

Approval of the Application
by Swiss Agency of Accreditation and Quality Assurance (AAQ)
for Renewal of Inclusion on the Register

Register Committee

Ref. RC18/2016

Ver. 1.0

Date 3/12/2016

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Application of:	7/9/2015
Agency registered since:	8/5/2012
External review report of:	July 2016
Review coordinated by:	GAC
Review panel members:	Volker Linneweber (chair), Ossi Lindqvist, Floris Lammens, Franziska Chuleck, Martin Molzahn / supported by Friederike Leetz (GAC staff)
Decision of:	3 December 2016
Registration until:	31 July 2021
Absented themselves from decision-making:	Andrea Blättler
Attachments:	<ol style="list-style-type: none"> 1. Confirmation of eligibility, 24/9/2015 2. External Review Report, July 2016 3. Applicant statement on the report, 31/5/2016 4. Request to the Review Panel, 26/10/2016 5. Request to SAR, 26/10/2016 6. Clarification by the Review Panel, 3/11/2016 7. Confirmation by SAR, 3/11/2016

1. The application of 7/9/2015 adhered to the requirements of the EQAR Procedures for Applications.
2. The Register Committee confirmed eligibility of the application on 24/9/2015.
3. The Register Committee considered the external review report of 1 July 2016 on the compliance of AAQ with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG, 2015 version).
4. The Register Committee further considered AAQ's Statement on the external review report (dated 31 May 2016).
5. The Register Committee sought and received clarification from the chair of the review panel as well as from the Swiss Accreditation Council (SAR).

Analysis:

6. The Register Committee considered that AAQ alone applied for renewal of registration. The external review panel noted that “AAQ can currently only be considered as a quality assurance agency in the European Higher Education Area together with SAR as its decision-making body” (p. 2). The panel consequently considered AAQ and SAR together in its report.
7. Given that SAR is a separate entity and did not apply, the Register Committee sought confirmation by SAR of the fact that it would become – as far as it is acting as supervisory body of AAQ –de facto part of AAQ’s registration on EQAR, and thus be affected by the resulting rights and obligations. A response to that effect was received on 8/11/2016.
8. The Register Committee found that the report provides sufficient evidence and analysis on AAQ’s and SAR’s level of compliance with the ESG.
9. The Register Committee concurred with the review panel’s analysis and conclusions regarding the individual European Standards and Guidelines, unless otherwise noted in the following specific comments:

ESG 2.1: The Register Committee noted that standards 1.1 – 1.10 are clearly addressed in AAQ’s procedures, with two exceptions: the review report noted that AAQ’s methodologies for evaluations and accreditation of basic medical training are currently under revision.

The Register Committee underlined that AAQ is required to make (a) Substantive Change Report(s) once the revisions have been completed.

ESG 2.3: While the external review report states that AAQ and SAR function well together as a unit, the external review panel considered that the “allocation of duties should be presented with greater transparency in the relevant guidelines” (p. 25).

The Register Committee noted that further comments regarding a certain lack of transparency of the precise roles of AAQ and SAR were made by the panel with regard to the criteria and procedure for selection of experts (see 2.4) as well as guidelines for SAR’s decision deviating from the expert-recommended decisions (see 2.5).

The Register Committee considered that transparency is crucial especially in a layered system such as that of AAQ and SAR. In the light of the panel’s reservations expressed, the Register Committee was

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unable to concur with the conclusion “substantially fulfilled”, but concluded that AAQ only partially complies with standard 2.3.

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ESG 2.6: The external review report pointed out that, based on the legal framework in Switzerland, AAQ considered that the publication of the full accreditation report, even with a positive result, would require the consent of the higher education institution concerned.

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The Register Committee noted that for its external quality assurance activities other than accreditation in Switzerland AAQ provides for the mandatory publication of full reports.

The report considered that – thus far – AAQ was able to agree upon the publication of reports with the higher education institutions on an individual case basis, through corresponding passage in the contracts; it had the express support of the Board of swissuniversities in doing so.

The report further notes that “AAQ currently has no option to effect the publication of negative decisions” (p. 37-38).

The external review panel took the view that nothing stood in the way of publishing all reports in full, given that the applicable law included an indirect reference to the ESG and, at the same time, no explicit provision that forbids the publication of full reports.

The Register Committee considered that the reference in the law is to “international standards” in general, but does not explicitly refer to or “import” the ESG by reference. It further considered that neither the external review report nor AAQ’s own documentation suggest that AAQ followed that argumentation.

The Register Committee therefore sought clarification by the review panel how it came to the conclusion that the standard was substantially fulfilled. The panel noted (see letter of 3/11/16) that the possibility of a report not being published was “at the moment a mere theoretical one”, and that AAQ seemed to “avoid discussions of legal theory as long as all works well”.

The Register Committee considered that in practice all positive reports are published. It welcomed the agreement of swissuniversities to that effect, while noting that it constitutes a political and not a legally binding commitment.

Considering the panel report, clarification and – most importantly – AAQ’s own statement, the Register Committee found no evidence that AAQ would interpret the law as suggested by the panel, or refuse to

enter a contract with a higher education institution that does not agree to the publication of the report.

The Register Committee therefore concluded that there is a possibility – even though theoretical – that a higher education institution may refuse the publication of the accreditation report.

The Committee also noted that the existing arrangements do not affect procedures resulting in a negative decision.

The Register Committee therefore concluded that AAQ’s practice did not change compared to the time when it was admitted (then as OAQ) to the Register, and the issue of publication of reports was flagged for future attention.

Consequently, the Register Committee was unable to concur with the review panel’s conclusion and considered that AAQ only partially complies with standard 2.6.

ESG 2.7: The Register Committee noted that AAQ and SAR provide a formalised complaints process for higher education institutions.

The external review panel was, however, “more critical of the limited subject scope of the complaints procedure because, (...), higher education institutions can currently only complain about SAR’s decisions and not about possible errors in the implementation of the procedure” (p. 41).

Given the limited scope of complaints, the Register Committee was unable to follow the review panel’s conclusion and concluded that AAQ only partially complies with standard 2.7.

ESG 3.3: The Register Committee noted that the review panel confirmed the organisational independence of SAR and AAQ in practice, despite a residual potential influence by the agency’s sponsors and clients, which was described as a “risk to the agency’s independence that should not be underestimated” (p. 48-49).

While the review panel considered that the concrete organisation of the selection procedure of SAR members guarded against any possibility that one side may exert a particular influence, the review panel noted that the selection procedure was not codified in any official document. Consequently, the panel recommended to specify the selection procedures and criteria in a binding document.

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The review panel further noted that SAR applies equivalent principles of conduct than AAQ, but that this was not sufficiently transparent at the present. The panel advised SAR to set down these principles in its own code of conduct or, for example, to adopt AAQ’s existing code of conduct, and to ultimately publish its code of conduct.

While the Register Committee concurred with the panel’s conclusion that AAQ (substantially) complies with the standard, it underlined the importance of the above-mentioned recommendations by the panel.

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Conclusion:

10. Based on the external review report and the considerations above, the Register Committee concluded that AAQ demonstrated compliance with the ESG (Parts 2 and 3) as follows:

Standard	Review panel conclusion	Register Committee conclusion
2.1	fulfilled	Compliance
2.2	substantially fulfilled	Compliance
2.3	substantially fulfilled	Partial compliance
2.4	substantially fulfilled	Compliance
2.5	substantially fulfilled	Compliance
2.6	substantially fulfilled	Partial compliance
2.7	substantially fulfilled	Partial compliance
3.1	substantially fulfilled	Compliance
3.2	fulfilled	Compliance
3.3	substantially fulfilled	Compliance
3.4	substantially fulfilled	Compliance
3.5	substantially fulfilled	Compliance
3.6	substantially fulfilled	Compliance
3.7	(not expected)	Compliance (by virtue of applying)

11. **The Register Committee considered that AAQ only achieved partial compliance with some standards. In its holistic judgement, the Register Committee concluded that these are specific and limited issues, but that AAQ continues to comply substantially with the ESG as a whole.**
12. **The Register Committee therefore renewed AAQ’s inclusion on the Register. AAQ’s renewed inclusion shall be valid until 31/07/2021¹.**

¹ Inclusion is valid for five years from the date of the external review report, see §4.1 of the EQAR Procedures for Applications.

13. The Register Committee further underlined that AAQ is expected to manage the issues mentioned appropriately and resolve them at the earliest opportunity.
14. As far as it is acting as supervisory body of AAQ, the Swiss Accreditation Council (SAR) is part of this registration and the resulting


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Swiss Agency of Accreditation and Quality Assurance (AAQ)

Ms Laura Beccari

Effingerstrasse 15

3001 Bern

Switzerland

Brussels, 24 September 2015

Confirmation of Eligibility: Application for Renewal of Registration

Dear Laura,

We hereby confirm that the application by AAQ for renewal of registration is eligible.

Based on the information and draft terms of reference provided, the external review coordinated by the German Accreditation Council (GAC) fulfils the requirements of the EQAR Procedures for Applications.

We confirm that the following activities of AAQ are within the scope of the ESG:

- Institutional accreditation of Swiss institutions
- Programme accreditation
- Institutional quality audits (currently in Austria)
- System accreditation of German institutions
- Evaluation of institutions and programmes (including EUR-ACE label reviews)

Please ensure that AAQ's self-evaluation report covers all the aforementioned activities.

Furthermore, the self-evaluation report should cover the rules and criteria applied by AAQ in taking into account the results of other external quality assessments (according to art. 9 par. 3 of the Accreditation Guidelines).

We further remind you that the following issues were flagged when AAQ (then named OAQ) was admitted to the Register, and should be addressed in your self-evaluation report and the external review report:

ESG 2.2 – Development of QA processes

The involvement of stakeholders, especially students, in developing [AAQ's] quality assurance processes should receive attention.

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ESG 2.6 – Publication of Reports [ESG 2005: standard 2.5]

It should receive attention whether [AAQ] has made changes towards publishing all reports in full, including those where the outcome is negative and those where the final decision is not made by [AAQ]. This includes both to changes under the expected new legal framework, as well as exploring possibilities within the current legal framework.

ESG 3.6 – Accountability procedures [ESG 2005: standard 3.6]

It should receive attention whether [AAQ] has organised in a more structured and formalised manner its internal and external feedback processes and relations with all stakeholders.

We kindly ask you to forward this letter to GAC as the coordinator of the external review and request that GAC inform the review panel, so as to ensure that all these activities are analysed by the panel.

This confirmation is made according to the relevant provisions of the EQAR Procedures for Applications. AAQ has the right to appeal this decision in accordance with the Appeals Procedure; any appeal must reach EQAR within 90 days from receipt of this decision.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Colin Tück'.

Colin Tück
(Director)

Cc: German Accreditation Council (GAC)



Position statement of the Swiss Agency of Accreditation and Quality Assurance for accreditation (AAQ) on the external review report for verification of compliance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG), in the frame of the AAQ renewal of both ENQA membership and EQAR registration, coordinated by the German Accreditation Council.

Bern, 31 May 2016

Statement

The German Accreditation Council (GAC) has invited us in its letter from the 12 May 2016 to give a statement on the draft of the report stated in the subject. We are very grateful for this opportunity!

The Swiss Federal Act on the Funding and Coordination of the Higher Education Sector (HEdA), which entered into force on 1 January 2015, changed the structure of the Swiss accreditation landscape, which at the time of the assessment is still new and therefore not been tested much. At the same time AAQ is active in three countries (Switzerland, Germany, Austria) and five legal frameworks (Swiss Federal Act on Funding and Coordination of the Higher Education Sector, Medical Professions Act, Psychology Professions Act, GAC Rules and the Austrian HS-QSG). We are therefore pleased to see that we can recognise ourselves in the considerations (documentation and evaluations) of the expert group. We have been glad to take note of many positive findings and comments about the AAQ.

In accordance with the GAC rules for accreditation of agencies, the report which we have received does not contain the recommended resolutions of the expert group, i.e. the passages under "Recommendations" are empty for each standard/criterion. The summary at the end of "6. Recommendations from the expert group" is also missing.

Drafting a statement on this basis will involve certain challenges. However, as far as we can anticipate the recommendations of the expert group from their considerations (documentation and evaluation), we expect valuable suggestions for the further development of the agency. We are convinced that the final version of the report will make an evaluation of the agency both with regards to the accreditation by the Accreditation Council and the renewal of membership of ENQA and EQAR, which we can share fully and the recommendations will lead us into the coming five years.

However, we see a need for clarification for two aspects of the Swiss accreditation landscape that are relevant to several standards and criteria:

- AAQ accreditation proposals made at the intention of the Swiss Accreditation Council;

- Relationship between AAQ and Swiss Accreditation Council.

We will dedicate the first part of our statement to these two points. In the second part we will make a statement on the considerations of certain standards and/or criteria.

AAQ accreditation proposals made at the intention of the Swiss Accreditation Council

In all procedures which lead to a decision, the AAQ, based on the self-evaluation report and the outside evaluation report, places a proposal for accreditation, which may differ from the accreditation recommendation of the expert group which performed the external assessment. For procedures in Switzerland, this step is laid out in the respective legal foundations: Article 14 of the Accreditation guidelines for accreditation according to HEdA, Article 27 Paragraph 5 of MedPA for the accreditation of further education in medicine and Article 15 Para. 4 PsyPA for accreditation according to the Psychology Professions Act.

This stage of the procedure is described in the guidelines of all the procedure formats.

In the procedures according to HEdA and in the procedures in Germany and Austria, the proposal for accreditation is equivalent with the proposal for a decision prepared for the decision-making committee. The accreditation authority (Swiss Accreditation Council) has the final say, meaning it may deviate from the proposed decision. However the accreditation authority may not formulate a new resolution ad hoc; it must return the matter to the agency to be edited.

In the procedures according to MedPA and PsyPA, the proposal for accreditation is the basis for the proposal for a decision, which is formulated by the responsible federal office and may differ from the proposal of the agency. The Swiss Accreditation Council adopts the proposal for a decision for the attention of the federal office, meaning that as a supervisory body over the AAQ it ensures the internal quality assurance.

The AAQ has (since the period of OAQ) been reshaping the reports based on a recommendation from the latest ENQA review in such a way that the cascade of recommendation for accreditation, proposal for accreditation and accreditation decision is depicted and deviations are transparently shown. If the proposal for accreditation (i.e. the proposal for a decision) goes to a decision-making body outside of the agency (procedure according to HEdA, accreditations according to MedPA and PsyPA), the AAQ shall make it transparent in the report: The proposal of the AAQ for accreditation is documented first. After the responsible ministry has issued the order (decision), this shall also be included in the report.

The AAQ has made use of the possibility to deviate from the recommendation of the expert group/expert commission in their application only in very few cases to date. The AAQ accompanies the expert group / expert commission very closely and therefore has the chance to clear up any misunderstandings early on and ensure consistency in the conditions before the revisions to the report are completed.

Relationship between AAQ and Swiss Accreditation Council

The draft of the HEdA submitted to the parliament was based on the assumption, that the accreditation agency and Accreditation Council build a union. In the parliamentary debate accreditation was liberalised, meaning that licensing of additional agencies was allowed without adjustments being made regarding the relationship between the accreditation agency and Accreditation Council.

In the context of the preparation of the decrees, particularly the organisational regulations of the Swiss Accreditation Council (OReg-SAR), the AAQ advocated for the explicit creation of their own committee structure. Since no other agencies were licensed at that time, the fiscal considerations had much more weight than the hypothetical question of good governance.

Together with the Accreditation Council, the AAQ developed a structure which takes account of both the fiscal politics and good governance: The Accreditation Council acts on the one hand as an accreditation body according to Article 21 of the HEdA (Article 14 OReg-SAR). On the other hand the Accreditation Council acts as a supervisory body over the AAQ (Article 15 OReg-SAR) and takes responsibility for tasks, which usually are carried out by the board, accreditation commissions or/and programme committees in German agencies.

With regard to the premise of the expert group formulated in the introduction (“As a quality assurance agency in the European Higher Education Area, the AAQ is ... only feasible with the SAR as its decision-making committee.”), we emphatically state, that:

- The Swiss Accreditation Council is the regulator and decision-making body for procedures according to HEdA. This role clearly separates the SAR from the accreditation agencies role (conducting the procedures) – whether that be the AAQ or another licensed agency.
- The Swiss Accreditation Council as the supervisory body over the AAQ shall assume the role of the committees of the AAQ. In this function it is – similarly to the board, the accreditation commission or the programme committees of a German agency – a part of the AAQ; the Swiss Accreditation Council is the committee structure of the AAQ.

Both functions are clearly isolated from one another in the organisational regulations. The organisational regulations allow the Swiss Accreditation Council to delegate the role of the committee structure to an accreditation commission yet to be founded. It has however decided to currently exercise this role itself. However, even if the same people attend to both areas of responsibility, they shall in each case sit at the table in separate capacities.

The AAQ in turn is first and foremost accreditation agency within the meaning of Article 22 HEdA. For fiscal reasons it ensures the task of the head office of the Accreditation Council, for which it is compensated at a fixed rate. With regard to good governance, the AAQ has taken organisational and technical measures to distinguish between the accreditation operation and the head office of the SAR.

Comments on the standards / criteria in detail

ESG 2.3:

Documentation / decision-making procedure: see above, Relationship between AAQ and Swiss Accreditation Council. The Accreditation Council as the supervisory body (i.e.: accreditation commission) of AAQ takes the final decision in procedures for system accreditation and in quality audits. This is also shown by the fact that the certificate bears the logo of the agency and is signed by both the President of the SAR and the Director of the AAQ.

Evaluation / decision-making procedure: see above, Relationship between AAQ and Swiss Accreditation Council. The AAQ proposes a decision, i.e. the draft for a decision. The proposal of the AAQ may differ from the recommendation of the expert group.

ESG 2.6:

Documentation: The AAQ places great value on the higher education institutions not just being able to give a statement on the factual accuracy of the report of the expert group, but being able to make a statement on the draft decision (due process).

Criterion 2.2.1:

Evaluation: see above, Relationship between AAQ and Swiss Accreditation Council. The AAQ has its own committee structure, in which the Swiss Accreditation Council as the supervisory body of AAQ performs the tasks of a board, an accreditation commission and programme committee.

Certification for programme accreditation: For the AAQ, the “Rules of the Accreditation Council for the Accreditation of Agencies” from 8 December 2009, as amended on 10 December 2010, were not the only reason to apply for certification for system and programme accreditation. The AAQ wants to enter into a comprehensive partnership with higher education institutions which have been awarded with the system accreditation; this partnership shall also include the possibility of carrying out programme accreditations. The AAQ explicitly confirms its application to be able to implement programme accreditation in Germany. The corresponding guideline and, as described by the expert group, the necessary professional expertise as well are available.

Criterion 2.3.1

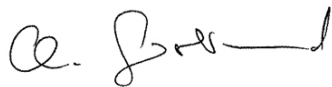
Evaluation: see above, Relationship between AAQ and Swiss Accreditation Council. In the current structure, i.e. without the Accreditation Council delegating its task as a supervisory body to an accreditation commission (as per Art. 15 Para. 1 Item D OReg-SAR), the Accreditation Council takes decisions in the procedures on behalf of third parties not as an accreditation body in accordance with HEdA, but rather as the supervisory body of the AAQ. With regards to revisions to accreditation decisions, the AAQ would submit a justified demand of the (German) Accreditation Council to the Swiss Accreditation Council as a proposal for decision. As the supervisory body of the AAQ, it must take a decision on the submission.

The Swiss Accreditation Council has made it clear that as the regulator for the accreditation landscape of Switzerland, it cannot endorse the agreement of an agency operating in Switzerland with the Accreditation Council (Germany). It is however prepared to change its organisational regulations so that the task of deciding on the procedures on behalf of third parties in terms of an accreditation commission is explicitly laid out in the regulations (in Article 15).

Based on the considerations (documentation and evaluation) of the expert group, we anticipate recommendations or conditions that are aimed at the Swiss Conference of Higher Education Institutions (SHK) (composition of and method of selecting the members of the Accreditation Council) and the Swiss Accreditation Council. The AAQ will of course inform both bodies of any possible recommendations. The AAQ may not however implement any options, recommendations or conditions for the attention of the SHK, nor influence their implementation. Recommendations and conditions for the attention of the Swiss Accreditation Council likewise may only be implemented by the Swiss Accreditation Council. However the AAQ has the possibility of advocating and justifying any possible recommendations and conditions at the meetings of the Swiss Accreditation Council.

Thank you in advance for kindly reviewing our arguments and deliberations.

Faithfully,

A handwritten signature in black ink, appearing to read 'C. Grolimund', with a stylized flourish at the end.

Dr. Christoph Grolimund

Director

Volker Linneweber

Chair of the external review of AAQ

– via email –

Brussels, 26 October 2016

Application by the Swiss Agency for Accreditation and Quality Assurance (AAQ) for renewal of registration on EQAR

Dear Mr Linneweber,

AAQ has made an application for renewal of inclusion on the European Quality Assurance Register for Higher Education (EQAR).

We are contacting you in your capacity as chair of the expert panel that prepared the external review report of 1 July 2016, on which AAQ's application is based.

The EQAR Register Committee's rapporteurs have been considering the application and the external review report. We would be obliged if you could clarify, in consultation with the panel members, some matters in order to contribute to the consideration of AAQ's application:

1. The panel considered that **further education courses pursuant to MedPA** "do not necessarily fall within the ESG's area of application" (review report, p. 16).

We note that, unlike basic medical education, these courses do not lead to Bachelor or Master degrees. At the same time, the ESG relate to "higher education in its broadest sense, including that which is not part of a programme leading to a formal degree" (ESG 2015, p. 9).

Please elaborate on the aspects the panel considered when concluding that these courses are not part of the higher education system.

Furthermore, please clarify the panel's view as to whether accreditation of specialist postgraduate psychology education should be considered within the scope of the ESG.

2. With regard to **standard 2.6 (reporting)** and accreditation pursuant to HEdA, the panel noted that AAQ is currently only able to publish expert reports with the consent of the higher education institution

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concerned, given that there is no explicit legal basis for the obligatory publication of expert reports.

Whereas the report notes that, so far, all institutions have agreed with the publication of the expert report, we understand that there is currently no binding agreement or other sort of guarantee that would enable AAQ to publish reports in all cases.

We assume that the panel's judgement of standard 2.6 being "substantially fulfilled" is based on the reasoning that Art. 32 HEdA includes the ESG by reference and thus "nothing stands in the way of [AAQ] publishing all reports in full" (p. 39), including in negative cases and, if necessary, also without the institution's consent.

AAQ's self-evaluation report and its statement on the external review report leave open whether AAQ has decided to follow this reasoning and publish full reports for all accreditation procedures.

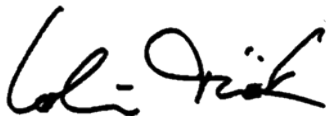
Please clarify whether the panel has received reliable assurances that AAQ would follow this reasoning or, in the absence of those, please clarify how the panel came to the conclusion of "substantially fulfilled" despite AAQ's inability to ensure the publication of all reports in a key area of activity.

We be would grateful if it was possible for you to **respond by 7 November 2016**, and we would appreciate if you get in contact with us should that not be feasible.

Please note that EQAR will publish this request and your response together with the final decision on AAQ's application. We, however, kindly ask you to keep information related to the application confidential until the final decision has been published.

We acknowledge that it might not be possible to clarify all of the above. However, we appreciate your assistance and I shall be at your disposal if you have any questions in relation to this request.

Kind regards,

A handwritten signature in black ink, appearing to read 'Colin Tück'.

Colin Tück
(Director)

Cc: GAC (coordinator and secretary)
AAQ

EQAR | Oudergemselaan/Av. d'Auderghem 36 | BE-1040 Brussels

Swiss Accreditation Council (SAR)

Jean-Marc Rapp, President

– via email –

Brussels, 26 October 2016

Application by the Swiss Agency for Accreditation and Quality Assurance (AAQ) for inclusion on EQAR

Dear Jean-Marc,

AAQ made an application for renewal of its registration on the European Quality Assurance Register for Higher Education (EQAR), which was inherited from the Swiss Centre of Accreditation and Quality Assurance (OAQ).

We are contacting you in your role of supervisory body over the AAQ.

The EQAR Register Committee's rapporteurs have been considering the application and the report of 1 July 2016 on the external review of AAQ, coordinated by the German Accreditation Council (GAC), which forms the basis of our Register Committee's decision.

The expert group carrying out the review found that "AAQ can currently only be considered as a quality assurance agency in the European Higher Education Area together with SAR as its decision-making body" (p. 2). It further considered "this structure to be sustainable and has therefore included SAR throughout the assessment procedure" (idem).

In its statement on the report, AAQ noted that the "Swiss Accreditation Council as the supervisory body over the AAQ shall assume the role of the committees of the AAQ", and that "the Swiss Accreditation Council is the committee structure of the AAQ".

While the application for renewal of registration was made by AAQ alone, we note that the Swiss Accreditation Council plays an integral role in the activities of AAQ, as its supervisory and decision-making body, and, thus, forms an integral part of the expert group's analysis.

In case the application is successful, the SAR – as far as it is acting as supervisory body of AAQ – would become de facto part of AAQ's registration on EQAR and thus be affected by the resulting rights and obligations.

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EQAR Founding Members:



Given that SAR is a separate and independent entity we therefore kindly ask you to confirm that SAR is aware of and endorses the application for renewal of registration.

We would be obliged if it was possible for you to **respond by 7 November 2016**, and we would appreciate if you get in contact with us should that not be feasible. Please note that EQAR will publish this request and your response together with the final decision on AAQ's application.

We appreciate your assistance and I shall be at your disposal if you have any questions in relation to this request.

Kind regards,

A handwritten signature in black ink, appearing to read "Colin Tück".

Colin Tück
(Director)

Cc: AAQ

Mr. Colin Tück
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03. November 2016

Dear Mr. Tück,

Thank you for your letter from October 26th. I am happy to give you further explanations to your questions.

Question 1: I think the main point here is that in Switzerland, medical further education is not necessarily conducted by higher education institutions. As far as the panel understood, in fact most of these courses are organized by non-HE institutions but it is not forbidden for HEIs to offer them.

Therefore the panel came to the conclusion that the area of medical further education in Switzerland does not, in general, belong to the area of higher education. This is why we wrote the sentence you quoted that these courses “do not necessarily fall within the ESG’s area of application”.

AAQ has stated that the agency nevertheless intends to conduct these procedures in accordance with the ESG. The panel has had a look into AAQ’s dealings with this matter (they are ok) but not written so much about it in the review report: It is always a good idea to use the ESG also in educational fields (mostly) outside higher education but this is a voluntary act of AAQ that has no substantial influence on the fulfilment of the ESG.

To the mentioned area of accreditation of specialist postgraduate psychology, the same is true.

Question 2: Let me quote your letter where you write about “AAQ's inability to ensure the publication of all reports in a key area of activity”. This is an interpretation of the situation in Switzerland the panel would not concur with. In our view, the most important fact was that all AAQ review reports are published, for many years and as far as we looked back.



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The possibility that due to Swiss law, a report might not be published, is at the moment a mere theoretical one. We had a discussion between the panel and AAQ about the meaning and consequences of Art. 32 HdEA. AAQ was indeed reluctant to state that this would give her the power to publish reports in a case of conflict. Our interpretation was that AAQ is inclined to avoid discussions of legal theory as long as all works well which is the case as mentioned above. In addition, the board of swissuniversities recommends the publication of the reports. This might be a soft law approach but as there is ample evidence (and no counter-evidence) that it works, we came to the conclusion that standard 2.6 is substantially fulfilled.

Best regards,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Volker Linneweber



SCHWEIZERISCHER AKKREDITIERUNGSRAT
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Mr.
Colin Tück
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Bern, 3 November 2016

Application by the Swiss Agency for Accreditation and Quality Assurance (AAQ) for inclusion on EQAR

Dear Colin

The Swiss Accreditation Council (SAC) has two functions – both by law (Higher Education Act, HEdA):

Its first responsibility is to take all decisions on accreditation according to the Swiss law (Art. 33 HEdA). In this capacity the Accreditation Council also regulates the accreditation landscape: the Accreditation Council recognises and supervises other national or international agencies (Art. 21 Para 7 HEdA).

Its second responsibility is to supervise AAQ (Art. 22 Para 2 HEdA) as a non-autonomous body installed according to public law. In this capacity the Accreditation Council appoints the Director of AAQ and supervises the budget and the financial statement of AAQ.

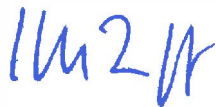
As AAQ needed to put together a committee structure that ensures internal quality assurance for all external quality assurance procedures and that takes decisions in external quality assurance procedures outside the HEdA, the Accreditation Council and AAQ agreed that the Accreditation Council takes this responsibility as well.

With regard to your question I can confirm that the SAC is aware of AAQ's application for renewal of registration and endorses this application. In fact the SAC has closely accompanied the process. As the committee structure of AAQ we accept the resulting rights and obligations.

However, it is important to stress, that the resulting rights and obligations do not affect the SAC's function as defined by HEdA, only his role as the committee structure of AAQ.

Finally, I can confirm that the SAC respects the ESG and applies them in the whole scope of its activities.

Kind regards



Jean-Marc Rapp

President

Copie:

– AAQ