

Statute of the Accreditation, Certification and Quality Assurance Institute ACQUIN e. V.

Preamble

As part of the expansion and differentiation of the system of study programmes and higher education qualifications within the European Higher Education Area, a new graduation system with phased bachelor's and master's programmes was introduced in Germany in order to increase the attractiveness of German higher education institutions, to enhance the international competitiveness of Germany as the place to study and to improve the compatibility of German and foreign diplomas. Accreditation processes were introduced as a means to meet the changing demands on the higher education institutions and to provide a reliable guide for prospective students. The accreditation of a study programme involves assurance of the quality standards in terms of the academic content and verification of the professional relevance. The accreditation process may be carried out as an institutional accreditation, a programme accreditation, or an alternative procedure. By establishing an accreditation agency that is multidisciplinary, transnational, and covers various types of higher education institutions, an independent, objective, and quality-oriented evaluation process ensures diversity of study programmes, quality of education, and transparency.

§ 1

Name, location, and financial year

(1) The association shall bear the name Accreditation, Certification and Quality Assurance Institute (ACQUIN). The association shall be entered in the register of associations. After the registration it shall carry the name affix "eingetragener Verein" which stands for "registered association" under German Law in the abbreviated form "e. V."

(2) Bayreuth is the domicile of the association.

(3) The financial year of the association is the calendar year.

§ 2

Purpose of the association

The purpose of the association is to establish and to apply instruments for the accreditation of study programmes as well as to develop further methods for evaluation and assurance of quality processes in higher education. The activities of the association are aimed at ensuring a high quality of education and promoting internationally recognized high-quality degrees. The association ensures the compliance of the accreditation procedural principles with applicable laws, regulations, and European guidelines. In programme

and institutional accreditation procedures, the association creates accreditation reports with resolutions and evaluation recommendations for the Accreditation Council. The association seeks agreements with other accreditation institutions and cooperates with higher education institutions, professional associations, commercial enterprises, and institutes serving the same purpose in Germany and abroad. The association is open to the expansion of its membership.

§ 3

Non-profit basis; prohibition of preferential treatment

- (1) The association shall solely and directly pursue charitable purposes within the meaning of the section "tax-deductible purposes" of the fiscal code of Germany.
- (2) The association shall operate on a non-profit basis. It does not strive to make a profit. It is non-profitmaking and does not pursue goals primarily serving its own economic interests. The means of the association may only be used for the purposes defined in the Statute. Any revenue shall be used for the purposes specified in § 2.
- (3) The members receive no allowances from the funds of the association. Upon leaving the association, no claims of a financial nature towards the assets of the association may be made by individual members. No person may benefit from expenditures that are not related to the purpose of the association, or through unreasonably high compensations.

§ 4

Membership

- (1) Members of the association may generally include domestic and foreign state, state-recognized, and private higher education institutions, associations of higher education institutions, and professional associations for academic occupations. Commercial enterprises and individuals may become members if they are willing and able to sustainably promote the purpose of the association.
- (2) The admission of a member who is to apply in writing shall be decided upon by the board. Legal claims for admission do not exist. The board is entitled to refuse the admission to the association without stating reasons.
- (3) The applicant must be informed of the decision in writing.
- (4) Membership shall end
 - a) by resignation. It must be submitted to the board in writing by September 30th of the calendar year at the latest and becomes effective at the end of that calendar year;
 - b) by death of the member, dissolution of the legal person, the commercial enterprise, or the association of individuals;
 - c) by expulsion. The expulsion follows a decision of the board in the event of any compelling reason to do so. A compelling reason occurs in particular if a member's behavior significantly affects the purposes and goals of the association, or if a member is in arrears

with the payment of the contribution despite two reminders. Objection against the expulsion may be raised before the general assembly within a period of a month.

§ 5

Financial means of the association; members' liability to pay contributions

(1) The association funds for the fulfillment of its duties are raised by membership fees (amounts of money) charged annually, voluntary contributions, and other donations.

(2) The association collects an annual membership fee payable at the beginning of the year. The amount of the contribution is determined by the general assembly. The general assembly may authorize the board to graduate the membership fee within a minimum and maximum amount, in particular through gradation for certain member groups or depending on the size of higher education institutions.

§ 6

Bodies of the association

(1) The association consists of the following bodies:

- a) the board,
- b) the general assembly,
- c) the accreditation commission.

(2) Other bodies of the association are:

- b) the expert groups,
- b) the complaints and appeals commission.

§ 7

Executive board

(1) The board consists of the first chairperson and the second chairperson, the treasurer, and two other members. Two members belong to the member group of universities of applied sciences, two members belong to the member group of universities, and one member belongs to the member group of professional practice. Upon expiration of the election period, the board shall remain in office until the new board is elected. The board runs the business operations of the association, manages assets of the association, and carries out decisions of the association.

(2) The first chairperson and the second chairperson as well as the treasurer are the board within the meaning of § 26 of the German Civil Code. Each member of the board is authorized to individual representation of the board in accordance with § 26 of the German Civil Code.

(3) The members of the board are elected by the general assembly for a term of three years; however, they remain in office until the next election of the board is held. Reelection is permitted. If a member of the board resigns before the end of their office term, the board shall appoint a substitute member for the remaining office term of the resigned member. This by-election requires an approval of the next general assembly. A member of the board does not have to be a member of the association.

(4) The chairperson or in their absence the second chairperson shall convene the board and chair the board meetings.

(5) The board makes decisions by passing resolutions. The board has a quorum when the chairperson or the second chairperson and at least half of the members of the board are present. The board makes decisions by a simple majority of valid votes cast. Abstentions from voting are not taken into account. In the event of a tied vote, the vote of the chairperson shall be conclusive. Written voting is permitted if all members of board give their consent to the concluding regulation.

(6) Primarily, the duties of the board are as follows:

a) preparation of the business plan,

b) recruitment of associations and institutions that are relevant for accreditation as members of the association as well as fundamental issues of membership recruitment,

c) resolutions on the admission of members and on the conclusion of agreements with other accreditation bodies.

(7) The board may establish a registered office and appoint the executive management. The responsibilities of the office and the executive management are determined by the board. The executive management adopts rules of procedure which are to be decided by the board. The executive management shall be consulted each time at board meetings. The executive management may be appointed by the board as a special representative in accordance with § 30 of the German Civil Code.

(8) The board may adopt rules of procedure.

(10) The activities of the board are honorary. The general assembly may grant compensation for expenses to the board. The board is entitled to claim reimbursement of expenses incurred.

§ 8 General assembly

(1) The general assembly takes place at least once a year. It shall be convened by written invitation from the first chairperson of the board or in their absence by their deputy at least four weeks in advance by indicating the agenda. Any properly convened general assembly constitutes a quorum regardless of the number of members present.

(2) Each member has one vote. Legal persons, associations, and commercial companies shall announce to the board their representatives for the general assembly.

(3) The general assembly is responsible for:

- a) the election of the board members, with the right of the group of universities to nominate the chairperson of the board in the first election;
- b) the appointment of the auditor;
- c) the election of members of the accreditation commission. Details shall be regulated by the election rules determined by the general assembly;
- d) the acceptance of the annual report of the board as well as the discharge of the board;
- e) the determination of membership fees;
- f) the resolution on the business plan;
- g) the decision on objections of expelled members;
- h) the confirmation of the evaluation criteria and procedural principles approved by the accreditation commission. The general assembly may submit proposals for the evaluation criteria and procedural principles to the accreditation commission;
- i) the resolution on the amendments to the Statute and the dissolution of the association;
- j) the election of the complaints and appeals commission;
- k) the resolutions on other matters submitted by the board.

(4) The general meeting is chaired by the first chairperson of the board or by the second chairperson if the first chairperson is unable to attend it. The general assembly passes resolutions by a simple majority of valid votes cast. Abstentions from voting are not taken into account. In the event of a tie, election by lot is conclusive. A majority of 3/4 of the valid votes cast is required for changes to the Statute and for the dissolution of the association.

(5) An extraordinary general assembly shall be convened if at least 10% of the members request it in writing stating the reasons for the demand to the board. Same regulations shall apply for convening and holding an extraordinary general assembly as for an ordinary general assembly.

(6) Written records on the decisions by the general assembly shall be prepared and signed by the chairperson and the secretary. Each member shall be sent a copy of the minutes.

§ 9

Accreditation commission

(1) The accreditation commission consists of the first chairperson of the board, four university and university of applied sciences representatives, one representative from the art and music colleges, and two representatives from professional practice and from the student body. If a committee member is unable to attend, a respective substitute representative shall participate in the accreditation commission with all rights and obligations. The accreditation commission may call on external experts as guests to their consultations. In liaison with the applicant higher education institution, ACQUIN invites a representative of the Ministry of Science responsible for the applicant higher education institution to the meetings of the accreditation commission to serve as an observer. Guests and observers have no voting rights.

(2) The first chairperson is ex officio chairperson of the accreditation commission. The members of the accreditation commission choose a vice chair by a simple majority.

(3) The members of the accreditation commission are appointed for a period of two years.

(4) The accreditation commission shall ensure that the procedural principles for accreditation are consistent with laws and regulations.

(5) The accreditation commission has the following tasks:

a) resolution on the evaluation criteria and procedural principles taking into account the proposals of the general assembly;

b) definition of guidelines for the self-assessment documentation of higher education institutions;

c) designation of expert groups for the evaluation procedures;

d) consultation and determination of evaluation outcomes in procedures within the scope of the Interstate study accreditation treaty;

e) resolutions on the accreditation of procedures outside the scope of the Interstate study accreditation treaty on the basis of the reports of the expert groups;

f) resolutions on the accreditation of national procedures based on the reports of the expert groups and the statements of the expert committees for procedures as per the legal situation up to December 31, 2017;

g) resolutions on certifications.

The accreditation commission may set up committees to support its work.

(6) In addition to the approval of the majority of the members of the accreditation commission, resolutions require the approval of the majority of the higher education institution representatives in accordance with § 9.

§ 10

Complaints and appeals commission

(1) To ensure orderly and independent complaints and appeals procedures initiated by contractual partners of ACQUIN, a complaints and appeals commission is set up. The complaints and appeals commission rules on appeals to resolutions and decisions of the accreditation commission and the expert groups; it also acts as a decision-making body in the event of complaints about the implementation of the agency procedures.

(2) The appeals commission shall be composed of five members, with one member from the group of universities of applied sciences, from universities, from art and music colleges, from professional practice, and from student body. The members of the complaints and appeals commission may belong to neither the board nor the accreditation commission.

(3) The members of the appeals commission are elected by the general assembly for a term of three years; they shall remain in office until the new election of the appeals commission. Reelection is permitted. If a member of the complaints and appeals commission resigns before the end of their term of office, the board shall appoint a substitute member for the remaining term of office of the resigned member. This by-election requires an approval of the next general assembly.

(4) The complaints and appeals commission adopts rules of procedure.

§ 11

Expert groups

(1) The accreditation commission appoints a group of experts for each evaluation and accreditation procedure.

(2) The expert group has the following tasks:

- a) review of self-documentation of the applicant higher education institution,
- b) implementation of a peer review,

c) drafting an evaluation report including a proposal for a resolution regarding the accreditation.

§ 12

Business plan, cash management, and accounting

(1) The association shall conduct its business operations in accordance with the business plan which as a rule is adopted on a proposal from the board of the general assembly prior to the beginning of the financial year.

(2) The association's accounting is the responsibility of the treasurer who reports on it to the general assembly. The accounting department shall be audited by the auditing agency appointed by the general assembly.

§ 13

Seizure of assets

Upon dissolution of the association, withdrawal of its legal capacity, or the discontinuation of the non-profit purposes, the assets of the association shall be transferred to the charitable foundation to promote the German Rectors' Conference (Ahrstrasse 39, 53175 Bonn) for use exclusively for the purposes referred to in § 2. No repayment of the contributions and other allowances made by the members of the association is carried out.

§ 14

Entry into force

This Statute shall enter into force after the registration of the association in the register of associations. Up until that time, it is considered an agreement of the founding members.

The Statute of the association was established on January 26, 2001. Henceforth, its updated version makes provisions for the resolutions of the general assemblies of February 4, 2002, March 25, 2004, October 28, 2008, October 1, 2012, May 14, 2018, and July 23, 2020.