

Recognition of academic qualifications

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A. Legal framework

a) Lisbon Convention

The legal framework for the recognition of qualifications (degrees) and credits is provided by the implementation of the "Convention on the Recognition of Qualifications concerning Higher Education in the European Region" (so-called Lisbon Convention)¹. The aim of this convention is to improve the recognition of qualifications and study and examination achievements in order to increase the mobility and flexibility of students, e.g. in the context of a national or international change of university or type of a higher educational institution or in the context of studying abroad. The Lisbon Convention was drawn up in 1997 under the auspices of the European Council and UNESCO, ratified in Germany in 2007 and implemented by resolution of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany on 15 October 2009.

b) Bavarian university law

The country-specific implementation of the resolution of 2009 applicable to Bavaria was made in Art. 63 BayHSchG - "Recognition of competencies".²

The following extracts from the Bavarian University Law (Bayerisches Hochschulgesetz) has not been translated, because it is an official legal document. The full document can be found on the Bavarian Government page.

Art. 63

Anrechnung von Kompetenzen

- (1) Studienzeiten, Studien- und Prüfungsleistungen, die in Studiengängen an anderen staatlichen oder staatlich anerkannten Hochschulen in der Bundesrepublik Deutschland, durch die erfolgreiche Teilnahme an einer Fernstudieneinheit im Rahmen eines Studiengangs an einer staatlichen oder staatlich anerkannten Hochschule in der Bundesrepublik Deutschland oder in Studiengängen an ausländischen Hochschulen erbracht worden sind, sind anlässlich der Fortsetzung des Studiums, der Ablegung von Prüfungen, der Aufnahme eines weiteren Studiums oder der Zulassung zur Promotion anzurechnen, außer es bestehen wesentliche Unterschiede hinsichtlich der erworbenen Kompetenzen (Lernergebnisse). Gleiches gilt für Studienzeiten, Studien- und Prüfungsleistungen, die an einer staatlichen oder staatlich anerkannten Hochschule in Bayern im Rahmen von sonstigen Studien nach Art. 56 Abs. 6 Nrn. 1 und 2, in speziellen Studienangeboten nach Art. 47 Abs. 3 Satz 1 oder an der Virtuellen Hochschule Bayern erbracht worden sind. (2)
- (2) Kompetenzen, die im Rahmen sonstiger weiterbildender Studien nach Art. 56 Abs. 6 Nr. 3 oder außerhalb des Hochschulbereichs erworben wurden, können angerechnet werden, wenn sie gleichwertig sind. Außerhalb des Hochschulbereichs erworbene Kompetenzen dürfen höchstens die Hälfte der nachzuweisenden Kompetenzen ersetzen.
- (3)

¹ Bundesgesetzblatt Jg. 2007 Teil II Nr. 15, S. 712-732

² www.gesetze-bayern.de/content/document/BayHSchG-63

The Bavarian university law uses the term "recognition" almost exclusively in connection with the equal treatment of non-governmental and state universities. With regards to competences, however, it speaks of "crediting".

The criterion for the recognition of achievements is the acquired skills (learning outcomes), which must not differ significantly from the respective required achievements. The Bavarian university law does not distinguish between achievements acquired in Germany and those acquired in (European) countries outside Germany, but assumes that the Lisbon Convention applies without restriction in any particular place.

c) RaPO and Allgemeine Prüfungsordnung der Hochschule (APO)

DIT's framework examination regulations and the APO (Allgemeine Prüfungsordnung) respectively regulate in applying the Art. 63 BayHSchG, in particular the procedure and responsibilities for the crediting of competencies to DIT.

Extract from § 4 of the General Examination Regulations of the Deggendorf Institute of Technology (DIT) in the version of 15.03.2015 or 15.06.2015³

The following extracts from the General Examination Regulations of DIT has not been translated, because it is an official legal document. The full document can be found on the university's website.

(3) "Kompetenzen, insbesondere Kenntnisse und Fähigkeiten, die außerhalb des Hochschulbereichs erworben wurden, insbesondere im Rahmen einer einschlägigen erfolgreich abgeschlossenen Berufs- oder Schulausbildung, sonstigen weiterbildenden Studien oder einer berufspraktischen Tätigkeit, können auf zu erbringende Leistungen des Studiums angerechnet werden, wenn sie gleichwertig sind. Studierende mit einschlägiger abgeschlossener Berufsausbildung und einer mindestens 12monatigen überwiegend zusammenhängenden praktischen beruflichen Tätigkeit werden auf Antrag Zeiten ganz oder teilweise auf das praktische Studiensemester angerechnet, soweit Inhalt und Zielsetzung der Berufsausbildung und der praktischen beruflichen Tätigkeit mit den Ausbildungszielen und -inhalten des praktischen Studiensemesters gleichwertig sind. Solche außerhalb des Hochschulbereichs erworbene Kompetenzen dürfen höchstens die Hälfte der im Studium zu erbringenden Kompetenzen ersetzen."

(4) Die Anerkennung bzw. Anrechnung nach den Absätzen 1 bis 3 setzt einen Antrag voraus und kann nur erfolgen, wenn die Studienzeit, oder Prüfung, die aufgrund der Anerkennung/Anrechnung erlassen werden soll, noch nicht erbracht wurde bzw. ein Antritt zur Prüfung noch nicht erfolgt ist. Der Antrag ist spätestens bis zum Ende der Vorlesungszeit des Studiensemesters im Studienzentrum zu stellen, in dem die Immatrikulation oder ein Studiengangswechsel erfolgen. Die für die Anerkennung/Anrechnung erforderlichen Unterlagen sind von der Antragstellerin, dem Antragsteller, in eigener Verantwortung zusammen mit dem Antrag vorzulegen. Die für die Entscheidung zuständige Prüfungskommission legt Art und Umfang der erforderlichen Unterlagen näher fest und gibt diese Festlegungen rechtzeitig hochschulüblich bekannt.

³ <https://www.th-deg.de/de/studierende/studenten-und-pruefungsverwaltung/hochschulrecht/satzungen-und-verordnungen>

B. Crediting of skills

The following explanations are limited to the recognition of competencies/credits. For questions regarding the recognition of qualifications (degrees), please contact the individual contact persons in the respective faculties.

Requirements for crediting

aa) Achievements - Skills

The main parts of crediting consist of achievements by the students. The outcome of learning and achievement processes, the acquired skills of the students, which essential difference is a vital test criterion, should be taken into account. Skills (learning outcomes) provide information on the abilities that students have acquired after completing a module, an entire course of study or vocational training.

bb) Study and examination credits acquired in university education (higher education achievements)

It is not relevant for the recognition of achievements whether the students have achieved the credits at their own or a different university, at a university of applied sciences, in the vocational education and training system or in Germany or abroad. These so-called higher education achievements are to be credited if there is no significant difference with regard to the acquired skills (learning outcomes).

If there is **no substantial difference**, achievements **must** be recognised:

- Study programmes offered by state or state-recognised domestic or foreign universities,
- Open university learning units offered by state or state-recognised universities in Germany,
- Other studies offered by a state or state-recognised university in Bavaria (Art. 56 para. 6 nos. 1 to 3 BayHSchG),
- Special study programmes according to Art. 47 para. 3 p. 1 BayHSchG
- Special programmes offered by the Virtual University of Bavaria.

cc) Skills acquired outside the higher education sector (non-academic competences)

Skills that are acquired in the context of other further education studies or outside higher education (non-university competences), can be credited if they are **equivalent** to university credits.

Skills acquired outside higher education, i.e. in particular:

- Relevant, successfully completed vocational training
- Relevant, successfully completed school education
- Practical occupational activity

*> may replace up to 50% of credits
(=total ECTS)*

may not replace more than half of the achievable credits

b) Assessment of Skills (Learning achievements)

The above-mentioned legal framework assumes that credits achieved at universities are to be credited, unless there are substantial differences in the skills acquired (learning outcomes) or the skills acquired outside the higher education sector are not equivalent regarding content and educational level.

aa) Competence

The decision on recognising credits is made regularly by the audit commission in accordance with the Examination Regulations or the APO of DIT by involving the statement of the representative of the relative module.

bb) Application

The recognition of credits of study and examination achievements always requires an application by the students; there is no official recognition.

As a rule, students shall submit the application for recognition of academic achievements with help from the university-wide application form. The application must be submitted by the end of the lecture period of the study semester at the centre for studies, in which the enrolment or the change of the course will follow. The documents required for the recognition must be submitted by the applicant on one's own responsibility together with the application. The Examination Commission responsible for the decision determines the type and scope of the required documents in more detail and announces these determinations in advance in accordance with university practice.

Students within the scope of their obligation to cooperate, are obliged to provide all the necessary evidence for the examination of any significant differences between the skills or the equivalence of competences with the application. The documents must show the acquired skills, the scope of the module, the home institution and similar.⁴

cc) Identification of skills (Learning achievements)

The module representative determines the acquired skills in advance of the statement on the basis of the documents submitted by the students. If it turns out, during the determination of the

⁴ Handreichung des Runden Tisches Anerkennung der HRK – „Kriterien für gute Anerkennung und gute Anerkennungsverfahren, Juni 2016, S. 6

competences, the submitted documents are not sufficient for the assessment of credibility, the student must submit further documents. If this is not successful, recognition is not possible.

If the skills were acquired at their own university, the module descriptions from the module manuals should be used.

In the best case, the skills acquired in the non-university sector can also be determined via the module descriptions. If this is not the case, alternative sources should be used. These can be: personal discussions with the applicant in order to clarify the learning outcomes, review of examination tasks and materials, (internet) research on the (study) offer of the external institution, contacting the responsible specialist representative of the external institution. However, there is no obligation to conduct your own research; the evidence must be provided by the student.

Not valid are oral or written examinations to determine learning outcomes (students have already completed the course) and requests for extensive summaries/synopses of scripts, teaching, learning or examination materials.

dd) Examination of substantial difference/equivalence

Criterion for the recognition of achievements already achieved at a university is the absence of substantial differences between skills (learning outcomes). Credit is therefore given if the skills already acquired do not substantially differ from those which should have been acquired at DIT. As the concept of substantial difference already makes clear a difference between the competencies, as well as the framework of the Lisbon Convention. However, this should not be substantial. Whether the difference is substantial is measured by the following examination standards:

Priority:

- **Level of learning outcomes** (detailed evaluation and comparative assessment)

Taxonomies provide information about the level of a learning outcome on the basis of levels of knowledge. DIT recommends that you use the taxonomy that is already applied in the module descriptions of their study programmes.

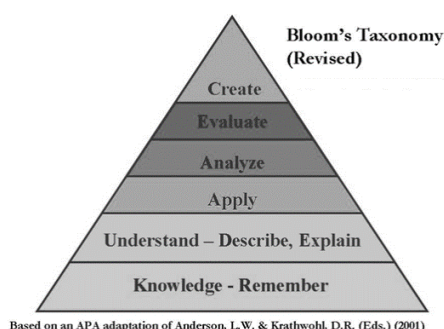


Abb.: Taxonomie zur Strukturierung von Lernzielen nach Bloom (1956) bzw. Anderson und Krathwohl (2001)

The intellectual demand on the thinking performance increases with the sequence of the steps whereby "knowledge" has the lowest requirements and "creation" the highest. Higher cognitive performance includes those at lower levels, putting this one ahead.

- **Learning outcomes** (highly divergent learning outcomes, not course content)
- **Programme profile** (overall qualification goal)

Lower priority:

- **Workload** (ECTS credits)
- **Formal quality** (grading system, quality assurance / accreditation of the programme, ranking of the institution and the overall qualification)

However, decisive questions in the context of the examination for essential differences are: **Do the achievements already achieved by the student enable him/her to continue his/her studies successfully and is the overall qualification goal of the course of studies still attainable?** Only at the point where the success of the course of studies is endangered a substantial difference can be assumed. The assessment is always carried out in the overall context of the degree programme or qualification profile. This is particularly decisive when it comes to the recognition of compulsory modules. When modules are recognised for those of a very wide range of electives a completely different achievement can be recognised.

If the achievements are acquired outside the university sector, the question of **equivalence** of skills is the main criterion for the recognition of services. Equivalence does not mean similarity in the sense of full identity. The equivalence of learning outcomes must be assessed within both, **a content and level-related manner:**

- **Content-related equivalence** of learning outcomes does not presuppose complete conformity of learning contents or subjects. This means that the subject matter, which is used to achieve the skills, does not have to be identical (Example: It does not matter whether the ability to teach the structure of classical literary work has to be conveyed on the basis of a work by Goethe or Schiller).
- **Level-related equivalence** is given if the level defined by the learning process in a module are identical to the action skills (= learning outcomes) acquired in the module (cf. taxonomy above).

Content-related and level-related equivalence must exist side by side for the crediting of services. Credits acquired outside the university sector can only be credited to a maximum of 50% of the credits to be acquired in the course of study (total ECTS points).

Care must be taken to ensure that statements made once regarding the absence of a substantial difference or statements of equivalence are transferable to other cases - identical applications for recognition (compliance with the principle of equality). Under certain circumstances, it is advisable to create a corresponding (regularly updated) list or database.

ee) Recognition of ECTS points, grading, semester classification

Where the absence of substantial differences or the equivalence of learning outcomes has been established, the recognition of achievements is as follows:

- **ECTS credits**

Students usually receive the number of ECTS points awarded for the services provided by DIT. In the case of non-academic achievements, the upper limit for recognition is 50% of the total number of ECTS points to be earned in a course of study. According to the principle of substantial difference, the number of ECTS points does not have to be identical.

Proposed solutions for selected case constellations⁵

Constellation 1:

The module to be credited and the skills imparted in it are not included in the study programme.

Solution:

Crediting is not possible. The module can only be included in the transcript of records as additional information. Not mandatory.

Constellation 2:

Although similar skills were taught in the module to be credited, the examination form differs from that of the programme

Solution:

The module is to be credited. A different form of examination has no effect on the acquisition of skills.

Constellation 3:

The assessment systems of the module to be recognised and of the own module diverge.

Solution:

⁵ BeckOK Hochschulrecht Bayern/Aulehner BayHSchG Art. 63 Rdn. 73 ff

The module is to be credited. If the module to be credited has been graded, the module of the course of study is graded with "passed/failed", the module is received with the grading passed.

If the module to be credited has been assessed as passed, but not graded and if the module of the study programme is graded, either a subsequent grading can be made or the module can only be used with the evaluation of the results of the "passed" without a grade. If the grading system applicable to the module to be credited and of your own degree programme differ considerably, a conversion must be made.

Constellation 4:

The competent body shall be informed that the student has already completed a creditable module. However, the student does not apply for recognition.

Solution:

Compulsory or ex officio credit is not possible. The crediting is omitted.

Constellation 5:

The module to be credited comprises fewer ECTS points than the module of the study programme:

Solution:

If there is a slight difference in the ECTS points, the module is to be credited with the ECTS points of the module in your own programme. If there is a significant deviation in ECTS points, the module is to be credited if successful further study is not compromised. It is conceivable to credit a part of the work and to take an examination regarding the missing part of the module to compensate.

Constellation 6:

The module to be credited comprises more ECTS points than the module of the study programme.

Solution:

The module is credited with the ECTS points of the own course of study.

Constellation 7:

Several modules to be credited correspond in total to several modules of one's own degree programme, but the layout of the individual modules to be credited and the individual modules of one's own degree programme differ.

Solution:

The modules can be credited as a whole.

Constellation 8:

A module already completed and contributed to the Bachelor's programme should be integrated into a Master's degree course based on the Bachelor's degree course:

Solution:

The module shall be credited even if the study and examination regulations preclude such multiple submission of the same module. Something other can only apply if, according to the module descriptions, the skills to be acquired in the bachelor's and master's programme diverge, even though they are the same module. This can be the case if the module in the Master's programme is intended to impart additional skills.

- **Grade**

The grade for the recognised service is taken over by the institution where the service was provided. If the grading system of the university or institution at which the performance was rendered does not correspond to that of DIT, the grades will be converted according to the so called Bavarian formula.

Prof. Götze has developed a special program for the conversion of grades of foreign universities, which will be used for the first time university-wide from SS 2017. It is based on the application of the modified Bavarian formula and information from the ANABIN database of the Central Office for Foreign Education of the KMK.⁶

If no grade was credited for the performance at the institution, the student does not receive a grade and the Transcript of Records will show the words 'recognised performance' and 'passed'.

- **Semester grading**

As a rule, a recognition of approx. 20-25 ECTS points or more leads to a placement in the next semester. The offices responsible for crediting can also approve the classification into the next semester even below the mentioned ECTS points limits, if the success of the course is not compromised by this.

Students shall be informed about the crediting of achievements. As a rule, this is done by notification from the centre for studies.

⁶ <http://anabin.kmk.org/anabin.htm>

ff) Burden of proof and students' obligation to cooperate

According to Art. 63 BayHSchG, the burden of proof if an application for recognition does not meet the necessary requirements (i.e. that the learning outcomes are substantially different or not equivalent) lies with the university.

Nevertheless, in the context of determining learning outcomes, students are obliged to cooperate. The obligation of the students to cooperate includes, e.g. the following possibilities:

- Personal information meetings with the students to concretise the learning outcomes (no exam!),
- Provision of teaching and learning materials (e.g. scripts, notes, homework, minutes, etc.),
- Provision of the examination tasks or materials (e.g. homework, laboratory reports, presentations, etc.),
- Research about the courses offered by the external institution,
- Getting in touch with the external institution

Due to the reversal of the burden of proof, the student may not be blamed to his or her disadvantage if he or she is not responsible for the reasons why he or she cannot present the entire documents.

gg) Refusal of requests for recognition

An application for recognition can only be rejected if DIT proves that the learning outcomes of the services provided are substantially different.

The chairperson of the examination board must explain the reasons in writing (if necessary with reference to the statement of the module supervisors) and provide information on the right of appeal. The statement of grounds is to be formulated in such a way that even an outside layman can understand the considerations for non-recognition and recognise them as conclusive. It is recommended that the refusal of crediting be based on the following criteria:⁷

- Description of skills in terms of learning outcomes and levels, taking into account the qualification or programme profile at DIT
- Learning outcomes and level-related comparison of the acquired skills,
- To show to what extent there is a significant difference.

No sufficient grounds for refusal are differences exclusively in reference to the number of ECTS points, the institution (e.g. university of applied sciences) or the city (state, province). At best, this can be circumstantial evidence of a possible substantial difference, which must be justified, however,

⁷ See footnote 4

in more detail. The application for recognition cannot be rejected on the grounds that the student's acquired skills have already been recognised at another institution or for another module; the principle that skills are not "consumed" applies.

For this reason, the time that has elapsed since the acquisition of skills is in principle irrelevant. This aspect can only lead to rejection on the grounds of the existence of substantial differences "if it can be demonstrated that the knowledge and skills acquired are so seriously outdated compared to the current standard that the skills acquired at that time appears to be completely devalued compared to today's requirements".

C. Recognition of credits when studying abroad (learning agreement)

If students are planning to stay at a foreign university, it is possible to conclude a so-called Learning Agreement in advance of their studies abroad in order to simplify the later recognition of achievements acquired abroad.

The Learning Agreement is an agreement between the students, their home and host universities. As an instrument of the European Credit Transfer System (ECTS), the Learning Agreement is intended to facilitate the transfer of ECTS points and thus facilitating student mobility.

A detailed process description is already available for this purpose at V:\General\Processes\Process descriptions\Performances of studies abroad KS07_01

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