

AUSTRALIAN UNIVERSITIES QUALITY AGENCY

A Report Submitted in Response to AUQA's Constitutional Objective 3, relating to the 'National Protocols for Higher Education Approval Processes'

March 2005

Preamble

1. The Australian Universities Quality Agency's (AUQA's) Constitution specifies four objectives (called 'objects') (Attachment 1). Two relate to AUQA's audit function, and one to the world standing of Australia's higher education system.
2. The other, Objective 3, requires AUQA to: 'Report on the criteria for the accreditation of new universities and non-university higher education courses as a result of information obtained during the audit of institutions and state and territory accreditation processes'. The criteria mentioned in this Objective are the 'National Protocols for Higher Education Approval Processes', approved by MCEETYA in 2000 at the same meeting at which it decided to create AUQA itself (Attachment 2).
3. This is AUQA's first formal report in response to this Objective. AUQA does not see this report as concluding its responsibilities under Objective 3. It will continue to work with other organisations on the Protocols, and produce specific reports from time to time.
4. No date is specified for such a report, nor is the frequency with which reports should be produced. Since
 - AUQA's audits are envisaged to be carried out on a cycle of approximately five years,
 - the audits of the accreditation functions are spread through the five-year cycle, and
 - the data on which AUQA might base such a report are gathered mainly in the context of these auditsAUQA decided that it would produce at least one report relating to Objective 3 in its first five-year cycle, and would do this after about three years of operation.
5. The Objective also does not specify the nature or focus of the required report. As the Protocols were approved by MCEETYA only in 2000, and it has taken some time for them to be passed into law in the various Australian jurisdictions, AUQA assumed that the intent was that it should report on the scope and expression of the Protocols, and any issues relating to their implementation.
6. This report should be read in conjunction with AUQA's audit reports on accreditation agencies, as these set out the extent to which the agencies are meeting the Protocols at the time of their respective audits, and indicate issues of interpretation and implementation.

Context

7. AUQA is responsible for auditing the accreditation function or agency in each jurisdiction, with the Protocols serving as basis for these audits. AUQA's fitness-for-purpose audits of self-accrediting institutions (SAIs) and non self-accrediting institutions (NSAIs) have also occasionally raised issues related to the application of the Protocols.
8. From its first audit of an accreditation agency, AUQA instructed each audit panel not only to audit the agency itself, but also to record its views on the Protocols. AUQA asked these panels to reflect on whether the Protocols:
 - are well-expressed for their respective purposes
 - contain any duplication
 - specify unnecessary activities
 - exhibit any gapsand whether the panel had any other comments.
9. In order to address the fourth bullet ('whether there are any gaps') it is necessary to clarify what the scope of the Protocols should be. Although this is not clearly specified in the Protocols document itself, it can be summarised as 'the activities carried out by state, territory and national accrediting agencies or functions in approving non-self-accrediting institutions and their programs'.
10. To the end of 2004, AUQA has audited accreditation and approval functions of the:
 - Queensland Office of Higher Education (2001)
 - Victorian Office of Higher Education (2002)
 - South Australian Recognition Authority (2003)
 - ACT Accreditation and Recognition Council (2003)
 - NSW Department of Education and Training (2004)

Although the 2001 audit of the Queensland Office of Higher Education was a pilot audit conducted to test AUQA's audit procedures and hence its report is not public, it is still acceptable for AUQA to draw conclusions about the Protocols from it.

11. The Protocols were approved by MCEETYA in 2000 and it then took varying amounts of time for the various jurisdictions to decide how best to implement the Protocols and to enact the relevant legislation. Therefore, AUQA's audits of accrediting agencies over the period 2001-2004 have been dealing with organisations in a state of significant change. This has not detracted from AUQA's ability to make this report, but it does mean that comparisons between AUQA's audit findings across the years should not be treated as if they resulted from a nation-wide snapshot at a single moment. (Recommendation 3 of the Guthrie Report (see below) proposes taking such a snapshot.)

Reporting Stages

12. AUQA did not believe that its decision to produce a formal report in respect of Objective 3 after about three years should preclude earlier action if this seemed warranted. Rigidly waiting until we had audited over half the agencies before making any comments could have meant that some of these comments were too late to be of value. It could also have meant a duplication of activity. In the former category is some action taken by AUQA in respect of Protocol 1, which will be described below. In the latter category is AUQA's work with DEST's Protocols Project of 2003-2004.
13. In 2003, DEST initiated a project to
 - compare the current legislative approaches to the Protocols
 - investigate issues relating to Protocols 1 and 2
 - explore the meaning of 'operate' in the Protocols, and
 - consider the relation between the Protocols and the Australian Qualifications Framework (AQF).

The Project Brief is included as Attachment 3.

14. As part of its commitment to Objective 3, AUQA
 - was represented on the Reference Group for the Project and contributed to designing the scope of the project
 - provided to the Project team its reflections on the Protocols to that time (that we were gathering for our Objective 3 report)
 - met for extensive discussion with the Project team
 - provided the opportunity for the Project team to run a workshop at the Australian Universities Quality Forum 2004 in Adelaide, and
 - commented on the first drafts of the Project report.
15. In the following, some reference is made to the Project report ('the Guthrie Report', Guthrie, Johnston and King 2004) and to outstanding issues noted by AUQA. For ease of reference, the recommendations of the Guthrie Report are included as Attachment 4.

National Consistency

16. MCEETYA expected that, by creating National Protocols and asking one agency to audit each jurisdiction against them, national consistency would be achieved. It is AUQA's belief that the tendency is in this direction on the whole, but it strongly supports Recommendations 1 and 2 in the Guthrie Report that relate to achieving and checking inter-jurisdictional consistency.
17. AUQA is well-qualified to carry out the independent audit proposed in Recommendation 2 (R2), and considers that any such audit should be distinct from

AUQA's cycle of audits. If another body is charged with conducting this audit, it should work closely with AUQA so as to draw on what AUQA has learned from its continuing audit process.

18. In implementing Guthrie Recommendation 2, a legal opinion will be necessary on whether legislation passed in various jurisdictions does indeed have the same effect with respect to the Protocols. It may be possible to make some observation about which legislation is working most effectively.
19. Another aspect of consistency relates to the difference between checking for threshold achievement or for equivalence. Should AUQA check that each agency applies the Protocols to at least an agreed minimal level, but would not care if an agency were far more stringent? Or should AUQA check that each agency operates within a 'band': neither too lenient nor too stringent, ie that an institution would either 'pass' or 'fail' whichever jurisdiction it approaches?

Protocol 1: Recognition of Universities

20. Protocol 1 sets out the criteria that must be satisfied by an institution if it is to be granted the title 'university' in Australia. AUQA's concern is that these criteria are very general, that they need a good deal of interpretation whenever they are applied to a particular institution, and that this application is done by different special-purpose panels set up by different jurisdictions. Unlike Protocol 3, where conflicting decisions on accreditation by different jurisdictions could be rectified, if a university is given indefinite approval, there is no mechanism for revoking or adjusting the conditions it must satisfy.
21. At one stage in 2002, five panels were being set up by four different jurisdictions to consider five applications and AUQA was very concerned that the panels might make conflicting interpretations of Protocol 1. AUQA expressed this concern to MCEETYA's Joint Committee on Higher Education (JCHE) and the Chair of JCHE called a meeting of the chairs and secretaries of the five panels, with AUQA, to discuss their various approaches. A good measure of agreement was reached.
22. Subsequently, more detailed criteria have been produced by NSW and Victoria. Some harmonisation between these would be useful.
23. The Guthrie Report addresses Protocol 1 very thoroughly, and makes many recommendations directed towards making the criteria more precise (R3-15 and 26). The recommendations are in the direction of strengthening the research requirement, but the Minister for Education is seeking debate on whether there is a need for the National Protocols to accommodate a broader range of higher education institutions and whether the Protocols should specifically provide for teaching or research intensive institutions.
24. The Guthrie Report also canvasses the concept of self-accrediting non-university institutions and of narrowly-focused university-level institutions (R24,25).

25. AUQA strongly recommends that whatever types of higher education institutions are allowed, the relevant criteria should be spelled out in sufficient detail to obtain national consistency (where this is warranted).

Protocol 2: Overseas Institutions in Australia

26. Since this Protocol was written, the forms of transnational education are becoming increasingly diverse. The terminology of this Protocol is no longer adequate to deal with these variations, and the Guthrie Report recommends on several facets (R15-17), which AUQA supports.
27. Protocol 2 already requires that ‘the courses to be offered have been properly accredited in the provider’s country of origin by an authority that in the opinion of the Australian jurisdiction’s decision-maker is the appropriate authority’; and ‘where the standing of the institution’s accreditation status is not acceptable to the decision-maker, the decision-maker may require the proposed course to be subject to a full accreditation process’.
28. AUQA supports these requirements and, in view of the existence of ‘accreditation mills’ (ie organisations set up to grant accreditation on request), believes they should be applied strongly. If the Australian jurisdiction has any reason to doubt the bona fides or rigour of the provider’s accreditor there should not only be an increased level of checking in Australia but also in the provider’s home jurisdiction. Any lapse in this area potentially harms the reputation of Australia’s higher education sector.
29. AUQA has offered, and several jurisdictions have accepted the offer, to investigate the provider’s home country accreditation status and general reputation. The Australian accrediting agency (or possibly AUQA) could also maintain a continuing liaison with the home agency with respect to this provider.

Protocol 3: Accreditation of NSAI s

30. To date, this Protocol has represented the vast majority of the work of the agencies, and hence the majority of AUQA’s work in auditing the agencies. The specified criteria are fairly minimal, and have all been elaborated by the respective agencies (as required by Protocol para 3.23). Not only the detailed criteria, but also the structures and processes, vary between jurisdictions, leading to a tendency to variability. Several of AUQA’s audit report recommendations have been directed towards reducing unnecessary variability.
31. Two issues that need a high level of attention are mutual recognition and the distinction between registration and accreditation.
32. Firstly, given the existence of a common set of accreditation criteria, and a common audit body, state and territories should rapidly move towards recognising each others’ judgements (Guthrie, R20). Such mutual recognition already exists in the VET sector. AUQA supports Guthrie R1 and R2, which refer to inter-jurisdictional

consistency of all the Protocols, but which are particularly pertinent in respect of Protocol 3.

33. Secondly, mutual recognition would be facilitated, and the load on institutions reduced, if the agencies separated the checking of the credentials of the institution itself ('registration') from the systems in place for individual courses ('accreditation'). These are roughly criteria 3 and 1 respectively in Protocol para 3.22. Of course, the checks can be combined on particular occasions if this is helpful to the institution.
34. Such a separation would also assist AUQA to meet the new requirement for NSAI's to be audited if they are to access Federal funds, as AUQA could without too much difficulty be part of a joint audit/registration activity.
35. An additional criterion should be added to Protocol 3 to protect students in the case of failure of the institution (as in Protocol para 2.2, point 5).
36. The Protocol should also be strengthened so that it explicitly refers to all courses carried out in the name of the NSAI, wherever and with whomever this is done (analogous to AUQA's specification of its audit scope for SAIs). (Cf Protocol 4)
37. The reference to AUQA audit in Protocol para 3.25 should be removed and inserted in the introduction so it refers to all five Protocols.
38. When AUQA audited the ACT Accreditation and Recognition Council, it found that the Council accredits operations of the Australian Defence Forces, even when these are located in other Australian jurisdictions than the ACT. The panel questioned whether this extra-jurisdictional operation is permitted under the Protocols. The Council argued that this was not specifically a matter for itself, but should be resolved in general terms, and AUQA is therefore raising it in this report.

Protocol 4: Other Organisations

39. This Protocol is nearly superfluous, as SAIs are covered by AUQA and NSAI's by the relevant accrediting agency. The main new factor is that Protocol para 4.5 give a Minister some power to intervene. If this is seen as a valuable backup power, it should be removed from this Protocol and inserted in the introduction so it refers to all five Protocols.
40. The glaring omission in this Protocol is that it does not refer to the situation in which the principal institution operating inter-state is an NSAI, and this should be remedied.
41. In view of the increasing incidence of operations with partners, AUQA supports the gist of Guthrie Recommendation 21 to revise and strengthen this Protocol so it deals thoroughly with partnerships or 'collaborative provision' (the UK term).

Protocol 5: Courses for Overseas Students

42. This Protocol is essentially covered by the ESOS Act and it is rather anomalous in granting accrediting agencies authority over SAIs in this one facet of their operation. Protocol para 5.3 requires the endorsement to be given in the jurisdiction where the course is to be given, which contrasts with the usual approach of tying responsibility back to the home location. This means that each agency is required to check the operation of inter-state universities into its jurisdiction, which is counter to the concept of mutual recognition (para 32, above).
43. It is noteworthy that this Protocol (and the ESOS Act) provide extra reassurance to foreign students studying in Australia, but not to foreign students studying in Australian institutions abroad. The usual reason given for this is that Australia has no jurisdiction abroad, but it should be possible to find a way of addressing this.
44. The Federal Government commissioned a review of the ESOS Act in 2004, and AUQA provided a short submission as part of its responsibilities under Objective 3.

Recommendations

The references in brackets are to the above paragraphs.

1. Now agencies are all subject to the same external quality regime, further efforts are needed to achieve consistency, and agencies should recognise each others' judgements ('mutual recognition') (para 16-18, 32).
2. MCEETYA should clarify the nature of the checking of agencies expected of AUQA, namely threshold or equivalence (para 19).
3. MCEETYA should endorse one set of elaborated criteria for granting of university status (para 22).
4. If it is decided that more self-accrediting non-university institutions could be created, the relevant criteria should also be national and precise, paralleling the enhanced university specification in Protocol 1 (paras 23-25).
5. An additional criterion should be added to Protocol 3 to protect students in the case of failure of the institution (para 35).
6. Protocol 3 should be strengthened so that it explicitly refers to all courses carried out in the name of the NSAI, wherever and with whomever this is done (para 36).
7. The reference to AUQA audit in Protocol para 3.25 should be removed and inserted in the introduction so it refers to all five Protocols. (para 37).
8. MCEETYA should clarify whether an agency is allowed to carry out accreditation activities for a provider outside its geographical jurisdiction (para 38).
9. The ministerial power mentioned in Protocol 4.5 should be inserted in the introduction to the Protocols so it refers to all the Protocols, and Protocol 4 removed (para 39).
10. Unless Protocol 4 is removed, it should be augmented by adding reference to the situation in which the principal institution operating inter-state is an NSAI (para 40).
11. Protocol 5 should be removed as it simply duplicates the ESOS Act (para 42).

AUSTRALIAN UNIVERSITIES QUALITY AGENCY OBJECTIVES

- Arrange and manage a system of periodic audits of quality assurance arrangements relating to the activities of Australian universities, other self-accrediting institutions and state and territory higher education accreditation bodies.
- Monitor, review, analyse and provide public reports on quality assurance arrangements in self-accrediting institutions, and on processes and procedures of state and territory accreditation authorities, and on the impact of those processes on quality of programs.
- Report on the criteria for the accreditation of new universities and non-university higher education courses as a result of information obtained during the audit of institutions and state and territory accreditation processes.
- Report on the relative standards of the Australian higher education system and its quality assurance processes, including their international standing, as a result of information obtained during the audit process.

ATTACHMENT 2

NATIONAL PROTOCOLS FOR HIGHER EDUCATION APPROVAL PROCESSES

1. Criteria and processes for recognition of universities
2. Operation of overseas higher education institutions in Australia
3. Accreditation of higher education courses offered by non self-accrediting institutions
4. Delivery arrangements for higher education institutions involving other organisations
5. Endorsement of courses for overseas students - for the purposes of listing on the CRICOS register

PROJECT BRIEF

Further Development of the National Protocols for Higher Education Approval Processes

Purpose

The purpose of the project is to develop further the *National Protocols for Higher Education Approval Processes*, taking into account recent developments in the higher education sector which impact on the Commonwealth and State and Territory governments.

Background

The *National Protocols for Higher Education Approval Processes* were recommended by the Joint Committee on Higher Education (JCHE) and approved by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) on 31 March 2000. There are five protocols.

- Protocol One: Criteria and processes for recognition of universities
- Protocol Two: Overseas higher education institutions seeking to operate in Australia
- Protocol Three: The accreditation of higher education courses to be offered by non self-accrediting providers
- Protocol Four: Delivery arrangements involving other organisations
- Protocol Five: Endorsement of courses for overseas students

These protocols are a key element of the national quality assurance framework for Australian higher education. They have been designed to ensure consistent criteria and standards across Australia in such matters as recognition of new universities, the operation of overseas higher education institutions in Australia, and the accreditation of higher education courses to be offered by non self-accrediting providers.

Since the adoption of the Protocols, most States and Territories have either completed or are in the process of enacting legislative reforms to give effect to the Protocols. Two States (Victoria and Queensland) and the Australian Government have assessed their first application for university status under National Protocol One. These experiences support the need for some further development of the Protocols. The Commonwealth's recently announced reforms to the higher education sector may also result in an increased number of applications for entry to the market under the Protocols. The project will assist MCEETYA to ensure the ongoing relevance of the protocols in a changing environment.

Particular issues that have already been canvassed at JCHE to develop the protocols include:

- Further elaboration under *National Protocol One* of the approaches jurisdictions are taking to the approval of organisations as universities. This requires investigation of the legislative and policy approaches being adopted in relation to *National Protocol One* and the 'more elaborate criteria' mentioned in *National Protocol One*, Item 1.15; evaluation of any key differences in interpretation of process or criteria; and recommendation of further common approaches if appropriate;

- Examination of the feasibility of a nationally agreed process for enacting *National Protocol Two*; and, if appropriate, the development of more elaborated operational guidelines as stated in *National Protocol Two*, Item 2.10;
- Exploration of the definition of the term 'operate' in all the protocols;
- Further consideration of how the Australian Qualifications Framework (AQF) interacts with the protocols; and
- Other issues as determined by the National Protocols Project Steering Committee.

Scope and Outcomes from the project

The consultant/project team will be required to:

- Examine the overall structure and content of the *National Protocols for Higher Education Approval Processes* and the interaction between the different protocols to ensure their ongoing relevance, and make any recommendations arising from this consideration;
- Describe and compare the current legislative approaches being undertaken in jurisdictions to establishing universities under *National Protocol One*; and how different jurisdictions are approaching the development of the more elaborate guidelines under *National Protocol One*, Item 1.15 (such criteria have been developed already in NSW and Victoria);
- Analyse and comment as required on issues related to the interpretation of *National Protocol One* that arise from the above work, and from an analysis of processes in train or completed (eg. Melbourne University Private, Australian Maritime College, Cairns University and Avondale College). As one issue, comment on any national guidance required in relation to a new 'greenfield university' proposal and *National Protocol One* (such as when use of the title of university should be permitted; whether the institution should meet all criteria from day one);
- Arising from this work, comment on the feasibility/desirability of common guidelines to address the following issues in *National Protocol One*:
 - Interpreting and assessing 'breadth of fields of education', the 'requirements for scholarship/research' and 'free inquiry';
 - Criteria for a 'greenfield university' proposal with respect to financial and capital requirements, staffing levels and legal governance requirements;
 - Consideration of criteria which might be specific to private institutions (eg nature of an independent student appeals process given no access to FOI or Ombudsman); and
 - Any particular requirements related to for-profit institutions.
- If required, develop more elaborated operational guidelines to support *National Protocol Two* (as stated in *National Protocol Two*, Item 2.10);
- Revise *National Protocol Three* as required to accommodate a separate consultancy which is currently being undertaken by the States/Territories to examine concurrent accreditation practices;
- Examine *National Protocol Four* and comment on the need for a more general application of a Ministerial review across all of the protocols;
- Provide examples of international practice in relation to the approval of new and overseas universities, compare this with the Australian experience, and make any recommendations arising from this consideration;
- Explore the possibility of developing a consistent, and nationally agreed, definition of the term 'operate' in all the protocols; and

- Further clarify how the Australian Qualifications Framework (AQF) interacts with the protocols.

It is expected that the consultant/project team will consult closely with key stakeholders and have detailed discussions with individual members of the project steering committee in the fulfilment of these requirements.

The Australian Government and States and Territories will provide the consultant/project team with copies of relevant legislation, reports about university status, guidelines and other related documents.

Timeline

The project will be completed by the end of June 2004.

Project Proposals

Proposals should follow the suggested format for proposals (copy attached).

Assessment of Proposals

A number of consultants with an interest in and expertise in the National Protocols will be asked to submit proposals for this project.

The submitted proposals will be considered by a selection committee convened by the Higher Education Group of the Australian Government Department of Education, Science and Training and project proposals will be assessed against each of the following criteria:

- the soundness and feasibility of the proposed methodology, time scale and cost;
- the proposal's conformity with the project brief;
- the proposal's understanding of the issues involved;
- the suitability of the expertise and prior research performance of the proposed project director;
- the level of expertise of the proposed research personnel;
- value for money; and
- the record of the organisation in terms of timeliness and quality.

Funding and Payments

The level of funding for the project is in the vicinity of \$50,000. Payments will conform to the schedule of payments agreed in the contract based on specific deliverables. The initial payment on signing the contract is normally no more than 25% of the total payment for the project.

Working Group / Steering Committee

A high level steering committee will provide strategic direction to the implementation and development of the National Protocols Project. It will consist of representatives from the Commonwealth, JCHE, HEROS, AUQA and the AVCC. Costs associate with the steering committee do not need to be factored into the consultant/project teams' budget.

Submission of Proposals

Final date for the receipt of proposals is 22 December 2003.

Summary of Recommendations from the Guthrie Report

Recommendation 1. That the Commonwealth, State and Territory Governments each develop as soon as possible legislation and a nationally agreed, common set of processes, criteria and guidelines that will enable all of the Protocols to be implemented in a consistent way across all jurisdictions.

Recommendation 2. That, at an appropriate time AUQA, undertake a concurrent audit of Accreditation Agencies in all jurisdictions to report on the level of national consistency in the implementation of the Protocols. In the meantime, AUQA in their regular audits of Accreditation Agencies should include comments on consistency in implementation across jurisdictions whenever possible.

Recommendation 3. That MCEETYA (through the JCHE) should organise a national workshop/conference early in 2005 to discuss the Australian definitions of “university” and “higher education” for the next decade. That, in addition to debating generally the desired profile and characteristics of Australian universities and HE into the future, such a workshop/conference should include discussion of whether or not the Australian HE system should have added diversity by allowing for the creation of institutions that are “specialist university level institutions”, with titles such as ‘university college’, ‘university institute’ or similar. The criteria for creation of such an institution could be of a form that defines it as one which fulfills all the criteria for “a university”, such as offering awards at undergraduate and postgraduate levels, including research doctorates, and conducting scholarship and research as required under Protocol 1, except that it cannot be called “a university” because of its limited breadth of fields of study.

Recommendation 4. (a) That a National Register of assessment panel members for Protocol 1 be established and hosted by AUQA, who would provide training for such panels;

(b) that membership of such panels include persons from the commercial sector and that consideration be given to including members from overseas.

Recommendation 5. That the existing criterion for research in Protocol 1 be re-written as follows:

“a culture of sustained scholarship and research, extending from that which informs inquiry and teaching and learning, to the creation of new knowledge and original creative endeavour”

Recommendation 6. That the criterion for research in Protocol 1 be added to as follows:

(a): that scholarship of learning and teaching is required across all fields of study, and that research representing the full range (defined by Boyer and/or by ABS) is required across a majority of fields of study offered, including research doctoral programs in areas of research strength;

(b) “that at commencement of a new university, the research postgraduate enrolments on an EFTSU basis, should be at least at the lowest level of such

enrolments in an Australian university, and rising to at least the 25% percentile level for all Australian universities by time of the initial five year review;

(c) “that for a new university the research performance at the initial five year review should be at least at the 25% quartile level of all Australian universities”.

Recommendation 7. That the criterion for Protocol 1 on ‘breadth of study’ be amended as follows:

“that a new university is required to have at least three fields of study (as defined by ASCED) at commencement, all with bachelors programs and with masters and doctoral programs in at least one of those fields. By the five year review there should be at least four such fields of study, and by ten years from commencement at least six such fields of study, with research higher degree programs in fields of research strength”.

Recommendation 8. That an additional criterion for Protocol 1 be added as follows:

“that the governing body of a university, not-for-profit or for-profit, must operate as an independent policy-making body, and is required to have a majority of members who are without any contractual, employment or ownership interests in the university”.

Recommendation 9. That an additional criterion be added to Protocol 1 as follows:

“That the constitution and/or policies of a private university should contain procedures for staff and student grievances no less in scope than those practised in Australian public universities.”

Recommendation 10. That additional guidelines concerning academic staff be added to Protocol 1, as follows:

“(a) That the proportion of academic staff with higher degrees in a new university should be at least at the 25% percentile level for Australian universities;

“(b) That the appointment of staff in the establishment phase of a new university should take account of the necessary advanced planning and preparation that has to be done.

Recommendation 11. That additional guidelines/criteria (?) concerning financial matters be added to Protocol 1, as follows:

“(a) That the initial monies available for the establishment phase of a new university must be demonstrably adequate, and that, if relevant, there is an appropriate level of underwriting available;

“(b) That the financial plans for a new university must contain detailed sensitivity analyses and a full risk assessment.”

Recommendation 12. That an additional criterion be added to Protocol 1, as follows:

“That a new private university must have in place before enrolling any students, a written agreement with an academic guarantor, such that should the

university cease to operate for whatever reason, its enrolled students may complete their current year of study at an equivalent institution without further payment of any fees or charges, and guaranteeing the re-enrolment of students in subsequent years of their award programs at that institution by payment of the appropriate fees and charges.”

Recommendation 13. That clause 1.19 in the present Protocol 1 be amended as follows.

“For proposed new universities where the assessment is based on a plan, rather than on an existing institution, approval shall be given to operate on a provisional basis for a period of a maximum of five years from commencement of operation, where the review panel and the responsible accrediting authority believe there is a high probability of the criteria being fully satisfied. A review by AUQA shall be held in the penultimate year of the provisional period.”

Recommendation 14. That the guidelines for Protocol 1 be added to as follows:

“that a new university should demonstrate external input to provide academic, administrative and quality assurance guidance; such input could be provided by one, but preferably more than one, more experienced university(ies) and or organisation(s).”

Recommendation 15. That Protocol 1 is amended to cover the case of an overseas university or other overseas HE institution that wishes to be recognised as a university in Australia”.

Recommendation 16. That Protocol 3 is amended to cover the case of an overseas university or other overseas HE institution that wishes to offer recognised Australian awards, but not be recognised as a university in Australia”.

Recommendation 17. That Protocol 2 be re-written to cover applications by an overseas university or other overseas HE institution wishing to offer its own awards to Australian citizens, and such awards are not recognised in Australia, nor itself wishing to be recognised as an Australian university. The terms of the (new) Protocol 2 should require that all overseas providers have their local delivery arrangements scrutinised before approval to operate is given. Overseas universities and institutions well-recognised in a jurisdiction with its own appropriate accreditation procedures should have access to a streamlined process.

Recommendation 18. That additional criteria be added to Protocol 3, as follows:

“(a) that academic staff active in the delivery of undergraduate awards are required to be involved in scholarship related to their discipline in particular, and to teaching and learning in general:

“(b) that academic staff active in the delivery of postgraduate awards are required to be involved in scholarship and research related to their discipline in particular, and to teaching and learning in general:

“(c) that the institution be required to provide evidence on a regular basis of its support for its academic staff in their scholarly and/or research activities.”

Recommendation 19. That all States and Territories should have, if not already in place, distinct and separate processes for the accreditation of HE and VET awards.

Recommendation 20. That all States and Territories ensure concurrent accreditation provides streamlined approval processes for applicants seeking approval in more than one jurisdiction and that streamlined processes are in place for approval of institutions and courses already accredited in another State.

Recommendation 21. That Protocol 4 should be re-written to clarify its scope and intent, to emphasise the principle that an institution is responsible for the quality assurance of its own awards, to include partnership arrangements made by both universities and non self-accrediting higher education providers, and to include the full range of offshore and within Australia partnerships.

Recommendation 22. That under Protocol 4 there should be an additional criterion as follows:

“That for an award badged by a university, but offered and taught through a partner, the criteria recommended for academic staff under Protocol 3 [see Rec. 18 above] should apply to the academic staff employed by the partner.”

Recommendation 23. That a Preamble to the National Protocols should define whether a university or an HE institution is ‘operating in Australia’. The conduct of one or more of the following activities within Australia is considered to be ‘operating in Australia’:

- the registered office of the entity
- a business name registered
- having ‘Australia’, or ‘Australian’, or the name of a State or Territory in its business name, or by other words purporting to be Australian
- owning, leasing or renting physical premises or equipment
- conducting face-to-face classes or instructional delivery
- having an “.au” web site
- having an Internet server
- having an Australian contact address or renting a PO Box (or similar)
- employing (academic and/or administrative) staff
- possessing Australian assets (leased or owned)
- collecting fees and or charges from students through an Australian bank

but, that conducting none of the above activities, and only advertising in Australia, does not constitute ‘operating’.

Recommendation 24. That MCEETYA (through the JCHE) should consult with interested parties on whether a new Protocol might be developed that allows experienced non self-accrediting HE providers to apply to become self-accrediting; that such a status would allow no name change, but permit an entity to describe itself as ‘a self-accrediting institution’.

Recommendation 25. That the title ‘university college’, ‘university institute’ (or similar) be considered for a new university for the initial provisional approval period.

Recommendation 26. That the National Protocols be reviewed not later than during 2008.

Reference:

'The Guthrie Report'. Guthrie, Johnston and King (2004), *Further Development of the National Protocols for Higher Education Approvals Processes*, available from the DEST web site at:

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