

The recognition of Transnational Education qualifications

Seminar on Transnational Education. Malmö - 2/3 March 2001

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When Ulf Ohlund asked me, as a member of the steering group, to make a presentation on TE from a recognition's body point of view, my first reaction was to say « no », because, in the French Community of Belgium, until now, we don't recognize TE qualifications .

In addition, listing problems can appear as very unpopular, when TE development is seen more and more as a « challenge » for traditional education systems and a way to « make european education more competitive » .

But he did insist, pretending that there was at least a good reason to do it, which was to explain why we did not recognize TE.

So, here I am and my work could be extremely quickly done, if I did only explain the reason why we do not recognize TE qualifications, which is extremely simple : the law regulating academic recognition specifies that to be taken into consideration for recognition the foreign diplomas must have been delivered in a recognized institution belonging to the system of higher education of a specific state and located in that state.

There are at least two criteria in this : the diploma must be a foreign diploma , and it must be part of a national system.

This is connected to the fact that we do not recognize or give any official value to the diplomas awarded by private institutions .

The diplomas awarded by Belgian higher education institutions must be delivered by a university or a polytechnic which is run by the state or funded and recognized by the state. All the higher education institutions having that status are listed in the law and receive a « habilitation » to organize specific fields of studies and deliver specific degrees.

In that context it looks coherent that we don't give more right to an institution working on TE basis than to any other private institution.

In addition to this, as a part of the Ministry of Education, the recognition centre in the French Community of Belgium does not only give advice on academic recognition but we deliver official decisions that give foreign qualifications the same value, for academic and professional purposes, as that of the national qualifications (in the latter, under provision of specific conditions imposed by the professional body) .

In that context, it might be understandable that, as far as the TE phenomenon will not be more « transparent », we don't consider qualifications awarded by TE provision for recognition.

Until now, we haven't really bothered about recognition of TE qualifications, as TE is still a marginal phenomenon in Belgium.

First of all, the offer of higher education in Belgium is sufficient and important :in the sole French Community, there are 9 universities and 30 «Hautes Ecoles » (polytechnics).

Moreover, the tuition fees are very low and almost all the fields of studies are accessible without numerus clausus.

In that context, the potential attraction of Transnational Education is probably less important than what it can be in other countries with a less open access to higher education.

In order to have a broader idea of the situation regarding recognition of TE qualifications, I think that it is necessary to give a short

●● **overview of the situation in some countries :**

Looking the situation of TE's qualifications recognition in several countries makes clear that, so far, most of the countries haven't really consider as a priority the setting up of specific procedures to assess them.

Very often, there is no official regulation or control of TE qualifications. In some countries, they can be recognized if they are awarded by TE providers belonging to a national system of higher education. In other countries, they are treated as « private » institutions which can receive an accreditation or, at the contrary, which are not allowed to deliver diplomas with official value.

The lack of quality control is seen as one of the most important problem.

Austria

- no specific regulation or control of TE ;

- possibility for private institutions to receive an accreditation ;
- Good practice could be to regard TE in term of their status in the country of origin : the qualifications should be considered as belonging to the country of origin.

Belgium (Flemish Community)

- the law is very restrictive concerning recognition :only institutions listed by law are allowed to deliver recognized diplomas ;
- for recognition there is a distinct advantage if the award comes from an intitution which belong to a national system of higher education.

Czech Republic

- if the institution providing TE doensn't want to award Czech degrees it has no duty to ask for an approval to operate as educational institution ;
- the diplomas awarded by TE providers will be evaluated with regards to the status of the institution (is it a branch of some foreign recognized institution ?) and with regard to the length and content of study ;
- the institution providing TE has the possibility to act as private higher education institution in the frame of Czech higher education system if it is legal entity with domicile in the Czech Republic and if granted the state permission by the Ministry of education.The state permission is issued on the base of the recommendation of Accreditation Commission of the Czech Republic.

Denmark

- no legal regulation for TE but the national quality assurance agency has the right of initiative to take action ;
- TE is still a marginal phenomenon.

Finland

- no specific regulation for TE ;
- the awarded diplomas can be recognized if the originating institution is appropriately recognized in its home country ;
- the main problem is the quality.

France

- no distinction made about the origins and nature of TE ;
- academic recognition is the competence of each institution of higher education ;
- the laws allows anyone suitably qualified to open a higher education institution ;
- the main problem is the evaluation of quality.

Germany

- TE is not legally regulated and there is no national quality agency dealing with the accreditation of those institutions. The Länder are responsible ;
- the main problem is the « degree mills » and the recognition problems.

Greece

- the Greek Constitution does not allow private institutions to organize higher education ;
- only a changement of regulation which seems quite difficult could modify the situation.

Iceland

- marginal phenomenon ;
- no specific law regulating TE but the Ministry of Education must approve all university level education ;
- TE must be regulated at a European level to have a positive impact : it could make the national/regional European education programmes more varied.

Ireland

- the national Council for Educational awards has validated programmes offered by some transnational providers.

Italy

- the treatment of imported TE varies according to the nature and information available on the originating educational system : state or state recognized providers are looked upon favourably. Distance learning degrees are only recognized if they have similar admission requirements to traditional degrees in the country of their origin ;

- foreign higher education degrees can only be recognized if they are delivered by foreign institutions located outside Italy.

Latvia

- the law provides possibility to foreign institutions to receive a permit to operate ;
- for the moment, Branches of Russian institutions are operating and don't try to obtain accreditation : no recognition is given because there is no information allowing to judge quality.

Netherlands

- marginal phenomenon ;
- the recognition of TE is not affected in terms of the originating country or its nature providing the awards are from institutions recognized in the country of origin ;
- no regulation or control over imported or exported TE.

Norway

- no legal regulation on TE ;
- to be recognized, TE qualifications should have been awarded by an institution which is recognized in the home country.

Portugal

- no regulation concerning TE , except for doctoral degrees where recognition cannot be granted ;
- marginal phenomenon ;
- the main problem is quality control as no assurance mechanisms exist.

Russia

- no specific regulation regarding TE ;
- the providers are requested to respect the Code of good practice for the provision of TE.

Slovakia

- legal basis set up in 1996 to allow TE to operate ;
- TE providers operating in Slovakia before 96 can submit an application for establishing a higher education institution .If the demand is rejected, the provider is obliged to dissolve the TE institution ;
- the terms « higher education institution » and « university » are protected by law and the institutions which are not allowed by law to use the name are illegal. A new law is in preparation , probably more liberal for TE.

Spain

- no effective regulation of TE and no specialised quality control mechanisms ;
- distinction made between public and private providers ;
- the main problem is the lack of quality assurance.

Sweden

- the main principle for the recognition of TE qualifications is that , in general, they should have been awarded by an institution which is officially recognized in the home country or otherwise accredited by a recognized authority (for example, a US regional accrediting body) ;
- TE is not regulated as such but the national quality assurance agency deals with the recognition of US branche university to enable students to use their state loans to attend the university .

Switzerland.

- when TE is state recognized in the provider country, recognition by universities is normally granted ;
- legal regulation on TE is insufficient, there is almost no quality control ;
- there is a need of quality control.

United Kingdom

- important exporter of TE ;
- recognition of imported TE qualifications is the concern of individual academic institutions ;

- for exported TE, there is no regulation but the Quality assurance agency is considering a certification process.

United States

- USA is exposed to all of the various types of TE and there is no national framework law to regulate it ;
- it is impossible to take any legal action against providers of TE for the sole reason that the academic standards of the diplomas that they award are poor.

According to that short overview, we can draw up some common problems which require common measures.

What are the main problems encountered by recognition bodies with TE qualifications ?

As Professor Sergio Machado wrote in his document on TE for the meeting of General Directors of Higher Education in EU (Aveiro april 2000), the recognition of institutions and programmes for academic and/or professional purposes is a very complex subject involving conflicting interests at several levels, between the protection of traditional diplomas and professions and the needs in relation to mobility and market..

This is even more true with the recognition of TE qualifications.

It is clear that, from a recognition body point of view, the problems are especially those connected to imported TE , on which this presentation will be focused.

This is normal because as recognition bodies we need to assess foreign diplomas.

But we should also pay attention on exported TE especially in the European area, because, the exported TE qualifications of one country will have to be assessed by the other European countries.

So, as recognition bodies , the Enic/Naric centres have to cooperate and work at both sides of the TE « phenomenon ».

1. Confusion on definitions

There is much confusion concerning exactly what constitutes TE and how to classify different sorts of TE education providers.

There is no agreement about what to include in it, although it seems clear that TE should be clearly distinguished from mobility and cooperation.

The Enic network produced a set of definitions, listed as : « *all types of higher education study programmes, or sets of courses of study, or educational services (including those of distance education) in which the learners are located in a country different from the one where the awarding institution is based. Such programmes may belong to the educational system of a state different from the state in which it operates or may operate independently of any national system* ».

TE can vary according to the institutional or organizational arrangements resulting from the specific delivery mechanisms chosen and from the qualifications awarded (academic or professional) and their quality.

Examples of TE can be classified in 3 main groups according to the fact that the qualifications awarded may have some chances, or no chances, to be recognized :

a. recognition almost always granted :

- ***programme articulations*** : inter-institutional arrangements whereby two or more institutions agree to define jointly a study programme in terms of study credits and credits transfers, so that students pursuing their studies in one institution have their credits recognized by the other and accepted for transfer in order to continue their studies.

In general, that kind of arrangements does not cause recognition problems, as far as they are concluded between recognized institutions belonging to national systems.

b. recognition sometimes granted :

- ***franchising*** : the process whereby a higher education institution from a certain country grants another institution from another country the right to provide its programmes/qualifications in the host country.

Sometimes the franchised institution provides the first part of the educational programme which can be recognized as partial credits towards a qualification at the « mother institution ».

The franchised institution is not always recognized in the host country even if the mother institution is recognized in that country.

- ***Branch campus*** : campus established by a higher education institution from one country in another country to offer its own educational programmes /qualifications irrespective of the students' provenience.

The diplomas awarded may not be recognized in the host country even if the mother institution is recognized in that country.

- ***off-shore institution*** : autonomous institution established in a host country but belonging, in terms of its organisation and contents to the educational system of another country without having a campus in the country to which it belongs.

That kind of TE is seldom recognized in the host country . It may be accredited by regional or national accrediting commissions in the U.S.

Some may have articulation agreements with other educational institutions in the country to which they belong.

- ***distance- learning*** : wide range of learning activities characterised by the separation of the learner from the teacher. They may or may not belong to the higher education system of a given country.

c. recognition almost never granted :

- ***non- official higher education*** :higher education activities operating in parallel to and outside the official higher education system of the host country.

The qualifications are very seldom recognized because the provider operates outside any official education system.

- ***international institution*** : institution offering « international » programmes/qualifications that are not part of a specific educational system.

They may have branch campuses in several countries, are seldom recognized in host countries but may be accredited by a national body in the US or have articulation agreements with American or British universities.

- ***corporate universities*** : organise their own higher education institutions or study programmes offering qualifications not belonging to any national system of higher education.
- ***virtual universities*** : the only contact with the student is by remote means.

Very often, there is no diploma as such delivered by virtual universities : in that case, there is no problem of recognition !

Even when a diploma is awarded, recognition will generally be refused on the basis of recognition criteria which often refer to regular class attendance and compliance with ordinary academic regulations.

2. Lack of accurate information

Almost no country maintains statistical data on TE.

It remains very difficult to obtain accurate information that can be trusted , first because, until recently, TE was considered as a « marginal » phenomenon by the European governments and higher education institutions. Today, it seems that the increasing number and variety of providers create another kind of difficulty, especially when the providers do entertain confusion about their status .

The main information that recognition bodies need to obtain in case of TE qualifications are :

- can the recognition/accreditation of the mother institution be transferred to the franchised institution or the branch campus ?
- in what ways is it ensured that quality is the same as in the mother institution ?
- are the programmes really identical to the ones in the mother institution ?
- are the admission requirements comparable to those of the mother institution ?
- what guarantee can be given on the quality of the teaching staff ?

3. Lack of specific regulation

As Stephen Adam wrote in his report « *current national and international regulation on transnational education takes many forms and is, in consequence, fragmented, disorganised, uncoordinated, often voluntary and ineffective.*(...)»

Where such controls are present, their strength is dependent on the particular nature of transnational education in question (...)

So it is important to distinguish different types and facets of transnational education in terms of their amenability to control ».

As far as recognition is concerned, 3 main possibilities do exist :

- no legal/normative instruments exist and no « good practice » has been developed in dealing with TE,
- legal/normative acts do exist but no « good practice » in their implementation has been developed,
- attempts to institute appropriate practices have been made but without any legal basis.

The first situation, probably the most conservative one, just denies any possibility of recognition for TE qualifications.

This situation is very often the case where the state or a public authority deals with recognition and adopts a protectionist attitude against all « non- traditional » education.

It will be less and less possible to maintain this attitude with the increase of the phenomenon and the globalization of education which will force governments to, at least, establish transparent rules on recognition of TE degrees.

In addition to that it can be counterproductive not to have a specific regulation for the recognition of TE, because, as our colleague, Steven Hunt, from the US Enic says, « in law, without a rule, there can be no violation. ».

Unless a country has laws that regulate non-state and private or non-traditional education practices and services, there seems to be no way to deal with TE.

National authorities should recognize that the best way to control the TE phenomenon is to have the legal capacity to regulate it, which allows them to demand transparency as a condition of recognition.

The second situation creates, at least, a legal framework, but which is relatively restrictive.

In that context, recognition will often be granted as far as the TE provider belongs to the national system of higher education of the home country .

In the third case, recognition of TE will be treated case by case, with the general principle that recognition will be granted if the provider is recognized or accredited in the country of origin. Recognition , however, can also be granted without that requirement. It is probably the most flexible attitude but it can lead to unfair treatment and arbitrary decisions .

When TE qualifications are only recognized under provision that the provider is recognized in the country where it operates, it may create rather ambiguous situations.

For example, in Norway, the so-called « European University » is not recognized.

However, as it is recognized in Spain, degrees awarded by the European university in Spain can be consider for recognition !

4. Lack of quality assurance control mechanisms applying to TE qualifications and programmes :

This seems to be one of the most important reason for the non- recognition of TE.

Where there is no guarantee or traditional system of reference or control, such education is seen as problematic and therefore, suspect.

The problem seems to be less important when the programmes/qualifications offered by TE are integrated in the official system of the awarding institutions's country.

But the franchising agreement may not guarantee a sufficient control of the awarding institution on the supervision of teaching and examinations, the quality of staff and resources or the protection of students.

In that case, it seems that a European type of quality assurance mechanism would be a good thing, because the TE providers are able to operate in all countries . So, having common rules seems to be a good idea to protect the students against bad quality TE providers.

Listing the main problems makes it easy to know, if not which measures, at least, in which areas, measures need to be taken to cope with the problem of recognition of TE 's qualifications.

●●What do we need :

Whatever the point of view one can have on it, it must be recognized that TE is not a temporary phenomenon and that it will, probably, develop more and more in the future .

TE can be compared with ET : both are extra- territorial or extra-terrestrial phenomena, but, ET, at least, wants to go back home !

A refusal to recognize Transnational Education and find ways of dealing with it, would, in the short or medium terms, lead to problems even more difficult to solve.

The different types of TE present different characteristics. Some are acceptable for recognition , some not. The problem is to distinguish the good TE products from the bad ones in terms of quality. This means to find reliable information and to adopt common measures.

1. Reliable Information

The sharing of information and experience is seen as one of the easiest measures that can be adopted in a short term period.

In that context, the Enic/Naric centres can have an important role, although their capacity to play a key role in information is sometimes subject to some criticism, partly due to their different status in the different member states.

A possible action could be for the individual centres to collect accurate information on institutions operating in their countries and on the kind of degrees they offer.

Some see in the use of Diploma Supplement by TE providers a way to enhance the transparency of the awarded qualifications.

This is probably, in principle, a good idea, but which body will control the accuracy of the information given by TE providers ?

Here, again, it seems that existing networks such as Enic and ENQA can play a major role.

2. Convergence of the policies of member states .

The recognition of a provider of transnational education in one country, especially in the framework of EU, may entail consequences for other countries as well : it may entail the obligation to recognize certain qualifications awarded by the provider, either on the basis of recognition directives (it seems that TE qualifications are not excluded from the Professional recognition Directives) or through inter- institutional or inter-governmental agreements.

For example, when a « private » TE provider, operating in a country where its qualifications cannot be recognized, concludes an agreement with a recognized institution from another country, its qualifications might obtain, through the « validation » of the recognized institution , a recognition in the country of origin !

That kind of drifts reinforce the need of a concerted answer at the European level.

Concerted mechanisms need to be found to deal with good TE qualifications but even more to protect the students against bad TE providers or against extra-European

providers for which not sufficient information is available : going after the diploma mills will require better international cooperation.

As written in Stephen Adam 's report « concerted national and international actions could be taken to prohibit degree mills bogus and fraudulent transnational institutions and their associated awards. Steps should be taken to make all bogus institutions illegal and thus protect consumers and the interests of legitimate education providers ».

Information and implementation of good practice at a European level need to be reinforced in addition to national regulations which are important but will become less relevant due to the rapid development of Information Technology.

3. Coordinated action by European quality agencies.

The link between recognition and quality assessment must be strengthened.

The difficulties encountered in the recognition of TE qualifications are due partly to the lack of specific national regulations but, also to the absence of common guidelines and approaches to quality control aspects.

Purely national accreditation of TE may lead to a kind of chaos with different countries producing different and sometimes conflicting decisions about the same qualification delivered by a given provider of TE.

As Guy Haug said in his presentation on TE during the meeting of the General Directors of Higher Education from EU (Aveiro, april 2000), « as a consequence, in the absence of a trustworthy accreditation system, structure or body at the European level, institutions would in all likelihood seek solutions from three different directions :

- through the creation of private, possibly self-serving accreditation bodies for private universities and other providers ;
- through « international » accreditation agencies/procedures independent from national systems,(...),
- or through US accreditation agencies (...) ».

And that could lead to bad practices related to the assessment of the quality of qualifications awarded through TE provision arrangements.

The European network for Quality Assurance in Higher Education can play an important role in elaborating good practices .

Coordination in that matter is necessary, which does not imply at all to create any kind of European quality assessment agency .

4. Action of the Enic network

The Enic network started to work on TE by establishing a working group in June 1997, during the annual meeting in Helsinki.

The working group produced the « **Code of good practice in the provision of TE** » that has been approved by the Enic network at its 2000 meeting and will be submitted for adoption to the Lisboa Recognition Convention Committee at its next meeting in Riga next June.

The Code provides a set of principles in the form of statements with a normative value, with the objective « to be a source of reference to the quality assurance and evaluation of TE programmes, to contribute to consumer protection for students, employers and other stakeholders and to facilitate the recognition of qualifications ».

To summarize those principles, TE arrangements :

- should comply with the national legislation regarding higher education in both receiving and sending countries,
- academic quality and standards should be at least comparable to those of the awarding institution as well as to those of the receiving country,
- the policy and the mission statements of TE institutions should be published,
- information given by the awarding institution should be appropriate, consistent and reliable,
- staff members should be proficient in terms of qualification, teaching, research and other professional experience,
- the awarding institution should be responsible for issuing the qualifications and should provide clear and transparent information, through the Diploma Supplement,
- the admission of students should be equivalent to those of the same or comparable programmes delivered by awarding institution,
- the academic workload should be that of comparable programmes in the awarding institution, any difference in this respect requiring a clear statement on its rationale and its consequences for the recognition of qualifications.

One of the intentions with the Code of good practice in the Provision of TE is that education programmes which do not comply with the Code will generally not be given recognition.

It is obvious that , as good as it is, the Code is not sufficient as such to solve the problems in the field of TE qualifications recognition, first because a lot of countries still do not use it and secondly because some TE providers might never respect the guidelines that it contains.

In addition to the necessity to encourage the implementation and the use of the Code of « good practice », there is still need for action for the Enic network, such as :

- continue the reflection and analysis in order to keep up with major new developments in TE,
- share information and improve existing knowledge,
- make recommendations for dealing with practical recognitions problems posed by qualifications awarded by TE higher educations/programmes.

Apart from the « Code of good practice » the Enic/Naric networks have taken part in the elaboration of other legal framework and « tools » to facilitate academic recognition.

Even if those tools were not set up to deal with TE qualifications, they can serve as guidelines.

The « **Lisbon Convention on the recognition of qualifications in the European region** » provides an overall framework for the recognition of qualifications.

Although the Convention mentions that only the qualifications delivered by institutions belonging to the system of a Party have to be taken into consideration, it provides a procedural and methodological framework which can be applied to the recognition of any higher education qualification.

The draft « **recommendation on criteria and procedures for the assessment of foreign qualifications and periods of study** » (which will be submitted to the Lisbon Recognition Convention Committee for adoption in June 2001) constitutes also a set of guidelines for credential evaluators whose principles could apply for recognition of TE qualifications.

Malmö - 2 March 2001