

**Statutes of the Foundation Accreditation Council  
of 12 November 2018**

**Preamble**

The Foundation for the Accreditation of Study Programmes in Germany, established by the North Rhine-Westphalia Act Establishing a “Foundation for the Accreditation of Study Programmes in Germany” of 15 February 2005 (GV. NRW.\* p. 45), most recently amended by article 2 of the Act of 17 October 2017 (GV. NRW. p. 806), henceforth bears the name “Foundation Accreditation Council”. The Foundation Accreditation Council is a joint institution of the states for accreditation and quality assurance in teaching and learning at German institutions of higher education. It is domiciled in Bonn.

Through the Foundation, the states discharge their tasks under article 1 (2) of the Interstate Study Accreditation Treaty (*Studienakkreditierungsstaatsvertrag*) of 12 June 2017 (annex to GV. NRW p. 806) and thus fulfil their collective governmental responsibility in the higher education sector to guarantee the equivalence of corresponding study performance, examination performance and qualifications and the possibility of transfer between higher education institutions.

It is agreed that, with regard to its function of performing its assigned tasks in the interest of all states, the Foundation is premised on the understanding that the state North Rhine-Westphalia only exercise its legislative and administrative authority in accordance with the Interstate Study Accreditation Treaty.

**Section 1**

**Statutory basis**

(1) These Statutes have their statutory basis in article 7 of the Interstate Study Accreditation Treaty and section 5 of the Accreditation Council Act of 15 February 2005 (GV. NRW. p. 45), as amended in each case.

(2) The name, domicile and tasks of the Foundation, the rights and obligations of its bodies, the membership of its bodies and the rights and obligations of the members of its bodies are stipulated on in the Interstate Study Accreditation Treaty and the Accreditation Council Act, as amended in each case. The financial year is the calendar year.

**Section 2**

**Official seal**

The Foundation uses an official seal. The official seal shows the name “Stiftung Akkreditierungsrat” in the upper semicircle and the coat of arms of North Rhine-Westphalia in the lower semicircle. The official seal is circular. The printed specimen in the annex shows the shape and size of the official seal.

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\* GV. NRW: Gesetz- und Verordnungsblatt für das Land Nordrhein-Westfalen (North Rhine-Westphalia Law Gazette)

### **Section 3**

#### **Representation**

- (1) Without prejudice to the provision governing representation of the Foundation per se in article 10 (1) of the Interstate Study Accreditation Treaty and section 8 (1) of the Accreditation Council Act, the Foundation Council, the Accreditation Council and the Board are each represented as bodies of the Foundation by their respective chairperson.
- (2) In the event that the chairperson of a Foundation body is unavailable, the chairperson is represented by the deputy chairperson. The chairperson may appoint, in writing, the deputy chairperson, or another member of the body of which they are chairperson, to represent them for a specific category of business. Authorisation for a single item of business may also be given orally; third parties may also be authorised in this respect.
- (3) Section 4 of these Statutes remains unaffected.

### **Section 4**

#### **Management and Head Office**

- (1) The Foundation has a Managing Director. The Managing Director conducts the day-to-day administrative business on behalf of the Foundation and of the Foundation body responsible in each instance. The Managing Director prepares consultations and decisions of the Foundation and of the Foundation bodies and carries them out on instruction of the Foundation body responsible in each instance, which may revoke its instruction at any time up to implementation. The chairperson of the Accreditation Council may delegate the Managing Director to legally represent the Foundation.
- (2) The Foundation establishes a Head Office. Management of the Head Office is the responsibility of the Managing Director. General rules of employment and basic organisational planning require the approval of the chairperson of the Accreditation Council. The latter may issue priority individual instructions; the same applies for the chairperson of the Foundation Council for the area of responsibility of the Foundation Council.

### **Section 5**

#### **Principles of collaboration**

- (1) The Foundation bodies and their members and the Head Office collaborate in a spirit of trust. They inform each other in a factual and timely manner of resolutions and decisions of significance for their dealings with each other and for the Foundation's dealings with third parties; the same applies to the planned submission of such resolutions and decisions in draft form. They exchange meeting minutes.
- (2) The chairperson or deputy chairperson of the Foundation Council and the chairperson or deputy chairperson of the Accreditation Council each take part in the other body's meetings in an advisory capacity.
- (3) The Accreditation Council reports to the Foundation Council in a factual and timely manner at least once annually.
- (4) The Foundation reports to the Standing Conference of Ministers of Education and Cultural Affairs, the German Rectors' Conference and the public by presenting an activity report.

(5) Without prejudice to the aforementioned legal obligations, the Foundation bodies and their members and the Head Office and other persons who carry out tasks of the Foundation are bound to the duty of confidentiality.

## **Section 6**

### **Rules of procedure**

The Foundation Council, Accreditation Council and Board may each adopt rules of procedure for their business area.

## **Section 7**

### **Tasks**

(1) The tasks of the Foundation are set out in article 5 (3) of the Interstate Study Accreditation Treaty and section 2 of the Accreditation Council Act.

(2) The tasks of the Accreditation Council are set out in article 9 (1) of the Interstate Study Accreditation Treaty and section 7 (1) of the Accreditation Council Act.

## **Section 8**

### **Working principles of the Accreditation Council**

(1) The Accreditation Council and its members conduct their activities according to the law and their free conviction.

(2) Resolutions of the Accreditation Council require a majority vote. In votes determining compliance with the academic criteria, the professors have a double vote, which may only be cast en bloc.

(3) The term of office of the students is two years.

(4) Substitute members may be nominated. Article 9 (2) sentences 2 to 8 of the Interstate Study Accreditation Treaty and section 7 (2) sentences 2 to 8 of the Accreditation Council Act apply accordingly.

(5) The transfer of votes in accordance with article 9 (2) sentence 9 of the Interstate Study Accreditation Treaty and section 7 (2) sentence 9 of the Accreditation Council Act is only permitted in the event that neither a member nor their substitute member is able to attend a meeting. Alternatively, the transfer of votes during a meeting of the Accreditation Council is permitted in the event that a member is unable to attend the entire meeting. A member's vote may only be transferred to another member in the same member group.

(6) The chairperson of the Accreditation Council may invite guests to attend individual meetings in an advisory capacity.

(7) The chairperson of the Foundation Accreditation Council may, by mutual agreement with the Standing Conference of the Ministers of Education and Cultural Affairs of the states and the German Rectors' Conference, nominate professors as permanent guests in an advisory capacity for one year. Renomination is permitted.

(8) Members of the Accreditation Council Head Office take part in meetings of the Accreditation Council in an advisory capacity.

(9) The Accreditation Council may establish working groups or committees to prepare its decisions and may call upon outside experts for this purpose.

## **Section 9**

### **Withdrawal of an agency's authorisation**

The Accreditation Council may withdraw an agency's authorisation under article 5 (3) no. 5 of the Interstate Study Accreditation Treaty and section 2 no. 5 of the Accreditation Council Act in the event that the agency violates an obligation under the Interstate Study Accreditation Treaty or a corresponding decree under article 4 of the Interstate Study Accreditation Treaty. In the normal case that an agency's accreditation is based on a listing in the European Quality Assurance Register for Higher Education (EQAR), authorisation may be withdrawn if the agency is not continuously listed.

## **Section 10**

### **Incompatibilities**

- (1) In so far as concerns quality assessment in the German accreditation system, membership of the Accreditation Council is incompatible with acting for an accreditation agency authorised by the Accreditation Council or for an organisation that is associated with such an agency legally, institutionally, organisationally, financially or with regard to personnel.
- (2) Members of the Foundation Council may not simultaneously be members of the Accreditation Council.

## **Section 11**

### **Business plan and annual financial statements**

- (1) The Board prepares a business plan in due time before the beginning of each calendar year (financial year).
- (2) The business plan is adopted by the Accreditation Council with the approval of the Foundation Council. The approval of the Foundation Council requires the approval of a majority of its members in the states representatives group.
- (3) The business plan requires the approval of the Standing Conference of Ministers of Education and Cultural Affairs and the approval of the Finance Minister Conference, with a two-thirds majority required in the case of the Finance Minister Conference.
- (4) Within six months of the end of the financial year, the Board must prepare the annual financial statements and submit them to the Accreditation Council and the Foundation Council together with the auditor's report, the statement of assets and liabilities and the activity report.
- (5) The Foundation Council engages an auditor for one financial year at a time. The auditor has the task of reviewing the annual financial statements as to whether the funds have been used in accordance with the Foundation's purpose in accordance with article 5 (3) of the Interstate Study Accreditation Treaty and section 2 of the Accreditation Council Act and whether the business management and financial reporting have complied with article 13 of the Interstate Study Accreditation Treaty, section 11 of the Accreditation Council Act and subsections (1) to (4). The Managing Director must provide the auditor with information on budgeting and business management and, at the auditor's request, allow inspection of all business documents. The auditor prepares a report on the audit findings (auditor's report).

## **Section 12**

### **Composition and tasks of the Board**

(1) The Board comprises:

1. as chairperson, the chairperson of the Accreditation Council,
2. the deputy chairperson of the Accreditation Council,
3. the Managing Director of the Foundation.

(2) The Board implements the resolutions of the Accreditation Council in accordance with article 10 (1) sentence 1, first half-sentence, of the Interstate Study Accreditation Treaty and conducts the day-to-day business of the Foundation.

(3) The Accreditation Council may delegate the following tasks to the Board:

1. Extensions under the provision of the applicable Land decree corresponding to section 26 (3) of the Specimen Decree (*Musterrechtsverordnung gemäß Artikel 4 Absätze 1 bis 4 Studienakkreditierungsstaatsvertrag*, resolution of the Standing Conference of Ministers of Education and Cultural Affairs of 7 December 2017; *Sammlung der Beschlüsse der Kultusministerkonferenz der states in der Bundesrepublik Deutschland*, Luchterhand-Verlag, March 2018, *Leitzahl* 87) (the relevant provisions of all states decrees can be viewed on the Foundation website, [www.akkreditierungsrat.de](http://www.akkreditierungsrat.de)).
2. Decisions on compliance with conditions imposed in accreditations, under the provision of the applicable Land decree corresponding to section 27 of the Specimen Decree.
3. Decisions on whether a material change is covered by the existing accreditation, under the provision of the applicable Land decree corresponding to section 28 (2) of the Specimen Decree.
4. Approval of the composition of clusters, under the provision of the applicable Land decree corresponding to section 30 (2) of the Specimen Decree.
5. Recognition of assessments for joint degree programmes, under the provision of the applicable Land decree corresponding to section 33 of the Specimen Decree.

Sentence 1 does not apply in the event that the Board does not include any member from the professors group. Decisions under sentence 1 may not be made against the vote of a member from the professors group.

## **Section 13**

### **Formal approval of the actions of the Board**

(1) Having due regard to the auditor's report, the Foundation Council decides on the formal approval of the actions of the Board.

(2) The Foundation Council informs the North Rhine-Westphalia ministry in charge of higher education of the resolution and submits the formal approval of the actions of the Board for acceptance.

## **Section 14**

### **Evaluation**

The work of the Foundation is evaluated every five years. The procedure is decided by the Foundation Council. Foreign experts must be involved in the evaluation.

## **Section 15**

### **Entry into force**

These Statutes enter into force on the day following their publication in the North Rhine-Westphalia Ministerial Gazette.

Hamburg, 12 November 2018

Dr. Eva GümbeI

Chairperson of the Foundation Council of the Foundation Accreditation Council