susanne Kammüller

⁹⁴ This paragraph was especially inspired by the interview with Susanne Kammüller.

⁹⁵ See chapter 2.3

⁹⁶ See for example the interview with Prof. Dr. Geiger concerning the establishment of the German-Jordanian University (GJU) or the interview with Wolfgang Hendricks concerning the establishment of the Vietnamese-German University (VGU)

stretch the capacity of one university alone. This alone already is a complex task. It was already detailed above, that the establishment and running of a CBHE project also bears challenges related to the fact that the management and the university teachers of a German HEI will get into contact with different norms and values.⁹⁷ Big differences concerning the partners' attitudes or a difficult political situation in the host country will hinder cooperation and will challenge an existing project respectively.⁹⁸

Besides, the partner HEIs have to face challenges which are in principle not different to those in national programmes or cooperations: they have to have a valid study concept and curriculum, adequate teaching staff and qualified students, they have to guarantee sufficient material resources and quality assure the programme. However, it is evident that the problems HEIs face in CBHE projects may also be different to those in purely national programmes. The curriculum will have to respond to the labour market needs of the host country.⁹⁹ It should be practice-oriented and, at the same time, keep the promise of a high-level academic education according to German standards. The connection to Germany has to be clear, e. g. via study stays in Germany, German lecturers and German language courses. Mostly the German partner HEIs are engaged in curriculum development which means that cooperation also has to be organised in this respect. Teaching is partly guaranteed via "flying faculty" of the German partner HEIs. But the financial compensation of such stays abroad will not be high and the permanent obligation to teach not only at home but also abroad may cause a gradual fatigue. If local academic staff is engaged, in most cases in cooperation with 'flying faculty' teachers, the procedures of appointment must guarantee their sufficient academic qualification. Thus German partner HEIs may be engaged in the appointment committees.¹⁰⁰ Lecturers from abroad and local academic staff have to cooperate despite different cultural backgrounds. Admission conditions and procedures must lead to sufficient qualified students. German partner HEIs will often also be engaged in this field. Material resources have to be adequate, which is not an easy task, especially in disciplines as Engineering and Natural Sciences.¹⁰¹ All the mentioned measures that have to be taken will contribute to the

⁹⁷ One minor challenge in this context might be to cope with different legal regulations in the participating countries concerning the establishment of double or joint degree programmes

⁹⁸ An example is the Wadi International University in Syria. The DAAD stopped its engagement in 2008 because the DAAD standards were no longer reached; see http://de.wikipedia.org/wiki/Wadi_International_University. Other host countries of German-backed universities may also be not that easy cooperation partners, for example the newly established German-Russian University who is funded by the DAAD: <https://www.daad.de/portrait/presse/pressemitteilungen/2014/26983.de.html>

⁹⁹ See interviews with Prof. Dr. Andreas Geiger and Wolfgang Hendricks

¹⁰⁰ See interview with Wolfgang Hendricks for the engagement of German partner HEIs in the appointment commissions of the VGU. In other cases Germans are able to guarantee German standards, e. g. in the context of appointment of academic staff, by being members in the main university bodies.

¹⁰¹ which are the disciplines most of German CBHE projects belong to. See interview with Wolfgang Hendricks: E. g. one German partner HEI provided its laboratories in some cases as the laboratories at the VGU were not yet well enough equipped.

high quality of the respective programme. Special quality assurance measures will have to be added. A clear share of responsibilities is needed in all areas of cooperation and also concerning quality assurance measures. If German partner HEIs award the degrees they will have a greater responsibility for quality assurance than in case solely local degrees are awarded.¹⁰² As quality assurance measures such as course evaluations by students often are not part of the tradition of the host countries or, which will constitute a real challenge, are seen very critical, the establishment of quality assurance measures will need time and, again, respect for the different cultural identity of the host country.¹⁰³ As concerns external quality assurance, the challenges agencies face and which were already detailed above¹⁰⁴ will result in challenges for the HEIs engaged either in compulsory or voluntary external quality assurance measures.

Chapter 5 – Good practice examples

It is not that easy to provide good practice examples for external QA in the field of CBHE as there are only a few accomplished procedures known. These procedures up to now have not been analysed systematically. It should be noted, that those procedures were accomplished without complete certainty as to which criteria and procedural rules to apply in the case of CBHE. The following examples should be mentioned here:

The first example is the accreditation of study programmes by the German accreditation agency AQAS at the Chinese-German University of Applied Sciences (Chinesisch-Deutsche Hochschule für Angewandte Wissenschaften – CDHAW).¹⁰⁵ The CDHAW was founded in 2004 as a model project of the Chinese ministry for education and the BMBF with the aim to offer an application-oriented engineering education in China, following the example of German Universities of Applied Sciences. Die CDHAW is an institution of the state owned Tongji University in Shanghai. The CDHAW is supported by a consortium of 26 German HEIs.¹⁰⁶ This consortium is led by the University of Applied Sciences in Mannheim. In the four Bachelor's study courses, which are all engineering programmes, double degrees are awarded.

¹⁰² In case of the VGU the German partner HEI's are responsible for the quality assurance as they award the degrees (see interview with Wolfgang Hendricks); in case of the GJU the GJU bears the responsibility for QA as it awards the degrees (see interview with Prof. Dr. Andreas Geiger).

¹⁰³ See interview with Marion Moser.

¹⁰⁴ mentioned in the chapter above

¹⁰⁵ The following information about the CDHAW is taken from the following websites:

<http://de.tongji.edu.cn/new/index.php?classid=6127> and http://cdhaw.tongji.edu.cn/de/content.aspx?info_lb=1&flag=1 and from the experts' report of AQAS concerning the study programmes „Fahrzeugtechnik“, „Gebäudetechnik“ and „Mechatronik“ (not published yet)

¹⁰⁶ The CDHAW cannot be easily grouped within one of the three main models of German CBHE projects mentioned above. It is not a German-backed university, as the cooperation with Germany does not concern a whole higher education institution but only one faculty. It is not a branch campus of a German HEI as it is legally part of the Chinese Tongji University and is governed by Chinese law.

The standard period of study is four years. About 900 students had been enrolled in the winter semester 2013/14. Some main courses are held by Chinese professors, basic courses are held by Professors of the German partner HEIs, to a quite high percentage in German language. About 80 percent of the students spent the last year of studies in Germany.¹⁰⁷ Quite a higher number of German students study at the CDHAW as well.¹⁰⁸ The DAAD funds the project since 2011.

AQAS accredited all four study programmes of the CDHAW; three were first accredited in 2008 and reaccredited in 2014.¹⁰⁹ One study programme was first accredited in 2011 and had not to be reaccredited yet.¹¹⁰ All programmes were accredited with the seal of the Accreditation Council and thus had to be evaluated against the criteria of the Accreditation Council. The procedures consisted of the internationally used elements self-evaluation report, site visit, expert's report, decision of the Accreditation Commission of AQAS and follow-up process (fulfilment of conditions). The expert's groups included either Chinese experts or German experts with experiences concerning the Chinese higher education system and job market.¹¹¹

In the experts' report of 2014 the peers came to the conclusion that the study concept and implementation of the evaluated Bachelor's study courses was convincing and the cooperation with the German partner HEIs successful.¹¹² The CDHAW had a longstanding experience with German-Chinese study programmes. The peers noted that the standard of the curriculum was comparable to German Universities of Applied Sciences. They stated that there was a constantly high demand for the respective study programmes in China. The high capacity of the consortium was especially proven by the even distribution of students and teaching assignments to the partner HEIs. Graduates had a high standard of academic education, found jobs easily and could easily continue their studies at HEIs in Germany. Material and personnel resources were good. Last but not least, the peers were impressed by the good German language skills of the students.

¹⁰⁷ Part of the time they study at a German partner HEI, part of the time they do an internship in a German company.

¹⁰⁸ In the winter semester 2013/14 825 Chinese und 105 German students had been enrolled at the CDHAW.

¹⁰⁹ This concerns the three Bachelor's study courses „Fahrzeugtechnik“, „Gebäudetechnik“ and „Mechatronik“.

¹¹⁰ This concerns the Bachelor's study course „Wirtschaftsingenieurwesen“.

¹¹¹ The information on the experts was taken from the expert's reports. See <http://www.aqas.de/programmakkreditierung/akkreditierte-studienprogramme/ueberblick-bachelor/#a68> for the expert's reports of 2009; the reports of 2011 and 2014 are not yet published.

¹¹² The following information is taken from the expert's report concerning the three Bachelor's study courses „Fahrzeugtechnik“, „Gebäudetechnik“ and „Mechatronik“ of 2014 (not yet published).

Points of criticisms the experts had reflect challenges which in one way or another will also occur in other CBHE projects. One aspect of debate was the workload. The workload is subject of German regulations and, as a rule, must not exceed 60 ECTS points per year, which is 1800 hours. In China the workload is traditionally higher. Since the first accreditation of the respective study programmes, the CDHAW formalized substantially its rules for modularisation. It gets not completely clear from the expert's report whether the actual workload exceeds the one permitted by the mentioned German regulations. Be that as it may, the peers came to the conclusion that the students coped well with the workload. Another point mentioned was gender justice. Even if no concepts concerning gender justice existed at the CDHAW, the peers noticed that such concepts were not needed as the percentage of women among students and lecturers was much higher than in Germany. A third point which should be mentioned here were soft skills and outcome orientation. In some cases teaching and examination methods focussed more on knowledge than on competences (that, of course, have to build upon knowledge). The peers concluded that changes were only possible within the limits of the respective Chinese rules.

The second example is that of the accreditation of several study programmes of the German University Cairo (GUC) by the German accreditation agency ACQUIN. The GUC was founded in 2002.¹¹³ It is an Egyptian private university and is established under the patronage of the University of Ulm and the University of Stuttgart. The GUC opened its gates to students in October 2003. The GUC consists of seven faculties: the Faculty of Pharmacy and Biotechnology, the Faculty of Engineering and Materials Science, the Faculty of Information Engineering and Technology, the Faculty of Management Technology, the Faculty of Media Engineering and Technology, the Faculty of Postgraduate Studies and Scientific Research, and the Faculty of Applied Sciences and Arts. The teaching language at the GUC is English, while German is taught in addition to allow the exchange of GUC students with other German universities and to facilitate their training in German companies. The total of currently enrolled students in the undergraduate programs was 8249 in 2013.

ACQUIN accredited nine Bachelor's and Master's study courses there. As in the case of the procedures carried out by AQAS at the CDHAW, the programmes were accredited with the seal of the Accreditation Council and thus had to be evaluated against the criteria of the Accreditation Council. The procedures consisted of the internationally used elements self-evaluation report, site visit, expert's report, decision of the accreditation commission of ACQUIN and follow up procedure.

¹¹³ This and the following information is taken from the expert's report concerning the accreditation of the Bachelor's and Master's study courses „Mechatronics Engineering“ of 2013 and from the websites <http://www.guc.edu.eg/> and http://de.wikipedia.org/wiki/German_University_in_Cairo

In the expert's report concerning the most current accreditation procedure accomplished by ACQUIN at the GUC,¹¹⁴ the peers were assured that the low drop-out noticed was not related to unbalanced grading but to the high qualification of the relatively small portion of students accepted in a highly selective qualification process. Both International Bachelor's and Master's degrees enabled GUC graduates to move directly to international follow-on programs (Master, PhD) and therefore matched international compatibility. On the other hand having passed at least the first-year international master qualified the students for the Egyptian Bachelor's degree and thus ensured employability at the national market. The curriculum of the Bachelor's and the Master's study course met international standards. The organisational framework and qualification conditions for the teaching staff for the study program followed high university standards. The teaching staff was well qualified and also highly engaged in the study programs. The personal, financial, and infrastructural resources were very suitable for both study programmes.

Difficulties caused the fact that the standard period of studies defined in the structural guidelines of the KMK altogether¹¹⁵ must not exceed five years. This did not fit to the Egyptian system where in Engineering after five years only the Bachelor's degree is awarded and after two more years of study the Master's degree. The solution found was to develop two different models, a study programme modelled after the German system and a study programme modelled after the Egyptian system. ACQUIN only accredited the study programmes developed according to the German standards.

Some (other) points of critique are kind of typical for CBHE projects: One point was the lack of flexibility concerning curriculum changes as the GUC had to fulfil some discipline-specific requirements of the respective Egyptian ministry. Another point was that the allocation of credit points in the Bachelor's study course as well as in the Master's programme seemed somewhat formal and non-transparent. The last mentioned point indicates that each partner in a CBHE project might understand ECTS and modularisation differently.

Summary

The export of higher education is one of the main features of internationalisation of German HEIs. German accreditation rules are in principle suitable for use in CBHE, even if not all questions are solved yet, e. g. concerning the recognition of foreign accreditation decisions in this field. A key challenge for QA in CBHE is to cope with different values, norms and traditions. Mutual trust and sensitivity for such differences is crucial in CBHE and its QA.

¹¹⁴ It concerned the Bachelor's and Master's study courses „Mechatronics Engineering“, accredited by ACQUIN in 2013.

¹¹⁵ for Bachelor's and Master's study courses

