

**Seminar On
Establishment of Cross-Border Education
Assessment Mechanisms**

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**SAFEGUARDING THE QUALITY OF CROSS-BORDER
EDUCATION : THE ROLE OF GOVERNMENTS
AND QUALITY ASSURANCE BODIES**

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SEMINAR ON ESTABLISHMENT OF CROSS-BORDER EDUCATION ASSESSMENT MECHANISMS

Safeguarding the Quality of Cross-border Education : the Role of Governments and Quality Assurance Bodies

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Introduction

Participation in another country's education system is by no means a new phenomenon. Students have traveled to study abroad and there has always been the exchange of scholars and researchers. In more recent years these educational transfers are supplemented by the "export" of education from one country to another, and this can take many forms, ranging from the delivery of courses in the importing country, to the delivery of courses through distance learning mode.

With the globalization of education and the development of new forms of educational transfer, the issue of the Quality Assurance of "transnational education", or "cross-border education" has assumed greater significance than ever. As any other form of trade, educational exports bring benefits to both sides. They bring the advantages of the educational system and culture of the exporting country to the importing country and supplement the domestic supply in the importing country or provide an educational alternative to its population. The exporting institutions gain from more student intake and fees, and benefit also from the educational interchange. There are thus mutual benefits for both the importing and exporting countries .

However, notwithstanding the expected advantages of educational imports, there have been increasing concerns about the actual benefits received by the importing country. In particular, there are concerns about the quality of some of the imported education and questions are raised as to whether the adverse effects of poor quality provision will dilute or even outbalance the presumed benefits. The problems are exacerbated by

the fact that the scale of imported education in some countries takes on a gigantic dimension, and secondly, the fact that not many countries have implemented regulatory mechanisms to deal with the problem. Nor is there always sufficient consumer awareness to inhibit the spread of low quality provision.

To gauge the impact of cross-border education, one has to realize both the size of the student population involved in the importing country, as well as the resources being absorbed by this type of provision.

Using the example of Hong Kong to give an idea of the size of this trade, we have more than 900 courses operated by foreign institutions locally, with an estimated student population of around 50,000 , and annual expenditure on course fees estimated in the region of US \$1 billion dollars. As most of the courses imported are at degree or postgraduate level, the impact of any low-quality courses upon the work force and upon the economy and its competitiveness cannot be ignored.

Problems of Quality of Cross-Border Courses

What are these problems of quality encountered in cross-border educational provision ? Usually, the problems can be categorized into the following :

- **Misleading or dishonest information**, or false claims relating to the courses : including information regarding the delivery of the courses (matters of course content, teaching, resources, staffing etc.) , false claims relating to the status or recognition of the courses (claiming that they are recognized by the government or professional bodies)
- **Fraudulence** such as default on fees, or **cessation of programmes** due to financial difficulty of providers
- **Poor quality of courses**

Some common examples include:

*Lower standard of courses eg. Shortened or reduced content, less choice of modules/ electives for students

*Lower entry requirements/ exit requirements
eg. lower entry standard, less requirement of prerequisite study,
Lower requirement for graduation

*Poor or inadequate teaching resources eg. use of unqualified or inexperienced staff, use of poor quality or unsuitable learning materials for students, lack of or inadequate library resources, laboratories etc.

* Undesirable teaching/delivery mode eg.

- use of unsuitable teaching mode such as intensive/block teaching
- shortened course duration/ fast track progression

The impact of the various defects relating to cross-border provision can have serious impact. With incomplete, misleading information or exaggerated claims made by course providers, the ability of students to make a rational, informed choice will be affected, with the result that students may end up enrolled on courses which do not satisfy their expectation. Good-quality local provision may also suffer from the competition of low-quality imported courses when there is insufficient consumer information or awareness. And with the existence of poor quality courses in the market, students end up with qualifications that are not valid or recognized by employers, or which do not equip them well for the job market. And even when they end up finding a job, the low-level skills they acquire will affect their performance and worse still, pose hazards to users of their service and the community. At the same time, the financial interests/ investment of students are at stake when unscrupulous providers, or unprofitable providers fail to deliver their courses or fail to enable students to complete their programmes of study, in the situation where there is no consumer protection for students.

Types of Cross Border Education

To understand the background for problems of quality arising in some of the cross-border educational offerings, one needs to understand that these cross-border activities assume different formats, including :

- Setting up of a branch campus of the higher education institution
- Collaboratwith a local partner where the exporting institution/ awarding institution controls much of the course design and course delivery (teaching and assessment)
- Collaboration with a local partner where the course design comes from the home institution but course delivery is shared

- Collaboration where the course delivery is largely delegated to local partner
- The awarding institution validates a course designed and taught by a local institution
- The exporting institution employs purely distance learning mode of delivery – printed materials and/or electronic delivery

It can be seen from the above that even though the qualification is awarded by an overseas institution, there are many modes of delivery, including different formats of collaboration with local partners and sharing of responsibilities. Coupled with the fact that the awarding institution is operating from a distance, it is not unexpected to have problems affecting the quality of courses : problems arising from mis-communication/ non-communication between the awarding institution and the local partner, from failed responsibilities, from over - delegation to local partners, disagreement over input or delivery, inadequate or ineffective monitoring etc.

Possible Factors leading to Problems of Quality

When problems of quality arise these are often bound up with the special nature and circumstances of cross-border education. Thus although the exporting institutions should bear primary responsibility for the quality of their educational offerings, one should also understand the special environment that they operate in and the nature of problems which may sometimes be under-estimated. Moreover, compared to local/ national educational provisions, this new form of education is often less regulated or safeguarded by external quality assurance mechanisms. Hence, problems of quality arise due to the following circumstances/ possible reasons :

At the institutional level:

- *Insufficient understanding of nature of cross-border education*

Cross border education is a whole new form of educational provision requiring special planning and consideration. However, many institutions may not fully understand this and may underestimate the complexity of the issues involved in the planning of cross-border education. For instance, there are issues of adaptation to the local educational environment, issues of understanding the

needs of the local students, the quality of the local intake, and the quality and supply of local teachers and other support. And sometimes, to overcome the difficulty posed by operating in a distant country, institutions may change the mode of delivery, and sometimes choose a mode of delivery with which they are not experienced, such as distance learning, and / or which the local student population is not adapted to. There is sometimes over-reliance upon new modes of delivery such as electronic delivery for which there is inadequate understanding or preparation.

- *Inadequacy of institutional quality assurance mechanisms*

The operation of cross border education necessitates the exercise of tight quality control, but some institutions may not realize the need for a full-fledged system of control and quality assurance. Or where one exists, its implementation may not be vigorous, or there may be over-delegation and insufficient monitoring within the institution

- *Unfamiliarity with or lack of understanding of local education systems*

Unfamiliarity with the local situation may lead to wrong academic decisions being made, for example, admission standards may be compromised when students are admitted on the basis of inappropriate local qualifications in the importing country of which the awarding institution has little knowledge

- *Difficulty in obtaining local resources*

When institutions offer cross -border courses they are operating in a foreign environment and often have to rely on local resources, such as local staff, and library support. Adequate resources of appropriate quality may not be readily available.

- *Over reliance upon inexperienced local partners*

The delivery of cross-border education is sometimes a shared responsibility between the exporting institution and its local partner. Some of these local partners may be non-academic / commercial organizations. Sometimes too much delegation may be given to the local partner with insufficient involvement of the awarding institution in the major academic decisions and in monitoring the quality of the courses.

Factors at the macro-level

- *The inadequacy of quality assurance systems at the national level to control or monitor the quality of cross-border education.*

Where it is insufficient to rely entirely upon the effectiveness of the cross-border providers to ensure quality, it would be incumbent upon the national quality assurance systems to safeguard the quality of this type of education. However, although many countries have established accreditation and quality assurance systems, many of these are focused on the national education system and not geared towards the monitoring of cross-border education.

- *The inadequacy of information sources for students and consumers*

Cross-border education has relied heavily for their survival on market forces, and normally one would expect that only good quality courses could survive in the market. However, students are not always discreet consumers, and sometimes courses of study are chosen for reasons other than their quality. Furthermore, consumers are often faced with a lack of clear and accurate information regarding the nature and status of individual courses, or the recognition of the qualifications they lead to. Thus where there is a dearth of clear and accurate information and guidelines for consumers, low quality provision continues to thrive in the market, and some consumers may end up with poor-quality courses and invalid or dubious qualifications.

The Possible Role of Governments in Importing Countries

What role can or should governments in the importing countries adopt in the face of the mushrooming of cross-border education? Governments can adopt a laissez fair policy and allow cross-border education a free range in the market, as was the case in Hong Kong before a regulatory framework came into place in 1997. The arguments for this policy is that of free trade between countries and free choice for consumers, and also, that the market can distinguish between good quality and poor quality provision, with the result that poor provision will fail to survive.

However, when one witnesses the continued existence of instances of poor quality provision, then there is realization that the market cannot by itself play a regulatory role. As previously discussed, students/consumers are not always rational or well informed in their choice, and further, the “quality” of study programmes may not always be their top priority.

Another possibility is then perhaps for governments to play an exhortation role by encouraging higher education institutions to have a higher regard for the quality of their cross-border provision, and to put in place monitoring systems for their courses. The success of this approach depends on the intention as well as ability of the providers to assure the quality of their provision. Even where the intention and goodwill exist, it may not always be easy or practical to rely on the efforts or the self-discipline of the providers, considering that the providers have to operate from a distance, and in many instances collaborate with local partners in the importing countries. We have already examined, in the previous section, the possible reasons and circumstances leading to inroads on the quality of cross-border courses.

What remains is thus the option of establishing a regulatory system. The purpose of a “regulatory” system is two-fold: Firstly, it enables the government to gather data and information on the cross-border education operating within its territory, such as the type of courses, type and origin of providers, size of the student population etc. Secondly, and more importantly, it enables the government to regulate or control the offer of such provision to ensure/ enhance its quality, and/ or to fashion it in accordance with national agendas.

A regulatory framework can work in two ways: (1) Permitting the operation of cross-border education on condition that it meets certain criteria /conditions, that is, it would be illegal to operate if criteria are not met, and/ or (2) Providing incentives if the stipulated conditions/ criteria are met, eg. Recognition of qualifications for employment purposes, or eligibility for student loans etc.

Thus, although it appears that a regulatory system is one which needs to be mandatory, it is however possible to consider a voluntary system, or to have certain features of voluntarism within a regulatory framework such as a system of incentives. These are among the broad policy questions which need to be considered by the government before it introduces any system to govern cross-border education.

Questions To Consider in Setting Up A Regulatory System

In deciding to set up a regulatory system, there are major questions which governments need to consider. In the following discussion, examples will be drawn from the Hong Kong experience to illustrate the roles of government and the quality assurance body, and the issues and questions facing them in setting up a regulatory system for cross-border education. These include :

- *The choice of organization for the regulatory role* : The government has to decide on the appropriate authority to undertake the regulatory role : it can be undertaken by governmental authorities, or by independent bodies such as accreditation or quality assurance bodies; or, the role can be shared or divided between government and the quality assurance body as appropriate. In the case of Hong Kong, the role is shared by the government, which acts as a *Registration* body (the Non-local Courses Registry), and the quality assurance body, which performs *Assessment* on the cross-border courses.
- *Defining “cross-border” education and deciding on the scope of regulation* : It is firstly necessary to define the scope of cross-border education and it is not always easy to do so. For instance, should the regulatory system cover “joint awards” offered by overseas institutions jointly with local institutions? Should the system include “distance learning” courses, and if so, is it practical to do so?
- *The Type and Level of Cross-border Education*: Government has to decide on what should come under the purview of the regulatory system. Should the system cover only *higher education* courses and *academic* courses, and how should these be defined? In the case of Hong Kong, both academic and *professional* courses are required to be registered.
- *Should the system be enacted by legislation or administrative measures* : a system backed by legal enactment may be easier to enforce. However, it takes time to draft and to pass legislations. Also, any legal regulation

binds the enforcer as much as the bodies being regulated and there is less or little discretion allowed. Changes may also require amendments to the law.

- *Choosing between a mandatory and a voluntary system* : This is tied in with the choice of a legal or administrative system. Where the government wishes to regulate or ensure the quality of cross-border education, or to put in place a consumer protection measure, then a mandatory system could be more effective. In the case of Hong Kong, a mixed system exists – there is legal/ mandatory regulation enacted by the government, but *in addition* there are voluntary features.
- *Deciding on criteria for approval/ registration* : This is perhaps one of the most important questions facing any government or quality assurance body. If a primary purpose of a regulatory system is assuring the quality of cross-border provision, then how should “quality” be defined, and who should define it? A pertinent question is whether the same standard / quality should be expected of cross-border education and the local provision. In other words, should one single system of quality assurance apply across the board to both imported and local educational provision?

Criteria For Approval/ Registration : Choice Between the Free Market and Regulation of Quality

When governments consider to establish a regulatory framework for cross-border education, it takes a giant step away from the policy of a free market for education, and this is the case in Hong Kong when in the early 1990s. the government, which traditionally upholds the principle of a free market, found it necessary to introduce some form of consumer protection in the face of increasing problems of quality surfacing in cross-border forms of education. The next question is then how much control and regulation should there be and what are the standards to be applied. Hong Kong has traditions of respect for the free market and consumer choice, and also traditions of academic freedom and autonomy. Thus when any form of regulation is to be introduced, the government needs to face a balancing act between consumer choice on the one hand, and the autonomy of the tertiary institutions of the exporting countries on the other.

In the attempt to choose a middle ground, the regulatory system in Hong Kong on the one hand adopts a two-tier approach, by setting up

- A legal framework for registration, plus
- A voluntary system for accreditation

While on the other hand, it adopts the concept of “comparability”.

Concept of comparability

The basic tenet of the law in Hong Kong, the Non-Local Higher and Professional Education (Regulation) Ordinance, requires that courses offered which lead to higher academic qualifications of an overseas/ non-local tertiary institutions, should be of *comparable standard and quality as courses offered in the home country leading to the same qualifications*. The law requires that “effective measures” be in place to ensure this comparability. Thus, what is required of the cross-border courses is not compliance with local standards in Hong Kong, nor a certain set of standards stipulated by the Hong Kong government or local accreditation body. This threshold standard of “comparability” sets a standard which is easily acceptable to the exporting institutions/ countries and in theory at least, poses no extra burden upon them. Thus when the law was enacted in Hong Kong, it achieved the policy objective of introducing minimum protection for consumers, while the scope and criteria of regulation are not so prohibitive as to restrict what was already a booming market for cross-border education and the wide choice it offers to consumers.

It is noteworthy that the concept of “*comparability*” is one which is promulgated in the UNESCO/ OECD draft Guidelines on Quality Provision in Cross Border Higher Education. In the draft <Guidelines for higher education institutions/ providers>, it is recommended that providers should “*ensure that the programmes they deliver across borders and in their home country are of comparable quality....*”

The totality of the learning experience

In employing the concept of “comparability” of the imported course and the home course in Hong Kong, we recognize the impracticality of expecting equivalence, for unlike a physical product, the educational experience cannot be reproduced in totality when taken out of its roots in the academic community and academic environment in the home campus. Thus, comparability focuses on the totality of the learning experience. It

is not expected that the same features and support should exist for the imported course as for the home course, if there are acceptable alternatives and compensatory features to guarantee minimum comparability, for instance, teaching may be augmented by qualified and experienced local staff; electronic links to the home institution may provide the necessary library support, together with provision of suitable learning materials for students. Or, distance learning may be supplemented by the provision of tutorials by qualified local staff. Thus, in contrast to some regulatory systems which stipulate minimum quantitative requirements (for example, for staffing), Hong Kong adopts a more flexible judgemental process to ensure the comparability of the learning experience.

National/ cultural requirements

By implicit extension of the concept of “comparability”, the law in Hong Kong does *not* require that imported courses of study should cater specifically for the local environment or culture nor are they required to incorporate any local elements. Thus again, no extra burden is placed upon the exporting institutions (which may of course make their own local adaptations.) However, education is a national prerogative and countries have different national agendas. It would be highly acceptable if governments do require any imported educational provision to have regard for the cultural /linguistic characteristics of the country or to take into account national or economic developments.

Voluntary accreditation

The second part of the framework in Hong Kong introduces a voluntary system of *accreditation* outside of the legal framework. This falls outside of the legislation, but the exporting institutions (and their local partners in Hong Kong) may, in addition to registration, seek accreditation on a *voluntary* basis from the local accreditation body, the Hong Kong Council For Academic Accreditation for any individual programme. The standards of accreditation are *local academic standards* in Hong Kong. Programmes which achieve accreditation gain additional status and incentives : eg. graduates of the accredited programmes are recognized as having the same status as those from local tertiary institutions when they apply for government appointments, and students may also apply for low-interest government loans.

Thus it is possible to have an effective system of regulation, based upon the concept of comparability, which is not over-restrictive and which does not dampen the market; while a second tier of regulation, outside of the legal framework and voluntary in nature, can be introduced which sets higher/more restrictive standards.

Features of a Legal Framework

The enactment of legislation for the regulation of cross-border education provides the legal backing and the means of enforcement for the regulatory framework. As an example, the Non-local Higher and Professional Education (Regulation) Ordinance in Hong Kong contains the following features :

Definitions

- Clear *definitions* of cross-border education (“non-local courses”), and the scope and level of cross-border education to be regulated (“higher academic qualification awarded by a non-local institution”, and “non-local professional qualification”).
- Distinguishes between courses which should seek registration and those which can seek exemption
- Courses which are of pure distance learning nature are not covered by the ordinance (may seek voluntary registration)

Registration

- Stipulation of the *criteria* for registration (eg. concept of “comparability” for academic courses
- Courses may be registered subject to conditions
- Sets up a system for initial *registration* and for continual *monitoring* (annual returns)

Consumer protection measures :

- makes it illegal to offer cross-border courses or to advertise any such courses which are not registered (stipulates penalty for illegal operation)
- stipulates that course providers may not collect fees more than three months in advance, and have satisfactory arrangements for refund in case of cessation of courses
- makes it illegal to publish “false or misleading” advertisements relating to courses

- prevents course providers from making false claims about the recognition of their courses by employers
- requires providers to seek permission for the use of specific premises for their courses

Appeal system

- Stipulates criteria for cancellation of registration
- Sets up an appeal system including procedures and timeframe

Disclosure of Information to the Public

- A register of all registered and exempted courses is made available to the public for inspection

Role of Accreditation / Quality Assurance Body

Where the regulatory role or assessment role for cross-border education is assigned to the accreditation / quality assurance body, then the accreditation/ q.a body might be expected to perform, *inter alia*, the following tasks :

- Setting out clear procedures for assessment/ registration and providing accessible information on these
- Setting out the criteria for registration, or where these are already stipulated by law, giving interpretation to these criteria and clarifying these to providers, students, and the public
- Handling appeals or assisting government to handle these
- Reporting cases of illegality to government or take action as appropriate
- Setting up a database of assessed courses, building up precedents of cases and compiling statistics and analysis of courses as appropriate
- Communicating and cooperating with quality assurance bodies in the exporting countries and with international bodies for the exchange/sharing of information and practices
- Assisting the government to publicize the regulatory framework for cross-border education , and handling enquiries from course providers/ students, and the public
- Drawing up codes of good practice for the reference of course providers and their local partners

