Welcome Dinner

Sponsor: *Commission on Higher Education (CHED)-*

Date	: *Tuesday, 23 September 2008*
Venue	: Crowne Plaza Galleria Manila, Philippines
Time	: 1700

Master of Ceremonies : **Edith Balicanta**

Program

1700	Registration
1830	**Welcome Addresses**
	Emmanuel Y. Angeles Chairman, Commission on Higher Education, Philippines
	Edsel T. Custodio Undersecretary for International Economic Relations Department of Foreign Affairs, Philippines
	Serenading the Participants and Guests
	Banda Kawayan Polytechnic University of the Philippines, Philippines

Opening Ceremonies

Date	: *Wednesday, 24 September 2008*
Venue	: Crowne Plaza Galleria Manila, Philippines
Time	: 0830

Master of Ceremonies : **Catherine Q. Castaneda**

Program

0830 – 0900	**Relevance of the Seminar to Group on Services (GOS)**
	Gloria O. Pasadilla Convenor, APEC Group on Services
	Relevance of the Seminar to APEC Economies and Transnational Education
	Nenalyn P. Defensor Commissioner, Commission on Higher Education, Philippines Co-Chair, Steering Committee
	Presentation of Delegates
	Heracleo D. Lagrada Project Overseer, Capacity Building Seminar on Transnational Education Services
0900 – 0915	Tea Break

Session Program: Day 1, Wednesday, 24 September 2008

Theme: "Regulatory Framework for Transnational Education: Trends, Directions and Policies in Transnational Education (TNE)"

Session Chair : **Josefina Natividad**
Member, Technical Panel for Distance Education, Philippines

0915 – 1000	**"APEC and International Education"**
	Bettina Cooke Counsellor (Education), Australian Embassy Ha Noi, Viet Nam
1000 – 1045	Open Forum
1045 – 1105	**"Transnational Education Policy in the Philippines: Perspectives and Issues"**
1105 – 1125	**Benito L. Teehankee** Chair, Technical Panel for Distance Education, Philippines
	"Development of Transnational Education in P.R. China"
	Dong Xiuhua Assoc. Professor, Shanghai Academy of Educational Sciences People's Republic of China
1125 – 1230	Open Forum
1230 – 1345	Lunch *(sponsored by CHED)*
1345 – 1430	**"Australia and Transnational Education Services"**
	Bettina Cooke Counsellor (Education), Australian Embassy Ha Noi, Viet Nam
1430 – 1530	Open Forum
1530 – 1545	Tea Break
1545 – 1630	**"Trends, Stategies, and Policy Instruments in Cross-Border Higher Education"**
	Stéphan Vincent-Lancrin Senior Analyst, OECD Centre for Educational Research and Innovation France
1630 - 1703	Open Forum
1730 – 1745	**Synthesis** **Josefina Natividad**

Session Program: Day 2, Thursday, 25 September 2008

Theme: **"Promotion of Private-Public Partnership: Networking and Monitoring of TNE Services"**

Session Chair   :   **Felix Librero**
Chair, Technical Committee on Transnational Education, Philippines

0800 – 0900	**"Monitoring the Provision of Transnational Higher Education (TNHE) Services: The Potentials for Multi-Sectoral Cooperation"**
	Sarjit Kaur Associate Research Fellow , National Higher Education Research Institute Universiti Sains Malaysia Malaysia
0900 – 1000	Open Forum
1000 – 1015	Tea Break
1015 – 1100	**Economy Paper**
	Gerardo Meza Trade Officer, Ministry of Foreign Trade and Tourism Peru
	Economy Paper
	Chia-Sing Yang Professor and Chairman, Department of Management & Information National Open University Chinese Taipei
1100 – 1200	Open Forum
1200 – 1330	Lunch *(sponsored by CHED)*
1330 - 1415	**"Transnational Education and Capacity Development"**
	Stéphan Vincent-Lancrin Senior Analyst, OECD Centre for Educational Research and Innovation (CERI) France
1415 – 1515	Open Forum
1515 – 1530	Tea Break

1530 – 1615	**"Mexican Transnational Education Services"**
	Leonardo Mauricio Chavez Ruiz Department Chief for Analysis and Operation Certifications Ministry of Education, Mexico
	"Monitoring Transnational Education Services in Brunei Darussalam"
	Syahira Yusoff Special Duties Officer Grade II Brunei Darussalam National Accreditation Council Brunei Darussalam
1615 – 1715	Open Forum
1715 – 1730	**Synthesis** **Felix Librero**

Session Program: Day 3, Friday, 26 September 2008

Session Chair : **Zenaida Domingo**
Member, Technical Panel for Distance Education, Philippines

0900 – 1000	**"United States Case Study on Transnational Education Services"**
	Adriana de Kanter Policy and Technical Analysis Support, Office of Planning, Evaluation, and Policy Development, U.S. Department of Education United States of America
1000 – 1015	Tea Break
1015 – 1115	Open Forum
1115 - 1130	**Workshop Mechanics** **Heracleo D. Lagrada** Project Overseer
1130 – 1300	Lunch *(sponsored by CHED)*
1300 – 1500	**Workshop: "Concerns on TNE Regulations and Recommendations"**
1500 – 1515	Tea Break
1515 – 1545	**Presentation of Output**
1545 – 1600	**Synthesis** **Zenaida Domingo**
1600 – 1615	**Future Directions** **Mona D. Valisno** Presidential Assistant on Education

Monitoring the Provision of Transnational Higher Education (TNHE) Services: The Potentials for Multi-Sectoral Cooperation

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ABSTRACT

Transnational higher education (TNHE) is not a new phenomenon, though its nature and the pace of its growth are unprecedented, challenging the national systems of higher education in this region. Whilst it brings about identifiable benefits, it also raises concerns amongst nations, particularly for the importing countries that are less prepared to meet these challenges. It is argued that the coming of GATS will pressure such nations to liberalize the higher education sector. While many argued that TNHE is inevitable, they are of a consensus that its provision needs some degree of control if it is to be developed healthily in this region. These concerns relate to regulation, quality assurance, recognition, and social, economic, cultural and political issues. These concerns can be more effectively addressed at the regional level involving stakeholders not limited to governments, but also employers, industry, student and academic associations, professional governing bodies, and quality assurance and accreditation agencies. Though efforts towards such multi-sectoral cooperation have been initiated, it has been ad-hoc and

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disparate in nature. A more concerted and integrated initiative is necessary if we are to see a more systematic development of TNHE in this region.

INTRODUCTION

Transnational higher education (TNHE) is a complex and unique phenomenon that is rapidly finding its foothold in the higher education sector of most nations, particularly in the Asia Pacific region.   The UNESCO Council of Europe defines TNHE as,

> *...all types of higher education study programmes, or set of courses of study, or educational services in which the learners are located in a country different from the one where the institution providing or sponsoring the services in based. Such programmes may belong to the education of the state different from the state in which it operates, or may operate independently of any national education system.*

The World Bank (2007) refers to TNHE as

> *...the movement of people, programmes, providers, curricula, projects, research and services in tertiary (or higher) education across national jurisdictional borders.*

TNHE is not a new phenomenon, pre-dating the era of modern university system, where study abroad and exchanges of student and scholars are relatively common. However, what has changed in the last few decades is the nature and scale of TNHE. Growth in TNHE, particularly in this region is largely driven by the unmet domestic

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demand arising from the greater participation rates. For example, the participation rate in tertiary education in Malaysia had to be raised to 40% by 2020 if it is to achieve its developed nation vision, from a 1997 participation rate of only 14%. Similarly in China, the participation rate was targeted to increase to 19% by 2020 from a mere 3% as of 1999; India will double its participation rate from 4% to 8%, and Hong Kong will see an increase from 15% to 20% by 2020 (Moe & Blodget, 2000 cited in Jones, 2001). The scale and pace of growth of TNHE in this region is unprecedented. In terms of its changing nature, what used to be seen as a public good under the purview of national mission, higher education is increasingly being regarded as a private good, to be traded and commercialised. Further, the coming of GATS and the commercial potential of higher education have generated tremendous interest and debates as to their relative merits and demerits over the last decade.

TNHE comes in various forms and a multitude of possible approaches to delivery and structure of the programme, innovative ways of collaboration and shared responsibilities with local partners, and a variety of options for awarding and recognising qualifications. The plethora of TNHE offerings has created much confusion amongst the various stakeholders, particularly amongst the policy makers of the importing countries of the developing world. Central to the confusion about TNHE amongst policy makers is the fact that higher education, which used to be a national mission and responsibility of national governments, has moved towards an international commodity without specific accountability (Lenn, 1998)

Though TNHE has been widely discussed in the higher education arena, nevertheless, there are still remarkable terminological and conceptual confusions

about the subject (Vignoli, 2004). Scholars of higher education have multitudes of definitions to explain TNHE and many have also tried numerous categorisations to illustrate the different operational forms of TNHE (see Helms, 2008; Knight, 2007; Vignoli, 2004). The complications and difficulties to categorise the various forms of TNHE have posed severe challenges to the monitoring process of TNHE as compared to the other traditional forms of higher education provision.

However, TNHE is currently one of the most visible forms of globalisation (Knudsen, 2001) shaping the higher education landscape as well as an integral part of the internationalisation process. Without doubt, the development of TNHE has wide ranging implications to institutions of higher education, nation states, international organisations, citizens and companies (Adam, 2001), which therefore further reinforced the urgent needs of monitoring the provision of TNHE.

The growth of TNHE in this region is testament to the benefits that it brings. Its encroachment into national higher education systems also raises concerns that needed to be resolved. These issues provide an opportunity for multi-sectoral cooperation at the regional level to monitor the provision of TNHE, that can reduce if not alleviate these concerns without jeopardising the potential benefits that TNHE brings. In an effort to provide a balanced view of TNHE, this paper will discuss the benefits, before delving into the issues and concerns of TNHE and lastly the potential areas of multi-sectoral cooperation that can mitigate current and emerging issues.

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BENEFITS AND CHALLENGES OF TNHE

It is undeniable that TNHE has played an important role in the development of higher education. The provision of TNHE has tremendous benefits to the higher education sectors of both importing and exporting countries, as well as the regional higher education market. At the same time, the changing nature TNHE offerings has brought along challenges to the domestic and regional higher education sector.

<u>Benefits</u>

First and foremost, TNHE played an integral part in the widening of learning opportunities to the masses by providing wider choices, both in numbers as well as quality, of education attainment (Vignoli, 2004). This significantly increases the domestic capacity building in the importing country, particularly among developing countries with a less developed higher education system. Moreover, with the increased choices to pursue higher education domestically through the provision of TNHE, the importing countries could reduce brain drain and minimise the outflow of resources (Hussain, 2007), as TNHE provides the alternative for those intending to pursue tertiary education in foreign institutions. Malaysia is the notable example that has benefited from this (see Morshidi, 2006).

Secondly, in so far as the exporting country is concerned, TNHE is a source of revenue to the economy (Vignoli, 2004). The provision of TNHE enables opportunities for market expansion and raising their international profile; concurrently providing the occasion for TNHE institutions to pursue their internationalisation agenda through establishing links and networks with foreign institutions (Morshidi

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and Sarjit, 2007). To some TNHE providers, it opens up avenue to recruit potential research personnel at the graduate level.

Regionally, the provision of TNHE enables the continuous improvement of higher education systems as TNHE providers compete with the traditional institutions in supplying innovative programmes and delivery methods (Vignoli, 2004). Furthermore, the competition provides the alternative check-and-balance that could lead towards the overall enrichment of the regional education system.

Challenges

The challenges pose by TNHE occur at multiple levels – institutional, national, regional and global. It challenges national autonomy and as alluded to, the national and socio-cultural values embedded in national higher education (Adams, 2001). On hindsight, TNHE also presents several challenges to the higher education systems. In most of the developing countries, higher education plays an important role to the development of the country and its nation-building agenda. In such a circumstance, the public higher education sector is usually strongly protected by the government in the namesake of national interest and therefore public and private higher education institutions were not on level playing fields. This could result in TNHE institutions being 'unfairly' treated as compared to the national providers of tertiary education (Vignoli, 2004).

Further complicating the situation, most of the TNHE providers are for-profit organisations, whereby, through the provision of education services, revenue generation is an important goal to be achieved. As stated by Helms (2008) using the

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case studies in China, self-sustainability, growth and profit are the essential goals for TNHE, even those that are non-profit. Due to the goals of the institutions being very much associated with financial sustainability, even among non-profits organisations, it is inevitable that problems such as quality assurance, consumer (student) protection, and lack of information and transparency are closely connected. This eventually provides the platform for 'degree mills' and bogus institutions to exploit the system (Vignoli, 2004; World Bank, 2007).

On the other hand, TNHE with its cross-border elements, might raise conflicts in terms of language and cultural context. As highlighted by Morshidi (2006), the provision of TNHE using the English language may exacerbate social divisions within the Malaysian society as private higher education institutions (including TNHE providers) are mandated by the government to have provision for the offering of the national language. Additionally, TNHE providers may also not share the same values and priorities as the receiving countries and may not prepare the graduates with the appropriate moral and ethical values (Gift et al., 2006; Morshidi, 2006).

Although it is unquestionable that TNHE has successfully increased access to higher education through the provision of alternative choices, nonetheless, TNHE may also have hindered access of the local society. In cases where TNHE offers quality education that are branded by reputable international providers, the cost of education might limit access to those privileged few who can afford it (Gift et al., 2006).

TNHE's competitive nature can also be detrimental to the competitiveness of host country higher education institutions. In the context of trade, Bashir (2007) noted that TNHE providers typically focused on highly demanded job-oriented professional courses (such as business and computing), thus removing the cross-subsidization effect, which subsequently reduces the level of competitiveness of local higher education institutions. Another facet of competitiveness of local higher education institutions affected by TNHE is in terms of recruitment of faculty, where the higher pay offered by TNHE providers has the effect of reducing the quality of faculty that local HEIs can attract (Bashir, 2007).

The academic community has also raised concerns regarding the effect of TNHE on institutional autonomy, tenure of faculty and impact on academic freedom, ownership of intellectual property right where the content development and delivery are now separated (for e.g. in franchising, twining) and the content can be used in many different locations; and undermining the role of higher education as an essential public service (Bashir, 2007). Academic associations in TNHE importing countries have also expressed concerns that their role may be reduced to mere "glorified teachers"; focused on "low-skilled" jobs of instructors and facilitators.

Progressing further, TNHE also provides challenges to the regional setting of higher education. First and foremost, with the exception of the European Union, regionalism in higher education is still at an infancy stage. While the European Union has adopted the Bologna Process, which served as a mechanism for the reorganisation of higher education systems in signatory countries of Europe, on the

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contrary, countries in Asia are implementing plans to establish their own regional education hubs (Morshidi, 2008). The diversity and inconsistencies among countries in the same region could cause more problems to the higher education system of the region with regard to monitoring TNHE provision.

Secondly, the multi-sectoral General Agreement on Trade in Services (GATS), which includes education, is a complex and technical agreement that has direct implications to the monitoring of TNHE provision. Most countries, such as Malaysia, protect their service sector by means of non-tariff barriers – such as subsidies, investment and labour market restrictions, quota systems, technical standard, quality assurance mechanism and administrative regulations. Furthermore, the commitment to 'market access' would mean that countries could not limit entry of foreign higher education institutions into the receiving country (Morshidi and Abdul Razak, 2007). Under such circumstances, it will be extremely challenging for government or domestic agencies to monitor the provision of TNHE.

Thus, for systematic development of TNHE in the region, the monitoring of its provision needs careful monitoring and mechanisms have to be in place to do so. As such, issues relating to jurisdiction, quality assurance, recognition and national socio-cultural requirements need to be addressed in such a monitoring framework.

POTENTIAL AREAS FOR MULTI-SECTORAL COOPERATION

A regional level framework that addresses the issue of monitoring the provision of TNHE is critical at this juncture in the development of higher education sector in the region. The arguments for such a framework are as follows:

- Multi-sectoral impact of TNHE: The impact of higher education pervades all levels of society, socio-economics, cultural and political, making it imperative that within national borders, apart from government, the providers, student bodies, academic associations, employers, qualification and accreditation agencies be involved in dealing with this phenomenon. The diversity of forms and structures of TNHE, that results in confusions mandates that TNHE be seen from a multitude of perspectives from many sectors if they are to get a handle of TNHE and by implications the manner in which TNHE is to be managed and monitored within its national borders. In some countries in this region, mechanisms for monitoring provision HE are still in its infancy. The World Bank (2007) noted:

  Many quality assurance bodies around the world have not even begun to consider how to address the cross-border issue. All relevant government agencies (e.g. education, trade, science and technology, health, etc.) should be included in the dialogue.

- Varying Level of Development of National Mechanism for Monitoring TNHE: The very nature of TNHE that crosses national boundaries and jurisdictions

makes it imperative that countries (and their relevant stakeholders) need to talk to each other and develop framework(s) acceptable to all. This is even more critical when the level of developments of national higher education sectors particularly in the APEC member countries varies from country to country. In fact, most national higher education systems have some form of provisions for monitoring higher education provisions, but very few are focused or are required to monitor imported higher education, and even less has the necessary resources and expertise to undertake such an exercise (Lenn, 1998; Knight, 2007). Adams (2001) goes on to argue that

> ... *current national and international regulation of transnational education takes many forms and is, in consequence, fragmented, disorganised, uncoordinated, often voluntary and ineffective.*

In such a scenario, regional level collaborations and cooperation will in the long run help raise the quality of monitoring, though without doubt with many trials and tribulations along the way.

- Mobility of Profession: The globalization of profession is already happening for some time now, with corporations the world over expanding to every corner of the globe where there are potentials for competitive advantage, and these multinational and transnational corporations are sourcing for their human capital globally. This together with growth in the knowledge economy will lead to quantum increase in the movement of knowledge workers, be it scholars, experts, teachers/professors, and professional across national

borders (Knight, 2007). This movement of professional workers heightens the need to provide for a common professional qualification and underlies the basis for a regional and global setting of standards and accreditations (Lenn, 1998). Apart from implications to recognition, Knight (2007) argued that this mobility of professionals has implications not limited to the education policies, but also for immigration, science and technology, trade, employment and foreign relations; thus reinforcing the need to incorporate multi-sectoral perspectives.

- <u>GATS and Increasing Trade in Higher Education:</u> Countries in this region, particularly those in the importing countries of TNHE will be under increasing pressure to give their commitment to greater liberalization of education services. The number of countries that has given their commitment has been steadily increasing. The number of OECD countries committed for the higher and adult education sectors are 12 and 10 respectively; whereas the numbers for non-OECD countries are 21 and 20 respectively in 1998 increasing to 32 and 31 in 2002 (Bashir, 2007). There are still many countries in this region that are not in a position to make a decision whether or not to liberalize their higher education sector as their mechanisms and structures are ill-prepared to monitor the provisions of TNHE. For such countries, a regional framework, with cooperation and expertise from those with more advanced monitoring mechanisms, is the only way to deal with this issue.

Regional framework and cooperation to monitor provisions of TNHE is not new and has taken place in Europe and other parts of the World. What then should such a regional cooperation work on? Ideally, it should strive for a regional framework that mitigates the major concerns of TNHE that are well documented in the literature (see e.g. Vignoli, 2004; Knight, 2004, 2007; Adams, 2001; Bashir, 2007) whilst jeopardizing as little as possible the positives of TNHE. These concerns can be categorized into those related to:

- Regulation/Jurisdiction,

- Quality Assurance/Accreditation,

- Recognition, and

- Socio-cultural and national policies.

The effort in developing such a framework should not start from scratch. There are a number of existing frameworks that can be the point of departure. OECD and UNESCO have documents (see for example the OECD Code of Good Practices for TNHE, UNESCO-APQN Toolkit: Regulating the Quality of Cross-border Education) that provide guidelines in such an endeavour.

Regulation

TNHE by definition involves the crossing of cultural, linguistic, legislative as well as national and often intercontinental borders (Vignoli, 2004). Thus the central issue of jurisdiction arises. In a region, where the higher education sector varies from

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country to country, legacies of many colonial systems, with different structures and values, different key and reference points, the task to adapt and harmonize them into a general regulatory framework becomes very complex and difficult. However, some degree of harmonisation of the different systems needs to be developed, and in this Europe, through the Bologna Process, has achieved some degree of success. The South East Asian region is taking preliminary steps towards such an effort, through SEAMEO-RIHED (Bangkok) in organizing seminars to create awareness of efforts towards harmonisation of the various national higher education systems. Questions and issues that need to be resolved by such a framework would include:

- <u>Definition</u> of TNE

- <u>Defining the level</u> of TNHE programmes to be regulated – graduate, degree, sub-degree, and/or vocational

- <u>Types of programme</u>: academic or professional

- <u>Types of delivery to be regulated</u>: Distance education can be very difficult to regulate

- <u>Scope of programme</u>: short training programmes, non-award, in-house programmes, credit bearing programmes that eventually leads to foreign award,

- <u>Type of Educational Activity</u>: that should be regulated: what constitutes a programme of study? whether to regulate non-teaching, examinations only programmes?

- <u>Functions of the framework</u>: Ideally, the regulatory framework should enable national governments to regulate and safeguard the quality of TNHE; to

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regulate the supply of higher education; regulate TNHE in accordance with the policies of the country; enable government to collect information about the market and operations of TNHE; and help government to disseminate information to students and other stakeholders (UNESCO, 2006)

- <u>Type of Framework</u> that should be developed: Questions of degree of control ranging from loose/soft (such as minimal requirements like licensing and registration) to more restrictive control (requirements for accreditation); If accreditation; self accreditation versus external accreditation.

- <u>Mandatory (enforced regulation) or Voluntary (incentive):</u> Implicit in most regulatory system is that it is mandatory. However there are voluntary mechanisms that can encourage compliance to stipulated conditions and criteria such as recognition for purposes of employment, eligibility for loans and other developmental incentives. It is therefore possible to have a framework that combines both mandatory stipulations as well as incentives. However, there needs to be agreement as to the kind of incentives so as not to generate unfair competition.

- <u>Single versus Dual System:</u> Some countries may want to have a dual system, one for its domestic higher education providers and the other for TNHE providers. Malaysia for example does treat TNHE differently from its public higher education. For some time, the National Accreditation Council (known by its Malay acronym, LAN) was mandated to monitor private higher education and TNHE, whilst the Quality Assurance Division (QAD) monitors the provision of the public higher education sector. However, it hopes that

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over time these two systems will converge into one, and the setting up of the Malaysian Qualification Authority (MQA) recently is a move in this direction. Ideally there should be one; but countries may not be prepared for such a move, and a time frame should be established to achieve this ideal.
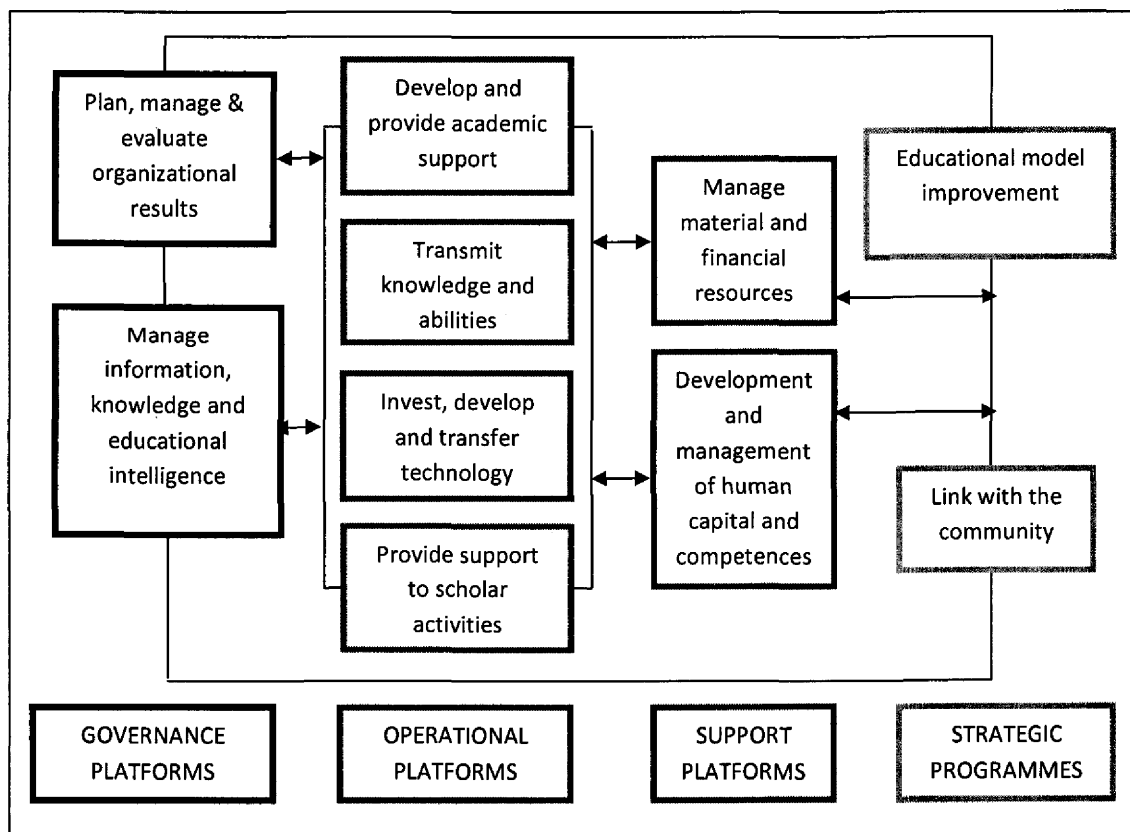
Quality Assurance/Accreditation

The primary purpose of any regional framework is to protect the academic quality of TNHE (UNESCO, 2006). The term Quality Assurance is the European version of the American process of accreditation of the academic institution and programs (Gnanam, undated). Vignoli (2004) argued that whatever framework of quality assurance to be put in place should not prohibit the provision of TNHE, however, it should be subject to some system of quality control. In assuring quality, assurance systems such as the International Organization for Standardization (ISO) or even General Alliance for Transnational Education (GATE) can serve as platforms for efforts to develop the Quality Assurance necessary for the regional regulatory framework.

ISO Standards

In 1947, the International Organization for Standardization (ISO) was founded with the objective "to facilitate the international coordination and unification of industrial standards". Since then, the ISO has published more than 16,500 International Standards for a wide-range of areas, from agricultural and construction, through mechanical engineering, to medical devices, and to the newest information technology developments (ISO, 2008).

Currently, the standardisation of the education sector is included in the ISO 9001:2000 framework. Due to the fact that ISO 9001 is a generic standard, an additional agreement, the International Workshop Agreement Version Two (IWA 2), was adopted in 2007 specifically for education institutions whom might have difficulties in adapting to the ISO 9001 requirements. The IWA 2 is not intended for use in contracts for conformity assessment nor for certification, but rather, tailored towards making the document more useful for the education sector (de Arracaeta, 2007).

Figure 1: ISO 9001:2000 Quality Management System, process model for a university

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(Source: de Arrascaeta, 2007)

In this respect, the ISO has provided the framework for standardisation in quality assurance and accreditation of higher education institutions. The ISO 9001:2000 Quality Management System has a specific process model for university (de Arrascaeta, 2007), that specifically looks into four areas of the institutions – governance, operational, support and strategic programmes – which more are more geared towards the brick and mortar universities instead of the TNHE institutions.

GATE

Within the higher education sector, there is another similar standardisation arrangement for all participating TNHE institutions called the Global Alliance for Transnational Education (GATE), established in 1995. GATE has drawn up a set of Principles for Transnational Education, which comprises ten principles that institutions providing TNHE should adhere to as a matter of integrity and responsibility to ensure quality of the educational services (Jones, 2001). The organisation initially belonged to the Jones International Limited and was donated to the United States Distance Learning Association in 2003. This transfer could signal the shift in ownership from a for-profit organisation into a non-profit association (JIL, 2003).

Its certification process adheres to internationally accepted practices for third party review of higher education quality whereby (1) it defines the characteristics of quality; (2) it asks educational providers to undertake a self-evaluation exercise based on the characteristics; and (3) it conducts an external review of the

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programme (both at the home institutions as well as foreign sites, before conferring the GATE's certification (Lenn, 1998). In 1998, its certification process and principles have been applied to over 20 offerings in Hong Kong, Kuala Lumpur and Singapore (Lenn, 1998)

Other Quality Assurance Codes

Similarly, there were six others codes of practice by various agencies within the higher education sector. As highlighted by Knight (2005), these are:

(1)   Quality Assurance Code of Practice: Collaborative Provisions – UK Quality Assurance Agency;

(2)   Code of Ethical Practice in the Offshore Provision of Education and the Educational Services by Higher Australian Higher Education Institutions – Australian Vice-Chancellors Committee;

(3)   Principles of Good Practice for the Educational Programmes for Non-US Nationals – New England Association of Schools and Colleges;

(4)   Code of Good Practice in the Provision of Transnational Education – UNESCO/CEPES and the Council of Europe;

(5)   Code of Conduct for Cross-border/Transnational Delivery of Higher Education Programmes – South African Ministry of Education; and

(6)   Code of Practice for Overseas Education Institutions Operating in Mauritius – Tertiary Education Commission.

It is worthy to note that, unlike the ISO which is highly successful in trade and manufacturing-related sectors, such standardisation efforts within the higher education sector have been less encouraging. These specific standardisation efforts have not been effective and efficient in monitoring the quality of educational services partly due to (i) lack of legislative binding in these codes, and (ii) lack of faculty involvement, where all the six stakeholders of the codes do not acknowledge faculty's rights and academic freedom (Johnson, 2005). Therefore, to specifically monitor the quality provision of TNHE is a more arduous task.

A plausible re-assessment of the various standardisation measures could perhaps shed some light on the direction for betterment. While on the one hand, ISO has been successful with other sectors and less with education, on the other hand, GATE and other agencies have not been able to impact the higher education sector effectively through codes of practice. This creates avenues for closer cooperation between higher education agencies and other established standardisation bodies, such as ISO, to collaborate in their effort to assure the quality of higher education more effectively, particularly with regards to TNHE. Alternatively, because many Asia-Pacific countries have already established their National Quality Assurance Agencies, efforts to rationalise these various systems can be a basis for a regional quality assurance system. The second conference on Quality Assurance Agencies under the auspices of the International Network of Quality Assurance Agencies in

Higher Education (INQAAHE) in Bangalore, India in March 2001, has paved the way for the Asia-Pacific network to promote cooperation in assuring quality and mutual recognition among the countries of the region (Gnanam, undated).

<u>Recognition</u>

Who has responsibility to recognize the qualifications awarded by TNHE providers? Vignoli (2004) argued that on grounds of academic autonomy, a supranational accreditation and recognition authority should be avoided. However Gift et al. (2006) countered that a regional recognition authority is critical, thus the implementation of the Caribbean Accreditation Authority for Education in Medicine and other Health Related Professions. In some countries, further accreditation and recognition required from professional governing bodies is necessary for license to practice. This is true for professions such as Law, Accountancy, Engineering, and Medicine. Each of these governing bodies has their own unique requirements before recognition of the qualifications for purposes of employment. It is therefore imperative that these governing bodies be involved in developing the framework. Collaborations amongst these governing bodies to consolidate their common requirements and rationalize their unique characteristics will be a prerequisite to be developed into the overall framework. In this respect, APEC Business Advisory Council (ABAC) reports that the APEC Human Resources Development Working Group has begun a project on comparability and disparity of skills testing standards with the goal of promoting mutual recognition. Priority areas of interest include accounting, architectural, consulting, engineering, and legal services. Even though

APEC has initiated efforts in this direction, the result has been slow in coming. For example, at the second meeting of the Advisory Group on APEC Financial System Capacity Building (AGFSCB) held on 11 August 2004, Fairweather (2004) noted that

> ...While most APEC economies have effective banking and securities market associations that deal with their home governments and regulators, cross-border relationships between associations are, in our experience, not so well established" (AGFCSB, 2004).

In Europe, Adams (2001) noted the existence of three networks whose functions are related to recognition of qualification. These are the European Union National Academic Recognition and Information Centres (NARIC), the European Network of Information Centres (ENIC) network established by the Council of Europe and UNESCO/CEPES, and that organised under the European Association for International Education (EAIE) professional section, for Admissions Officers and Credential Evaluators (ACE). These three networks meet regularly and try to resolve issues of recognition. In addition, there are a number of professional bodies that validate or accredit national and overseas institutions and courses for recognition purposes, e.g. the UK Royal Institute of British Architects (RIBA), the UK Law Society, etc. In this region, national governing bodies of professional associations need to step up efforts towards greater integration.

Vignoli (2004) further argued that the issue of recognition is one of "transparency of certification" and suggested that use of something similar to the Diploma Supplement that was developed jointly by EC Council of Europe and UNESCO/CEPES can resolve many of the recognition issues. Gnanam (undated)

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notes that Mutual Recognition (MR) of the National Education Quality Assurance (NEQA) agencies is the necessary first step towards the ultimate recognition of the qualifications or any other academic outcomes globally, and it requires regional bodies such as the Asean University Network (AUN), Association of Southeast Asian Institutions of Higher Learning (ASAIHL), University Mobility in Asia Pacific (UMAP) and others to initiate such efforts.

Socio-Cultural and Political Related Concerns

Apart from the central issues of quality assurance and jurisdiction, socio-cultural and political related concerns are by no means any less important when developing a regional framework to monitor the provisions of TNHE. Many scholars (e.g. Knight, 2007; McBurnie & Ziguras, 2001) have highlighted the concerns of the importing country with regards to the relevance of TNHE in meeting socio-cultural and political needs of the nation. Gift et al. (2006) raise the concern that TNHE providers may not share the same national values and priorities of the importing countries in the Caribbean. Bashir (2007) also noted the same in many parts of the world.

Tadjudin (2000) fears for the negative effects of competition from TNHE to domestic higher education system of Indonesia, when in fact TNHE should be complementary to the existing domestic systems. He argued that TNHE should add value to the national system (as TNHE is located outside the national system), and as such only TNHE with cooperative arrangements with host institutions and credit transfer program should be allowed.

Another social repercussion that can result from TNHE is the widening gap between the "haves" and the "have-nots". For example, in the Caribbean, Gift et al. (2006) fear that quality education by reputable international providers may be accessible to the privileged few who can afford it. Similarly in Indonesia, Tadjudin (2000) worried that students participating in TNHE (typically from the upper strata of society) will miss the opportunity to interact with their peers from the more rural provinces.

Apart from socio-economic differences, the demographic profiles of students participating in TNHE programmes in Malaysia, are disturbingly skewed along racial lines, where a large majority of them are Malaysian Chinese. This is further exacerbated by the distinction in the medium of instruction, where TNHE provisions are largely taught in English, whereas the medium of instruction in the national higher education system is the national language. McBurnie & Ziguras, (2001) when analysing the Malaysian Private Higher Education Act 1996 (that opens the door for an influx of TNHE) noted that this act also tries to address three major concerns: (1) English Language may exacerbate social division, (2) vocational nature of private education may not meet the nation's aspiration of graduates with high moral and ethical values, and (3) curriculum offered by foreign providers may not meet the nation's needs.

UNESCO (2006) also stipulated that

...such requirements are quite separate from issues of the quality and standard of the programmes, but pertain more to the educational, cultural,

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economic, or linguistic needs of the society. It is a matter of national policy

whether and how such criteria are stipulated.

<u>Summary</u>

In summary, the issues of regulation, quality assurance, recognition and those related to national policies are key areas that need urgent attention if a regulatory framework is to be developed. These issues require a multitude of perspectives, and therefore require an approach that involves participation from various sectors, institutions, agencies, associations and governments. UNESCO (2006) summarizes these issues into questions that this team needs to deliberate on:

1. *Should cross-border courses be approved or recognized by their home country? What is the relevant authority for granting approval or recognition?*

2. *In setting the academic criterion for cross-border courses, should the benchmark be set at the level of the provider country (or provider country institution) or the receiver country?*

3. *Should there be one standard/system for all types of cross-border courses?*

4. *What type of regulations can be set to ensure consumer protection?*

5. *Should cross-border courses meet any specific national policies, such as cultural or linguistic requirements, economic or educational policies?*

Further, the development of the regional framework needs to involve the various stakeholders apart from the major players of government, HEIs (public as well as

private), Academics (through associations), Student bodies, Industry (Employer Federation), Professional Recognition bodies, Accrediting agencies and many more.

CONCLUSION

TNHE will no doubt become an important, if not an integral, part of national higher education sectors in the Asia Pacific region. While TNHE brings about a number of benefits, barriers to reaping such benefits need to be resolved particularly in the areas of jurisdiction/regulation, quality assurance, recognition and socio-economic, culture and politics. Many agree that TNHE should not be prohibited but its provision needs some degree of control and regulation. Such a regulatory framework can only be effective at least at the regional level if not at the global level. Such a framework should address the concerns mentioned above.

Overcoming these challenges is going to take a huge effort due largely to the complex nature of the phenomenon and the different structures and values of the various national higher education systems in the region, some with only rudimentary mechanisms to monitor higher education provision. It is therefore imperative that effort at developing a regional framework would involve various sectors and stakeholders. In particular governments, who are the custodians of national higher education, will be the primary players. However, national quality assurance agencies, accreditation bodies (whether public or private), HEIs, academic associations, professional governing bodies, immigration agencies, employers' federations and many more have a stake in ensuring a smooth development. Note however that there are already efforts moving in this direction, but by and large it has been slow

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and quite disparate. Regional agencies such as UNESCO, APEC, and ASEAN are already making overtures towards integrating portions of the larger framework. What is needed is the holistic development of the framework covering all areas of concern. Furthermore, there are already existing frameworks developed for other regions that can accelerate the learning curve.

Apart from the development of a regulatory framework, other parallel effort at regional cooperation such as promotion of communities of transnational higher education practices (Dunn & Wallace, 2005) will augur well for the development of TNHE in this region.

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