

Go8 RESPONSE TO THE:

TERTIARY EDUCATION QUALITY AND STANDARDS AGENCY (TEQSA)

DRAFT PROVIDER STANDARDS – CONSULTATION GUIDE

February 2011

Introduction

The Group of Eight (Go8) appreciates the opportunity to contribute to the consultation about the Tertiary Education Quality and Standards Agency (TEQSA) - Draft Provider Standards.

It is the Go8's understanding that the various proposed standards are to be developed by a Standards Panel, independent of TEQSA, which will provide advice to the relevant Minister who will have the legislative power to create standards. With the advice gained through this consultation process to be provided to the Standards Panel. However, at this stage the legislative basis for the establishment of TEQSA and the Standards Panel has not passed through the Federal Parliament.

The Go8 recognises the draft provider standards are based largely on the existing National Protocols, which universities are required to provide evidence of compliance with as part of Australian University Quality Agency (AUQA) audit cycles. However, under the TEQSA legislation they will no longer be guidelines, rather they will become statutory instruments, and along with the AQF, will underpin TEQSA's registration and regulatory activities.

It should be noted that a number of Go8 member universities, and the Go8 secretariat, have not been privy to the draft establishment legislation for TEQSA or explanatory memorandum. Therefore, there is limited knowledge of the regulatory framework which is intended for these *Provider Standards* to operate. This situation makes it difficult to comment on the application of the standards or their appropriateness. A threshold issue for the Go8 universities is safeguarding current university autonomies, including self-accreditation of degree programs.

Go8 universities support a national approach to regulation in higher education as a means of reducing inconsistencies across state and territory jurisdictions and reporting and monitoring burdens on providers. However, the limited number of universities that have been involved in the TEQSA establishment consultations still have some reservations about the proposed model. It has been revealed there remain unresolved issues around how TEQSA will apply a risk-based approach to regulation and how universities' self-accredited status will be impacted by the proposed new regulatory environment.¹

In keeping with international context in which universities operate, the quality standards must explicitly acknowledge the importance of the self accrediting status of universities. A statement confirming this must be included in both the *Provider Standards* and the TEQSA legislation itself.

¹ 'Go8 queries legality of TEQSA', *Campus Review*, 6 December 2010

The Go8 understands that the intent of the *Provider Standards* is to ensure they “are strong enough to be a useful tool for market entry, are enforceable, but are still able to be applied differentially to new and established providers as appropriate².” While there is significant support for this outcome it remains unclear how this will be achieved and how a risk based approach will be applied.

As was noted at the public consultation session held on 7 February there are still some significant outstanding questions about the regulatory role TEQSA will play relative to market forces. It was also noted that the standards as drafted will be difficult to measure and assess in the way that is normally associated with the word ‘standard’ and in effect they are actually “decision criteria” on which a panel of higher education experts will make informed judgements.

The Go8 also notes the best practice guidelines of the Australian Government’s Office of Best Practice Regulation³ and expects DEEWR will be undertaking a Regulatory Impact Analysis and Statement in relation to the TEQSA establishment legislation and appended statutory instruments such as the *Provider Standards*.

Below are some overarching questions regarding the application of the Draft *Provider Standards* and their interaction with the broader regulatory framework in which universities operate.

Overall questions:

- How will the provider standards be applied to universities, established under State and Territory acts?
- How do the various standards interact with a university’s self-accrediting status?

In the following sections specific issues have been raised with each of the areas contained within the *Provider Standards - Provider Registration Standards, Provider Category Standards, and Provider Course Accreditation Standards*.

Draft Provider Registration Standards

The *Draft Provider Registration Standards* look reasonable in the main. There will be significant resources required to provide evidence that a university is meeting all the standards outlined so it is important to be clear on how the standards will be assessed, how frequently, how much time a university will be given to prepare for an audit etc. Some overarching questions in relation to the *Provider Registration Standards* are:

- Will the registration standards be applied to new providers and existing providers in the same way? If not, how much of the provisions apply to existing providers for the purposes of periodic re-registration?
- Wouldn’t strict standards for initial registration and monitoring of new providers achieve most of the stated policy goals? Is it necessary to monitor the other standards on an ongoing basis in respect of existing providers? Periodic audits against the standards on a proportionate to risk basis should be adopted for existing providers.

² Email from Ms Schofield to Professor Robson regarding Draft *Provider Standards* – consultation (Go8), 18 November 2010

³ Office of Best Practice Regulation: <http://www.finance.gov.au/obpr/about/>

Specific questions about the standards:

1.2 The directors of the provider and its key personnel demonstrate that they are ‘fit and proper’ persons.

- This standard requires a more explicit definition of what is meant by ‘fit and proper’ person. The wording referring to directors does not apply to universities which are governed by statutory bodies.

1.6 The provider complies with applicable State/Territory and Commonwealth laws and regulatory requirements.

- The proposed constitutional powers under which it is proposed TEQSA will operate will complicate the circumstances of ‘applicable laws’ for universities established under state and territory acts. The boundaries where of these laws intersect will create complex and largely untested areas which universities will need to navigate with associated additional administrative and financial burdens.
- Providing evidence against this standard across all the activities and complexities of a university will be very difficult to achieve.

2.1 The provider is financially viable and has the capacity to sustain quality higher education operations.

- Sustainability and quality provision of higher education in predominantly publically funded university is dependent on sufficient levels of government funding. The current government policy seeks to expand the provision of undergraduate level study while prices remain capped. There is no way a university can fully mitigate the inherent risks to quality, where an institution’s ability to raise income is constrained.

2.3 The provider has financial and tuition safeguards in place for students, should the provider cease to provide a course or cease to operate as a higher education provider.

- How would this provision apply to universities which predominantly offer Commonwealth supported places?
- Will universities be expected to contribute to a tuition assurance scheme or engage in a commercial insurance arrangement?

Draft Provider Category Standards

By inference it could be assumed that any provider which has “university” in its title or is recognised as a provider type which includes “university” in the title is self-accrediting, however this is not clear in the drafting of these standards.

It must be recognised there is significant diversity in the activities and missions of the range of institutions which carry the “university” title already in Australia. The Excellence for Research in Australia results show the vast differences in research quality and output being produced.

Some leading higher education institutions in the world do not use university in their title and there are very significant universities that do not undertake research on a scale being required in the standard for a 'university'.

It would reduce complexity if the standards related to provider category are disentangled from the protocols governing the use of the "university" title. In other examples of categorisation or classification of higher education provider types a range of activities are used to distinguish between groups of like institutions, i.e. level of qualifications offered, research intensity, breadth of disciplines taught. Such an approach would make the provider categories more transparent to key stakeholders such as students, parents and employers. See Attachment A - *International Higher Education Classification systems*.

There is need for a broader discussion on provider type before these standards can be settled. Some unresolved issues include:

- Will TEQSA recognise all institutions with the term university in their title as self-accrediting?
- It seems rather narrow to focus on the term university when some of the most esteemed higher education institutions are not called universities e.g. Massachusetts Institute of Technology, California Institute of Technology and the Swiss Federal Institute of Technology Zurich.
- Why are provider category standards for "university", "university colleges" and "universities of specialisation" so closely tied to award for higher degrees by research? In a differentiated higher education market, it is reasonable to assume some of these provider types will place a significant emphasis on teaching and learning and less on research and research training.
- What will the Qualification Standard be? Is this going to be the AQF? Might the Standards Panel have an alternative view in the most appropriate qualification standard for higher education?

"University" Category

Use of the title "university" by higher education providers that offer qualifications that are covered by the Qualification Standard

1. The provider delivers qualifications that are covered by the Qualification Standards across a range of broad fields of study (including Research Masters and PhDs or equivalent Research Doctorates in at least three broad fields of study).

- This point should be amended to "the provider **accredits and** delivers qualifications that are covered by the Qualification Standards...", so as to clearly reflect the self-accrediting status of universities.

"University" Category (which offers overseas higher education awards)

Use of the title 'university' by higher education provider that offer overseas higher education awards

1. The provider is recognised as a university in its home country by an overseas accreditation authority, the standing and standards of which are acceptable to TEQSA.

- It is the exception rather than the norm to have compulsory accreditation of universities in other countries. This criterion relies on a common definition of the term university and an assumption all universities are required to have external accreditation against a standards reference.
- Go8 would support overseas universities being approved as non self-accrediting institutions offering AQF awards as long as these awards are also accredited by the overseas accreditation authority. The Protocols allow this now; though it is not clearly stated.

Criteria for awarding 'self-accrediting authority' for an individual course for higher education providers

The case for awarding 'self-accrediting authority' for an individual course seems counter intuitive and would be administratively difficult to manage. 'Self-accrediting authority' should be based on the characteristics of a higher education provider with a proven track record of academic rigour and effective governing structure. Following this logic the authority is more appropriately granted for a discipline or cluster of disciplines in which the provider has proven capacity rather than for an individual course.

Draft Provider Course Accreditation Standards

It is uncertain how much of the Course Accreditation section applies to self-accrediting universities, if any, which is of concern given the wide powers TEQSA is likely to have and the impact this would have on a university's role in designing and developing its own awards.

- Is it the intent to have Course Accreditation Standards which apply to providers with self-accrediting authority?
- How will these standards be assessed?

International Higher Education Classification systems

United States

(Source: www.useductaion.us)

Institutions are classified in the following categories:

1. **Research Universities:** Comprehensive doctorate-granting institutions that operate extensive theoretical and applied research programmes in a wide variety of disciplines;
2. **Doctorate-Granting Universities:** Institutions offering comprehensive [studies](#) in a wide variety of disciplines but which do not award the Doctorate in as many fields as do research universities;
3. **Master's (Comprehensive) Universities and Colleges:** Institutions offering academic and professional programmes at the Bachelor's and [Master's degree](#) levels, and first-professional degrees, but which do not award the research Doctorate;
4. **Baccalaureate (Liberal Arts) Colleges:** Institutions offering academic and professional programmes at the Bachelor's degree level, but not higher degrees;
5. **Associate Of Arts Colleges:** Institutions offering academic and professional or occupational studies at the Associate Degree level, including public community colleges and public and private junior colleges;
6. **Professional Schools and Other Specialized Institutions:** Institutions that offer instruction in only one or a few related subjects, either professional or academic, and thus are not comprehensive enough to fit into other classifications. The degree level ranges from the associate degree through the research Doctorate (eg., Independent schools of medicine, engineering, dentistry, and law; schools for the visual and performing arts; theological seminaries, etc.)
7. **Post -Secondary Vocational and Technical Schools:** Institutions offering short, non-degree training programmes of less than two years duration, leading to Certificates or Diplomas in occupational specialities.

CARNEGIE CLASSIFICATION OF INSTITUTIONS OF HIGHER EDUCATION

(Source: <http://classifications.carnegiefoundation.org/descriptions/basic.php>)

The Basic Classification Categories are as follows:

Associate's Colleges. Includes institutions where all degrees are at the associate's level, or where bachelor's degrees account for less than 10 percent of all undergraduate degrees. Excludes institutions eligible for classification as Tribal Colleges or Special Focus Institutions.

Doctorate-granting Universities. Includes institutions that awarded at least 20 research doctoral degrees during the update year (excluding doctoral-level degrees that qualify recipients for entry into professional practice, such as the JD, MD, PharmD, DPT, etc.). Excludes Special Focus Institutions and Tribal Colleges.

Master's Colleges and Universities. Generally includes institutions that awarded at least 50 master's degrees and fewer than 20 doctoral degrees during the update year (with occasional exceptions – see Methodology). Excludes Special Focus Institutions and Tribal Colleges.

Baccalaureate Colleges. Includes institutions where baccalaureate degrees represent at least 10 percent of all undergraduate degrees and where fewer than 50 master's degrees or 20 doctoral degrees were awarded during the update year. (Some institutions above the master's degree threshold are also included; see Methodology.) Excludes Special Focus Institutions and Tribal Colleges.

Special Focus Institutions. Institutions awarding baccalaureate or higher-level degrees where a high concentration of degrees (above 75%) is in a single field or set of related fields. Excludes Tribal Colleges.

Tribal Colleges. Colleges and universities that are members of the American Indian Higher Education Consortium, as identified in IPEDS Institutional Characteristics.

Canadian

(Source: *Maclean's Universities Rankings* <http://oncampus.macleans.ca/education/rankings/>)

Medical Doctoral universities offer a broad range of Ph.D. programs and research; all institutions in this category have medical schools.

Comprehensive universities have a significant degree of research activity and a wide range of programs at the undergraduate and graduate levels, including professional degrees.

Primarily Undergraduate universities are largely focused on undergraduate education, with relatively few graduate programs.

QS CLASSIFICATIONS

(Source: <http://www.topuniversities.com/university-rankings/world-university-rankings/methodology/classifications>)

Size – based on the (full time equivalent) size of the degree-seeking student body. Where an FTE number is not provided or available, one will be estimated based on common characteristics of other institutions in the country or region in question

Subject Range – four categories based on the institution's provision of programs in the five broad faculty areas used in the university rankings. Due to radically different publication habits and patterns in medicine, an additional category is added based on whether the subject institution has a medical school

Research Intensity – four levels of research activity evaluated based on the number of documents retrievable from Scopus in the five year period preceding the application of the classification. The thresholds required to reach the different levels are different dependent on the institutions pre-classification on aspects 1 and 2.