



Agency for
Quality Assurance
and Accreditation
Austria

Decree of the Board of AQ Austria on the Notification Procedures for Degree Programmes of Foreign Educational Institutions 2019

§ 27-Notification Decree 2019 - § 27-MeldeVO 2019

adopted by the Board at its 55th meeting on 3 July 2019,
amendments adopted at its 65th meeting on 10 February 2021

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Decree of the Board of AQ Austria on the Notification Procedures for Degree Programmes of Foreign Educational Institutions 2019

(§ 27-Notification Decree 2019 - § 27-MeldeVO
2019)

On the basis of §§ 27a para. 2 and 27b para. 3 Act on Quality Assurance in Higher Education (Hochschul-Qualitätssicherungsgesetzes, HS-QSG), F. L. G. I no. 74/2011, last amended by the Federal Act published in F. L. G. I no. 20/2021, the following decree is issued:

Chapter 1: Subject and scope

§ 1.

This decree regulates the procedure for the notification of educational institutions from EU or EEA countries (§ 27a HS-QSG) or the procedure as well as the assessment criteria for the notification of educational institutions from non-EU or non-EEA countries (§ 27b HS-QSG).

Chapter 2: Rules for carrying out the notification procedure for educational institutions from EU or EEA countries pursuant to § 27a HS-QSG

§ 2. Application

(1) A written application for a notification decision shall be addressed to the Board of the Agency for Quality Assurance and Accreditation Austria (hereinafter referred to as: Board)

and submitted electronically as well as in paper to the Secretariat of the Agency for Quality Assurance and Accreditation Austria (hereinafter referred to as: Secretariat).

(2) The application shall indicate the applying legal entity, including the name of the educational institution and shall be signed by its legal representative. Suitable evidence of the legal representation, such as, for example, a statute, a current excerpt from the company register or register of associations, shall be enclosed.

(3) The application shall include information on the educational institution as well as on the degree programmes to be notified pursuant to the ISCED classification ISCED-F 2013 (composition of the groups of studies - international). After completion of the procedure, this information will be listed in the AQ Austria's directory of notification procedures pursuant to section 4 (1).

(4) The application submitted shall be complete and formally correct. It must contain all information and documents necessary to verify that the requirements pursuant to § 27 para. 1 subparas. 1 and 2 as well as § 27a para. 1 subparas. 1 to 5 HS-QSG are fulfilled.

(5) Pursuant to § 27a para. 1 subpara. 5 HS-QSG the educational institution shall present a guaranty that in the case of the discontinuation of the offering of studies in Austria any student can complete his/her studies. The guaranty shall include proof of a corresponding legally binding communication with the students, for example in the form of a study contract.

(6) The Secretariat shall verify the application as to its completeness and formal correctness. In the case that any remediable shortcomings are identified, the Secretariat will grant a period of at least two weeks for their remedy. If the shortcomings cannot be remedied or if this is not possible within the period of time provided, the Board shall reject the application.

§ 3. Decision and official notification

(1) The notification decision of the Board shall be based on the application documents. The Board may accept or reject the application.

(2) If shortcomings are identified, that in the opinion of the Board are remediable within a period of nine months, the Board may approve the application under conditions and make the decision on the notification conditional.

(3) If the Board accepts an application with conditions and if the educational institution can prove that the conditions have been fulfilled, this shall be declared by the Board by official notification. If the Board accepts an application with conditions and if the educational institution cannot prove that the conditions have been fulfilled or does not do so within the stipulated period of time, the Board shall revoke the notification decision by official notification.

(4) If the Board accepts an application, the notification shall be valid up to a maximum of six years. The Board may provide for limitations to the validity period of the notification,

especially if the current accreditation period for a degree programme in accordance with the provisions of the country of origin or country of domicile will expire in less than six years.

(5) The official notification shall, as a minimum, include the following information:

1. term of notification;
2. name of the educational institution and its maintaining body as well as any Austrian cooperation partners in the operation of the degree programme or degree programmes in Austria;
3. title, total workload (in ECTS credits), duration (in semesters), language of the degree programme and/or the degree programmes and exact wording of the academic degree to be awarded (including its abbreviation);
4. site or sites in Austria at which the degree programme is or the degree programmes are held;
5. conditions, if applicable.

(6) With the notification decision of the foreign degree programmes no equivalence with Austrian degree programmes and corresponding Austrian academic degrees is connected. The degree programmes and academic degrees are considered to be those of the educational institution's country of origin or the country of domicile.

§ 4. Publishing the findings of the procedure

(1) AQ Austria shall publish an easily accessible directory of the notification procedures pursuant to § 27 para. 6 HS-QSG on its website. The directory shall comprise information on the educational institution, the degree programmes and the outcome of the notification procedure in the form of a report on the outcome. The report on the outcome of the notification procedure shall comprise the decision of the Board as well as grounds for the decision. The competent Federal Minister shall be provided information on the directory of the notification procedures pursuant to § 27 para. 6 HS-QSG on a regular basis.

(2) The educational institution is obliged to publish the outcome of the notification procedure on its website within two weeks following the completion of the notification procedure and throughout the validity period of the notification.

(3) Within the framework of their market communication and public image in Austria, the educational institution is obliged, throughout the validity period of the notification, to indicate in written and highlighted form that the decision on the notification of the degree programmes is not connected to the determination of equivalence with Austrian degree programmes and corresponding Austrian academic degrees and that the degree programmes and academic degrees are considered to be those of the educational institution's country of origin or country of domicile. Immediately after completion of the procedure, the educational institution shall provide AQ Austria with evidence that such an announcement has been made.

(4) Within the framework of their public image in Austria, the educational institution is obliged, throughout the validity period of the notification, to indicate in written form that

in the case the decision on the notification is revoked by the Board of AQ Austria, the degree programme is or the degree programmes are no longer to be offered in Austria. Immediately after completion of the procedure, the educational institution shall provide AQ Austria with evidence that such an announcement has been made.

§ 5. Expiry and revocation of the notification

(1) § 26 para. 1 subparas. 1 and 2 HS-QSG shall apply by analogy for the expiry of the notification. Accordingly, the notification ends through expiry if no new application is submitted at least nine months before the expiry of the notification as well as due to the dissolution of the legal entity acting as maintaining body of the educational institution.

(2) The Board of AQ Austria shall revoke the decision on the notification in the case that the information obligations and participation in statistical surveys pursuant to § 27 para. 10 HS-QSG are refused or the legal requirements pursuant to § 27a para. 1 HS-QSG are abolished.

(3) The Board of AQ Austria shall revoke the decision on the notification if the fulfilment of the conditions cannot be proven or are not proven within the stipulated period of time.

(4) If the Board of AQ Austria has any justified doubts as to the certification pursuant to § 27a para. 1 subpara. 4 HS-QSG regarding the notification of an educational institution pursuant to § 27a HS-QSG, AQ Austria will confer with the educational institution who will be given the opportunity to comment within a period of at least two weeks to be specified by the Board of AQ Austria. Subsequently, AQ Austria will gather relevant information from the competent bodies (for example quality assurance agency, competent authority) in the country of origin or country of domicile. If, on the basis of this information or due to missing information, the fulfilment of the respective requirements in the country of origin or country of domicile cannot be proven, the Board of AQ Austria shall revoke the decision on the notification.

§ 6. Costs

The applicant educational institution shall pay a lump sum to be specified and published by the Board. The obligation to pay shall arise upon submission of the complete and formally correct application according to section 2 and shall fall due upon completion of the procedure. The lump sum shall be charged by official notification.

§ 7. Complaints

The applicant educational institution may appeal to the Appeals Committee of AQ Austria against the procedure as such.

§ 8. Evidence for the fulfilment of conditions

(1) If a decision is made conditional, the educational institution shall submit evidence that the conditions have been fulfilled to the Board within a period of nine months.

(2) The evidence that the conditions have been fulfilled shall contain all information and documents necessary to confirm the fulfilment of the conditions.

Chapter 3: Rules for carrying out the notification procedure for educational institutions from non-EU or non-EEA countries pursuant to § 27b HS-QSG

For notification procedures pursuant to § 27b HS-QSG, AQ Austria shall conduct an evaluation in accordance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area.

§ 9. Application

(1) Per degree programme a written application for a notification decision addressed to the Board of the Agency for Quality Assurance and Accreditation Austria (hereinafter referred to as: Board) shall be submitted electronically as well as in paper to the Secretariat of the Agency for Quality Assurance and Accreditation Austria (hereinafter referred to as: Secretariat).

(2) The application shall indicate the applying legal entity, including the name of the educational institution and shall be signed by its legal representative. Suitable evidence of the legal representation, such as, for example, a statute, a current excerpt from the company register or register of associations, shall be enclosed.

(3) The application shall include information on the educational institution as well as on the degree programmes to be notified pursuant to the ISCED classification ISCED-F 2013 (composition of the groups of studies - international). After completion of the procedure, this information will be listed in the AQ Austria's directory of notification procedures.

(4) The application submitted shall be complete and formally correct. It must contain all information and documents necessary to verify that the requirements pursuant to § 27 para. 1 subparas. 1 and 2 HS-QSG as well as § 27b para. 1 subparas. 1 to 4 are fulfilled and to verify that the assessment criteria pursuant to § 21 are met.

(5) Pursuant to § 27a para. 1 subpara. 4 HS-QSG the educational institution shall present a guaranty that in the case of the discontinuation of the offering of studies in Austria any student can complete his/her studies. The guaranty shall include a corresponding legally binding communication with the students, for example in the form of a study contract.

(6) The Secretariat shall verify the application as to its completeness and formal correctness. In the case that any remediable shortcomings are identified, the Secretariat will grant a period of at least two weeks for their remedy. If the shortcomings cannot be remedied or are not remedied in the period of time provided, the Board shall reject the application.

(7) After the completeness and formal correctness of the application have been verified, it may be necessary to submit further copies in the number to be announced by the Secretariat.

§ 10. Decision and official notification

(1) The notification decision of the Board shall be based on the application documents as well as the review report and the comment of the applicant educational institution (if available). The Board may accept or reject the application.

(2) If shortcomings are identified, that in the opinion of the Board are remediable within a period of nine months, the Board may make the decision on the notification conditional. The Board shall decide if an external assessment is necessary for examining whether the conditions have been fulfilled. If the Board considers it necessary to conduct a site visit or draw up a review report in order to examine whether the conditions have been fulfilled, sections 17 to 21 shall apply.

(3) If the Board accepts an application with conditions and if the educational institution can prove that the conditions have been fulfilled, this shall be declared by the Board by official notification. If the Board accepts an application with conditions and if the educational institution cannot prove that the conditions have been fulfilled or does not do so within the stipulated period of time, the Board shall revoke the notification decision by official notification.

(4) If the Board accepts an application, the notification shall be valid up to a maximum of six years. The Board may provide for limitations to the validity period of the notification, especially if the current accreditation period for a degree programme in accordance with the provisions of the country of origin or country of domicile will expire in less than six years.

(5) The official notification shall, as a minimum, include the following information:

1. term of notification;
2. name of the educational institution and its maintaining body as well as any Austrian cooperation partners in the operation of the degree programme or the degree programmes in Austria;
3. title, total workload (for educational institutions from the European Higher Education Area in ECTS credits), duration (in semesters), language of the degree programme or the degree programmes and exact wording of the academic degree to be awarded (including its abbreviation);
4. site or sites in Austria at which the degree programme is or the degree programmes are held;
5. conditions, if applicable.

(6) With the notification decision of the foreign degree programmes no equivalence with Austrian degree programmes and corresponding Austrian academic degrees is connected. The degree programmes and academic degrees are considered to be those of the educational institution's country of origin or country of domicile.

§ 11. Publishing the outcome of the procedure

((1) AQ Austria shall publish an easily accessible directory of the notification procedures pursuant to § 27 para. 6 HS-QSG on its website. The directory shall contain information on the educational institution, the degree programmes and the outcome of the notification procedure in the form of a report on the outcome. The report on the outcome of the notification procedure comprises the decision of the Board and including the grounds for the decision as well as the final review report (incl. name and institution of the experts) and the applicant educational institution's comment (the latter upon their approval). Personal data, funding sources, and business or trade secrets shall be exempt from publication. The Federal Minister shall be provided information on the directory of the notification procedures pursuant to § 27 para. 6 HS-QSG on a regular basis.

(2) The educational institution is obliged to publish the outcome of the notification procedure on its website within two weeks following the completion of the notification procedure and throughout the validity period of the notification.

(3) Within the framework of their market communication and public image in Austria, the educational institution is obliged, throughout the validity period of the notification, to indicate in written and highlighted form that the decision on the notification of the degree programmes is not connected to the determination of equivalence with Austrian degree programmes and corresponding Austrian academic degrees and that the degree programmes and academic degrees are considered to be those of the educational institution's country of origin or country of domicile. Immediately after completion of the procedure, the educational institution shall provide AQ Austria with evidence that such an announcement has been made.

(4) Within the framework of their public image in Austria, the educational institution is obliged, throughout the validity period of the notification, to indicate in written form that in the case the decision on the notification is revoked by the Board of AQ Austria, the degree programme is or the degree programmes are no longer to be offered in Austria. Immediately after completion of the procedure, the educational institution shall provide AQ Austria with evidence that such an announcement has been made.

§ 12. Expiry and revocation of the notification

(1) § 26 para. 1 subparas. 1, 2 and 4 HS-QSG shall apply by analogy for the expiry of the notification. Accordingly, the notification ends through expiry if no new application is submitted at least nine months before the expiry of the notification as well as due to the dissolution of the legal entity acting as maintaining body of the educational institution.

(2) The Board of AQ Austria shall revoke the decision on the notification in the case that the information obligations and participation in statistical surveys pursuant to § 27 para. 10 HS-QSG are refused or the legal requirements pursuant to § 27b para. 1 HS-QSG are abolished.

(3) The Board of AQ Austria shall revoke the decision on the notification if the fulfilment of the conditions cannot be proven or are not proven within the stipulated period of time.

§ 13. Costs

The applicant educational institution shall reimburse AQ Austria for the fees of the experts and pay a lump sum to be specified and published by the Board. 50% of the procedure charges shall be paid upon presenting an assessable application, 50% after the decision on the notification was taken. The fixed charges as well as any procedural costs (fees of the external experts, i.e. the fixed expense allowance plus any fees, travel or accommodation costs) shall be charged by official notification.

§ 14. Complaints

The applicant educational institution may appeal to the Appeals Committee of AQ Austria against the procedure as such.

§ 15. Evidence for the fulfilment of conditions

(1) If a decision is made conditional, the educational institution shall submit evidence that the conditions have been fulfilled to the Board within a period of nine months.

(2) The evidence that the conditions have been fulfilled shall contain all information and documents necessary to confirm the fulfilment of the conditions.

§ 16. Procedure

(1) As a rule, the review procedure is based on sections 17 to 21; in the case that information pursuant to section 16 para. 3 is available, the Board shall decide on alternative procedures.

(2) If several applications are submitted at the same time, the Board can handle them in a joint procedure if this is reasonable, in particular considering the relatedness of the degree programmes.

(3) The Board shall take into account existing results of external quality assurance procedures in the evaluation procedure, provided that the quality assurance agency having conducted them is listed in EQAR or internationally recognised and independent, and that the results of the procedures provide information proving the fulfilment of the assessment criteria listed under section 21.

§ 17. Reviewers

(1) As a rule, the Board shall appoint four experts for the review procedure. If the Board does not consider an external review necessary for assessing the application, the appointment of experts can be waived.

(2) When composing the expert panel, the Board shall ensure that all aspects relevant for the procedure will be reviewed, taking into account the specific features in the operation of transnational degree programmes. The Board shall take into account the requirements on a case-by-case basis; it shall aim for diversity in the composition of the expert panel and include experts whose current activities cover the following fields of competence:

1. verifiable scientific or artistic qualification in the relevant field;
2. research activities in the relevant disciplines and familiarity with the research activities in higher education;
3. verifiable international experience obtained through professional activity abroad;
4. verifiable knowledge of the professional field relevant for the degree programme obtained through relevant work experience;
5. experience in quality management and quality assurance in higher education;
6. experience in teaching as well as in the development, implementation, and evaluation of curricula;
7. up-to-date student experience in a relevant study programme.

(3) The experts must be unbiased. They shall declare in writing that there are no grounds for bias and that they will keep confidential all facts they become aware of in relation with their work as experts. Reasons for bias include, for example:

1. employment or any other contractual relationship with the applicant educational institution or designated collaboration partners, in particular Austrian collaboration partners for the operation of a degree programme in Austria, within the last five years;
2. applications to the applicant educational institution or designated collaboration partners, in particular Austrian collaboration partners for the operation of a degree programme in Austria, within the last five years;
3. involvement and/or cooperation with the applicant educational institution or designated collaboration partners, including their bodies, in particular Austrian collaboration partners for the operation of a degree programme in Austria, within the last five years;
4. personal research cooperation or cooperation with persons linked to the applicant educational institution or designated collaboration partners, in particular Austrian collaboration partners for the operation of a degree programme in Austria, within the last five years;
5. examinations taken and/or degrees awarded at the applicant educational institution or designated collaboration partners, in particular Austrian collaboration partners for the operation of a degree programme in Austria, within the last five years;
6. private relationships with persons linked to the applicant educational institution or designated collaboration partners, in particular Austrian collaboration partners for the operation of a degree programme in Austria.

(4) The Secretariat shall inform the applicant educational institution about the experts and shall grant the applicant institution a period of at least two weeks to raise objections, for example concerning the unbiasedness of the experts. Reasons for objections shall be given. The objections shall be addressed to the Board and filed with the Secretariat. The applicant educational institution does not have the right to propose experts.

(5) The Secretariat shall support the activities of the expert panel throughout the entire notification procedure. Except for the site visit, communication between the applicant educational institution, and the expert group shall take place exclusively via the Secretariat.

(6) The Secretariat shall prepare the experts for their activities, in particular for their expert activities, and shall support them in their carrying them out, in particular with regard to the relevant legal framework and the characteristics of operating transnational degree programmes.

§ 18. Site visit

(1) The review of the degree programme includes a one- to two-day site visit of the experts to the planned location at which the degree programme shall be offered. In cases of section 16 para. 2 the duration of the site visit may be extended accordingly. If the Board does not consider a site visit necessary for assessing the application, the site visit can be waived.

(2) The Board may decide on a site visit to other sites if the applicant educational institution offers degree programmes at more than one site.

(3) The following principles for the organisation and conduct of a site visit shall apply:

1. The agenda shall be tailored to the specific requirements of the procedure and be coordinated with the applicant educational institution.
2. The experts, the representatives of the Secretariat as well as representatives of the applicant educational institution shall participate in the site visit. The applicant educational institution shall be free to select its representatives. The representatives of the student body shall be selected by the student representation (where applicable).
3. All relevant groups of the applicant educational institution shall be heard, and the individual groups shall be able to present their positions autonomously and without influence.
4. The representatives of the Secretariat shall support the experts in their activities and make sure that the site visit runs according to schedule.

§ 19. Review report

(1) On the basis of the insights gained from the application documents and the site visit, the experts shall draw up a joint review report, consisting of statements and assessments to the assessment criteria pursuant to section 21 and, if applicable, of references to significantly good practice or recommendations for further development, respectively.

(2) The report shall be drawn up respecting the diversity of the experts' opinions, while at the same time aiming at a broad consensus in order to provide common findings and assessments with regard to the assessment criteria and a summary assessment. If diverging experts' opinions on an issue cannot be eliminated, they shall be expressed in the report.

§ 20. Comment of the applicant institution

The Secretariat shall send the review report to the applicant educational institution and grant it a period of at least two weeks to comment on the report. Within the framework of the comment, the applicant educational institution may point out, in particular, factual errors. It is also given the opportunity to express any diverging views on the experts' statements and assessments. The written comment shall be addressed to the Board and filed with the Secretariat. Upon receiving the comment, the Secretariat shall forward it to the expert panel. The experts shall review the comment and, if required, make changes to the review report. If changes are made, the Secretariat shall send the final review report to the applicant educational institution for information.

§ 21. Assessment Criteria

(1) Quality Assurance of the Degree Programme

1. The educational institution shall ensure that the degree programme is offered in at least the same quality and under at least equivalent study conditions as the degree programme offered in the country of origin or country of domicile. If the degree programme is not offered in the country of origin or country of domicile, the educational institution shall ensure that the degree programme offered corresponds to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile.
2. The educational institution shall include the degree programme in its quality management system and ensure that the specific challenges arising when offering a degree programme in Austria are explicitly accounted for in the internal quality management.
3. If the educational institution operates the degree programme in co-operation with another institution, a contract has been concluded which clearly and transparently defines the co-operation.
4. The educational institution shall assess the quality of its degree programme at a regular basis.

(2) Degree programme and degree programme management

1. The qualification level of the degree programme conforms with the requirements as well as the respective level of the national qualifications framework in the country of origin or the country of domicile (if available) and is comparable to the respective level according to the National Qualifications Framework in Austria (Act on the National Qualifications Framework, F. L. G. I no. 14/2016, Bundesgesetz über den Nationalen Qualifikationsrahmen).
2. The academic degree corresponds to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile and is comparable to Austrian academic degrees.
3. The content and structure of the curriculum corresponds to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile.
4. The didactic concept of the degree programme corresponds to the accepted standards of the educational institution and the provisions (if any) applicable in the country of

origin or country of domicile.

5. The scheduled student workload corresponds to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile and is comparable to the student workload of a comparable Austrian degree programme.
6. Examination regulations have been laid down which correspond to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile.
7. Regarding its qualification level, the admission requirements correspond to the provisions stipulated in the country of origin or the country of domicile.
8. The admission procedure corresponds to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile.
9. The procedures for the recognition and crediting of formal, non-formal, and informal qualifications correspond to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile.

(3) Staff

The educational institution has sufficient pedagogic-didactically qualified scientific and artistic staff as well as sufficient non-academic staff for operating the degree programme. Furthermore, the capacity and qualification of the staff correspond at least to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile.

(4) Funding

The educational institution shall provide the funding of the degree programme and make provisions to fund its expiry.

(5) Counselling and support for students

1. The educational institution shall provide for consulting services and support related to specialist or organisational study matters as well as psychosocial counselling services for students according to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile.
2. The educational institution shall provide for a procedure for handling the complaints of students corresponding to the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile.

(6) Infrastructure

The educational institution shall provide the premises and equipment in sufficient quality and quantity required for operating the degree programme, corresponding at least with the accepted standards of the educational institution and the provisions (if any) applicable in the country of origin or country of domicile. In the case that the educational institution draws on external resources, their authorisation to use them has been contractually secured.

(7) Information

The educational institution publishes easily accessible and up-to-date information on the degree programme on its website. In addition to details on the admission to the degree programme, the recognition and crediting of formal, non-formal, and informal qualifications, study law as well as qualification levels, these shall include, as a minimum, the curricula and study regulations as well as examination regulations, model written training agreements and an outline of the quality management system.

Chapter 4: Entry into force

§ 22. Entry into force

(1) This decree shall enter into force on 4 July 2019.

(2) Section 2 para. 5, section 4 para. 2, section 9 para. 5 and section II para. 2 shall enter into force on 1 March 2021.

