



Australian Universities Quality Agency

Higher Education Private Providers and Non Self-accrediting Institutions in Australia

May 2011

AUQA Occasional Publications Series

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AUQA Occasional Publication Number 23

ISSN 1446 4268

ISBN 978 1 921561 61 0

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The Australian Universities Quality Agency receives funding from the Australian Government and state and territory governments of Australia. The views expressed in this report do not necessarily reflect the views of these governments.

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Foreword

Colleen Liston

In response to an appetite for shared information about the Australian higher education's non self-accrediting institutions (NSAIs) sector from its own constituents and among others in self-accrediting institutions (SAIs), as well as state and territory governments' higher education accrediting and registration authorities and international stakeholders, this AUQA Occasional Publication provides a comprehensive picture of a range of issues which affect the operations of NSAIs in Australia.

Professor Roger King of the Centre for Higher Education Research and Information at the Open University in the UK provides a broader perspective in a presentation to the House of Lords in June 2009 (King 2009), where he cites Walter McMahon, an American educational economist, who has calculated the value or returns of a university education (McMahon 2009). McMahon argues that 48 per cent of higher education generates improved private benefits in the form of better job opportunities, improved earnings and health, and that the other 52 per cent delivers social or public benefits irrespective of the private or public funding model of the provider. He questions, therefore, whether the contribution to the public interest by private providers should see them more clearly recognised as equal partners by government alongside the state-funded institutions. The same consideration is applicable in Australia and, as the market share of private providers grows, they need to be and are being brought more directly into policy debates and higher education forums.

The number of higher education students and institutions has expanded enormously around the world in the past decade, especially in the area of private higher education. Countries such as the USA, Japan and Chile have well-established private sectors of higher education, with provision growing in Africa, the Middle East, central and eastern European countries, and especially in China where private universities are 'legal persons', able to possess private property and make 'a reasonable return on private school investment'. Several large US-based private for-profit listed companies, such as Apollo, Laureate, and Kaplan, have an increasing worldwide presence, establishing campuses in other countries, including Australia, purchasing existing foreign institutions, or marketing distance education curricula for international delivery. In the USA, student financial aid follows the student who may choose a private provider for their higher education. There are signs there and in Australia, as a result of the Bradley Review, that government funds to institutions for operational costs may also follow the student in a de-regulated environment around allocation of student places.

Australia has a federal system of government, with a national government and eight state and territory governments, all of which play a role in the regulation of higher education providers. At the highest levels of the *National Protocols for Higher Education Approval Processes* (National Protocols) and the Australian Qualifications Framework (AQF), requirements are intended to apply to all providers of higher education, whether non self-accrediting Institutions (NSAIs) or self-accrediting institutions (SAIs), although the National Protocols lay down some different requirements for different types of higher education providers. To this extent, they set out the distinguishing features between categories of provider: NSAI, SAI, self-accrediting university (including 'specialist university' or 'university college'), and overseas university. There are many NSAIs which provide both vocational education and training (VET) sector courses and higher education courses, and a handful of universities which provide VET courses. The challenges for these dual-sector providers are not widely canvassed in this publication, but they revolve around the demands that legislation makes on these organisations and their quality assurance audits.

The Australian higher education sector has been generally characterised by a lack of acknowledgement within universities of the NSAI sector. As already indicated, the advent of the Australian Government

policy changes in regard to student places, together with stronger advocacy by NSAI and VET peak bodies and worldwide interest in private provision of higher education, is slowly bringing the NSAI sector to the awareness of the university sector. Implementation of the Tertiary Education Quality and Standards Agency (TEQSA) will assist in raising this awareness further, but perceptions are unlikely to change markedly until there is national regulation and national data collected for the whole of the Australian higher education sector.

So, to this publication. At the outset, Karen Treloar and Jeanette Baird provide a brief overview of the NSAI sector within Australian higher education, with some emphasis on those NSAI which have been approved under the Commonwealth *Higher Education Support Act 2003* (HESA) to offer FEE-HELP to their eligible domestic students (referred to in this publication as NSA-HEPs). The NSAI sector delivers education to around 10 per cent of all higher education students in Australia, including international students, and is growing rapidly. Although there are many more individual providers in the NSAI sector than in the SAI sector, the number of students attending most NSAI is very much smaller than the number of students attending any one Australian university.

In the second chapter, Jasen Burgess and Jeanette Baird outline the various regulatory requirements for NSAI in Australia which are similar to but sometimes differ significantly from those for SAIs, including the current arrangements for registration of NSAI and accreditation of their courses. The authors comment on the effects of the existing regulatory approach on NSAI operations, the multiple and overlapping regulatory arrangements for NSAI, and on efforts being made to streamline processes and introduce a more integrated system of regulation. Given the growing worldwide interest in private higher education and its regulation, the nature of Australian experiences may prove useful in designing arrangements in other countries.

In Chapter 3, Hilary Winchester presents more specific information about how NSAI, and NSA-HEPs in particular, are increasingly subject to public scrutiny as Australian higher education moves towards a quality and standards regime exemplified by the anticipated formation of TEQSA. The first audit of an NSA-HEP by AUQA occurred in late 2006 and the author summarises information from the 20 audit reports published by April 2010. The quality of HEPs is a matter of public interest, partly because they are often (but frequently erroneously) associated in the public mind with the failure of a number of private language colleges, as well as the unviable expansion of overseas student numbers in vocational colleges.

The quality journey of a particular NSAI is described by Adrian Deans and Jeanette Baird in Chapter 4. These authors demonstrate the practical working relationships between a continuous improvement cycle and governance and accountability in the day-to-day operations of a small NSAI, the College of Law. The example provided may assist other NSAI to develop more systematic approaches to quality assurance through monitoring data to demonstrate the effectiveness or otherwise of governance arrangements. A description is provided of how the Academic Board at the College of Law considers data and, thereby, the performance of the institution, and reports to the College Board of Directors, as well as how the Academic Board reports on its own performance in pursuing the College's academic objectives. Deans and Baird advocate the use of properly collected data which should be easy to access and useful in understanding student achievement and the performance of the higher education provider against its strategic objectives, by using a set of key performance indicators and appropriate measures. The case study of data use in this chapter is mostly concerned with how to verify that the authority of the Academic Board for academic governance has been exercised in accordance with the mission, policies, and rules or guidelines of the institution in pursuit of its objectives.

Charles Sherlock presents Chapter 5 on theological education which has a centuries-long heritage and which, until recently, has experienced a general antipathy from Australian higher education providers and governments, matched by a corresponding suspicion of them on the part of many theological

institutions. Today the Australian theology sector is theologically, educationally and structurally diverse, with student bodies less dominated by education for professional ministry and undertaking a much wider range of studies than before 1990. The Council of Deans of Theology, which includes all theology HEPs and university departments, provides a base for relationships with government. Dr Sherlock explores governance and quality assurance issues in Australian theological education delivered through NSAs. Factors distinctive to the theology sector, including those which affect the present character and nature of Australian theological institutions, are presented with a view to offering suggestions to regulators and other NSAs.

Chapter 6 provides an example of NSAs working in partnership with universities. John Wood, John Duncan and Andrew Dawkins present case studies for two of the Navitas colleges which operate a pathway model for students not ready to enter directly into first year university programs. The model relies on mutual trust between universities and NSAs. The chapter provides a brief overview of the changing policy toward charging full fees for international students and the expansion of the private sector in the late 1980s and early 1990s and two case studies—the partnerships between the Melbourne Institute of Business and Technology (MIBT) and Deakin University and the Sydney Institute of Business and Technology (SIBT) and Macquarie University. The case studies focus on two good practices which have underpinned the success these NSAs have had with their host universities—sound governance and a focus on preparing students to succeed at their chosen university. These partnerships provide examples of structures and strategies which could be implemented by other NSA providers.

Finally, Mark Harding reviews the journey of the NSAs towards greater community, academic and government recognition in the light of the chapters in this Occasional Publication. There is no doubt in my mind that the role of private and non-university higher education will continue to expand, in line with worldwide interest and activity by these providers. Australia, with longstanding experience in this area of higher education, is well placed to contribute to international conversations on policy and regulatory and quality issues that particularly affect private higher education.

On behalf of AUQA, I extend thanks to all the contributors who have shared their knowledge and experiences through this publication.

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Chapter 1 - Overview of the NSAI Sector

Karen Treloar and Jeanette Baird

Introduction

In this chapter, we provide a brief overview of the NSAI sector within Australian higher education, with some emphasis on those NSAs which have been approved under the Commonwealth *Higher Education Support Act 2003* (HESA) to offer FEE-HELP to their eligible domestic students (referred to in this publication as NSA-HEPs, consistent with HESA).

The NSAI Sector

The Australian higher education sector can be divided into two distinct subsectors, a self-accrediting institution (SAI) subsector and the non self-accrediting institution (NSAI) subsector, as shown in Figure 1. The NSAI sector, the focus of this publication, provides education to around 10 per cent of all higher education students in Australia, including international students (Heaney, Ryan and Heaney 2010), but has grown rapidly. National data on the NSAI sector is incomplete but this sector is known to comprise at least 149 institutions (Edwards, Coates and Radloff 2010). In other words, the NSAI sector has many more individual providers than the SAI sector (43 providers), but the number of students attending most NSAs is very much smaller than the number attending any one Australian university.

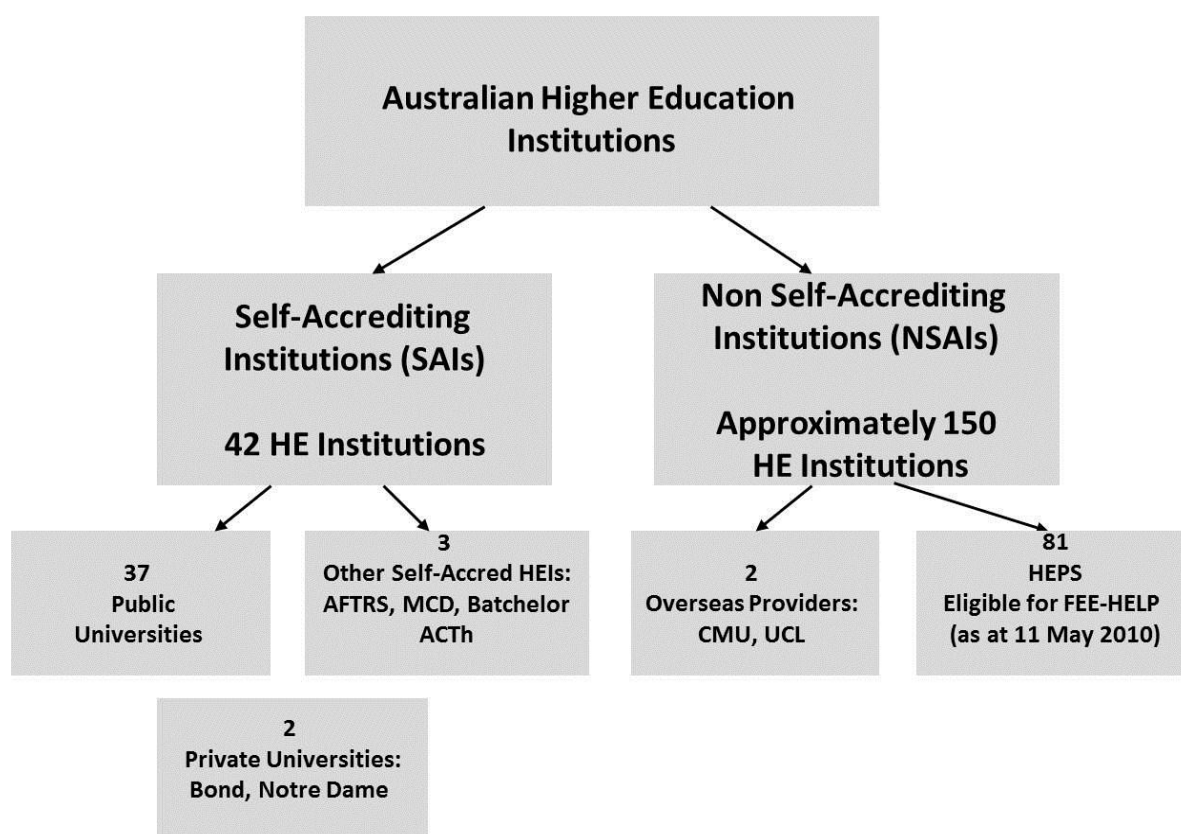


Figure 1: The NSAI sector

The division of higher education institutions into SAIs and NSAIs is largely historical, but is also governed by protection in Australia of the title 'university'. The current national framework for approval of higher education providers, the *National Protocols for Higher Education Approval Processes* (MCEETYA 2007) is

based on this distinction, but envisages that a higher education provider could in fact be awarded ‘SAI’ status for some but not all of its programs, that is, SAI status can attach to a program rather than to a provider. Proposals for provider standards for the new Tertiary Education Quality and Standards Agency (TEQSA) aim to clarify the status as attaching to programs rather than to institutions, but only time will tell whether or not the current distinction between SAIs and NSAI remains as important as at present for organisations that provide higher education in Australia.

The term ‘NSAI’, although not used internationally, has generally been preferred in Australia to other terms such as ‘private providers’, as many NSAI are not-for-profit institutions and as the university sector includes two private universities as well as the public universities. The NSAI sector is characterised by diversity in institutional history and disciplinary focus. A 1999 study of private providers (Watson 2000), which included Bond University, classified the ‘non-university’ providers into: professional/industry associations; theological colleges; niche market operators; and private universities. More recent classifications (Jones and Ryan 2008; Heaney, Ryan and Heaney 2010) use a typology as shown in Table 1.

Table 1: NSAI by type of institution

Type of Institution	Number	Percentage
Private entity	71	50
Professional/membership association	14	10
Faith-based institution	34	24
Government instrumentality, e.g. TAFE college	18	13
University private arm	4	3
TOTAL	141	100

Source: Heaney, Ryan and Heaney 2010

Within these categories, some specific disciplinary clusters are evident—such as theology, alternative or complementary medicine and therapies, and hospitality—while many private providers focus on business management and information technology. Some NSAI have existed as educational institutions for many years, but others are much more recent.

Most of the NSAI also offer vocational education and training (VET) programs as well as higher education programs and nearly all are registered to provide programs to international students. The majority offer courses at postgraduate level, but only around 10 per cent offer research degrees (Jones and Ryan 2008).

Likely factors driving growth in private higher education in Australia, that is, in the NSAI sector, have been identified by Shah and Brown (2009) and are shown in Table 2.

Table 2: Factors contributing to the rise of private higher education

Government Policies	Public Universities	Private Providers	Stakeholders
National Protocols 2000 and revisions 2007 Introduction of FEE-HELP AUQA audits to prove quality Decreased government funding of universities Migration policies	Decreased funding Focus on high scoring students Focus on internationalisation and other sources of income Bureaucratic structures Decline in student satisfaction Students seen as students rather than customers Increased class size Increased student-staff ratio Limited resources and infrastructure	Small, agile and nimble Distinctive feature Small class size Engaged learning Discipline-oriented Strong links with industry/employers Flexible Corporate business culture Marketing and advertising Strong quality and improvement culture Customer-oriented strategic plan Self-reliant	Increased student choice Diverse student groups Demand for quality education Value for money The student experience Labour market trends Specific needs (e.g. religious education) Gen Y, less brand conscious

Source: Shah and Brown (2009), p144

There appears to be increasing consolidation within the NSAI sector: for example, in addition to Navitas Limited, which specialises in subdegree higher education provision, the Think: Education Group comprises seven colleges. Large international for-profit providers that have a higher education presence in Australia, or are known to be planning such a presence, include Kaplan, Laureate, Study Group and Navitas Limited (the last of these is Australian-owned).

One of the striking features of the Australian higher education landscape has been the comparative 'invisibility' of the NSAI sector to those within universities, certainly until recently. The advent of the Australian Government's policy changes in regard to student places, together with stronger advocacy by NSAI and TAFE institute peak bodies, and international interest in private provision of higher education, is bringing the NSAI sector to the awareness of the university sector, but only slowly. Not until there is national regulation and national data for the whole of the Australian higher education sector are perceptions likely to change markedly.

Features of NSA-HEPs

To be recognised as a 'higher education provider' under the *Higher Education Support Act 2003* (HESA), an NSAI must be subject to a quality audit within the provider's five-year registration period and is required to comply with the provision of institutional data to the Australian Government Department of Education Employment and Workplace Relations (DEEWR). As a consequence, more qualitative and quantitative information for some NSAs is now available than was the case a decade ago.

There has been quite rapid growth in the numbers of NSAs approved to be NSA-HEPs. Between 2005 and 2009, the number of NSA-HEPs grew from 28 to 74 with a corresponding increase in the numbers of students in these NSA-HEPs, from just over 12,000 to over 60,000 (Matta 2011). Most of the NSA-HEPs offer courses only from a single field of education, major fields being Management and Commerce, Society and Culture (which includes theology) and Creative Arts. A striking feature of the NSA-HEPs is that the overwhelming majority of international students in these institutions are studying only in the field of Management and Commerce.

At the time of writing, 81, that is over half of the NSAs, had been approved under HESA as NSA-HEPs, providing higher education to an estimated 4.7 per cent of all higher education students in Australia. The largest number of NSA-HEPs have headquarters or their main base in NSW (33), followed by Victoria (23), Queensland (9), South Australia (9), Western Australia (5), Tasmania (1) and the ACT (1).

Of these 81 NSA-HEPs:

- around two-thirds (54) are providers of VET programs
- eight are TAFE institutes (government-owned and primarily providing VET programs)
- nearly 20 per cent are theological colleges or faith-based providers
- seven are university pathway providers owned by Navitas Limited (there are two other Navitas subsidiary companies among the NSA-HEPs).

The size of provision offered by individual NSA-HEPs varies considerably. A small number have over 1500 students (effective full-time student load or EFTSL) and quite a few approach or just exceed 1000 EFTSL. Given that many NSAs have a significant proportion of part-time students, actual student numbers are in some cases much higher than the EFTSL numbers. However, the majority of NSA-HEPs have fewer than 500 EFTSL. Of these, some teach well under 100 students, and some under 20.

Matta (2011) has used DEEWR data on public universities and the emerging data on NSA-HEPs to analyse some trends over time among the NSA-HEPs against sector averages, including some analysis of trends in fields of study. While the number of NSA-HEPs for which reasonable time series data is available is quite small (28 or about 20% of all NSAs), this analysis represents the first serious attempt to provide robust evidence on comparative student performance between the NSA and SAI sectors.

Matta's analysis indicates that, for domestic students, the trends in average median tertiary entrance scores are significantly lower for students entering NSA-HEPs than for those entering the public university sector overall and in those fields of education most prominent in NSA-HEPs.

While some might expect lower progress rates to follow from this evidence of lower tertiary entrance scores, this is not the case, in Matta's analysis, for all fields of education. While there are lower progress rates in NSA-HEPs as against the public university sector in the fields of Management and Commerce and Creative Arts, the trend in the field of Society and Culture is for significantly higher average progress rates in NSA-HEPs, which may be explained in part by the performance of theological colleges. Of concern is a decreasing trend for international students at NSA-HEPs in Management and Commerce.

On attrition rates, the trends for domestic students overall and specifically for those in Management and Commerce, and in Society and Culture, are for higher attrition compared with students in public universities. Similar but more dramatic rates of higher attrition are evident for international students in the field of Management and Commerce in NSA-HEPs.

Taken together, this early evidence suggests that NSAs in general, and NSA-HEPs specifically, will need to take particular care to increase student retention, for both domestic and international students.

AUQA Audit Findings

In 2006, the first quality audits of NSA-HEPs were conducted by both AUQA and two state government accrediting agencies. In mid-2009, DEEWR advised that AUQA would be responsible for the quality audit of all NSA-HEPs. At January 2011, AUQA had conducted quality audits of over 30 of these providers. Over the past three years AUQA has worked with the NSA sector on a number of quality enhancement activities to build the capacity of the sector in quality assurance.

Over 2009–2010 AUQA commissioned an independent review of the first 20 audit reports for NSA-HEPs (Winchester 2010), summarised in Chapter 3 of this publication. NSAs have been commended by AUQA for:

student-centred approaches to teaching and learning, their interest in identifying particular needs and providing appropriate student support, and in many cases for the underlying support structures. They provide a satisfying overall student experience including effective management with their communities which enhances the employability of their graduates. Many NSAs are making considerable steps in developing a culture of continuous improvement and in attracting quality academic staff (ibid. p4).

From the AUQA audits, the most significant area for improvement identified for NSAs is:

undoubtedly institutional or corporate governance, including risk management and the relationship between institutional and academic governance. Concerns over academic governance are also widespread, emphasising the pivotal role of the Academic Board or its equivalent peak body in academic policy and monitoring. A number of recommendations highlight a need for the development of a 'culture of scholarship' within the institution. Human resource management practices and procedures require further attention and formalization. While many aspects of teaching and learning and student support are areas of strength, assessment is identified for further work with a number of recommendations about external moderation. In more general terms, the NSAs are encouraged to obtain external validation of performance through appropriate benchmarking (ibid. p6).

The findings of this review are consistent with other analyses of the early AUQA audit reports for NSAs (Shah and Brown 2009; Ryan and Greig 2010). These various papers, and AUQA's own experience, highlight other particular challenges for NSAs.

Academic Governance

NSAs of all sizes are often challenged by the concept of 'academic governance'. For example, many providers find it difficult to implement sustainable and balanced structures for Academic Boards, which allow for both external and internal academic participation and a structure for academic decision making, implementation and accountability. The academic governance of higher education operations is also a challenge for providers such as TAFE institutes that are entering into the higher education market. At the same time, providers may be developing models of academic governance which integrate vocational education and training and higher education provision, a step that challenges the regulators as much as the providers. In 2010, AUQA conducted a project on academic governance in the NSA sector which resulted in the consultation and development of a set of academic governance guidelines (AUQA 2010).

Strategic Planning, Key Performance Indicators and Measurement

NSAs are at different stages of organisational development in their strategic planning and particularly in the development of key performance indicators (KPIs). It should be acknowledged that many providers find the development and use of KPIs to be a particular challenge, and this could be for a number of

cultural reasons, the most obvious being that many smaller providers have not seen the need for formalised planning and reporting as a requirement of operation. With increasing accountability requirements around eligibility for government funding, many providers are grappling with these developments and the challenges of using data to measure performance. One specific issue that has emerged is the value of consistency in data collections, for comparative purposes. Unless there is a requirement or agreement for data items to be defined in the same way, it is unlikely that one provider's data on student attrition, for example, can be meaningfully compared with another's.

Cost of Doing Business

Many NSAs are struggling with the costs of doing business, or the cost of operating as a HEP: one CEO has commented to AUQA that accessing FEE-HELP has resulted in a rise in operating costs of 20 per cent. This cost of business is particularly evident in terms of compliance with state/territory and Commonwealth registration and accreditation requirements (see Chapter 2 in this publication), particularly for providers who must meet differing regulatory requirements for their higher education operations and for their VET operations. However, many NSAs appreciate that there are costs involved in accessing government funding and in operating in the higher education environment, and understand the need for the protection of providers from unqualified or unsuitable entrants into the market. All NSAs are likely to welcome moves by government to streamline regulatory requirements while ensuring the quality of programs.

There is also an issue around economies of scale. Some NSAs have fewer than 100 students and yet must meet a wide range of regulatory requirements, not only for higher education but also for any business. They may also have to meet increasingly complex demands for statistical data and analyses, both internally and externally. Others operate as a subsidiary or division of a larger corporate entity, which assists in achieving economies of scale in operations, while a very few others are large enough to support substantial operational infrastructure. Smaller providers without an ability to group or operate under a larger administrative umbrella may find they are increasingly unable to cover the costs required to meet student or government expectations for facilities and support.

Teaching Staff and a Culture of Scholarship

Most NSA-HEPs, and probably most NSAs, comprise a large cohort of part-time and sessional staff who carry out the bulk of student teaching. Members of this teaching cohort are often operating in a professional capacity in the discipline in which they are teaching, or they may teach for universities or across a range of NSAs. In the case of some faith-based providers, teachers work voluntarily as a form of community participation and engagement. There is a tremendous commitment of staff to students in many of the NSA-HEPs that have been audited by AUQA: many teaching and administrative staff make themselves available to support and work with students far beyond requirements. Sessional teaching staff in particular are noted by students as very willing to share their professional insights and experiences, which students believe embellishes the curriculum and their learning experience.

However, in many NSAs there appears to be a need to explore the notion of scholarship and what it means to be a provider of higher education, particularly in terms of teaching and learning. Many providers need to consider how to inculcate a culture of scholarship and what this means in practical terms to the activities of a highly mobile teaching staff, and how to build a depth of scholarship reflecting consideration of teaching pedagogy and academic support.

Summary

The NSA cohort of provider is a robust and growing contributor to the diversity of the Australian higher education sector. Far from earlier predictions of its emergence as a 'peripheral' sector (Geiger 1986) in

Australian higher education (Stone 1990), current indications are that 'private provision' and the NSAI sector are likely to increase rather than decrease as an identifiable group within Australian higher education, although probably with increasing concentration of ownership and more international operators, as providers are bought and sold through mergers and acquisitions. One important factor in the growth of the sector is likely to be increase in collaborative provision, especially pathway provision and public-private partnerships. Shah and Brown (2009) predict that, by 2020, approximately 30 per cent of total higher education enrolments in Australia will be in 'private' higher education, nearly all of which can be expected to be in NSAI.

As the NSAI sector evolves and as more information on the sector becomes available, it will be interesting to monitor how NSAI use their advantages, particularly in terms of flexibility, to contribute to the development of innovative approaches to higher education, for example, to address student demand and emerging industry and workforce needs. We are witness to a healthy, diverse and developing NSAI sector. At the same time, we agree that 'NSAI have a range of issues that must be addressed to ensure quality educational outcomes' (Ryan and Greig 2008).

Moreover, there is an urgent need for the provision of comprehensive national data on all higher education providers, which will not only provide better information for public accountability and assist NSAI to improve, but will ensure that Australian higher education is increasingly seen as one sector, not as two separate sectors (SAI and NSAI).

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Chapter 2 - The Regulatory Environment for NSAs

Jasen Burgess and Jeanette Baird

Introduction

In this chapter, we outline the various regulatory requirements for NSAs in Australia, noting their similarities to and significant differences from the regulatory requirements for self-accrediting higher education institutions. The first two sections describe the regulatory arrangements that apply to NSAs, while subsequent sections look more closely at current arrangements for the registration of NSAs and accreditation of their courses, and explore efforts made to streamline regulatory requirements for NSAs. In the final sections, we make some comments on the effects of the existing regulatory approach on NSA operations and outline plans for a more integrated system of regulation. The multiple and overlapping regulatory arrangements for NSAs, we suggest, reflect successive ideas about the nature of higher education in Australia. Given the growing worldwide interest in private higher education and its regulation, this account of Australian experiences may prove useful in designing arrangements in other countries.

Overarching Framework for Regulation of Higher Education Providers in Australia

Australia has a federal system of government, with a national government and eight state and territory governments, all of which play a role in the regulation of higher education providers. At the highest levels—of the *National Protocols for Higher Education Approval Processes* (National Protocols or the Protocols) and the Australian Qualifications Framework (AQF)—requirements are intended to apply to all providers of higher education, whether NSAs or SAs, although the Protocols lay down some different requirements for different types of higher education providers. To this extent, they set out the ‘break points’ between categories of provider: NSA, SA, university (including ‘specialist university’ or ‘university college’), and overseas university.

The key body for determining the regulatory framework of higher education in Australia is the Ministerial Council of Tertiary Education and Employment (MCTEE). MCTEE comprises all state, territory and Commonwealth ministers with responsibility for higher education, and has the role of setting and coordinating higher education policy nationally. It has responsibilities for higher education which used to lie with the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA). MCTEE’s responsibilities include: higher education; vocational education and training; international education (non school); adult and community education; the Australian Qualifications Framework (AQF); employment; and youth policy relating to participation in tertiary education, work and workforce productivity.

MCTEE now has carriage of the National Protocols, which were first approved by MCEETYA’s predecessor in 2000. The National Protocols apply to all higher education institutions—universities, other self-accrediting institutions and NSAs—but by virtue of state, territory and Commonwealth statutes, a matter discussed below. Protocol A applies to all higher education institutions and Protocol B to NSAs. The National Protocols are given effect by the *National Guidelines for Higher Education Approval Processes* (the National Guidelines).

The AQF, which has recently been revised by the AQF Council, applies to secondary education and above. AQF requirements and criteria for Australian higher education qualifications are the same, no matter what type of higher education provider they are awarded by.

Outline of Regulatory Requirements for NSAs

As noted earlier, some of the regulatory requirements for NSAs are specific to NSAs and do not apply to other higher education providers, while others apply to all higher education providers. Further forms of regulation apply across all educational providers or across particular types of organisations. As the 2008 Bradley Review of higher education comments:

... different and overlapping frameworks regulate the quality and accreditation of higher education institutions, the operation of vocational education and training providers, consumer protections for overseas students studying in Australia and institutional approval for the purposes of student loan assistance ... (p.115).

Figure 1 indicates the various regulatory arrangements of a typical NSA.

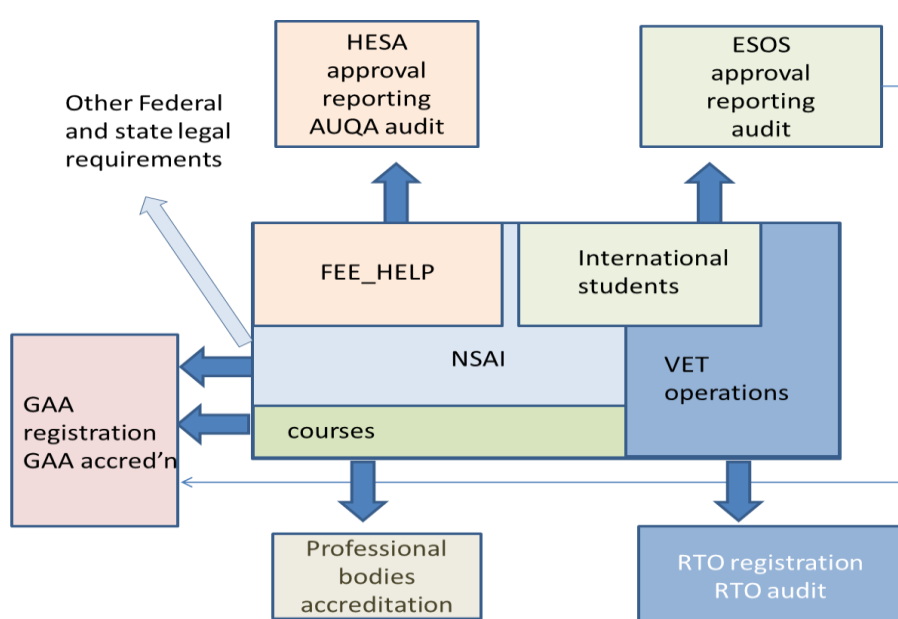


Figure 1: Schematic regulatory requirements for NSAs

Registration and Course Accreditation for NSAs

The primary regulatory requirements for NSAs are the requirements of the National Protocols for all NSAs to be registered as providers of higher education and for their courses to be externally accredited by government. These regulatory requirements are applied by Government Accreditation Authorities (GAAs), established in each state and territory and also operating within the Australian Government. NSAs are usually registered for five years, after which they must seek re-registration, and their courses normally are accredited for a similar period.

GAAs also have a role in approving applications for the establishment of new self-accrediting institutions and new Australian universities, and for approving overseas universities to operate in their jurisdiction, under National Protocols C to E. Coordination of regulatory arrangements has been primarily through MCTEE's (formerly MCEETYA's) Joint Committee on Higher Education and its associated officers group, the Higher Education Recognition Officers (HEROs). GAAs are responsible for ensuring general compliance with the National Protocols, for example protection of the use of the title 'university' and protection against operators that claim to be providing higher education but are not registered by the GAA.

ESOS Legislation

The *Education Services for Overseas Students (ESOS) Act 2000* (Commonwealth) applies to all providers of education services to international students in Australia (although not to international students studying Australian educational programs offshore). In other words, the ESOS Act covers higher education, vocational education and training, foundations and English language studies, and school education. Pursuant to the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* (National Code) and the ESOS Act, GAAs have a role in approving NSAs to deliver higher education courses to overseas students. Regulatory processes are similar for NSAs and SAs, and for providers of vocational and well as higher education. A higher education provider that is also a provider of vocational education and/or other forms of education is thus regulated similarly across all its educational activities. There are plans for ESOS compliance in respect of tertiary education to become part of the functions of the new Tertiary Education Quality and Standards Agency (TEQSA) discussed below.

Higher Education Support Act and FEE-HELP

The Commonwealth Department of Education, Employment and Workplace Relations (DEEWR) has responsibility for administering the Commonwealth's *Higher Education Support Act* (HESA), which is the main vehicle for government (public) funding of all forms of higher education. For SAs, HESA is the mechanism which requires them to undergo a periodic quality audit by AUQA. HESA imposes a range of other regulatory and reporting requirements on SAs.

Under HESA, DEEWR is also responsible for approving a subset of NSAs as non self-accrediting higher education providers (NSA-HEPs). Australian students studying at NSA-HEPs are eligible for a FEE-HELP loan to pay for their tuition fees, and this loan is paid directly to the institution.

AUQA does not have a 'hard' regulatory role in relation to NSA-HEPs (just as it does not for SAs), but HESA requires all NSA-HEPs to undergo a quality audit, and the only approved body to undertake these audits is AUQA. The processes are similar to those for audits of SAs, but the audits of NSA-HEPs are undertaken against a set of Quality Audit Factors specific to these audits.

NSA-HEPs must meet DEEWR's reporting requirements in addition to the reporting requirements of GAAs. Thus, in addition to the registration, accreditation and reporting requirements of the GAAs, including ESOS audits by GAAs under delegated authority from the Commonwealth, NSA-HEPs need also to have an AUQA audit and provide reports to DEEWR.

It is evident that the different accountability requirements of these three areas of legislation (GAAs, ESOS and HESA) have led to duplication and multiple reporting for a substantial proportion of NSAs, as most enrol international students and around half have been granted approval to be recognised as NSA-HEPs.

Influence of Professional Registration and Accreditation Bodies

Australia has a strong tradition of registration of qualified practitioners by professional bodies, including the professions of medicine, nursing, law, engineering, primary and secondary teaching, dentistry, allied health such as physiotherapy and medical science, accounting, and computer science. Many of the professional bodies which register or license graduates to practise, or associated entities of these bodies, accredit higher education courses as providing suitable training for entry to the profession. Just as for SAs, NSAs in practice need to seek professional body accreditation of their courses, in order to attract students, so some of the courses offered by NSAs will be accredited by the relevant GAA and also by a professional body. To this extent, professional body requirements shape the path that NSAs may take with many of their courses.

Regulation for Providers of Vocational Education and Training (VET)

The majority of NSAs are also approved to be providers of VET courses, that is, they are registered training organisations or RTOs. For their VET operations, these NSAs need to be registered by a state or territory government (or by the National Audit and Registration Agency (NARA) for RTOs that operate in more than one Australian state or territory). VET operations must be audited by the relevant state or territory government (or by NARA) against requirements in the Australian Quality Training Framework.

Oversight and regulation of the VET sector is managed under quite different arrangements to those of higher education, including different arrangements for public funding. NSAs that are also RTOs, therefore, have at least two very different streams for accounting, reporting and compliance. While the advent of a single body for provider registration and course accreditation is expected to simplify some of these arrangements (see below), change will not occur quickly.

Other Legislative Requirements

Nearly all NSAs are incorporated as companies or associations. Therefore, they need to meet the regulatory requirements, including reporting and disclosure requirements of the relevant legislation. NSAs that are companies are regulated by the Australian Securities and Investments Commission. Any NSA that is a publicly listed company must also conform to requirements of the Australian Securities Exchange (ASX).

There are numerous other legislative requirements, national or state-based, which regulate the conduct of NSAs as institutions, including regulations in respect of work practices, occupational health and safety, fair trading and consumer protection (including the Australian Competition and Consumer Commission), and other requirements. Most of these requirements apply as well to SAs. It should be noted that SAs have additional state government reporting and other responsibilities that NSAs do not.

Regulatory Arrangements in Respect of the National Protocols

There are nine different GAAs and nine statutes under which higher education provision by NSAs is regulated:

- **Australian Capital Territory:** Accreditation and Registration Council — *Training and Tertiary Education Act 2003*.
- **Commonwealth** (responsible for external territories): Department of Education, Employment and Workplace Relations — *Higher Education Support Act 2003*.
- **New South Wales:** Quality and Regulation Unit, Higher Education Directorate, Department of Education and Training — *Higher Education Act 2001*.
- **Northern Territory:** Higher Education, Department of Employment Education and Training — *Northern Territory Higher Education Act 2004*.
- **Queensland:** Queensland Office of Higher Education, Department of Education, Training and the Arts — *Higher Education (General Provisions) Act 2008*.
- **South Australia:** Higher Education, Department of Further Education, Employment, Science and Technology — *Training and Skills Development Act 2008*.
- **Tasmania:** Tasmanian Qualifications Authority — *Tasmanian Qualifications Authority Act 2003*.
- **Victoria:** Victorian Registration and Qualifications Authority — *Education and Training Reform Act 2006*.
- **Western Australia:** Department of Education Services — *Higher Education Act 2004*.

The National Protocols apply to NSAs by virtue of these pieces of legislation. While it is intended that the National Protocols apply to *all* higher education providers, and HESA defines an Australian university as one which meets requirements under the National Protocols, it is not evident that the way in which the Protocols have been enacted in each jurisdiction ensures they are able to apply to Australian

universities in that jurisdiction. Australian universities are established in Australia under their own statute and some of the Acts referred to above do not appear to address the regulation of universities. Certainly, most Australian universities did not engage with the Protocols until required to do so in the second cycle of quality audits by AUQA, nor have they engaged with the AQF until its recent revision.

State and territory differences in circumstances and approach, including differing legislative drafting conventions, mean that these Acts at state level do not all reflect the National Protocols in the same way.

Moreover, the model of higher education regulation for NSAs varies from state to state. In Queensland, New South Wales, South Australia, Western Australia, Northern Territory and the external territories (where the Commonwealth is responsible) regulation is carried out by the department responsible for education, with the decision maker on institutional registration, course accreditation and approval to deliver courses to overseas students varying from the relevant minister to a delegated departmental officer. In the Australian Capital Territory, Victoria and Tasmania it is a statutory body that is the decision maker in relation to the registration of higher education institutions and the accreditation of their courses, although this is a little blurred in the case of the Tasmanian Qualifications Authority (TQA) since section 13 of the *Tasmanian Qualifications Authority Act* empowers the Minister to direct the authority in any one of its functions. It is worth noting that the three statutory authorities are also charged with regulating VET providers.

The establishment of statutory authorities does tend to limit the potential for conflicts in relation to decision making on registration and accreditation applications that could arise. For example, in New South Wales the *Higher Education Act 2001* delegates decision making in relation to registration, accreditation and CRICOS (ESOS register) approval applications to the Director-General of the NSW Department of Education and Training. This creates a potential conflict where an application is received from a departmental body such as NSW TAFE, of which the Director-General is Managing Director, or a state government entity, such as the National Art School. This conflict has been addressed to some degree by the fact that in practice decision making has been delegated two levels of seniority below the Director-General to the General Manager, External Relations Policy, but on the face of it the conflict remains.

DEEWR's regulatory role in relation to NSAs is somewhat different from that of the other GAAs. Presently there are no NSAs in the external territories (i.e. Christmas Island or Norfolk Island) and this appears unlikely to change anytime soon. While NSA-HEP approval is contingent upon being registered and having a course or courses accredited by the relevant GAA, all NSA-HEPs must meet a set of conditions laid down in HESA. It is DEEWR which assesses whether an NSA meets the conditions to become, and remain as, an NSA-HEP. DEEWR's requirements for approval as an NSA-HEP and the requirement for an AUQA audit add an additional regulatory requirement for NSA-HEPs to meet in addition to those faced by NSAs whose students do not have access to FEE-HELP.

Previous Efforts at Rationalising Regulation under the National Protocols

When the National Protocols came into operation in 2000 they not only signalled a move to a more national approach to the quality assurance of higher education but also a move towards increased rigour in the regulation of NSAs.

In New South Wales, for example, this meant moving from a system where NSAs had nominated the membership of the panels that assessed their courses to a system where the formation of an assessment panel was strictly within the purview of the Department of Education and Training, although institutions were given the opportunity to comment on panel composition. The *2003 NSW Higher Education Guidelines* imposed a new requirement of institutional registration as a higher education

institution in addition to course accreditation, where previously there had only been course accreditation. While this increased attention to a more rigorous process was a welcome development, its occurrence within a context of state-based guidelines and regulations, and an increasingly dynamic private higher education sector rapidly expanding beyond state boundaries, increased the regulatory burdens imposed on NSAs. Attempts by the states to address this burden through mutual recognition of the registration of higher education institutions and streamlined accreditation of courses did not necessarily have the desired effect in a context where each state applied its own set of guidelines and the National Protocols tended to be secondary to these guidelines.

In the past a constant complaint of NSAs was that having been registered as a higher education institution and had a course accredited in one jurisdiction the process of mutual recognition in the secondary jurisdictions could be just as involved as registration and accreditation in the primary jurisdiction, when the expectation was that the process should be greatly streamlined due to a focus on aspects of local delivery in the secondary jurisdiction.

It was against this backdrop that the National Protocols were revised and re-released in October 2007 along with the *National Guidelines for Higher Education Approval Processes* (National Guidelines), agreed by MCEETYA, to give effect to the National Protocols and to replace separate state guidelines. Section 19 of the National Guidelines sets out a common set of mutual recognition criteria to be applied in all secondary jurisdictions in relation to applications for registration and accreditation where an institution has been approved in the primary jurisdiction. Under the National Guidelines mutual recognition in the secondary jurisdiction focuses on local delivery, in particular on the adequacy of arrangements relating to administrative and teaching staff, quality assurance, and facilities and student support.

Mutual recognition under the National Guidelines is an improvement on the situation that preceded it in that now there is a single set of criteria to apply across Australia. However, anecdotal feedback from NSAs indicates that there are still issues around differing applications and interpretations of the mutual recognition criteria in the National Guidelines by the various GAAs. This is despite the fact that all jurisdictions now operate under the National Protocols and use a common template, based on the National Guidelines, for registration, accreditation and mutual recognition applications.

The HEROs group has taken other action to support consistency in processes across jurisdictions. By agreement among this group, a more consistent approach now is evident in requirements for NSAs to provide annual reports. By 2009, further efforts to rationalise regulation had been mooted, such as the use of a risk rating classification for NSAs. Nonetheless, jurisdictional inconsistencies remain, as when some but not all jurisdictions mandate minimum English language proficiency entry standards for higher education courses offered by NSAs.

The establishment of a new Tertiary Education Quality and Standards Agency (TEQSA), outlined below, can therefore be seen as a desirable step towards further rationalisation of regulation of NSAs in Australia, intended to result in consistent procedures and interpretations when it comes to processing, assessing and making decisions on applications for registration and course accreditation. It is to be hoped that provider registration requirements under TEQSA will assist in streamlining the processes for overseas universities wishing to operate in Australia, as experience in South Australia has shown that the application of the existing National Protocols to these providers can involve multiple and overlapping assessments.

Impact on NSAs of the Current Regulatory Arrangements

Although the regulatory regimes for NSAs have some downsides, the advantages of some elements should not be overlooked. On the negative side, there are the additional costs to NSAs of multiple

regulatory requirements and the potential of differing interpretations of requirements by GAAs. There is also the confusion for those NSAs that are approved as RTOS of two quite separate regulatory regimes between higher and vocational education.

State-based regulation imposes a cost to the public purse of nine separate GAAs, some dealing with only a handful of NSAs, which is a consideration in respect of good regulatory practice. In addition, it is difficult for some GAAs to gain experience and expertise with regulation of NSAs, as the GAA may simply have too few applications to become familiar with the issues routinely encountered in large jurisdictions. This may be a disadvantage for some NSAs.

Second, AUQA's audits of NSAs have indicated that some GAAs are inadequately resourced for their roles, which in turn has limited the extent to which they can provide generic developmental assistance and advice to other GAAs on how to improve, through workshops or seminars, or support sharing of good practice among NSAs or between NSAs and universities.

More significantly, we suggest the lack of a single national data collection for NSAs, described in the first chapter of this publication, has contributed to both a low profile for the NSA sector and the inability of most NSAs to benchmark their student outcomes against those of similar institutions. While concerns over competition have also played a role in the lack of comparative measures of student outcomes, other issues such as the lack of common definitions of data items are at least as significant. If an NSA does not have a sense of how others are performing, it may have little incentive to improve. Some NSAs which are part of larger groups have now started internal benchmarking, but the absence of national comparable data remains a major concern. The growing collection of data on NSA-HEPs (NSAs approved for FEE-HELP) represents a starting point, but as yet too little of this information has been made available for NSAs to learn from, while individual GAAs do not publish much data on NSAs in their jurisdiction.

These negatives have been potentially treatable by imaginative collective action among the jurisdictions. On the matter of funding and expertise, the practice by NT DEET of contracting out certain of its activities to the Queensland Office of Higher Education (QOHE) and collaborating with QOHE on other activities has been a practical and effective response. On data, it is not impossible to imagine that determined action by the jurisdictions or by NSA peak bodies could not have seen some action taken to develop aggregated data on some aspects of NSA operations. The benchmarking tool recently developed by the Australian Council of Private Education and Training (ACPET) is one example.

Turning to the advantages of current arrangements, we note that state-based regulation of NSAs includes an awareness of local contextual factors and circumstances which is almost certainly needed for any good system of higher education regulation for providers and their courses. As well, there are benefits in providers being able to respond to regional or state policies and priorities, for example where there are government incentives which can make the difference between viable and non-viable operations by an NSA.

A mixed picture emerges for the NSA-HEPs which must be audited by AUQA as well as being registered by one or more GAAs. On the one hand, this requirement surely is a duplication of overall effort in the name of accountability to different levels of government, and one that imposes additional cost on NSAs.

On the other hand, and somewhat unexpectedly, NSAs in general have been very positive about the benefits to their operations of an AUQA audit, which, unlike registration by a GAA, does not involve a 'pass/fail' decision. AUQA's application of a continuous quality improvement cycle (OADRI, or Objective-Approach-Deployment-Results-Improvement) as a framework for analysis of NSAs and their quality

management systems, together with AUQA's forensic approach to audit, has brought to light some fundamental governance, operational and quality management issues for NSAs to address.

AUQA's approach to audit involves: a pre-audit visit discussion by the audit panel of the self-review and supporting material; requests to the NSA-HEP for further information and clarification; and interviewing a wide range of people associated with an NSA—governing body members, academic board members, senior management, academic, teaching and administrative staff, students, graduates and external stakeholders. This method helps to determine the extent to which stated policies and procedures are actually being put into practice by the organisation as a whole. AUQA's audit methods also provide strong indications of student or graduate satisfaction with an NSA-HEP's performance and indicate the extent to which an NSA-HEP is focused on quality improvement.

The Quality Audit Factors (QAFs) against which NSA-HEPs are audited by AUQA can help institutions to structure their self-review, demonstrate improvements over time, or determine issues that need to be addressed. It is true that in a context where NSAs are routinely writing applications for registration and/or accreditation there has been a tendency for some NSA-HEPs to treat the QAFs as another set of registration criteria rather than as a tool for self-review.

However, the combined re-registration quality audits undertaken by AUQA with the VRQA and NSWDET do demonstrate a concurrence between the QAFs and registration criteria set out in the National Guidelines, which points to a way forward in the future to reduce the duplication of processes around registration and quality audit, should both processes be retained under TEQSA.

ESOS legislation applies equally across all higher education providers and VET providers that enrol international students in Australia. To this extent, and taken on its own, the ESOS legislation offers NSAs a single regulatory framework. However, the framework applies only to those NSAs which enrol international students in Australia, so its mandate is quite specific. Unfortunately, the legislation does not apply to international students studying offshore for Australian qualifications, although many higher education providers, including NSAs, provide teaching in other countries. Moreover, definitions in HESA do not always match those in the ESOS Act and some jurisdictions have not been resourced to examine offshore provision of NSAs under the National Protocols. These gaps in regulation for NSAs providing transnational education arguably represent a risk to providers of good quality, as they open the door to providers of lower quality education to operate overseas without regulatory oversight.

Future Regulation and Quality Enhancement

The shortcomings of the current regulatory arrangements for higher education providers, including NSAs, have been highlighted by the Productivity Commission (2009) and were found by the 2008 Bradley Review of higher education to be 'complex, fragmented and inefficient' (Bradley et. al. 2008, p. 115). It is to be hoped that planned changes address these issues, although they will certainly raise new questions.

Current Proposals

In the May 2009 Federal Budget, the Australian Government announced the creation of a new national regulator for tertiary education, which will eventually combine the regulatory functions of provider registration and course accreditation for both higher education and VET providers under a single Tertiary Education Quality and Standards Agency (TEQSA), to be established as an Australian Government statutory authority. At the time of writing, legislation to establish TEQSA is before the Australian Parliament.

Initially, TEQSA will be established as a regulator of higher education, with VET regulation to be joined in at a later stage. The existing functions of AUQA and of the GAAs relevant to higher education regulation will be taken over by TEQSA. (It is expected that all of AUQA's functions will be taken over by TEQSA.)

As a first step towards national regulation of the VET sector, agreement has been reached by the Council of Australian Governments (COAG), to form a new national regulator for the VET sector, which like TEQSA will be an Australian Government statutory authority and which will be responsible for the registration and audit of RTOs and accreditation of courses. Planning for TEQSA, as the regulator of higher education only, and the national VET regulator is occurring in parallel, with a view to subsequent integration.

TEQSA will adapt the National Protocols into standards that providers must meet, so both SAs and NSAs will need to meet these standards to be registered. This change is expected to be minor for NSAs, which are accustomed to meeting registration requirements. As noted earlier, the establishment of TEQSA holds out the prospect for NSAs of more nationally consistent review of their operations and potentially some streamlining of multi-state operations.

For higher education, a standards-based model of regulation places NSAs and SAs on a similar footing with respect to provider registration, although the nine jurisdictions will retain their powers to establish or dis-establish universities. We note that the change to the standards-based model proposed for TEQSA is contested by some Australian universities concerned about erosion of their traditional autonomy (Gallagher 2010).

The Australian Government has made it clear that, in accordance with accepted good practice, TEQSA will adopt a risk-proportionate approach to regulation of higher education providers. Such an approach potentially offers a reduction in reporting or review to NSAs that are determined to be low risk. TEQSA is expected to have powers to review all higher education provision, including offshore teaching, by NSAs.

TEQSA is also expected to make data on the characteristics and performance of all higher education providers available to the public. This may not add significantly to the regulatory burden for NSAs, as most report some data already and sometimes to more than one regulatory body. The availability of the data may assist NSAs in benchmarking, without the costs associated with undertaking their own separate comparisons of performance.

It remains to be seen whether TEQSA will seek to identify ways to streamline arrangements for course accreditation in order to minimise duplication between accreditation by TEQSA and by professional bodies.

Related Regulatory Reform

As is evident from the account given above, removal of regulation by multiple GAAs is only one step along the way towards a thorough rationalisation of regulatory requirements for all higher education providers and NSAs in particular. It is not yet clear when ESOS legislation in respect of higher education providers will be administered by TEQSA, but it seems likely there is a prospect of some rationalisation. Moreover, it is now evident that the reporting requirements and requirement for an AUQA audit under HESA for NSAs approved to offer FEE-HELP will be removed as redundant once TEQSA becomes operational.

In common with other countries, Australia shares a concern about the negative impact on business and taxpayers of unnecessary or duplicated regulation. In 2007, COAG issued a set of eight principles for Best Practice Regulation, as a guide for Ministerial Councils and national standard-setting bodies. These principles are as follows:

1. Establishing a case for action before addressing a problem.
2. A range of feasible policy options must be considered, including self-regulatory, co-regulatory and non-regulatory approaches, and their benefits and costs assessed.
3. Adopting the option that generates the greatest net benefit for the community.
4. In accordance with the Competition Principles Agreement, legislation should not restrict competition unless it can be demonstrated that:
 - a) the benefits of the restrictions to the community as a whole outweigh the costs; and
 - b) the objectives of the regulation can only be achieved by restricting competition.
5. Providing effective guidance to relevant regulators and regulated parties in order to ensure that the policy intent and expected compliance requirements of the regulation are clear.
6. Ensuring that regulation remains relevant and effective over time.
7. Consulting effectively with affected key stakeholders at all stages of the regulatory cycle.
8. Government action should be effective and proportional to the issue being addressed.

It is to be hoped that TEQSA will pursue these principles to work with the Australian Government Department of Employment, Education and Workplace Relations (DEEWR) on the further streamlining of regulatory requirements.

Concluding Comments

To someone from outside Australia even the regulatory arrangements for the registration of NSAs, involving nine jurisdictions, must appear complex for a country with a population of only 22 million. While there have been some moves towards rationalisation and consistency of regulation in respect of state-based regulation, the framework under which NSAs operate remains complex and partial. New regulatory requirements have been added for NSAs wishing to serve international students or allow domestic students access to Australian Government FEE-HELP loans. Each of these additional regulatory requirements has its own accountability mechanisms, such as reporting and audit requirements, which partially duplicate those of the others.

While these overlapping regulatory requirements reflect in part some specific policy concerns of the national government in Australia, we suggest they also reflect changing conceptions of higher education and of higher education providers. The regulatory changes reflect the movement from a view of higher education as located solely within a public and civic domain to one which views higher education as operating in a mixed public-private market domain (Marginson 1997). As well, they reflect the movement towards mass or universal higher education (Trow 2005), characterised not only by more students but also by a growing acceptance of many more providers of different types, including various forms of overseas providers and partnerships arrangements.

Several decades ago, higher education was seen as a public rather than a market activity, and any providers of higher education other than universities were either subject to their own categorisation (e.g. as a College of Advanced Education offering degrees) or viewed mostly as non-profit professional collectives (e.g. theological colleges and colleges associated with post-university studies in law and medicine). The National Protocols were a response to the early days of marketisation of higher education, and specifically to the questions of quality and standards posed by for-profit providers, including overseas providers, and also the entry of unaccredited providers. The revised 2007 Protocols and Guidelines aimed to better predict the emergence of different types of organisations seeking to offer higher education, but their categorisations of institutions increasingly appear less relevant (e.g. in providing for different classes of university) or incomplete (e.g. overseas universities).

The ESOS Act is underpinned by a view that any Australian provider of higher education may choose to engage in market-based activities, and so reflects a concern with ensuring minimum standards and regulating the market in order to protect students and Australia's reputation in a global higher education market. HESA, in respect of FEE-HELP, is reflective also of a market-based view of higher education provision, although the legislation is primarily directed to regulating access by providers or students to public funding.

While the 2007 Protocols provide a set of expected minimum standards, some jurisdictions in their implementation of the Protocols have maintained an implicit distinction between 'higher education' as provided by an Australian university (referenced by internal standards) and 'higher education' as provided by other types of providers (referenced by the Protocols). This approach continues to be partially reflected in other legislative instruments that regulate higher education, such as HESA.

The TEQSA approach of using externally-referenced standards to define 'higher education', rather than specific characteristics of provider institutions or internally-referenced standards, is possibly an inevitable response to universal higher education (Dill and Beerkens 2010). If it is combined with a risk-proportionate review (which will assist providers who obviously exceed minimum standards) and use of the risk review findings in processes for approvals, there is some prospect for providers of a simpler and more coherent regulatory environment in Australia.

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Chapter 3 - Early Audits of Non Self-accrediting Higher Education Providers: A Thematic Analysis

Hilary Winchester

Background: Quality Audit of Australian Higher Education Providers

Non self-accrediting higher education providers form a growing private sector alongside Australian public universities and are an increasingly significant element in the Australian higher education landscape. These providers are becoming more visible to the public and subject to public scrutiny as Australian higher education moves towards a quality and standards regime in higher education. The first audit of an NSA-HEP by AUQA occurred in late 2006. As noted previously, the *Higher Education Support Act* (HESA) requires that HEPs in receipt of FEE-HELP funds must meet a range of quality and accountability requirements, including regular audit. There are now approximately 80 HEPs subject to these requirements every five years. As AUQA is the only quality assurance body legislated to undertake HEP audits, the schedule of these audits has been accelerated. Accordingly, 10 audit reports had been published by July 2009 and 20 published by April 2010. Additional audit reports on NSA-HEPs continue to be published. AUQA audits NSA-HEPs against their own institutional objectives and a schedule of Quality Audit Factors (QAFs) published in the DEEWR *Handbook for Quality Audits of Higher Education Providers*.

The quality of HEPs is a matter of public interest, partly because they are often (but frequently erroneously) associated in the public mind with the failure of a number of private language colleges as well as the unviable expansion of overseas student numbers in vocational colleges and some very public racially motivated attacks on Indian students in the eastern states. HEPs are also extremely visible because of the sheer volume of audit reports being produced and because of the critical nature of some reports, with two recommendations including shortened time intervals between audit visits.

The first 20 NSA-HEPs to be audited varied considerably in size, age, complexity and mission, with the larger ones having at the time of audit a student load of approximately 2000 EFTSL and the smallest having just 41 students enrolled in one higher education program. There were identifiable groups of NSAs, including seven Christian colleges, three TAFE institutes, three multidisciplinary institutions (including a federation of three colleges), and seven single-discipline institutions.

The experience of the early audits of NSA-HEPs suggests a number of sector-wide improvements to the proposed standards-based TEQSA regime.

Method and Structure of this Chapter

This analysis is based on a close, comparative reading of the audit reports of 20 NSA-HEPs, and evaluates the major themes emerging from those reports, where a 'theme' is considered to mean common issues of content and process. The commendations, affirmations and recommendations (CARs) of the reports are used as the prime indicators of themes considered to be significant by the audit panels. This evaluation has necessarily some subjectivity but is based on a considered quantitative analysis of the CARs.

This paper discusses primarily the major audit findings, both the areas where institutions are generally performing well and common areas in need of improvement. Much of this information has been made available to the sector by AUQA (Winchester 2009). In this paper, the areas of good practice and the areas for improvement are considered in turn. The author's views on the sector-wide implications of the audit findings constitute the last section of this chapter.

Areas of Good Practice in NSA-HEPs

The NSA-HEPs are commended overall for their student-centred approaches to teaching and learning, their interest in identifying particular student needs and providing appropriate student support, and in some cases for the underlying support structures. They tend to provide a satisfying overall student experience, including effective engagement with their communities. Many NSA-HEPs are making considerable steps in developing a culture of continuous improvement.

Student-Centred Approaches

A number of institutions were commended for their student-centred approaches to learning and their organisational ethos. Commendations included comments such as a 'caring academic community', and the use of adjectives such as 'respectful', 'collaborative' and 'student-centred'. The flavour of these comments is summed up by a commendation for a college's 'holistic approach to education and ... the respect and affection which students, staff and the community hold for the 'College experience''. This type of commendation pertained particularly to the theological colleges and Christian foundations.

The overall student learning experience is identified as an area of strength in the NSA-HEP audit reports, where there were a number of commendations. Typically the commendations included comments such as:

- 'a ... determination to maximise the learning experiences of its students'
- 'the quality of the student experience provided through the affiliated colleges'
- 'the positive learning experiences of its on-campus students'.

Part of this positive learning experience was attributed to small class sizes, a focus on teacher performance and some innovative curricular and pedagogical approaches.

Student Support

The commendations for student support parallel and reinforce the positive view of teaching and learning activities. The NSA-HEPs performed well in recognising student needs and tailoring support. Commendations included:

- 'attention to the needs of individual students'
- 'efficient and well-resourced support for student learning'
- 'recognising the need to provide academic and counselling support to meet a significant level of need among its students'
- 'customising support in foreign language learning'.

In one instance, the commendation for student support went beyond the norm to a system of pastoral care for students and their families which was described as the 'building of College communities' and the College was commended on 'the inclusive nature of support for students' spouses and children and for the overall pastoral care and especially chaplaincy services available to all students'. Relatively few recommendations were received in this area.

The underlying support systems for students also receive some attention through the audit reports, including for library, learning support and information communication systems:

- 'the outstanding Library holdings that support research and scholarship at the highest level, and for the services the Library provides to faculty, students and external scholars'
- 'the high regard held by staff and students for library services'
- 'the quality of its systems for distributing information among prospective and current students'.

Surprisingly, the reports contained very little mention of overseas students and their specific needs. Indeed, in a number of cases the mix of domestic versus overseas students in the institution was not at

all clear. This is in part a reflection of the separation of the quality audit function of AUQA from the consumer protection function of ESOS, and is an issue to be addressed in the more integrated environment of TEQSA.

Community Engagement

Community engagement with external partners, employers and industry where appropriate was well developed and acknowledged as a strength for half the NSA-HEPs audited. The main focus was on industry partners enhancing the employability of graduates. These comments were particularly relevant to the TAFE and some of the single-discipline colleges in areas such as design, hospitality and law. In some cases, this deep engagement with the discipline stakeholders resulted in evaluations from stakeholders that were informal and anecdotal rather than formally measured and quantitative.

The Development of a 'Quality Culture' and Research

The audit reports are quite positive in their appraisal of how institutions have embraced a 'quality culture' or commitment to continuous improvement. These general commendations are strongly worded and positively endorse the efforts of the leadership teams of many institutions. Commendations include:

- 'leadership of the Office of the Dean and CEO of the College in establishing and nurturing an organisational culture characterised by a strong commitment to quality assurance and improvement'
- 'commitment and willingness to engage in processes for setting strategic direction and accepting the challenges of implementing quality mechanisms and processes over time'
- 'attention to continuous quality improvements'.

In other institutions, affirmations show that this quality improvement work has begun. There are also several recommendations to improve quality assurance systems as might be expected in this early part of the first audit cycle.

While the QAFs against which NSA-HEPs are audited specifically do not mention research, there are some positive comments in the audit reports about the research ethos in some institutions. This is particularly true in the theological colleges; some of the support mechanisms to encourage staff to be more active in research have been very positively received.

Areas for Improvement in NSA-HEPs

Areas of improvement for the NSA-HEPs include institutional and academic governance, emphasising both fundamental aspects of corporate governance as well as the pivotal role of the Academic Board or its equivalent peak academic body in academic governance. Human resource management practices and procedures require further attention and formalisation. While most aspects of teaching and learning and student support are areas of strength, assessment is identified for further work, with a number of recommendations about external moderation. In more general terms, the NSA-HEPs are encouraged to obtain external validation of performance through appropriate benchmarking. Several institutions were asked to improve and develop their 'culture of scholarship'.

Institutional Governance

The audit reports identify institutional governance as the most significant area for improvement for NSA-HEPs. The models of corporate governance for these providers are quite varied, which is appropriate given the range of size, mission and structure. Some NSA-HEPs are not-for-profit and some are commercial. Recommendations and affirmations point to various interrelated issues such as governing body (Council, Board of Directors) membership, external impartial input, professional

development of governing body members, and the relationships between governance and management. Examples of such advice include:

- 'broadening the membership of the College Council to include persons ... able to provide impartial informed advice'
- 'improve the participation of student representatives on Council, Academic Board and other relevant Committees'
- (urgent) 'all members of Council receive the appropriate professional development to effectively discharge their governance responsibilities'
- 'consideration be given to the relationships between the role of the Council, the CEO and senior staff in terms of governance and management'.

Often Councils or Boards of Directors were found by AUQA to require additional diversity and expertise in higher education. The issue of appropriate institutional governance structures is widespread across the NSA-HEP sector and is particularly relevant to those TAFE institutes which have recently taken on higher education functions.

Academic Governance

An area of concern related to but distinct from institutional governance is the issue of academic governance. A recurring theme in the audit reports that were analysed is the role and effectiveness of the Academic Board or the equivalent peak academic body. The identified issues focus on the composition of the Academic Board and its role in academic oversight and policy. These concerns are encapsulated in the following urgent recommendation 'that the College review the composition and role of the Academic Board with a view to its having a strong and senior membership commensurate with its academic oversight responsibilities'.

Further areas for improvement include organisational structures, committee structures and roles, and the policy environment as the basis of decision making. Examples of the general concerns include:

- 'revise and strengthen the College's existing board and committee structure'
- 'revise current documented quality policies and procedures ... and adopt standard nomenclature for the description of the revised policies, processes, and organisational arrangements'.

The Academic Board has significant responsibilities in relation to academic policy, course approval, and assurance of standards. In many cases, the Board as constituted was not able to fulfil these functions. In several audit reports, AUQA urges the Academic Board to be the body that considers grade distributions, student feedback and key policies such as those relating to assessment, plagiarism or evaluations of courses and teaching, and to ensure that the 'loop is closed', with action taken on feedback and stakeholders advised of that action.

More specific concerns range from the overarching 'to rationalise the number of faculties, courses and programs' to the detail of urgently improving 'the quality of minute taking'. Some reports highlight the need within NSA-HEPs to develop a 'culture of scholarship' and the Academic Board as an arena where contemporary issues in higher education can be aired and discussed to promote such a culture.

Benchmarking

The audit reports consistently recommend benchmarking as an area for improvement, including the identification of appropriate benchmarking partners. Recommendations include general observations that institutions should:

- 'begin to develop and implement an approach to benchmarking'
- 'further define and develop a quality management system for higher education, including a formal approach to benchmarking'

- '(urgent) pursue the finalisation of arrangements for and implementation of benchmarking for selected relevant College processes and activities'
- 'implement processes to compare and benchmark its academic and operational processes and outcomes with relevant institutions'.

In many cases, benchmarking was hampered by the paucity of available and reliable data sources. A benchmarking exercise being coordinated by the Australian Council of Private Education and Training (ACPET) from July 2010 has the potential to assist NSA-HEPs in this area and it is possible that data gathered by TEQSA will also assist Benchmarking, however, is more than the comparison of data, and NSA-HEPs are also encouraged to pursue process benchmarking.

Human Resource Management

One of the most consistent expressions of concern in the AUQA audit reports relates to areas of human resource management:

- 'AUQA affirms that the College give consideration to formalising some of the currently relatively informal approaches to several aspects of human resource management, such as: performance management of faculty and staff; study leave applications and reports; appointment processes of faculty and staff; professional development provisions; induction and continuing support for visiting lecturers; and the development of an Academic Promotions Policy.'
- 'Develop formal human resource management arrangements and underpinning policies and procedures to codify current practice'.

Specific concerns were expressed about recruitment practices, including the appointment of staff with the appropriate AQF levels of qualification (one level higher than that being taught), and the need to appoint more senior staff. Many NSA-HEPs have a highly casualised workforce; sometimes this is because there are only a small number of students and courses and other times it is because the staff are essentially professional practitioners imparting specialised knowledge and experience.

Partly because of the preponderance of part-timers, staff development was seen as an important issue which could be improved generally across the NSA-HEPs. For example, a college was asked to 'substantially strengthen its ongoing support to assist staff in both understanding and operating in the higher education environment'. Other recommendations and affirmations identified the need for additional professional development in various forms, including effective staff evaluation systems, academic workload models, promotions policy and remuneration. On the positive side of the ledger, there were commendations made for a provider's general approach to staff development, including induction to higher education and assistance for staff to upgrade their qualifications.

Overall, the audit reports reflect a general concern to formalise the human resources management practices of many of the NSA-HEPs as they grow from a small and informal base into larger institutions where more systematic coordination and management is necessary.

Assessment and Moderation

The audit reports commend many of the teaching practices of the NSA-HEPs. Assessment is an area of mixed practice. In particular, some recommendations encouraged external moderation in assessment processes. These ranged from the urgent development of an approach to 'external moderation of assessment in all higher education courses' to 'assessment validation and moderation processes ... by involving external assessors'. One recommendation specifically mentioned 'formative assessment' and another 'turnaround time and the quality of feedback to students'.

The issue of assessment is seen as an important one for NSA-HEPs and an area for some improvement. This will almost certainly be the case across all NSA-HEPs, just as it is for self-accrediting institutions.

Implications of and Responses to the Audit Report Findings

The reports of the early audits of NSA-HEPs point to good practice in the area of student experience and a student-centred culture, but also signal areas for improvement which are of concern, including institutional and academic governance, benchmarking, human resource practices, assessment practices and a culture of scholarship. It is inevitably the areas for improvement which are the focus of attention. AUQA has moved to assist NSA-HEPs to address these areas, commencing with the development of draft guidelines for academic governance which were the subject of public consultation and workshops in the first half of 2010 (AUQA 2010).

One overarching finding that emerges from the thematic analysis of the audit reports is that the QAFs against which the NSA-HEPs are audited have both gaps and overlaps within them. The Academic Board and the related issues of academic governance, which caused such concern among audit panels, are not even mentioned in the QAFs, while the complexities of institutional governance are covered by the catch-all phrase of 'good practice in governance' in QAF1.5. Similarly, approaches to assessment, which gave rise to several recommendations, are not mentioned specifically in the QAF related to teaching and learning, so it either has to be considered as part of 'good practice and innovation in teaching and learning' (QAF2.2) or as part of 'student achievement consistent with educational objectives' (QAF2.4). A further obvious gap in the QAFs appears to be any specific mention of overseas onshore students, and their special needs or English language proficiency. A review of the QAFs has recently been completed, and this may guide practice for future audits of NSA-HEPs.

It is clear that one of TEQSA's tasks will be the alignment of the various documents and guidelines which regulate the establishment, accreditation and audit of HEPs. Specifically, the *National Protocols for Higher Education Approval Processes* (DEEWR 2007) which regulate the establishment of all universities and HEPs and their associated Guidelines Relating to National Protocols A and B (DEEWR 2007), and the QAFs all need to align with each other as provider standards—as well as with other regulatory frameworks such as the ESOS Act.

A second major concern is the lack of benchmarking. However, a more fundamental problem is the lack of data on a variety of measures, particularly the measures associated with the student lifecycle from application to graduation. While this information is routinely collected, analysed and used by universities, with benchmarking by cohort and sector included in the annual DEEWR data collection, this is not the case for the NSA-HEPs, and even less so across all NSAs. Work in progress by ACPET in 2010 has the potential to add considerable value in this regard, but it requires commitment of time and resources by member institutions. While ACPET has suggested some initial key performance indicators (KPIs), it remains to be seen how well the NSAs are able to garner the appropriate data (ACPET 2010). This fundamental lack of reliable data impinges on many aspects of the quality process, notably the capacity to identify and act on problems at a course or program level. In smaller institutions, it is compounded by limited information management systems and limited scope for investment in such systems in small institutions. At a sector level, the issue of data collection is a fundamental one which requires action not only by the institutions themselves, but by their representative organisations and by the Australian Government.

A third issue which comes through strongly is the need for staff professional development. This is the case in a number of operational areas such as workload models or performance management, but is also the case 'to assist staff in both understanding and operating in the higher education environment'. The audit findings clearly indicate that staff development is required also in areas of institutional and academic governance. It is envisaged that AUQA may continue to assist quality improvement in the NSA sector by the further production of guidelines and workshops along the lines of the guidelines for academic governance (AUQA 2010).

These activities, the incorporation of good corporate governance principles, the alignment of regulatory frameworks, the improved robustness of data and targeted professional development will all contribute to the quality improvement of the NSA-HEPs in particular, NSAI more broadly, and the reputation of Australian higher education.

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Chapter 4 - Governance, Accountability and Using Data: The College of Law

Adrian Deans and Jeanette Baird

Introduction

In this chapter we demonstrate the practical working of the concepts of governance and accountability, which can at times seem like remote abstractions, in an NSA environment. In doing so we also aim to illustrate the ways in which an OADRI (Objectives-Approach-Deployment-Results-Improvement) continuous improvement cycle is able to relate governance and accountability to the daily workings of an NSA. We hope that by speaking frankly about the journey of the College of Law, other NSAs can be assisted to develop more systematic approaches to quality assurance and improvement and to consider how an activity such as monitoring data can help to reveal the effectiveness or otherwise of governance arrangements.

We use the College of Law's experience as an example, and specifically a case study of the College's use of data for monitoring, which can be used to demonstrate the appropriateness and functioning of the College's governance mechanisms. The paper has been developed from a presentation by Adrian Deans to the AUQA workshop on Good Practice in Governance for NSAs, held in March 2010.

The College of Law was established in 1974 to offer a course, Practical Legal Training, to replace the old articles of clerkship system via which law graduates had traditionally qualified to become legal practitioners in New South Wales. For much of that time, the College has operated as a discrete school within first, the Kuringai College of Advanced Education, and then the University of Technology, Sydney (UTS). Since 1996, the College has operated as an independent higher education institution and over the past five years the range of offerings has expanded to include courses up to masters level in applied law. The College is now a national provider and operates primarily to 'bridge' the gap between academe and the practising profession, offering courses for both admission as a lawyer and to enhance the careers of experienced practitioners.

The first section of this paper discusses governance and academic governance, while subsequent sections discuss the quality framework developed by the College of Law and trace the use of this framework in the College's approach to data collection, analysis and monitoring.

Academic Governance and Corporate Governance

'Academic governance' is like one of those words in your passive vocabulary, similar to 'hubris' or 'embrocation' or 'ineluctable'. You sort of know what they mean but they are difficult to convey succinctly: Academic governance? Well it's ... you know ... it's doing academic stuff properly. Isn't it?

Contrast this with the concept of corporate governance, because everyone gets that! It is easy to find constitutional or similar documents describing the authority of boards, board committees and CEOs, or to find corporate governance charters and/or policy documents which describe how that authority should be used. It is also standard to find auditors' reports and other annual or quarterly reports giving quantified results and other data indicative of how authority has been used and whether it was used legitimately.

In broad terms, corporate governance is about:

- who has authority
- how it should be used, and

- how an institution demonstrates that this authority has been used properly in pursuit of institutional objectives.

Academic governance is inextricably linked with corporate governance, but somewhat harder to come to grips with—it is a more amorphous, less clearly defined area of activity. But academic governance can be reduced to the same three bullet points:

- *which* individuals or committees have authority to make academic policy or decisions
- *what* mission, policies, rules or guidelines constrain or inform that authority, and
- *how* do we prove that the authority has been exercised in accordance with the institution's mission, policies, rules or guidelines in pursuit of the institution's objectives?

The case study of data used in this paper is mostly concerned with the third of the above bullet points, because monitoring, accountability and use of data are means of demonstrating that properly constituted authority has been validly exercised in pursuit of institutional objectives.

A Framework for Demonstrating Good Governance

In 2007–2008, the College of Law conducted a general review of academic quality, which was, more or less, contemporaneous with a self-review for an AUQA audit. It became apparent that there were some lacunae in the College's policies when compared with the policies of other higher education institutions (e.g. a published Research and Scholarship Plan) and also some existing policies and procedures which could benefit from review.

It is desirable that policies be supported by constitutional powers or objectives, that procedures be supported by policies and that all policies, procedures, systems and plans somehow reflect and impel the College's vision and mission. A problem with the College's policies and procedures was that they were incomplete and sometimes appeared to have been created in an ad hoc manner.

Examples of the problem included:

- policies superseded by requirements of NSA-HEP status
- policies not documented
- procedures made without reference to policy
- procedures not documented or not documented correctly, and
- policies and procedures created in a vacuum with no reference to related, inconsistent or conflicting policies and procedures.

In fact, the College nearly always had a policy and procedure in a given area but the policy may have been unwritten or the procedure superseded, raising the likelihood of inconsistent application of policy or even conflicting procedures. In other words, there was, occasionally, a confusion of authority and accountability, which made monitoring difficult. There was collection of data and even use of data, but there was no coherent framework in which authority (and accountability) could be understood in relation to the collection and use of data.

The growth of the College into new areas and the self-review represented opportunities to reconsider all College policies and procedures and how they were made available to stakeholders.

It was proposed that the College create a hierarchical framework in which all policies, systems and procedures are located. The framework is loosely based on AUQA's OADRI (Objectives–Approach–Deployment–Results–Improvement) system of institutional analysis, that is, it operates as a quality framework. The framework does not always work out as coherently as this in practice, but this is what the College of Law aims for. The framework adopted by the College is shown in Table 1.

Table 1: Framework of the College of Law

Vision and Mission			
OADRI	Description	Examples/Manifest	Authority/Accountability
Objectives	High level policies which reflect or refer directly to the vision and mission	<ul style="list-style-type: none"> • Statements of Principle • Constitutional objects and powers 	<ul style="list-style-type: none"> • Board of Governors • COLAB
Approach	Specific policies which refer to, and are authorised by, a Statement of Principle or Constitutional Object, and the structures which give effect to them.	<ul style="list-style-type: none"> • Academic policies • Academic committees and their terms of reference • Corporate policies • Corporate structure and accountabilities 	<ul style="list-style-type: none"> • Board of Governors • COLAB • CACs • GCC • Executive staff
Deployment	Specific rules and procedures which refer to, and are authorised by, a specific policy within the purview of a committee or officer within the corporate or academic structure. All College planning. Implementation of policies.	<ul style="list-style-type: none"> • Course Manual • Assessment Rules • WE Rules • College Agreement • QMS documents • Strategic Plan • Business Plan • Marketing Plan • Personal Plans • Research and Scholarship Plan • Teaching and Learning Plan • External engagement 	<ul style="list-style-type: none"> • COLAB • GCC • ARC • Executive Staff • Lecturers • General staff
Results	Measurement and analysis of all outcomes.	<ul style="list-style-type: none"> • Student outcomes • Internal moderation • External moderation • Student evaluation of COL • Stakeholder evaluation of COL and students • KRAs • Plan milestones • Benchmarking 	<ul style="list-style-type: none"> • GCC • Executive staff • Lecturers • General staff
Improvement	Revision of policies and procedures in light of knowledge gleaned from analysis of results, with a view to achieving better outcomes in accordance with vision and mission.	<ul style="list-style-type: none"> • Corporate restructure • Academic restructure • Revised policies • Revised procedures • Revised plans • Revised rules • Revised materials • Revised courses • Revised course delivery 	<ul style="list-style-type: none"> • Board of Governors • COLAB • CACs • GCC • Executive staff • Lecturers • General staff

Key: COLAB – College of Law Academic Board; CACs – Course Advisory Committees; GCC – Group Course Committee; ARC – Assessment Review Committee.

Note: Benchmarking can occur at any level, that is, the College of Law does not benchmark only outcomes.

Objectives

Objectives are reflected in the College's vision and mission statements and expressed in the Constitution and high level policies. The College has three sets of Principles which are distilled from the vision and mission and from the objects of the company in the Constitution.

The Principles essentially state the College's objectives in the areas of:

- Research and Scholarship
- Teaching and Learning
- Engagement with the Profession and Community.

The Board of Governors has authority at this level. However, that authority has been largely delegated to the College of Law Academic Board, especially with regard to the first two bullet points, so the Academic Board is accountable to the Board of Governors for the use of that authority.

Approach

Approach is where the higher level, aspirational objectives are turned into specific documented policies. For example, the College has a Research and Scholarship Plan inspired by the high level objectives expressed in the Principles in Research and Scholarship. There should also be a clear link between all corporate policies and the objects and powers expressed in the articles of association or Constitution.

In fact, the College Research and Scholarship Plan and Teaching and Learning Plan blend Approach with Deployment, that is, they contain both policies and short- to medium-term goals. The goals will certainly change from year to year, but the policies also evolve. They are recorded within the same document to try and retain the nexus of ever-changing deployment with the slowly evolving approach, as leaving goals and policies to themselves is likely to lead to all sorts of departures and frolics.

Authority at this level is shared by the College of Law Academic Board, Course Advisory Committees, the Group Course Committee and the College executive staff.

Deployment

It is at the deployment level that policies are turned into actions. These are the plans, rules and procedures, made pursuant to policy, describing what we actually do (or will do) in the back office, at the administration counter and in the classroom.

Authority at this level is shared by the College of Law Academic Board, Course Advisory Committees, the Group Course Committee, the Assessment Review Committee and the College executive staff, with lecturers and general staff accountable for the extent to which their personal plans plug into the business plan and their actions accord with agreed policies and procedures.

Results

Results are the measurement and analysis of outcomes achieved via the implementation of plans, rules and procedures (i.e. the deployment).

Relevant questions for any institution are: What did you achieve, and how does it compare with the achievements of others (both internally and externally)? Results are the measures of deployment by people within the institution. They include quantitative and also qualitative information on grade distributions, student retention or completion rates, student evaluations and stakeholders' evaluations.

Results also include any kind of data compiled through benchmarking activities and, as noted earlier, benchmarking data can be generated for other elements of the OADRI model and processes as well as outcomes: the College of Law does not benchmark only outcomes. We can compare objectives, approach and manner of deployment in addition to comparing results.

To refer back to our Research and Scholarship Plan, the College now has a Research and Scholarship Report which is published each year to demonstrate the full range of research and scholarship at the College of Law and, wherever possible, to flag how the fruits of that research and scholarship will be funnelled into the development of programs and their delivery, or otherwise lead to improvement.

The Example of Data Analysis

We now turn to a particular Principle and trace how it might manifest in the OADRI cycle. Naturally, we need to start with institutional objectives.

Institutional Objectives

If your institution has been through an AUQA audit, then you probably have a fair idea of what your institutional objectives are. All of the College of Law's objectives are distilled from the vision and mission or Constitution and expressed as principles or policies. From an academic perspective, the objectives are found in the Principles in Teaching and Learning, the Principles in Research and Scholarship, and the Principles in Engagement with the Profession and Community.

We consider one particular Principle which is likely to be present in some form or other at every higher education institution:

The College will provide programs that are informed by analysis of student outcomes and other data.

We start by asking briefly: where is the authority to establish this principle? Ultimate authority for anything at the College of Law, as contained within the Constitution, lies with the Board of Governors. But the Board has delegated authority in respect of curriculum to the College of Law Academic Board. This Principle was created by the Academic Board because that Board wishes all academic decisions at the College (specifically, anything to do with course creation, delivery or evolution) to be supported by appropriate evidence.

The Academic Board also has the authority (and probably the duty) to explain the Principle to enable subordinate academic committees, executive staff and lecturers to implement the Principle in accordance with the Academic Board's wishes. And eventually the Academic Board will want to see:

- some evidence that the Principle has been properly implemented (i.e. interpreted within policies and procedures), and
- results that demonstrate what impact the principle is having in order to determine whether to continue, cease or amend the principle or its implementation.

In turn, the College of Law Board of Governors will want a report from the Academic Board demonstrating how the Academic Board has managed the original delegation of authority in respect of curriculum. If you have authority, you must be accountable for it, and you must have an objective and measurable means of communicating that accountability.

What does it mean? The implementation of the Principle has an impact on course developers and lecturers, in that course developers and lecturers must be cognisant of the fact that anything they do pursuant to the creation, delivery and evaluation of courses must be measurable and that systems must be set up in order to measure.

The objective *behind* the Principle is that we want to successfully deliver learning outcomes and otherwise provide good learning experiences. Without getting into the debate about whether grades *are* a valid reflection of learning, you can certainly say one thing about them: grades are easy to measure.

In fact, the Principle is a manifestation of pure OADRI. It is itself an objective which encapsulates an approach, suggests a deployment, anticipates results and *means* that improvement is an almost inevitable consequence of implementation (or at least we hope so).

But to explain exactly what we mean, we need to break the Principle down into its component parts.

What are Student Outcomes?

Depending on the course and the institution, there are probably many answers to this question. At the risk of trivialisation, student outcomes are represented by grades, but the term also means good learning experiences and students acquiring the confidence to go into the professional workplace knowing that they are equipped with the requisite minimum skills to avoid embarrassment.

How do we Measure Student Outcomes?

At the College of Law, after internal moderation, reports are generated showing the grade distribution for every cohort. The College uses criterion referencing and so does not mark in accordance with norm referencing, but it is nevertheless important for lecturers to know how their students compare with the mean (i.e. the standard grade distribution for that subject within that stream), for all sorts of reasons. It is also an important quality control for heads of courses, who can tell at a glance if a cohort grade distribution has anomalies and warrants investigation and/or remarking.

There are many things we can learn from grade distributions, not least the achievement of learning outcomes by students. The College's Graduate Diploma of Legal Practice is a Practical Legal Training (PLT) course—undertaken by law graduates to qualify for admission as a lawyer—offered all over Australia in four different streams to take account of the different law and practice in the various states. The curriculum structure is identical in all streams, but the materials that manifest the curriculum are different. Accordingly, it is vitally important to compare streams to see how well similar learning outcomes are being achieved via different materials in different locations.

Figure 1 shows 2009 data for Trust and Office Accounting in the four streams. The College of Law would traditionally expect to see about 55 per cent of grades in the Credit/Distinction range, and this is fairly well what we see across the board.

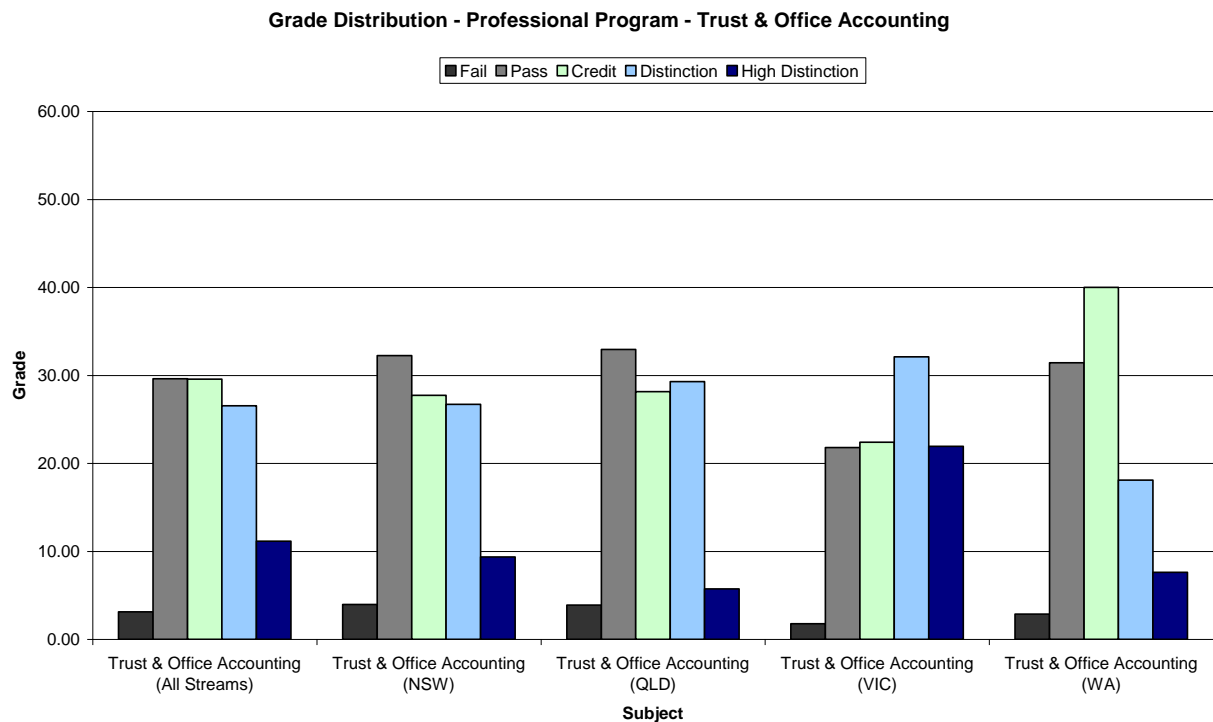


Figure 1: Trust and Office Accounting

Figure 2 shows the 2009 data for Professional Responsibility (also known as legal ethics). The College of Law would traditionally expect to see about 50 per cent of grades in the Credit/Distinction range. However, this is not at all what we find, with the exception of Western Australia.

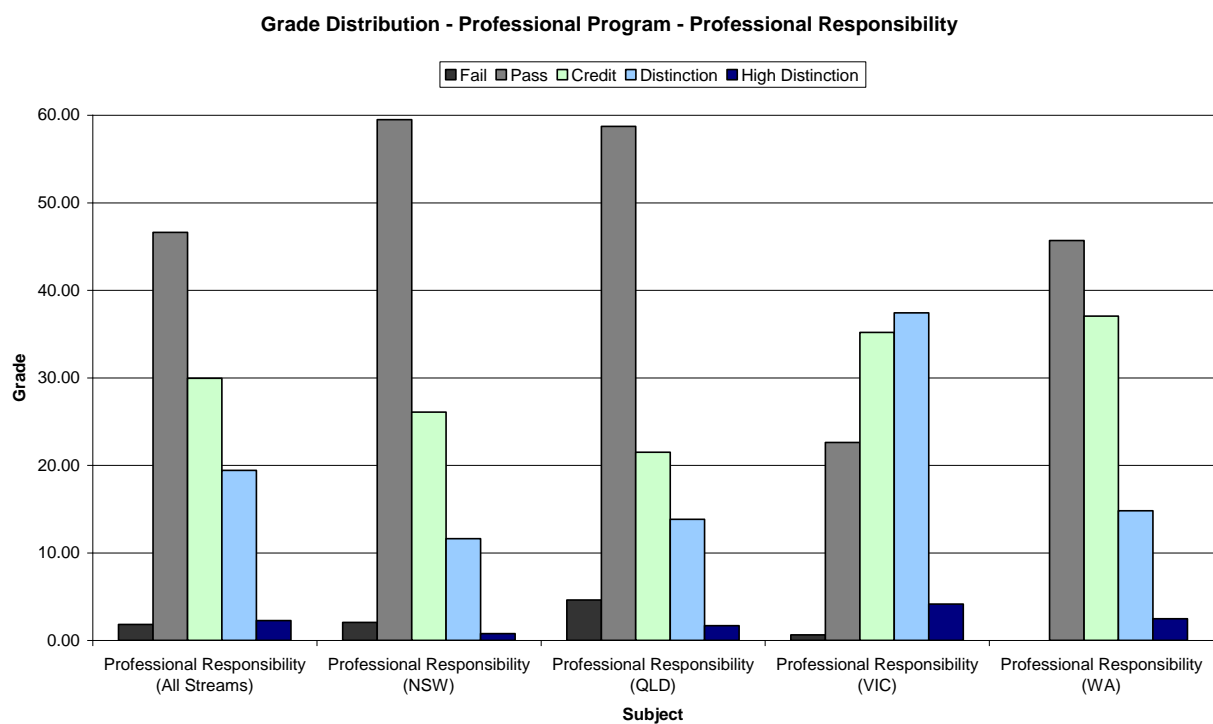


Figure 2: Professional Responsibility

Figure 3 shows the 2009 data for Commercial and Corporate Property. The College of Law would traditionally expect to see about 70 per cent of grades in the Credit/Distinction range, and about 30 per cent of grades in the Distinction/High Distinction range. Results as disparate as these and the results shown in Figure 2 warrant investigation.

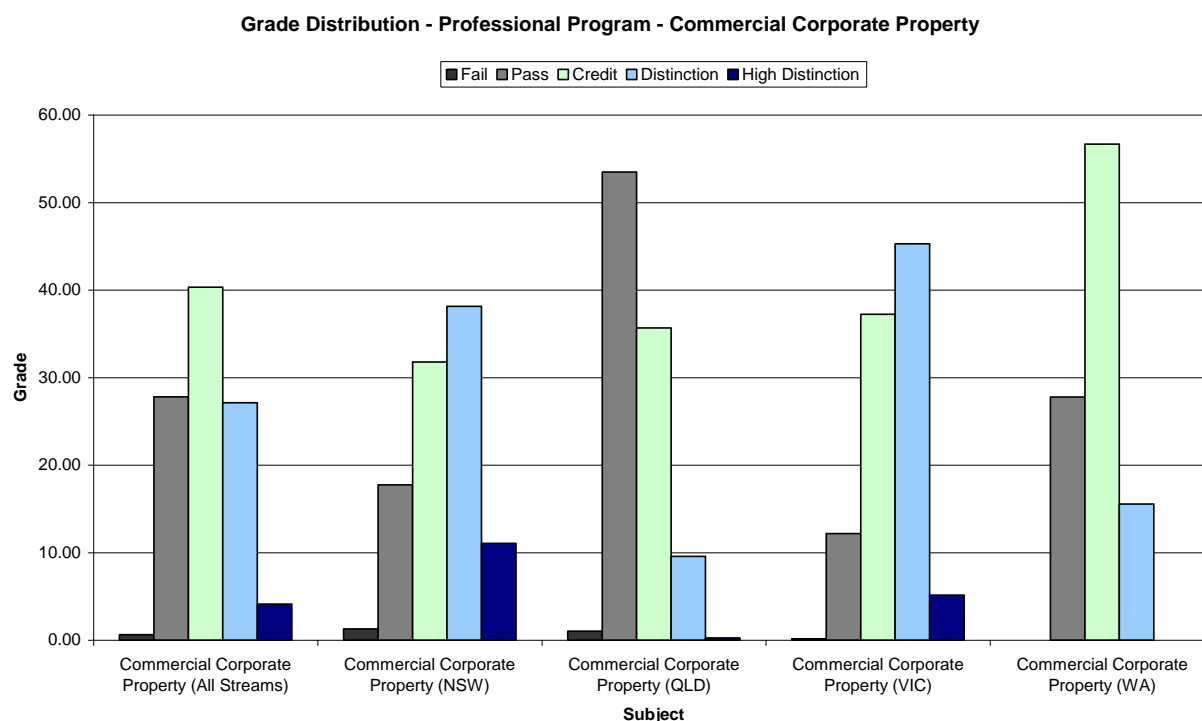


Figure 3: Commercial and Corporate Property

It is possible that the grade distributions simply reflect differential performance by students on the basis of different learning capacities, but it is also possible that assessments have been set at different levels of difficulty, or that online or lecturer teaching has been inconsistent across streams, or that marking has been undertaken at different levels of rigour, or even that there was some kind of error associated with the collection or compilation of the data. The best way to start to investigate is to undertake an internal moderation via cross-marking of sample scripts. At the time of writing, this was being organised by the Group Course Committee in anticipation of a report to enable the Academic Board to determine what, if anything, needs to be done to ameliorate or resolve the issue.

What Else does the College of Law do with the Data?

In normal circumstances, the College of Law analyses the data to work out where courses need improvement. For example, anyone looking at any of the College's Professional Program grade distributions would inevitably notice that the most commonly failed subject is Trust and Office Accounting. On the one hand, it would be tempting simply to conclude that lawyers do not have much natural flair with numbers, and therefore insist that it is the students that need to lift their game. And frankly, that was the traditional approach. But a couple of years ago the College of Law decided that a better approach might be to focus our teaching more strongly on the areas where students were having difficulty. The Trust Accounting subject was reviewed, the learning outcomes reconceived and the delivery re-engineered to achieve a more coherent alignment of course aims, with learning outcomes and how those outcomes are delivered and assessed. The fail rate in that subject has dropped from about seven per cent to about four per cent in the past two years. Given that about 2500 students would take that exam each year, the sample is large enough to give confidence that the remedial work has had an impact.

Other Data

As mentioned earlier, there are other student outcomes besides grades. The College of Law believes it is important to monitor a range of outcomes, that is, to use multiple sources of information. Besides the achievement of learning outcomes, the College is also interested in a range of course experience issues, including satisfaction with:

- Overall useful learning experience
- Course configuration
- Course appropriate to prepare for practice
- Numerous aspects of teaching and teaching methods
- Teaching materials
- Support resources
- Support staff
- Workload
- Value for money.

Every cohort evaluates onsite skills workshops and the course (or subject) generally and the results are tabulated and compiled by the College statistician who produces a range of reports for the interest of academic and executive staff.

The College's student satisfaction data is supplemented by survey data from the Course Experience Questionnaire (CEQ) managed by Graduate Careers Australia. The College has taken the step of paying to participate in the CEQ as it generates a wealth of helpful information on how the College is seen by its graduates, in a broader context of graduate satisfaction across universities and some other higher education institutions. In our view, it would be helpful for ensuring national comparative data on the performance of NSAs if the Australian Government were able to take a lead in assisting all NSAs to participate in the CEQ as appropriate for their programs.

All of these student evaluation results are considered on a course-by-course basis by the Group Course Committee and a quarterly report from that Committee to the College of Law Academic Board is prepared to highlight any anomalies and to give the Academic Board any information it may need to make decisions regarding the evaluation of courses or suggested by evaluation data.

Student evaluation data is used in both a quantitative and qualitative sense. In the first years of the student satisfaction surveys the College of Law was keen to see improving trends, and mostly it did—indicating that the College was improving both the course and its delivery, and also the support services. But on a five-point Likert scale the trends tend to plateau, meaning a different analytical focus is required. The College no longer looks for improving trends but has internal benchmark and target measures which it uses for each question at the end of course evaluation in order to ascertain that particular standards are being maintained, as shown in Figures 4 and 5.

Key Result Area	Sustainable	Benchmark	Score
1. Teaching	3.80	4.10	4.29
2. Course Structure & Design	3.50	3.80	4.21
3. Materials – Accuracy & Currency	3.50	4.00	4.19
4. Client Service	3.80	4.10	4.05
5. Relevance of Subject Matter	3.50	3.80	4.11
6. Value for Money	2.80	3.00	3.83

Figure 4: College of Law internal benchmarks for student satisfaction

Key Result Area	PLT Online Courses		PLT On-campus Courses	
	Sustainable	Benchmark	Sustainable	Benchmark
1. Teaching	3.50	4.00	3.80	4.10
2. Course Structure & Design	3.50	3.80	3.50	3.80
3. Materials – Accuracy & Currency	3.50	4.00	3.50	4.00
4. Client Service	3.80	4.10	3.80	4.10
5. Relevance of Subject Matter	3.50	3.80	3.50	3.80
6. Value for Money	2.80	3.10	2.80	3.00

Figure 5: College of Law internal benchmarks for PTL courses

Qualitative data (in the form of comments on aspects of the course and course delivery) are the most immediately useful. The College of Law logs only the negative comments because those are the most useful in pursuit of improvement. Negative comments or complaints are opportunities for improvement, which an institution ignores at its peril. One of the additional tabulations produced by the College of Law is shown in Figure 6.

Evaluations of on-campus courses offered and evaluated in the calendar year 2009 (includes Programs NP091C, NP093C)							
All Questions (negative comments, suggestions only)			This period (6 programs)				<i>Prev period (6 progs)</i>
Comment Code	Issues Category	Graph Code	% of comments	% of respondents	% of students	No. this period	No. last period
21	College computers	COL computers	30.30	12.66	11.90	10	3
13	Teachers/teaching/aids	Teaching	21.21	8.86	8.33	7	4
23	College facilities	COL facilities	9.09	3.80	3.57	3	9
01	Course length/intensity issues	Length, intensity	6.06	2.53	2.38	2	9
17	Timetabling issues	Timetabling	6.06	2.53	2.38	2	6
31	Relevance/completeness of content/subjects	Content issues	6.06	2.53	2.38	2	2
11	Materials adequacy/consistency/repetition /utility	Materials utility	3.03	1.27	1.19	1	1
12	Structure, content issues	Course structure etc.	3.03	1.27	1.19	1	1
19	Effectiveness of teaching/outcomes achieved	Outcomes	3.03	1.27	1.19	1	1
20	Standards	Standards	3.03	1.27	1.19	1	0
22	Advance notice of requirements/timetabling	Advance notice	3.03	1.27	1.19	1	0
24	Non-academic staff assistance, etc.	Non-academic staff	3.03	1.27	1.19	1	3
46	Fees to overseas students	Fees – o/seas students	3.03	1.27	1.19	1	2
	Comments on other matters	Others					22
	Total comments					33	63
	Total respondents					79	114
	Total students					84	146

Figure 6: College of Law summary of qualitative comments for student satisfaction

One useful way of measuring qualitative data is to view it in a chart, as shown in Figure 7. The frequency of comments/complaints serves to prioritise areas for attention, although it should be emphasised that just because a student complains does not necessarily mean the College should take remedial action. Occasionally, student complaints or comments are self-serving or uninformed, and need to be treated as an expectation management issue. This means taking action to draw new students' attention to a particular circumstance in order to preclude comment or complaint (and thereby increase satisfaction).

As a direct response to student comments on evaluations, the College has made changes to:

- Skills workshops
- Assessment frequency and timetabling
- Secondary materials
- Computer facilities
- Administrative requirements
- Difficulty of printing out all the materials (in an online course where students are not supposed to print out all the materials)
- Lecturer feedback times.

By doing so, the College of Law hopes to see reductions of particular types of comment after action has been taken. Of course, it does not always work out like that. Students can make comments or complaints on the basis of factors outside the College's control.

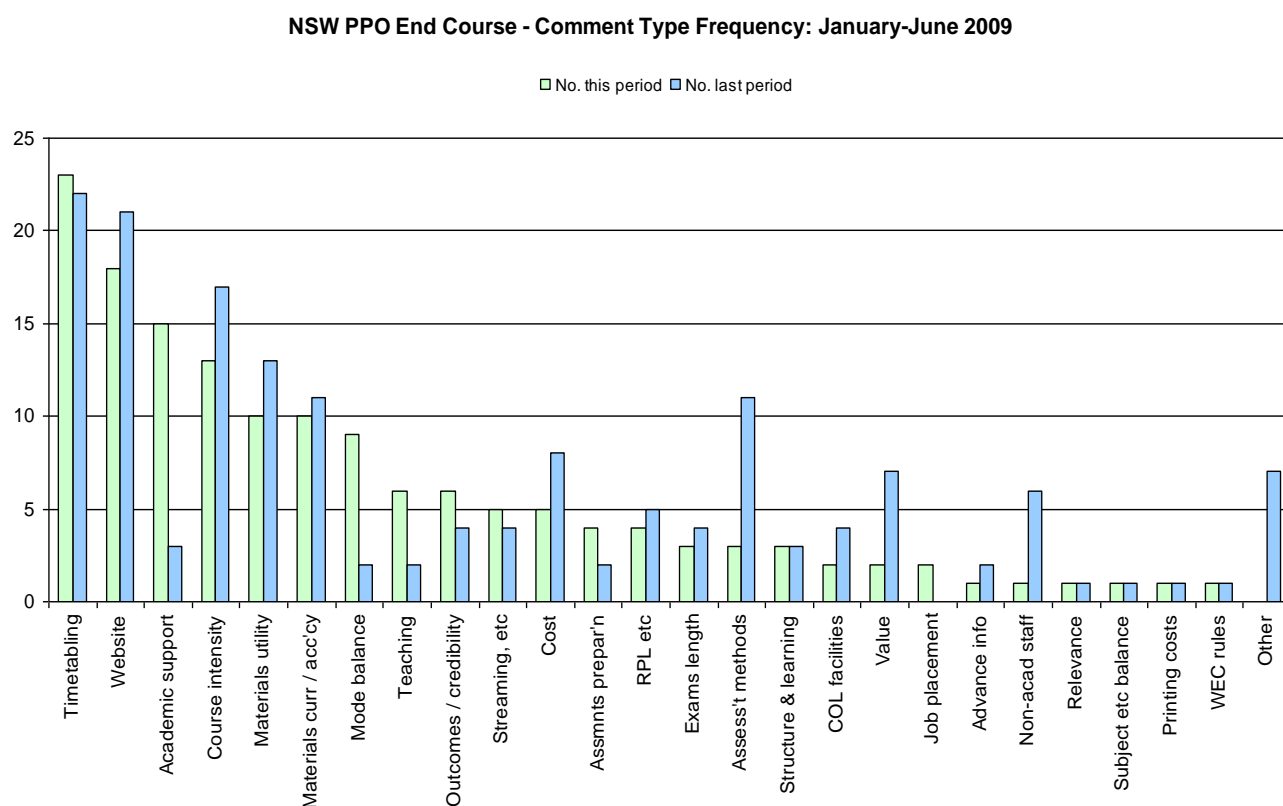


Figure 7: Comment Type Frequency

Returning to embarrassment, how do you measure that? You can't, but you *can* measure confidence. The College surveys all Professional Program students at the beginning of the course and the end of the course in order to gauge how prepared they feel to commence work as a graduate solicitor in various fields of legal practice. Tabulated results for two specific subject areas are shown in Figure 8.

	NSW	Qld	Vic	WA
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Civil Litigation	Course start	Course end	Course start	Course end	Course start	Course end	Course start	Course end
• Advise accurately on prospects of success	1.83	3.64	2.16	3.56	1.89	3.48	2.16	3.56
• Prepare a matter for trial	1.64	3.63	1.87	3.51	1.56	3.42	1.87	3.51
• Draft an effective pleading	1.73	3.84	2.08	3.73	1.86	3.62	2.08	3.73
• Draft an effective and admissible affidavit	1.81	4.08	2.32	3.92	1.83	3.83	2.32	3.92

Advocacy	Course start	Course end	Course start	Course end	Course start	Course end	Course start	Course end
• Appear, present interlocutory application	1.55	3.76	1.78	3.66	1.49	3.64	1.78	3.66
• Structure effective X-I-C and XX of witness	1.62	3.43	1.79	3.40	1.80	3.27	1.79	3.40

Figure 8: Student Skills Self-Assessment 2009, all modes

As you would hope, students at the end of the course are far more confident that they have the skills to avoid embarrassment, which can only mean that the course is making a difference. The data in Figure 8 shows how confident the average student was at the beginning of the course to (for example): prepare a matter for trial; draft an effective pleading; or advise on the terms of a standard commercial lease. Across the board, there is about a two point improvement. As the student feels confident to begin professional practice, so the College of Law feels confident that it is delivering the right academic and vocational outcomes in an effective manner, thereby fulfilling its most fundamental objectives about making a contribution to the ongoing rule of law in Australia. We may note in passing that it also seems helpful, at the end of a course, to have students advert to the fact that they have actually learnt something!

The College of Law also regularly collects data on the satisfaction of other stakeholders such as admitting authorities and employers.

Failure of Data

It is important to remember that data does not always mean what it ought to mean.

How do you think students might evaluate a course that they didn't know they had to do until just before they had to do it or they wouldn't be admitted as lawyers, despite five years at law school?

Until recently, most of the top students in Victoria were admitted as lawyers after doing articles of clerkship (a kind of apprenticeship) at one of the big law firms, but after a change in the law, articles are now very difficult for law firms to administer, so most graduate lawyers are now admitted via a Practical Legal Training (PLT) course. The students, who hadn't realised they were going to be students, were not happy and to look at the evaluation data in certain recent employer reserved courses, you could be forgiven for thinking the College of Law had a crisis on its hands in terms of course quality and delivery. However, the grade distributions for those courses were comfortably above the Victorian average. So whatever the students were complaining about, it was not the delivery of learning outcomes.

It is difficult to escape the conclusion that the students were registering a protest, perhaps to do with the fact that they were not expecting to have to do a PLT course in order to be admitted. In this instance, there is a failure of data because it is distorted by extraneous political concerns and cannot fulfil its primary function, that is, to facilitate analysis that might lead to improvement of the course. While an institution would need to be very careful about coming to this type of conclusion, the College of Law feels justified in doing so in this instance.

Conclusion

Reporting to Those to Whom you are Accountable

All evaluation data is considered by the Group Course Committee and reports are prepared by that committee summarising findings and recommendations to the Academic Board and, where relevant, to Curriculum Advisory Committees and/or the College executive, and, of course, to the lecturers.

As the Group Course Committee meets fortnightly (as opposed to the Academic Board's quarterly meetings), it is in the best position to consider the large volume of evaluation data and to respond quickly if required to do so.

What is the Role of the College of Law Academic Board?

The OADRI cycle starts and ends with the College of Law Academic Board, the peak academic body at the College where the right level of expertise, both internal and external, is being employed in academic decision making.

The objectives, from which the academic policies and procedures are distilled, stem from the Academic Board. In order to make sure the policy is being properly implemented and to refine the policy or its implementation in response to emerging trends, the Academic Board needs to see the data.

By reporting on academic and course delivery data to the Academic Board we are ensuring that the right brains are given the right tools to monitor the performance of courses and course delivery and to make the right academic policy decisions for the College of Law.

In turn, the Academic Board reports to the College Board of Governors on its own performance in pursuing the College's academic objectives. The best way to prove to those to whom you are accountable that you are making a difference is via the use of properly collected data.

Data should be easy to access and useful in understanding student achievement and the performance of the higher education provider against its strategic objectives, by using a set of key performance indicators.

To return to where we started, the difficult and elusive concept of academic governance is now reasonably well understood at the College of Law. To quote from the website:

'Academic governance relates to the policies, structures and systems in place to ensure that the College's academic programs are delivered successfully and continue to develop as a result of measurement of outcomes, evaluation and analysis.'

For the College of Law, knowing that it has an orderly and coherent approach to delegating and using authority, and that it uses these sources of authority to monitor its outcomes in multiple ways, has given the institution great confidence in its own ability to manage and improve its operations.

Chapter 5 - Theological Colleges in Australia: Issues in Governance and Quality Assurance

Charles Sherlock

Introduction

Theological education has a centuries-long heritage, much older than Australia as a nation. Yet until recently a general antipathy prevailed towards theological education on the part of Australian higher education and governments, not uncommonly matched by a corresponding suspicion on the part of many theological institutions.

This mutually-reinforcing polarity must be taken into account in any exploration of governance and quality assurance issues in Australian theological education, the focus of this paper. Part 1 sketches factors which have brought about this unfortunate binary condition, which continues to affect the present character and nature of Australian theological institutions. Part 2 outlines a number of factors which are distinctive to the theology sector, and offers suggestions to AUQA/TEQSA auditors.

Part 1: Theological Education in Australia

Heritage and Scope

As an academic discipline, theology goes back millennia, and—since it seeks to explore what is ultimate about reality—was for centuries viewed as the ‘queen of the sciences’. The western academic tradition of the ‘university’ as a community of scholarship long had theological and philosophical reflection at its core, supporting the intellectual life of societies in which the Church was central, while seeking to maintain some distance from the ‘interests’ of the Church, so that unhindered enquiry could proceed. As the empirical sciences developed in the wake of the Reformations, this privileging of theology was diluted in much of Europe, and challenged as the Enlightenment took on an anti-religious tone. In the nineteenth century, academic theology generally became more defensive, both ‘externally’ towards the larger academy and ‘internally’ towards other theological positions.

This sense of theology being a foundational mode of enquiry, yet living under pressure, remains in practically all Australian theological institutions. It poses distinctive issues and questions when it comes to their relationships with government, the wider academic community and Australian society.

Theology Education in Australia – Foundations¹

Theological education in the Australian colonies began in the mid-1800s: Roman Catholic from 1834, Church of England (now Anglican) 1853, Presbyterian 1866 and so on, for the training of clergy and religious orders. The church colleges were joined by interdenominational Bible colleges from the 1920s, growing significantly since the 1970s, especially as students not intending ordination or missionary service came to form the majority in many colleges.

In the mid-nineteenth century, when the Universities of Sydney (1850) and Melbourne (1853) were founded, sectarian divisions between Catholic and Protestant, and between Protestants, were sharp, and anti-religious rationalism prevailed in academia. As a consequence, ‘Divinity’ was excluded from their curricula, a pattern followed in the other pre-WWII universities. Partly as a result, the Church of England established the Australian College of Theology (ACTh) in 1891, operating nationally, and the Victorian Parliament set up the Melbourne College of Divinity (MCD) in 1910 (with Anglican, Baptist, Churches of Christ, Congregational, Methodist and Presbyterian representatives).² These were not

teaching bodies, however: learning took place in (residential) colleges which presented students for external examinations.

By 1914, some 30 theological institutions enrolled about 1000 students; the six universities enrolled 3300 in total. Yet divisions between churches, accentuated by their rivalry in the 'frontier' climate of the Australian colonies and the 'tyranny of distance', saw most theological colleges operating in isolation. Faculty were few, curricula were shaped by ordination requirements and assessed by external examinations, and research activity, although present, was limited. The Martin Report (1964) opened the way for new universities to be established, and recommended that the exclusion of theology from them be relaxed. Post-Martin conferences in 1965 (Melbourne) and 1966 (at Morpeth, NSW), involving both ACTh and MCD representatives, saw moves made towards a first degree in theology. Further cooperation was seen in the formation of the Australian and New Zealand Association of Theological Schools (ANZATS) in 1968, and the South Pacific Association of Bible Colleges (SPABC) in 1969.

Theological education in Australia—in contrast to the UK, USA and New Zealand—thus ran 'in parallel' to the universities for a century or more, developing its own identities and networks. This heritage remains significant, both in the older colleges and in the newer institutions of recent decades. But until 1973, no first degree in theology was available in Australia.³ Undergraduate students studied towards ACTh or MCD 'Licentiate' awards (higher education advanced diplomas in AQF terms, through normally requiring New Testament Greek), or prepared for degrees examined externally (the University of London for Protestants, Vatican institutions for Roman Catholics). These awards held academic standards to a level commensurate with those in Europe, but pedagogy was oriented to a 'banking' view of education, although this was balanced by the strongly communal (usually residential) context of learning.

Theology Engages Australian Higher Education

In the 1970s, state government accreditation of non-universities to award degrees saw ecumenical consortia form, alongside the MCD and ACTh (the latter now including most Bible colleges): the Adelaide College of Divinity (ACD, 1979, linked to Flinders University) and the Brisbane College of Theology (BCT, 1983). The Sydney College of Divinity (SCD, 1983), like the ACTh and MCD, does not work through a university, but its members embrace the widest range of Christian traditions.⁴

The change from externally examined courses to taught undergraduate degrees required new assessment models, and lecturers found themselves needing to revise their approaches to teaching, developing more student-centred patterns of learning. Such changes, reinforced by the opening of adult education following the reforms of the Whitlam government, attracted non-ordinands and part-time students. By the mid-1980s, less than one-quarter of theological students were studying towards professional ministry. By the mid-1990s, women and men were studying in roughly equal numbers across Australia, including in colleges of churches which did not ordain women. Today few students at a theological college are under 25, some are in their 60s, and the average age is around 40. This is a quite different cohort from the cohorts typical of university undergraduate courses.

Theology had begun to take small steps into university relationships. Flinders University was the first to offer a Bachelor of Theology, from 1979, taught at the ACD campus. From 1997, Charles Sturt University accepted St Mark's, Canberra (Anglican) as its theology campus, joined by the United Theological College (UCA, Sydney) in 2006, and the Brisbane and Adelaide Anglican colleges from 2009 (largely using distance education). From a student's perspective, in these cases the learning context is that of a theological college, although their award is from a university (which approves faculty and courses). The academic and formation dimensions of their theological education are similar to those in a non-university higher education provider, and can be closely integrated.

In 1985, Murdoch University opened a theology program, with faculty offices and teaching located on the Murdoch campus: the Anglican and Uniting churches assist with finance, and the university's

teaching is used as part of ordination training. In 2007, Newcastle University commenced a similar theology program on campus, supported by the Anglican Diocese of Newcastle. Studying theology on a university campus raises issues about the relation between the academic and formation dimensions of learning (although all humanities disciplines include a formation dimension). From a student's perspective, the geographical gap between academic study (in a university context), formative reflection (usually in a denominational college) and professional practice (in a local church setting) poses problems regards integration.

The University of Notre Dame (WA, then Sydney) commenced teaching theology from 1990, and Australian Catholic University opened a School (now Faculty) of Theology from 1991, teaching all courses on campus. Theology degrees are offered in both, but a large proportion of theology teaching is for students taking required 'core' units, and ordination preparation was not involved.⁵

Developments Shaping the Present

Considerable change has taken place in the theology sector since 1990, especially in the non-university institutions, which form the bulk of theological enrolments. In that year the MCD inaugurated Ministry Studies as a field-oriented research discipline in Australia; in 1993 it signed an affiliation agreement with the University of Melbourne;⁶ and from 2002 the MCD began to receive Australian Government research funding.⁷ This funding—some \$2 million in 2010—spurred the development of a more cohesive research culture in the MCD, and facilitated similar developments in the ACTh and SCD. By 2006, all theology NSAI-HEPs had come to engage with government, through (state) reaccreditation processes, the *Education of Overseas Students Act*, the Australian Universities Quality Agency and the *Higher Education Support Act* (2003), notably through the availability of FEE-HELP (see further below).

Several long-standing colleges secured accreditation as non self-accrediting institutions (NSAIs) in their own right: for example, Avondale College (NSW, Seventh Day Adventist, now having Commonwealth supported places in nursing), the Australian Lutheran College (SA) and Perth Bible College (WA). Moore Theological College (NSW) offers a Bachelor of Theology, a Bachelor of Divinity and research Master of Theology, and does doctoral work in cooperation with the universities of Sydney and Western Sydney.⁸

New colleges have also emerged, most notably three networks of colleges with a Pentecostal background: Tabor (Adelaide 1979, spawning colleges in Victoria, Perth, Sydney and Tasmania, each accredited and operating separately),⁹ Harvest Victoria (1985, then Harvest West in Perth), Christian Heritage College (1985, Brisbane and Sydney) and Alphacrucis (1993, bringing together several former colleges, and now a network of colleges in NSW, Queensland and New Zealand). Each is entrepreneurial in outlook—between them teaching at some 20 campuses—and trains for 'contemporary ministry' alongside counselling, education, visual and performing arts, and media. Tabor Adelaide looks to be 'a multi-denominational Christian Education Centre offering government-accredited courses at tertiary level', with degrees in counselling, education and humanities as well as theology.

This 'tertiary Christian education' model also applies to other theology higher education providers. Avondale (founded in 1897) is the oldest institution in this mode: its theology degrees prepare pastors for ministry, but these form less than 10 per cent of the student body of 1500 or so. Most students are school-leavers taking degrees in nursing, business and teaching, but each is also required to take a small 'core' of theology units (cf Notre Dame and ACU). Similarly, Wesley Institute (Sydney) specialises in performing and visual arts as well as pastoral ministry, and Campion College (Roman Catholic, Sydney) offers only a 'liberal arts' BA with core units in history, literature, philosophy and theology.

And changes continue. As regards governance, the MCD Act was comprehensively revised by the Victorian Parliament in 2005, enabling it to operate more flexibly and effectively. On the pedagogical side, Trinity College, part of the United Faculty of Theology (MCD) pioneered 'accompanied online learning' from 2000—a program which gained a commendation for the MCD in its AUQA Audit Report.

In the decade since, ‘flexible delivery’ has mushroomed, with two colleges teaching solely in this mode, using a mix of distance education methods (Broken Bay Institute, now associated with Newcastle University, and the Australian College of Ministries of SCD). Other colleges have added online units, partly as a way to take up the needs of regional students, partly to promote ongoing and in-service learning, partly to take advantage of new ‘markets’. These changes have brought significant pedagogical challenges, including faculty training, library provision, and how to engage online students in a communal learning ethos. In a few places, the quality of the community life in the face-to-face student body would seem to be under challenge due to students transferring to online modes.

Structurally, the shift of the small Brisbane (St Francis’) and Adelaide (St Barnabas’) Anglican colleges to Charles Sturt University via affiliation with St Mark’s, using CSU’s distance education modes, has seen the demise of the BCT and ACD. The Broken Bay Institute, based in Newcastle, in 2009 moved from the SCD to affiliate with the local university, while Alphacrucis—the SCD’s largest college by enrolments—withdrawed to offer its own degrees. Conversely, the Salvation Army Training College (Melbourne) joined the MCD in 2006, and the Australian Lutheran College (SA) did so in 2010 (using a joint AUQA/MCD audit). Meanwhile, the ACTh consortium—the largest Australian theological body—had its Constitution thoroughly revised in 2007–2008, and from 2011 will be the first private HEP to be granted self-accrediting institution (SAI) status. The MCD was granted \$100,000 by the Victorian government to facilitate its application to become the first Australian university of specialisation, the outcome of which will be known in late 2011. It’s getting hard to keep up!

In 2010, Australian theological education embraced some 14,000 different students (6300 EFSTL, 1500 being post-graduate coursework, 220 in higher degrees by research). The two century-old consortia (with around 30% of EFSTL) are SAIs, there are a dozen or more NSAs (around 45% of EFTSL), one private university (around 10% of EFTSL), and programs in five public universities (around 10% of EFSTL at ACU, 5% across the other four).

Part 2: Governance and Quality Assurance:

Distinctive Features of Theological Education

The *Higher Education Support Act 2003* (HESA), including the National Protocols, and the advent of FEE-HELP from 2005, brought external factors to bear on theological colleges. For the first time, (indirect) Commonwealth support was offered to theological education outside the universities,¹⁰ on condition that the NSA-HEPs involved met conditions of governance, financial viability and quality assurance. FEE-HELP eliminated tuition bad debts, smoothed cash flows, and encouraged enrolment by those who could not afford to study under the prevailing ‘upfront full fees’ regime. It is estimated that by the end of 2006, some \$20 million had been lent to theological students, a figure which has grown substantially since. This made the theology sector ‘visible’ to both government and higher education, while theology units started to be seen as ‘normal’ in tertiary student circles: until then, anything ineligible for assistance through the Higher Education Contribution Scheme (HECS) and its successors was viewed as ‘odd’.

In what follows, it is taken for granted that a quality assurance audit will include the matters considered for any higher education provider, especially learning and teaching, governance, and the human, financial, library and physical resources necessary to support this. A number of areas of theological education have distinctive features, however, which are examined below, along with the challenges and opportunities of the rapid development of learning through flexible delivery modes.

Financial Viability

As with their supporting churches, theological colleges operate in a climate of reliance on God to provide the resources for their operation, through practical means. This idealism means that every dollar goes a very long way, and a spirit of dependence on and accountability to others is pervasive. Yet these ideals can also be weaknesses: under-resourced plant; over-reliance on staff willingness to work beyond the call of duty; lack of attention to long-term maintenance; and the possibility of fraud (which has occasionally happened).

Under FEE-HELP, to demonstrate financial viability to DEEWR, private theology NSA-HEPs for the first time had to give guarantees to ensure course completion if an institution failed: this made more visible the complex patterns of 'ownership' relationships between churches and colleges. If an NSA-HEP is owned and operated by a single church body, the financial relationship is straightforward, but not many institutions are in this category (Moore and the Australian Lutheran College are examples.) For The Salvation Army, on the other hand, separate accounts for its colleges are not kept—cadets and officers are on the general payroll, and property belongs to the central body. A similar situation applies to Roman Catholic diocesan seminaries, but not to those of religious orders. For a consortium NSA-HEP such as the MCD, where the colleges employ all faculty (not the MCD) and have diverse owner relationships, meeting the financial viability requirements posed immense difficulties. Gaining approval for appropriate scrutiny of college/church accounts and setting in place financial guarantees across diverse bodies required significant staff time and considerable diplomacy. But the outcome of this work, which had to be done in each private NSA-HEP, has been much greater self-understanding regarding church-colleges relationships, and an appreciation of the importance of sound medium-term planning and risk management.

In short, one factor to which attention should be paid in any auditing for quality of an Australian theological higher education provider is evidence of financial stability, adequate understanding of the real costs involved in higher education and medium-term recurrent funding that is not wholly dependent on variable factors such as tuition fees or legacies.

Recordkeeping

FEE-HELP requires that accurate, detailed information on each enrolled student be provided to the relevant Australian Government department, currently DEEWR. This includes matters usually collected by colleges (e.g. citizenship, birth date) as well as data not previously recorded (course start date, units enrolled by course and semester, campus links etc.), and all to a high degree of precision, using online submission via software which cross-checks assiduously the files to be uploaded.

Given the Christian commitments of theological colleges, many of these matters historically ran on trust and goodwill. Academic records, for example, were often not kept beyond the information necessary to demonstrate eligibility to graduate, so that tracking student progress is difficult. When all students were full-time resident ordinands, this may not have mattered, since each student was known personally to staff, but when these became the minority and a greater proportion studied part-time, detailed recordkeeping became more significant. By 2010, nearly all Australian theological NSAs participated in FEE-HELP, with all enrolments (not only FEE-HELP students) reported from 2007: the biennial tables produced are thus for the first time putting data on theological education into public view.¹¹

The MCD was the first theological institution required to report to Canberra, from 2002. It found itself spending a six-figure sum on a web-based database (now used by other theology HEPs, under the name Paradigm), with considerable staff time required for implementation. But the outcome—a database to which all MCD colleges have access, integrating academic, financial and ESOS-related data, and reporting smoothly to Canberra each quarter—has put it in a much better place to understand its own

student body, course offerings and financial resources. Progress is being made towards being able to analyse student progression rates (as AUQA encourages).

In summary, in auditing for quality of a private Australian theological higher education provider, evidence should be sought of accurate and timely recordkeeping in all the colleges involved. Furthermore, enquiry should be made about the extent to which this data is being used internally to understand patterns of student enrolments and progress, especially for disadvantaged students, and that international students are being adequately supported and properly monitored.

Governance

The National Protocols under HESA had a transforming effect on theology HEPs in two main ways. First, the majority of members of a HEP's governing body must be 'external', and members with financial and business expertise are mandated. Since theological colleges have close relationships with sponsoring churches, prior to 2005 governing bodies typically had few external members. Changing a consortium provider's Constitution (as with the ACTh) or Act of Parliament (for the MCD) involved considerable time, expertise and work, while finding appropriate people to be members of governing bodies presented a challenge for some providers. The outcome of these requirements, however, has generally been seen as highly positive, especially in furthering understanding of business processes and risk management, and of the role, responsibilities and accountabilities of the governing body of an institution engaged in higher education.

The second effect has been awareness of the importance of distinguishing between responsibility for policy and resources (institutional aims, procedures, finances, facilities, employment, which fall within the role of the governing body) and academic decisions (belonging to an Academic Board). Where student numbers are small, personal relationships strong and academic grievances rare, this division may not be observed as clearly as is desirable. Again, putting this distinction into effect, while needing time and reflection, has been generally seen as positive: Academic Boards independent of the governing body create forums where matters of pedagogy, course review and research are given time alongside the minutiae of unit approvals and moderating grades.

These shifts in governance are very new, and still bedding down in most theology providers. The reviews of NSA-HEP audits undertaken by Professor Hilary Winchester highlighted weaknesses in governance, and the theology sector is no exception, if for different reasons from other NSA-HEPs. Thus, in any audit for quality of an Australian theology higher education provider, evidence needs to be sought of compliance with the National Protocols, that the governing body understands and accepts its responsibilities, and that the Academic Board is independent with regards to learning, teaching and research matters, and active in pursuing these.

Academic Freedom and Spiritual Identity

Each NSA-HEP is required currently to undergo quinquennial quality assurance audits through AUQA. To date, the three private consortia (ACTh, MCD and SCD), and all stand-alone theology NSA-HEPs have experienced a Cycle 1 audit.¹² Quality assurance in learning and teaching in Australian theological education has much in common with the humanities generally, but with regards to what is distinctive to theology, the most obvious issue—at least for someone outside theological education—is academic freedom.

Every discipline approaches learning through particular commitments: academic freedom makes sense only within a framework of 'givens'. Theology engages with other humanities disciplines—notably philosophy, history and the social sciences—but is distinctive in its Christian framework and in its raising of fundamental questions of identity and world view. This also means that internal disagreements about its content, methods and outcomes can be sharp and abrasive. Auditors should have this in mind when

auditing any theology higher education provider, acknowledging their own world views, presupposition and agendas in order to be able to better discern 'quality' in the theology provider concerned.

Prejudice and propaganda can play their part in any education, including theology; the anti-intellectual strand in Australian culture is reinforced when church members view academic study as dangerous at best and corrupting at worst. When this is linked with a specific theological stance, students are likely to look to study only at a college they believe represents that viewpoint. Theological study goes to the heart of personal and communal identity, world view and lifestyle: matters that seem trivial to scholars can cause serious stress for a student. Conversely, students are better placed to reflect critically on new ideas when they feel themselves to be free from identity pressures, and both supported and challenged as persons of reasoned faith. Learning is best fostered when trust, cooperation and mutuality typify the learning community.

A central factor in theological education is concern to educate the whole person, taking into account a student's beliefs, world view, assumptions and relationships—ideals by no means exclusive to theological education. As institutions operating out of a Christian ethos, colleges endeavour for a learning experience in which the classroom, refectory/cafe, chapel and common room function as diverse contexts for communally-oriented education. Chapel services, small groups, retreats etc. form a 'thread' running through all these activities; this would be difficult in many university settings, where making visible the world view commitments assumed or involved is generally not encouraged.

Opportunities to practise such learning are also important: theological educators empathise with Marx's assertion that the point is not merely to study the world, but to change it. This perspective highlights the emphasis in theology on formative learning (including field placements), integrating its academic, applied and experiential dimensions, at both personal and communal levels.¹³

Factors Affecting AUQA Audits of Theology NSA-HEPs

AUQA auditors from outside theology have enjoyed their exposure to it, not least because it represents a tradition of higher learning than runs in centuries rather than triennia, and the institutions involved operate on a human scale. Not many panel members thus far have had exposure to theological education, but this has not proved problematic in theology audits. But, from whatever background an auditor comes, several factors should be taken into account in an AUQA audit of a theology provider.

Ideals and Reality

Theological institutions see themselves as representing a tradition of learning that is communal, flexible and person-centred. These high ideals must be tested, for example by triangulation between students, faculty and leaders. Yet, good practice in such an environment may lie outside some auditors' experience. For example, the low incidence of plagiarism in theological education could be misread as reflecting less-than-rigorous procedures, rather than as influenced by the nature of theology as encouraging integrity in learning.

Conversely, these high ideals may mean that a theological college can be overly idealistic, as seen in ineffective administration, unreality about the financial costs involved, and weak and fragile links between learning and governance structures. Checks should be made of the congruity of understanding between external stakeholders (e.g. bishops, synods, churches) and a college's resources, and intended and stated graduate outcomes. Such scrutiny can only be effective and have an impact, however, where a sound grasp of its heritage and ecclesial relationships has been gained.

Doctrinal Commitments and Learning

Each theological institution teaches from a position of commitment, whether official or implicit. AUQA auditors should not stand aside from assessing how a doctrinal basis, church confession or—more

problematic—an unstated but presumed theological stance interacts with learning. It is not AUQA's role to assess the validity of a faith basis, but that does not end the matter. As a higher education provider, the institution has been authorised to teach at tertiary level, and living out that recognition reflects on its integrity.

Auditors should explore with faculty and students how they experience the correlations between a theological stance and the learning process. Do students find themselves encouraged to consider wider perspectives, and believe that they can do so without sanctions? Are other viewpoints or faith systems portrayed as 'Aunt Sallys', or respectfully engaged? Do faculty think that unreasonable 'peer pressure' exists in the student body to conform to a particular viewpoint—and how do they respond if they find this is true? How unknown, liberating, problematic or ignored is the college's official theological basis? In what ways is it monitored by a sponsoring church or ecclesial body?

Closely related to this is the question of how the *overall* curriculum integrates and shapes learning, that is, the interactions between classroom, placements, library, chapel and spiritual practices, residential life (if applicable) etc. Theological students enrol expecting their learning to display these characteristics and these expectations should be tested, with them, with faculty and with support staff (mentors, administrators, chaplains). Conversely, the 'hidden curriculum' may limit or even distort the approach to learning in some areas of study—typical issues are the actualities of congregational ministry and governance, matters related to gender and sexuality, and how the scriptures are regarded in practice.

The interaction between enrolment procedures and theological stance is also involved. Any higher education provider is within its rights to exclude an applicant academically unqualified to enter, or who rejects its approach to learning. A theology provider, however, can be tempted to adopt procedures whose effect is to screen out students who do not already agree with its stance. If auditors have concerns in this area, application and enrolment forms should be sought or viewed online.

If auditors believe that such issues need to be addressed, they must be prepared to explore them with college leaders and sponsors. Misunderstandings can be corrected in face-to-face, one-on-one discussions. Recommendations in the audit report which come as a bolt from the blue fosters resistance rather than response.

Relationships and Cooperation/Benchmarking

The diversity and tensions within the Australian theology sector are in part due to long-standing institutional histories and the 'tyranny of distance', as much as to church divisions and theological differences—a few remain sharp, with some rivalries, although cooperation and networking is the norm. Whatever their origins, the diversity and tensions have resulted in a fragmentation of resources. For consortia, the issue of how diverse colleges cooperate in a common learning process is a familiar dimension of their existence: the MCD and ACTh were commended by AUQA for their effective work in this area. But such cooperation cannot be taken for granted and should be explored by auditors, especially when a stand-alone theology provider is being audited, where isolation may be an issue. Ask questions—including seemingly naïve ones—about levels of resource sharing and benchmarking with other colleges (whatever their affiliations or theological stance). The dialogue generated may well allow issues to be opened up which are internally 'undiscussable'. A college's perception of irreconcilable theological differences preventing educational cooperation can be greater than is the case: well-tuned auditors' ears can detect this.

Faculty Issues — Vocation, Professionalism and the Teaching/Research Nexus

Theological faculty typically work out of a church-tested sense of a God-given personal calling to teach—a precious resource and valuable perspective in sustaining long-term effectiveness. Yet it can tempt lecturers to form 'disciples' supporting one's particular beliefs, to teach too many subjects, take on too many supervisions, accept too many invitations to speak, all of which are signs of an unhealthy desire to

extend one's theological influence. Self-made overload means lectures are unrevised and little review is made of outcomes, assessment methods or the use of technology and the like, and ultimately learning suffers.

A professional obligation rests on theology faculty to ensure that students are equipped to face issues with minds open to development and change, and that they are supported in the risky process of theological reflection, learning in an environment free from 'spiritual harassment' (a category recognised in the grievance policies of some theological providers). Experienced faculty are familiar with the 'hair-trigger' theological issues likely to arise, and principled teaching seeks to engage students with them in such a way that personal, academic and ecclesial integrity are maintained.

The nexus between teaching and research is widely affirmed and long practised in the theology sector. Yet multiple demands are made on faculty, notably high formation-related loads (including student mentoring, small-group and chapel responsibilities) and church involvements alongside teaching and academic administration (e.g. assisting with IT matters or library accession choices, especially where there are no IT staff or full-time librarian). These additional demands mean that faculty research may be minimal, and/or that research and supervision go unseen in faculty workloads.

Competition for scarce resources when it comes to long-term library development may also undermine research objectives, as may a lack of research training for students. Study leave is generally provided (although a sabbatical is rarer these days) but may not be able to be taken up, given small faculty numbers, or may be broken into such small parcels as to inhibit substantial reflective academic work. These issues should be explored by auditors in some depth, especially where a theology provider offers higher degrees by research.

Conclusion

Today the Australian theology sector is theologically, educationally and structurally diverse, with student bodies less dominated by education for professional ministry and undertaking a much wider range of studies than before 1990. Theological education also now functions more definitely within the framework of Australian higher education. This has been assisted by the formation of the Council of Deans of Theology, providing a base for relating to government. From 2009 this body—which works closely with ANZATS, the professional network of theological schools and scholars—includes all theology HEPs and university departments.

Yet theological education continues to be shaped primarily by its long-term heritage of student-focused, reflective and formative learning looking to the integration of persons. In this it has much in common with other humanities disciplines and with patterns of higher education in Britain and North America. But in Australia, theology has had an adversative relationship with higher education, and remains largely on its periphery. It has lived through rapid change in the past decade and is adjusting reasonably well to the 'culture of change' which prevails in modern societies. However, it is important to appreciate that most theological colleges would continue to teach unaccredited, were that the only way by which they could fulfil their mission.

A key question with which this paper ends, therefore, is: how might fuller engagement in this land between theological and general higher education, whether (N)SAI or university, be of benefit to all—and how can the work of TEQSA encourage such conversation?

Endnotes

- 1 A more detailed picture, with further bibliography, can be found in C.H. Sherlock, *Uncovering Theology: the depth, reach and utility of Australian theological education*, ATF Press 2009, chapters 1 and 2.
- 2 The Roman Catholic Archbishop of Melbourne, Thomas Carr, wrote to the planning committee indicating that the Catholic Church had no need of a local award, but wished them well. This was crucial in the Bill gaining the support of the Premier and Parliament. The Lutheran Church had a representative on the committee, but did not participate beyond this.
- 3 A Bachelor of Divinity (BD) was offered to graduates for a time by the Universities of Sydney and Queensland, but few students were eligible, enrolments were small, and faculty were mostly external staff from nearby theological colleges. The MCD examined for a BD from 1910 to 2006, replaced by the Master of Divinity (MDiv) from 2002 (a classification common in the USA and now used in many Australian theology HEPs).
- 4 These include Roman Catholic, Nazarene, Brethren, Greek Orthodox, Churches of Christ and Salvation Army, and (until recently) Assemblies of God and the Uniting Church.
- 5 The 2009 demise of BCT has seen the Roman Catholic and Uniting churches in Queensland have their ordinands study at ACU; the implications of this change are yet to be seen.
- 6 A joint BA/BTheol was offered between the MCD and the University of Melbourne from 1991, and a little later with Monash University; the former ended when the 'Melbourne Model' was introduced, but the latter continues. Joint degree arrangements were in place between the ACTh and some universities in NSW for some years until 2001.
- 7 The Institutional Grants Scheme, the Research Training Scheme, and eligibility to compete for Australian Postgraduate Awards and Endeavour International Postgraduate Research Scholarships, as well as one-off grants for an electronic Repository, and for building restoration.
- 8 Tables of HEP, college type and church relationships as at 2009 can be found in *Uncovering Theology: the depth, reach and utility of Australian theological education*, ATF Press 2009, chapters 1 and 2, although some already require emendation.
- 9 In August it was announced that from 2011, Tabor Victoria is moving to co-locate with the Churches of Christ Theological College; Tabor NSW has announced that it will not seek registration.
- 10 The subsidies offered by the Commonwealth to employ chaplains in schools saw several colleges offer training for this purpose. Avondale, Notre Dame and Tabor (SA and Victoria) have gained Commonwealth supported places (CSPs) in the priority areas of teaching and nursing, the only disciplines in which CSPs are currently available outside the public universities.
- 11 With the exception of ACU, university enrolments are not deducible from the DEEWR tables because theological programs cannot be identified from the level of discipline detail available. Also, DEEWR data prior to 2008 is incomplete for Theology because not all student enrolments had to be reported then.
- 12 These include Moore; Tabor NSW, Victoria and SA; Avondale; Wesley; Harvest Victoria; and the Australian Lutheran College (in conjunction with an MCD admission audit).
- 13 This is the theme of a follow-up project to *Uncovering Theology*, again sponsored by the Australian Learning and Teaching Council, namely *Transforming Theology*, running from May 2010 to April 2012.

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Chapter 6 - Good Practices for Universities and NSAs Working in Partnership: The Navitas Experience

John Wood, John Duncan and Andrew Dawkins

Introduction

This chapter addresses the emergence of the Navitas pathway model and highlights the outcomes which result when there is mutual trust between a university and a non self-accrediting institution (NSAI). It provides a brief overview of the introduction of full fees for international students and the expansion of the private sector in the late 1980s and early 1990s. Two case studies are presented, explaining the partnerships between Melbourne Institute of Business and Technology (MIBT) and Deakin University and Sydney Institute of Business and Technology (SIBT) and Macquarie University. The chapter then outlines two practices which have underpinned Navitas' success with its host universities: good governance, and a focus on preparing students for success at their chosen university. The chapter concludes by drawing some general lessons for NSAs and universities about working well together.

Context — Changing Policies in the 1980s

While a small number of not-for-profit higher education providers had existed for some years, the provision of higher education by private providers was not a feature of the Australian tertiary landscape until around 25 years ago.

Changes to Australian Government policy in the mid-1980s, following the election of the Hawke Labor government in 1983, opened the way for the emergence of a significant private higher education sector in Australia. While public funding for higher education had been sustained in the previous decade, with no drastic cuts to recurrent budgets, growth in funding was very limited, and continued slow growth in domestic student numbers resulted in a further decline in funds per student (Laming 2001). In the mid-1980s, the Australian Government invited institutions to market their courses overseas, allowing them to charge full fees for these courses (Dobson 2001; Raciti 2010), an avenue which began to be seen as an alternative revenue source by many public institutions in the context of declining public funding.

This development, and associated reforms that introduced an element of market-based competition into Australian higher education, provided an opening for private non-university providers of higher education, which in the first instance were allowed to enrol only international students. By the beginning of 1990 almost all international students were admitted on a full fee-paying basis. Between 1989 and 1996 the growth in international students in Australian higher education was quite remarkable, particularly compared with the growth in domestic students for the same period. By 1996 more than 53,000 international students were studying at Australian institutions, and many of these institutions were private providers. The students were sourced at that time from four key national markets: Hong Kong, Malaysia, Indonesia and Singapore.

Growing demand for Australian higher education from international students led to new market opportunities and encouraged a number of private providers to seek approval to operate. As the enrolments of international students increased, so did the understanding by the Australian higher education sector of the needs of international students (and their families) from a diverse range of cultures.

The entrepreneurial development of international education required a sophisticated marketing approach to promote programs and communicate them to other educational cultures. Private providers

subsequently tailored many of their courses to meet the needs of this newly discovered external community.

Marketing education internationally soon emerged as a process both specialised and unique. Private providers were able to formulate marketing plans for their potential clients that took into account cultural sensitivity, academic integrity and effective communication strategies. At this time private providers needed to become generalists who could also market their institutions across all regions and differentiate their educational goals from those related to immigration and tourism.

As a consequence, private providers took greater cognisance of those courses that were particularly sought by international students, such as courses in business and information technology. Private providers enjoyed success as, unlike some larger publicly funded institutions at the time, they were able to respond immediately in most instances to students and parents across the international spectrum. The focus of private providers on meeting stakeholder needs enabled them to focus on timely course provision, excellent customer service, and the success of their graduates, without the research and community engagement mandates of the public university sector.

Initially, most private providers were not formally associated with publicly funded higher education institutions. They were 'stand-alone' providers, conducting their own recruitment, and needing to find universities willing to offer their graduates credit for entry into university degree-level programs. As the number of commencing international students continued to increase, the private sector identified the need to offer both bridging and foundation programs that would then lead into further studies beyond this level. However, at that time, universities were largely untouched by such developments.

By 1994, the concept of a closer association between a university and a private provider offering a bridging program into higher education was formalised with the signing of an agreement between the Perth Institute of Business and Technology and Edith Cowan University. This agreement was the first university-private provider partnership formed in Australia and provided a model which has led to similar arrangements across Australia.

Birth of IBT and Formation of Navitas

Perth Institute of Business and Technology (PIBT) was formed in 1994, offering pathway programs in association with Edith Cowan University (ECU). The model was designed to provide opportunities to international and domestic students to enter the second year of a relevant university degree via 'pathway' certificate or diploma courses. These students studied in a supportive small class context on an ECU campus, with access to all University facilities, and with additional support in the areas of English, mathematics and study skills, to prepare them for entry to second year mainstream degree programs. The university pathway program concept was recognised as a feature of the Australian educational landscape by 1999 and subsequently expanded in Australia and internationally.

In September 1996, MIBT at Deakin University and SIBT at Macquarie University signed agreements allowing the private college to recruit students into the second year of the university's respective bachelor degree courses via their pathways. In 1997, Queensland Institute of Business and Technology (QIBT) signed an agreement with Griffith University to teach the first year of that university's degree programs to pathway students.

From 1997, these four initial private colleges became known as the IBT Education Group. Over the ensuing decade, the group expanded its pathway college model across Australia with the following institutions also successfully negotiating agreements with provider universities:

- Curtin International College – Curtin University
- SAIBT – University of South Australia

- EIBT - University of South Australia /Finders University
- Curtin Sydney – Curtin University
- ACN Network – La Trobe University

In November 2007, the IBT Education Group was rebranded to become known as it is today, Navitas Limited, a publicly listed company. While there has been rebranding, the philosophies of those individuals who commenced the private pathway concept in 1994 still retain the motto of 'Creating Opportunities' and meeting the needs of students both within Australia and internationally.

The emergence of public/private partnerships in recent years has provided an opportunity for many international and domestic students to pursue pathway studies from an NSAI into a publicly funded university. Following the agreement between PIBT and Edith Cowan University, many other private providers followed suit. However, it was the original owners of the former IBT Education Group who developed this initial enterprise into a much larger network. The ongoing success of a number of private consortiums who have successfully managed these relationships indicates the viability of this option in a national higher education system. Potential benefits to university partners include the assumption of risk by the pathway provider and an ability to better manage student enrolment and maintain academic standards.

MIBT: 1st case study

MIBT was established in September 1996 in association with Deakin University, at the same time as SIBT signed an initial agreement with Macquarie University. MIBT commenced operations in March 1997 with 120 students and was initially located on Deakin University's Toorak Campus. The courses offered at this time were diplomas in commerce, computing and media communications.

These programs remained as the total suite of offerings by MIBT until July 2007, when the Diploma of Health Sciences commenced. In 2009, the Diploma of Management followed at the Burwood Campus. Currently, five MIBT diploma programs are taught at Deakin's Burwood Campus. Each organisation has always approached the process in pursuit of 'win/win' outcomes. By offering an alternative to direct entry to Deakin, MIBT is creating an additional opportunity for many international and domestic students to ultimately attend Deakin University in their chosen discipline. Deakin University has the opportunity to ensure that students who enter from this alternative pathway have the ability and proficiency to succeed in university-level studies.

The relationship between both partners strengthened immeasurably when MIBT was relocated to Deakin University's Burwood Campus in 2007. The College was located now on one of the University's main campuses, so MIBT students were able to use and participate in a full range of Deakin's facilities and activities, including the library, student life, health services and student associations.

Relocation to the Burwood Campus was accompanied by a revision of the agreement between Deakin University and MIBT. This agreement changed the synergy between the 'private provider' on the one hand and the 'public university' on the other. The formal restructuring of joint management and academic advisory committees, which assisted the development of informal networks, allowed the relationship to develop at all levels from this period of time onwards. It also encouraged a greater number of staff within Deakin University to have a better engagement with staff at MIBT, due to an increased number of liaison committees operating across both partners. It is a partnership with specific mutual obligations and responsibilities.

In a significant strategic development of the partnership, MIBT commenced operations on Deakin's Geelong Campus at Wairn Ponds in October 2008. A Diploma of Engineering was launched at this time, followed by the Diploma of Science in March 2009. A Diploma of Commerce was added to the Wairn Ponds suite of program offerings in March 2010.

This move to a multi-campus institution, unusual for a private provider partnering with a university, offered MIBT the opportunity to diversify its student cohort. This development has also provided MIBT with an opportunity to engage with communities throughout the Geelong region and western Victoria.

Critical success factors in the integral relationship between both parties have been:

- A rich 'university campus' experience for students, especially from 2007 onwards, with access to a full range of academic services and facilities
- The commencement in March 2008 of a period of exponential growth in students enrolling at the MIBT. Both Deakin University and MIBT worked closely together in joint marketing initiatives in order to achieve this growth and the University was very supportive of MIBT, especially in ensuring the provision of high quality space on both campuses
- Importantly, a subsequent increase in the number of students transferring through to the second year of Deakin's bachelor degrees across seven disciplines at two campuses in Victoria
- An increasingly diverse suite of programs offered by MIBT
- An agreement to expand the MIBT onto the Geelong campus at Waurin Ponds to assist Deakin to grow international student enrolments in this region
- The quality of the programs assured by the partnership, including the tracking of MIBT graduates' performance in second year studies at Deakin
- Both organisations being part of each other's quality assurance systems, which has also meant that academic quality assurance arrangements are considered from both the University's and 'MIBT's perspectives in AUQA audits of the respective providers (MIBT is an NSA in its own right and as an NSA-HEP is subject to AUQA audit).

Unlike many private providers, and indeed some other colleges in the Navitas group, MIBT has continued to recruit a considerable number of domestic students. Numbers have grown dramatically over the past three years to a point where domestic students make up 30 per cent of the total student cohort. This strategy ensures diversity in the student body, and enables a wider range of cross-cultural interaction among students in classes than is sometimes the case for pathway providers.

SIBT: 2nd case study

Sydney Institute of Business and Technology (SIBT) was founded in 1996 under an agreement with Macquarie University for SIBT to operate on its campus, with the first intake of students in 1997. SIBT was originally established as a registered training organisation (RTO) with all certificate and diploma courses being registered as vocational, rather than higher education, qualifications.

Macquarie University provided the intellectual property for the diplomas in the form of its first year courses, which were also moderated for quality of content, delivery and outcomes by the University. Under the terms of a 10-year agreement between SIBT Education and Macquarie University, the University allowed its brand to be used, and provided facilities and quality assurance processes.

SIBT commenced with an initial enrolment of 186 students, and within three years had grown to a total student population of 1500. By 2000, the University had constructed new purpose-built premises which incorporated the Macquarie University International Office. SIBT delivered a strong international undergraduate cohort of students to the University, and the University's International Office focused on profiling the University's brand in new markets, promoting postgraduate enrolments, and developing an internationalisation strategy for the campus.

In parallel to the emergence of a more exacting regulatory and compliance environment, SIBT commenced from day one to keep tracer studies of progress of students through its courses, and subsequently in their articulating University degree programs. The University and SIBT jointly monitored and reviewed delivery standards, outcomes and student progress on a regular basis. Over time, this led

to adjustments of articulation requirements to ensure that students were adequately equipped to cope with their University studies, and that they performed at an acceptable standard at both SIBT and Macquarie University.

Review of entry requirements, student outcomes and subsequent performance at Macquarie University continues to form a key element of ongoing management between SIBT and the University. Over time, the focus on quality has enabled development of a greater trust based on the knowledge that the private partner values and respects the academic quality assurance requirements of the University.

SIBT reached a total enrolment of around 3000 students in 2004, and by this stage was contributing a large proportion of the University's international undergraduate enrolments, delivering a strong pipeline of students from SIBT diplomas into year two Macquarie University courses. In 2006, the University's new Vice-Chancellor prompted the development of a new relationship within the change-management processes of the University, by which time SIBT had grown to 4000 students in total. In late 2007, Navitas entered into a further agreement with Macquarie University to open the Macquarie City Campus, moving from the pathway operation into a full 'managed campus' arrangement, where Navitas delivers full undergraduate and postgraduate degree programs on behalf of the University in a Sydney CBD location. As with MIBT and other Navitas pathway colleges, SIBT is a higher education provider in its own right, and subject to external registration, course accreditation and, as an NSA-HEP, to AUQA audit.

Good Practice Number One: Navitas Governance Structures

Organisationally, Navitas pathway colleges sit within the University Programs Division (some other Navitas colleges are managed within the Navitas Workforce Division). Navitas, as the parent company, provides an overarching corporate governance framework within which each pathway college operates.

Navitas pathway colleges are typically located on the partner university's campus. Each university makes available its intellectual property under licence, and provides discipline-specific academic leadership and moderation of programs to its partner college.

Each college is a higher education provider in its own right, approved under the relevant jurisdiction, although the colleges do not award degree-level qualifications in their own name. Through delegated authorities from the Navitas Board of Directors, each college has responsibilities for its local governance, quality assurance and compliance with the regulatory framework in which it works.

Navitas-wide authority limits are articulated in a Board-approved delegations policy, which subsequently informs college policies that identify authority limits and delegations at a local level. The latter is approved by the Executive General Manager, University Programs Division.

The Navitas Board meets the requirements of a public company governing board, with a charter that identifies the range of membership expertise required to enable it to fulfil its responsibilities, including:

- accounting
- finance
- business
- higher education
- legal, and
- CEO-level experience.

The charter also details responsibilities of the Board, including oversight of educational outcomes, control and accountability systems, processes for the appointment of directors and the roles of various members, including the Chief Executive Officer, the Company Secretary and the Chief Financial Officer. A

separate Board-approved document articulates the procedures governing the selection and appointment of directors.

One of the governance issues of concern to regulators of NSAs is the extent to which there are appropriate governance arrangements for the NSA. As the Navitas pathway colleges are established under Australian corporations law as separate legal entities, each must have at least one director. This role is taken by the Executive General Manager, University Programs Division, but as each college is a wholly owned subsidiary, Navitas has successfully argued that the Navitas Board is the actual governing body for each pathway college.

Navitas has an established planning cycle, with the Navitas Strategic Plan informing a University Programs Division Strategic Plan and from there, a college-specific 'rolling' Strategic Plan. Each of these plans is updated annually.

College planning frameworks also incorporate operational plans, which typically include a Teaching and Learning Plan, Marketing Plan and College budget, also with annual revisions. These operational plans inform the staff performance planning and review process, which has been standardised across the Navitas group. Figure 1 indicates the planning framework, which is revisited annually.

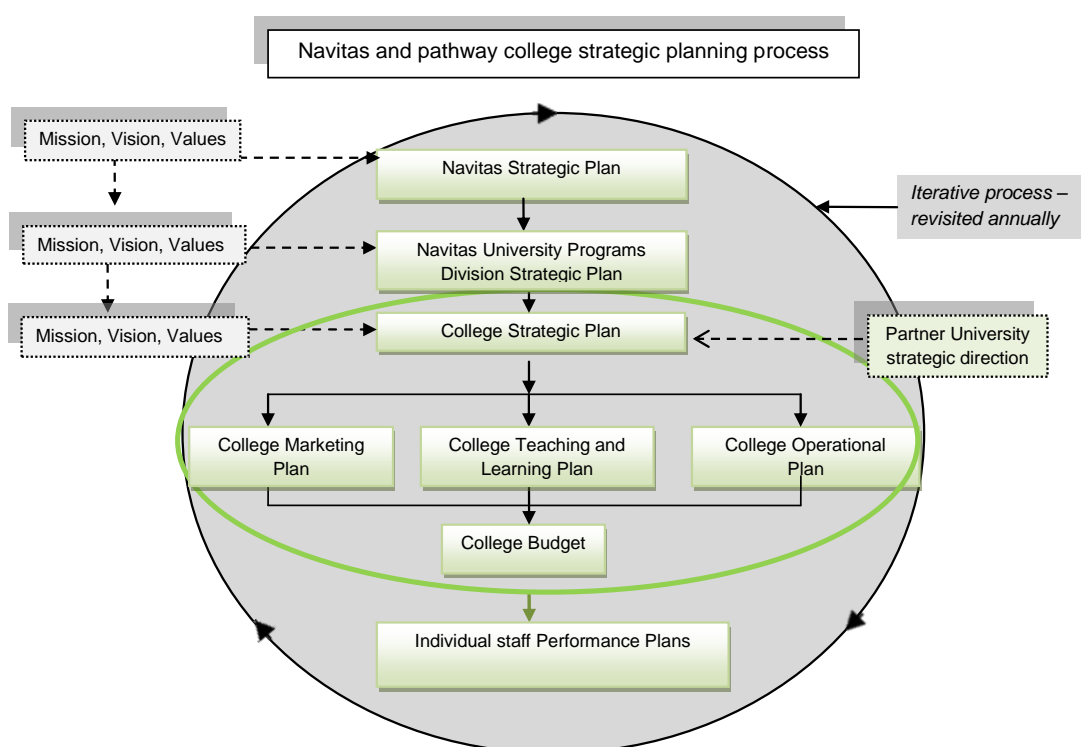


Figure 1: Navitas and Pathway College Strategic Planning Process

The Executive General Manager, University Programs Division has responsibility (delegated by the Board) for ensuring each college has governance structures appropriate to its goals and academic purposes and compliant with the regulatory framework in which it operates. In practice, each College Director and Principal establishes these, with approval from the Executive General Manager, University Programs Division. While similar, some structures may be influenced by local drivers, jurisdictional regulatory requirements or the partner university.

Non-academic governance structures include a management committee within each college, with terms of reference which articulate responsibilities in terms of oversight and continuous improvement of all college activities. Oversight responsibilities include: strategic direction; planning and monitoring of progress against objectives; policy development, approval and review; compliance with the regulatory framework, and managing internal and external audits. Membership includes the college director, together with the managers of finance, quality assurance and compliance, academic, marketing and admissions areas.

The Executive General Manager position also has delegated authority from the Board to approve individual college strategic plans and budgets. Standard formats for each college have been developed for monthly reporting and quarterly budget re-forecasts. End-of-year reports against objectives in each college's strategic plan are submitted to the Executive General Manager, University Programs Division.

Colleges report on academic key result areas at the end of each semester. These reports are collated at the Navitas corporate office and distributed across all colleges for benchmarking purposes and reporting to academic committees.

Academic outcomes of individual colleges are reported annually to the Navitas Board in a University Programs Division Teaching and Learning Report, effective 2009. Non-academic highlights or inconsistent outcomes are reported to the Navitas Board via reports from the CEOs.

Good Practice Number 2: Academic Quality Assurance

College directors have delegated authority by the Navitas Board to sign academic transcripts and testamurs for their institution (in the case of SIBT, this is delegated to the SIBT Board).

College academic governance structures are approved by the Executive General Manager, University Programs Division, and include a college academic committee/board, with delegated responsibility for oversight of academic standards and outcomes and ensuring parity with those of universities.

Membership of the College Academic Committee/Board typically comprises:

- College staff (including the college director, academic director, and key academic staff)
- students (in some colleges)
- senior academic staff from the partner university relevant to the disciplines offered (e.g. dean, teaching and learning; deputy chair of the partner university's academic board; head of school).

Terms of reference articulate the responsibilities of each college academic committee/board and the frequency of meetings—typically twice per year.

Responsibilities vary depending on the nature of university partnerships, but usually include:

- providing feedback on new program development and ensuring comparable standards with University-level programs
- providing feedback on program accreditation documentation
- approval of new programs or major changes
- oversight of academic quality through monitoring inputs and outcomes
- ensuring accreditation conditions are met
- providing feedback on and endorsing academic policies
- advising on strategic academic direction
- receiving reports on progress against Teaching and Learning Plans, and
- commenting on and endorsing annual reports to Navitas on academic outcomes.

Reporting to college academic committees/boards has evolved over time into formal performance reports, which typically include detail relating to a range of key performance indicators, including:

- enrolment trends by program and student nationality
- completion and attrition rates benchmarked against other Navitas pathway colleges and DEEWR learning and teaching performance indicators
- graduate articulation rates to, and representation at, each partner university
- pass rates by program, benchmarked against other Navitas pathway colleges
- reports on academic appeals
- academic outcomes of pathway college graduates at the partner university, benchmarked against non-pathway college graduates in the same degree at the university
- outcomes from student/graduate surveys—including common Navitas surveys for student evaluation of courses and surveying graduates—benchmarking against other Navitas colleges and DEEWR learning and teaching performance indicators
- feedback from accreditation panels on college programs
- feedback and risk ratings from the relevant state higher education department's annual reports
- staff to student ratios, and
- moderation reports from the partner university.

As well, some colleges offering programs across a broad range of disciplines have program/course advisory committees, which provide more detailed discipline-specific input into program development and teaching and learning approaches.

As curriculum is drawn from the partner university, curricula benefit from the rigour applied by that university. Program/course advisory committees make recommendations to their respective college academic committee/board on major changes or new program development within their discipline.

All colleges are NSAs. As such, programs within each are subject to scrutiny by state regulatory authorities, including five-yearly reviews by an external panel of academic staff drawn from other universities or higher education providers. This process, together with annual reports to the state regulatory body—with risk ratings in some cases—complements oversight by the college academic committees.

Figure 2 depicts the typical academic governance structures within each Navitas pathway college. Additional committees are formed relative to the identified needs of the individual college and its relationship with the host university.

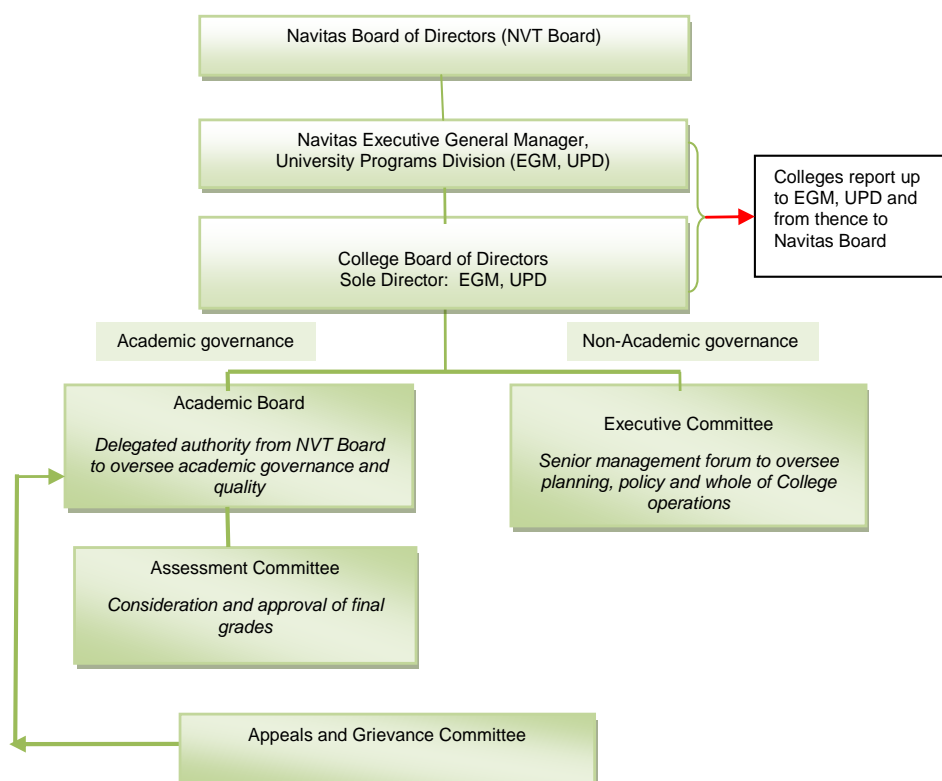


Figure 2: Academic Governance Structures for Navitas Pathway Colleges

Concluding Comments

The Navitas pathway model has been a highly successful initiative attributable to strong collaboration between a private company and its public university partners. One of the major lessons to be learnt from Navitas' experience is the need for both the pathway provider and the partner university to devote energy and effort to establishing and building personal relationships between the staff from each partner. It is not enough to rely solely on contractual responsibilities: rather, a culture of mutual trust and support needs to be nurtured and continuously refreshed.

From the students' perspective, attention to each individual student's personal and academic needs by the pathway provider and a campus learning experience have been vital. From the university's perspective, the transparency and consistency of the relationship and all attendant processes, combined with a mutual focus on academic quality assurance and student outcomes, have been paramount. The partner universities have received graduates from the college who perform in their degree studies at a level comparable to that of direct entry international students. This performance is monitored through detailed tracer studies of student outcomes at both the pathway college and the university.

Good practices in governance and overall quality assurance underpin the operating environment and ensure that the needs of students, the host university and regulators are met or exceeded.

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Afterword

Mark Harding

This publication is both timely and informative. It attests to the proliferation and burgeoning national profile of non self-accrediting institutions (NSAI) and their student numbers that could scarcely be imagined when I took up my current role as Dean and CEO of the Australian College of Theology (ACTh) in 1996. As an NSAI at the time, the ACTh was well aware of the marginalisation of the sector. But this was some years before the passage of the HESA 2003, the inauguration of FEE-HELP in 2005 and mandatory AUQA audits of all NSA-HEPs, and the imminent establishment of the Tertiary Education Quality and Standards Agency (TEQSA).

Charles Sherlock reminds us in his chapter that in the mid-1990s there were a number of well-established theological education providers, some of them pre-dating Federation, of which my institution is one. Among the older institutions there was Avondale College, a multi-discipline provider founded in 1893, and several comparatively recent foundations, such as Marcus Oldham College, the Australian Institute of Music, Christian Heritage College, Wesley Institute, and the Tabor and Harvest Bible Colleges. Colleges, now large and thriving in 2011, such as those belonging to the Navitas group, had been operating for just a few years. Few could have predicted in 1996 that the NSAI would have become as diverse and as rich in their partnerships and course offerings as they have now become, and that the number of NSAI would expand so rapidly to at least 149 institutions, as noted by Karen Treloar and Jeanette Baird in their overview.

But there were signs that changes in the perception and profile of the NSAI were in train. In 1997 Roderick West, the chair of the West Review, expressed an interest in meeting representatives of the NSAI. Accordingly, the Deans of the Melbourne College of Divinity (a self-accrediting institution), the Sydney College of Divinity and the ACTh, were present at an interview with the members of the Review panel in August 1997, but not before forming the Committee of Deans of Theological Consortia, the forerunner of the Council of Deans of Theology, in May of that year, in order to represent the SAI and NSAI theological education stakeholders in Australia and New Zealand. Several key recommendations of the West Review have been or are about to be enacted. These include a national accreditation body, which in TEQSA is about to become a reality, to oversee the accreditation of the courses of all higher education providers, regardless of whether they are self-accrediting or non self-accrediting. Another of West's recommendations was a student learning entitlement to benefit the student without regard to where he or she might choose to study. This recommendation was reprised in the 2008 Bradley Review, but is yet to be enshrined in public policy. But the logic of the West and Bradley recommendations is compelling. Funding should follow the student. We, in the NSAI sector, await with keen anticipation the enactment of this recommendation across the whole Australian higher education landscape.

No peak body for private SAIs and NSAI existed before the late 1990s. The Council of Private Higher Education (COPHE) was formally established in mid-2001. Since that time, under the energetic leadership of its Executive Officer, Adrian McComb, and its Chair, Brian Millis, COPHE has persistently and professionally promoted the interests of its SAI and NSAI stakeholders in Canberra. It has been remarkably successful in formulating policy and informing parliamentarians of all political persuasions not only of the existence of the NSAI but also of its social and educational benefit. The passage of the HESA 2003 was due in no small part to COPHE's strategic representation of the interests of the private and NSAI sector. There are now two peak bodies representing NSAI, COPHE and the Australian Council of Private Education and Training (ACPET).

From its inception in 2000, the Australian Universities Quality Agency (AUQA) has been supportive of the NSAI and committed to quality improvement across the whole of the Australian higher education

sector. One of the 12 members of the Board is elected by NSAI CEOs. To date there have been four AUQA board members from the NSAI who have been elected for three-year terms—Geoff Madigan (2001-2004, Avondale College), me (2004-2007), Michael Koder (2007-2010, Australian College of Physical Education) and George Brown (elected in 2010, Think: Education Group). Hilary Winchester's chapter on AUQA audits of NSAI reveals the extent of the benefits to the NSAI of the quality audit process. And, of course, this Occasional Paper is an eloquent testimony to AUQA's ongoing support of Australian private and NSAI higher education.

The Carrick Institute, now the Australian Learning and Teaching Council (ALTC), was founded in 2004. The Council has encouraged applications for grants from the private and NSAI sector. This has resulted in two ALTC-funded projects, a discipline-based initiative and a competitive grant, in which SAI and NSAI theological education providers through the Council of Deans of Theology are closely associated. Charles Sherlock draws attention to these projects—Uncovering Theology (2007–2008) and Transformative Learning (2011–2012)—in his chapter. The ALTC, like AUQA, the HESA 2003, and a succession of government higher education reviews has drawn few distinctions, if any, between the publicly funded universities and private and NSAI institutions. (It is to be hoped that the disbanding of ALTC will not mean any diminution of the recognition of the role that NSAI can play in improving the quality of learning and teaching in Australian higher education.)

The review of the *National Protocols for Higher Education Processes* undertaken in 2004 resulted in far greater recognition of NSAI than under the previous iteration of the Protocols. The reviewers actively sought input from NSAI CEOs. The result was a set of National Protocols and associated Guidelines designed to create a nationally consistent set of standards and processes for all higher education providers, the public universities included. Moreover, the National Protocols recognised the need for an efficient regulatory environment, especially for NSAI operating across more than one state. Importantly, an explicit pathway was provided to enable NSAI to become self-accrediting. Another was framed to guide aspiring institutions to become universities. These are far-reaching, almost visionary, developments. In 2010, the ACTh was the first provider to achieve self-accrediting status. Other providers have or are about to submit their applications. The self-accrediting MCD has recently submitted an application for specialised university status and several multi-discipline NSAI have declared their intention to prepare for university status.

In 2011, Australian NSAI find themselves well placed to continue to serve the educational and formational needs of students. These institutions, together with their private SAI counterparts, have taken considerable pressure off the publicly funded universities to provide places. COPHE data suggests that the private and NSAI sector has trebled in size to 75,000 students in the past decade, thus doing their part in ensuring that tertiary participation rates are steadily increasing. Jasen Burgess and Jeanette Baird's chapter on the NSAI regulatory environment testifies to a State and Territory higher education regulatory framework by which institutions are registered and their courses accredited. This has resulted in a remarkably stable and, through AUQA, a quality-assured national network of NSAI. From 2012, TEQSA will exercise oversight over a confident, resourceful and expanding private and NSAI sector that has come in from the cold, as it were, and taken its place in the Australian tertiary mainstream.

The Contributors

Dr Jeanette Baird is Editor of the AUQA Occasional Publications series, Director of SAI Operations and an Audit Director with the Australian Universities Quality Agency. She has a background in higher education and public sector management. In addition to her work at AUQA, she has undertaken a range of quality assurance and enhancement projects nationally and internationally.

Dr Jasen Burgess is Head of NSA-HEP Operations and an Audit Director with the Australian Universities Quality Agency. He has previously worked in higher education regulation and policy in relation to non self-accrediting institutions, and also has a background in public policy and in research and teaching in the university sector. While at AUQA, Jasen has worked on a number projects related to quality assurance in higher education.

Andrew Dawkins has extensive experience in international education, especially in public-private partnerships, with principal involvement in higher education. Andrew has worked in the private divisions of several Australian public universities, and offshore with Australian government projects in China and Indonesia. Andrew is currently the General Manager of University Programs Division NSW for Navitas Ltd in Sydney Australia, overseeing the operation of pathway Colleges and Managed Campuses, and the relationships between Navitas and its University partners in New South Wales. He has Master degrees in Applied Linguistics and Education Administration, and an MBA.

Adrian Deans is the Director, Academic Audit & Policy, at the College of Law. He is a lawyer and worked in publishing and legal practice before joining the College in January 1999. At the College of Law he has (at various times) been responsible for publishing, generation of course materials, student administration and pastoral care, academic quality and liaison with regulators. He is a member of the NSW Accreditation Panel and an AUQA Auditor.

Dr John Duncan is a leader with a recognised professional reputation in the International Higher Education sector. He has been actively involved in higher education for 30 years having joined the Navitas Group (MIBT) in 1998 following 17 years at Monash University. His many years' experience gained at senior levels has equipped him with the ability to offer insights into strategic planning, marketing and growing universities businesses, and an understanding of the relationship between the private and public education sectors within Australia. His doctorate, which is both contemporary and relevant, was titled "The Corporatisation of Higher Education in Australia". This study is the only one of its kind completed in Australia and has underpinned much of what he has been able to achieve.

The Reverend Dr Mark Harding has been the Dean and CEO of the Australian College of Theology (ACTh) since 1996. He has had extensive experience of the regulation of the Australian non university higher education sector. Mark served as a member of the Board of AUQA from 2004-2007. He oversaw the successful application of the ACTh for self-accreditation in 2009-2010.

Dr Colleen Liston is a consultant on tertiary education quality assurance, accreditation and standards. She has been involved in tertiary education since the late seventies (Health Sciences), and in quality management and international education issues since the late eighties. Her PhD researched "The Structure of Educational Accreditation". She has presented at international conferences and published widely on health science research and managing quality and standards. Until August 2006, she was Director of International Planning and Quality at Curtin University of Technology. Colleen is an Australian Business Excellence Framework Evaluator, an ISO Auditor and an AUQA Auditor.

Dr Karen Treloar has worked at the Australian Universities Quality Agency (AUQA) as an Audit Director and Head of Non Self-Accrediting Institutions. Karen was responsible for undertaking quality audits of NSA-HEPS and for developing AUQA's audit and developmental activities in the area of NSAs. Developmental activities have included information forums for NSAs and major contributions to AUQA's work on good practice in the area of academic governance.

The Reverend Dr Charles Sherlock is a priest of the Anglican Diocese of Bendigo, having taught theology for four decades in Melbourne, with significant involvement in policy development and governance. He was Project Manager for the *Uncovering Theology* ALTC project (2008-9), is an Honorary Research Fellow of the Melbourne College of Divinity (and a former Registrar), an AUQA Auditor, engaged in international ecumenical dialogue, and Executive Officer of the *Australian & New Zealand Association of Theological Schools*. He has written several books and many other publications and is married to his co-theologian and parish priest, Dr Peta Sherlock.

Professor Emeritus Hilary Winchester has been an AUQA auditor since 2001. She recently undertook a thematic review of the first twenty AUQA audits of NSA-HEPs and contributed to the AUQA Good Practice Guidelines on Academic Governance and Quality Assurance. From 2003-2010 she was Pro Vice-Chancellor: Strategy and Planning at the University of South Australia and led the University through two successful quality audits in 2004 and 2009. She is now Principal of her own company specialising in Higher Education Quality Assurance and an Emeritus Professor of the University of South Australia.

Professor John Wood is the Executive General Manager, University Programs at Navitas Limited with overall responsibility for the group's university pathway colleges and managed campuses. Previously he was Deputy Vice-Chancellor at Edith Cowan University, and was the Foundation Dean of the College of Business at the University of Notre Dame, Perth, Western Australia where he was also the Deputy Vice-Chancellor (Academic). Professor Wood graduated with first class honours in Economics from the University of Western Australia and he completed a Doctorate in Economics at Oxford University. He has taught at universities throughout the world, and has worked in executive management teams and held a number of executive leadership positions.

Abbreviations

ACD	Adelaide College of Divinity
ACPET	Australian Council of Private Education and Training
ACTh	Australian College of Theology
AQF	Australian Qualifications Framework
ANZATS	Australian and New Zealand Association of Theological Schools
AUQA	Australian Universities Quality Agency
BA	Bachelor of Arts
BCT	Brisbane College of Theology
CARs	Commendations, Affirmations and Recommendations (in AUQA Audit Reports)
CEO	Chief Executive Officer
CEQ	Course Experience Questionnaire
COPHE	Council of Private Higher Education
CSU	Charles Sturt University
DEEWR	Australian Government Department of Education, Employment and Workplace Relations
DEST	Australian Government Department of Education, Science and Technology
ECU	Edith Cowan University
EFTSL	equivalent full-time student load
EIBT	Eynesbury Institute of Business and Technology
ESOS	Education Services for Overseas Students
ESOS Act	<i>Education Services for Overseas Students Act 2000</i> (Cwlth)
FTE	full-time equivalent
GAA	Government accreditation authority
GDS	Graduate Destination Survey
HERO	higher education recognition officer
HESA	Higher Education Support Act 2003 (Cwlth)
HDR	higher degree by research

IT	information technology
KPI	key performance indicator
MCD	Melbourne College of Divinity, a self-accrediting higher education provider
MCEETYA disbanded)	Ministerial Council on Education, Employment, Training and Youth Affairs (now
MCTEE	Ministerial Council on Tertiary Education and Employment
MIBT	Melbourne Institute of Business and Technology, a Navitas Pathway College
Navitas	Navitas Ltd, a publicly-listed company
National Protocols	<i>National Protocols for Higher Education Approval Processes</i>
NSA-HEP	non self-accrediting Higher Education Provider under HESA
NSAI	non self-accrediting institution (providing higher education in Australia)
OECD	Organisation for Economic Cooperation and Development
RTO	Registered Training Organisation
SAI	self-accrediting institution (a higher education provider that has been given authority to internally accredit its award programs)
SAIBT	South Australian Institute of Business and Technology
SCD	Sydney College of Divinity
SIBT	Sydney Institute of Business and Technology, a Navitas pathway college
SPABC	South Pacific Association of Bible Colleges
TAFE	Technical and Further Education
UCA	United Theological College
VET	vocational education and training