

Resolution of the Accreditation Council, of 22.06.2006, on the application of the Central Evaluation and Accreditation Agency (ZEvA) of Hanover for re-accreditation, of 29.12.2005

I.

The¹ Foundation for the Accreditation of Study Programmes in Germany (“Foundation“) accredits, in accordance with section 2 para. 1 no. 1 of the “Act on the Creation of a Foundation ‘Foundation for the Accreditation of Study Programmes in Germany’ “, the Central Evaluation and Accreditation Agency (ZEvA) Hanover pursuant to the following provisions, thus granting it the authority to accredit study programmes by awarding the seal of the foundation.

II.

The decision in accordance with the above Item I. takes effect on 1 July 2006, but subject to the resolving, yet non-reactive condition that an agreement with the foundation pursuant to section 3 of the act for creation of a foundation „Foundation for the Accreditation of Study Programmes in Germany“ be signed by 30 September 2006. In addition, the decision is subject to a resolving condition in the event of the invalidity of the above-mentioned agreement as a whole or of specific provisions thereof, with the resolving effect taking place for the period commencing on the day of any such judgement becoming incontestable.

III.

The accreditation and the authority pursuant to the above Item I. are granted for a term of five years, with the right of revocation according to Item V. reserved. According to section 1 para. 1 clause 2 of the resolution „Decisions of the Accreditation Council: Types and Impacts “ of 15.12.2005, the accreditation expires on 30 September 2011. Should ENQA decide by 31.12.2009 that, according to general European standards, accreditation with a longer term than five years is admissible, the accreditation term will then automatically extend to the maximum term admissible according to general European standards, but no longer than by another three years.

¹ In the present text, gender-specific terms apply equally to women and men.

IV.

The Accreditation Council notes that the ZEvA does not meet some quality requirements. Some of these are quality requirements which had no validity during the expired accreditation term but were only introduced as quality criteria by the Accreditation Council in its resolution „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005 (cf. Conditions 1, 2, 4, 6, 8).

The quality deficiencies are, according to section 1 para. 3 of the resolution „Decisions of the Accreditation Council: Types and Impacts“ of 15.12.2005, not fundamental. Accreditation is thus granted, yet under the following conditions:

1. The ZEvA proves by 01.01.2007 a binding and documented resolution on its understanding of the accreditation duties and the procedural principles according to criteria 1.1 to 1.3 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005.*
2. The ZEvA proves by 01.01.2008 the existence of a legal personality of its own in accordance with criterion 2.1 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005.**
3. The ZEvA proves by 01.01.2007 a modification of the agreements with ASAP and ASBau such that the ZevA, regarding the definition of accreditation criteria and the selection of experts, is independent of ASAP and ASBau.*
4. The ZEvA publishes in all accreditation procedures initiated from 01.07.2006 by conclusion of an agreement, but no later than 01.04.2007, in the reports on the accreditations, the names of the involved experts in accordance with criterion 4.1 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005.*
5. The ZEvA modifies from 01.07.2006 the resolution practice in the event of conditions and decides in the relevant body on the basis of ready-formulated decision templates.*
6. The ZEvA proves by 01.04.2007 the introduction of a formalised internal quality management in accordance with criterion 6 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005.*
7. The ZEvA proves by 01.01.2007 a binding resolution on criteria for the selection of experts which ensures, in accordance with criterion 16.4 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005, that representatives of all relevant stakeholders participate in the expert groups. *

8. The ZEvA proves by 01.04.2007 the setting up of a formalised complaints procedure for universities/colleges in accordance with criteria 19.1 to 19.3 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005.*
9. The ZEvA proves by 01.07.2007, for the bundled study programme accreditations, which are initiated by conclusion of an agreement after July 1, 2006, that it can use meaningfully defined criteria for the development of study programme bundles in concreto consistently and that an adequate review of each individual study programme of the study programme bundle regarding the substance and validity of the statements of the university/college is conducted, with full application of the “Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005. This applies particularly for accreditation procedures with preceding so-called system evaluation. The ZEvA documents by 1.10.2007 for bundled study programme accreditations with preceding so-called system evaluation, which are initiated by agreement conclusion after 1.07.2006, the ratio of system evaluation and programme accreditation in bundled study programme accreditations and the impact of the so-called system evaluation on the organisation and implementation as well as on the decisions in accreditation procedures.*
10. The ZEvA proves by 1.01.2008 that the universities/colleges of Lower Saxony, in the accreditation procedures initiated after 1.01.2008, neither indirectly nor directly receive a cost advantage by commissioning the ZEvA.**
11. The ZEvA proves by 1.04.2007, through documentation of the accreditation procedures initiated after 1.07.2006, that the agency, in cases in which it conducts both evaluation and accreditation procedures, will appoint different experts in each case and will not dispense with a separate on-site visit in the accreditation procedure.*

* condition fulfilled

** Period of accreditation has been extended until 01.01.2009

V.

Should the ZEvA not prove compliance with these conditions within the respective term or should such conditions not prove satisfied on expiry of the respective term, the Foundation may revoke the accreditation according to section 7 para. 2 of the resolution „Decisions of the Accreditation Council: Types and Impacts“, of 15.12.2005.

VI. Statement of Reasons

In General:

Based on the expert report, the report on the submitted procedural documentations and the hearing, the Accreditation Council arrived at the opinion that the Central Evaluation- and Accreditation Agency of Hanover (ZEvA) essentially meets the „Criteria for the Accreditation of Accreditation Agencies“, passed on December, 15, 2005.

The ZEvA was able, in the expert procedure, to show plausibly the considerable standard of the implementation of procedures for the accreditation of study programmes, based on long-standing experience. It has a programme-related quality understanding and sees its task in reviewing, while applying and meeting the relevant legal rules, the satisfaction of quality standards in the study programmes to be accredited by it without suggesting or defining standards itself.

For the, on the whole, professional implementation of this task, the ZEvA has the necessary intuitional and personnel resources, quantitatively and qualitatively, and has, in the course of its existence, established and continuously further-developed routines in the implementation of the procedures.

To be specially emphasised here is the phase of the final decision-making. The decisions of the ZEvA in problematic cases were made after thorough, occasionally, even controversial discussion. Members of the standing accreditation commission (SAK) displayed thorough preparation and accurate knowledge of the accreditation specifications. This was particularly true of the student members, incidentally. The members of the SAK are well informed and work properly.

The criteria for the accreditation of study programmes are applied in a well-versed way and, generally, by appropriate interpretation of the set of rules provided by the Standing Conference of Ministers of Education and the Accreditation Council. Above all with respect to the evaluation of the education goals of the study programmes (check-field 8), the conceptual integration of the study programmes (check-field 9), the review and appraisal of the study programme concept (check-field 10) and regarding the implementation of the study programme (check-field 11), the experts and the Accreditation Council were able to satisfy themselves of the well-versed and high-quality work of the ZEvA.

This, on the whole, positive overall judgement does not rule out that defects may be noted in subareas. Attention is invited to the fact that conditions 1, 2, 4, 6 and 8 relate to defects which are not to be ascribed to the procedures employed so far, but result from the „Criteria for the Accreditation of Accreditation Agencies“, decided on December 15, 2005, which, in

part, make an adjustment of the institutional, content and procedural foundations and rules of the accreditation agencies mandatory.

Concerning Condition 1:

According to criteria 1.1 to 1.3 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005, the accreditation agencies must bindingly decide on, and document, their understanding of the accreditation tasks and of the procedural principles as they can only by the plausibility of decisions and statements of grounds offer reliable information for universities/colleges and stakeholders, which in turn creates the prerequisites for accountability to their contractual partners. Regarding the individual phases of the experts and decision processes within the frame of an accreditation procedure, the ZEvA meets this criterion through detailed procedure descriptions and further support. Regarding its quality understanding and its understanding of the accreditation task, the ZEvA was able to convince the experts of the admissibility and adequacy of its relevant positions in essential respects. But the quality understanding and the differences in the procedural design for individual accreditation and cross-university/college accreditations have not been decided on bindingly and documented. The relevant utterances of the ZEvA in the self-evaluation report are unsuitable to impart the impression that the quality conception has been clearly understood and the task delimited clearly enough (e.g. with respect to efficiency tests) and/or delimited from consultations.

Concerning Condition 2:

According to criterion 2.1 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005, accreditation agencies must have a legal personality of their own since the agency as an institution, as well as the competence of the bodies and actors working in, or for, it in the interest of securing the independence of their work and of the exercise of responsibility must be legally identifiable. This includes, above all, the clear assignment of all competences relevant for the accreditation procedures and decisions and responsibility in the external relationship of the agency. This clear stipulation is the prerequisite for enabling the agency to assume responsibility for its actions. The efforts described by ZEvA to obtain the legal form of a foundation under public law are therefore welcomed by the Accreditation Council. It must, however, insist on a speedy realisation of such a plan.

Concerning Condition 3:

As per criterion 2.12, 2.13 and 3.2 of the „Criteria for the Accreditation of Accreditation Agencies“, of 15.12.2005, the agency must guarantee the implementation of its quality understanding and of the normative standards in the procedures as well as with the experts. These, incidentally, must be allowed to act independently of third parties. This clear determination is the prerequisite for the respective body to assume its task fully, thus enabling the agency as such to assume responsibility for its actions. The criticised cooperation agree-

ments, however, grant third parties a central role in the definition of criteria and selection of experts which is prone to compromise the independence of the agency and thus the assumption of full responsibility in this respect.

Concerning Condition 4:

This requirement follows directly from criterion 4.1 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005.

Concerning Condition 5:

According to criterion 2.2 of the „Criteria for the Accreditation of Accreditation Agencies “ of 15.12.2005, competencies and responsibility in the internal relationship of the agency must be assigned unequivocally. This clear determination is the prerequisite for the respective body to assume its task fully, thus enabling the agency as such to assume responsibility for its actions. The decisions of the agency must, particularly if they are positive, but connected with conditions, or, if they are negative, be adequately explained in writing, which the ZEvA is doing, thus satisfying criterion 17.1. However, it is to be criticised that the standing accreditation commission cannot assume its full responsibility for these decisions and, above all, for their consequences if it does not determine the exact wording of the condition to be imposed where appropriate. A subsequent coordination between the office and the experts of the chairman of the expert group is not suited to ensure the clear functional separation between the actors and bodies involved in the decision process.

Concerning Condition 6:

According to criterion 6 of the „Criteria for the Accreditation of Accreditation Agencies “ of 15.12.2005, accreditation agencies must have a formalised internal quality management which permits the review of the daily activities at any time and enables the agency to analyse its own activity and correct it itself if necessary. The experts were able to satisfy themselves of the existence of some procedures of internal quality management in the form of internal feedbacks and accommodation of reactions of the universities/colleges to accreditation procedures. But these efforts do not have the character of a coherent and routinely functioning quality management system.

Concerning Condition 7:

According to criteria 2.10 and 2.11 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005, the accreditation agencies must, by defined procedures of expert selection, ensure the application of the accreditation criteria. While on-site visit and hearing do not show defects in this regard, the ZEvA was not in a position to show a formal resolution about criteria for expert selection. In such determination, however, lies an important point of reference for the internal work of the agency.

Concerning Condition 8:

According to criteria 19.1 to 19.3 of „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005, the accreditation agencies must have a formalised internal complaints procedure. While the universities/colleges are free to use the administrative court channels, there should however be, in line with general administrative practice, the possibility of a precedent internal objection procedure, which is appropriately formalised and the rules of which are documented.

Concerning Condition 9:

According to criterion 20 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005, the bundling must be implemented both conceptually according to technically demonstrated criteria—or if applying them, withheld, if appropriate - and the concept of bundling consequently applied in casu. There is at least reasonable doubt that this is being done with the necessary consistency in practice so that a review pro futuro is indicated.

Concerning Condition 10:

According to criterion 15.4 of the „Criteria for the Accreditation of Accreditation Agencies “ of 15.12.2005, there must be equality of opportunity between the accreditation agencies in the competition for the execution of accreditation procedures. Cost differences procured for the agency by third parties hamper this equality of opportunity.

Concerning Condition 11:

According to criterion 16.2 of the „Criteria for the Accreditation of Accreditation Agencies“ of 15.12.2005, unbiasedness in the accreditation procedure must be minded. Even the suspicion of partiality should be avoided. With this goal it is, as a matter of principle, inconsistent to associate the evaluation, which in part is aimed at consultancy, with all accreditation leading to permissions and proofs of quality by the identity of the decision-preparing and decision-making persons (experts). Furthermore, securing of unbiasedness involves, as a matter of principle, that the experts get their own idea in such a way as if the prior evaluation had not taken place. This does not preclude the uninformed use of files from earlier evaluation procedures on application of the university/college.

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Professor Dr. Jürgen Kohler
Chairman of the Accreditation Council