Australian Government

Tertiary Education Quality and Standards Agency

Transnational education toolkit

November 2022

TEQSA

Foreword

As Australia's higher education regulator, the Tertiary Education Quality and Standards Agency (TEQSA) is responsible for protecting and enhancing Australia's reputation and international competitiveness in higher education, as well as protecting the interests of students. In recognition of the increasing appetite of Australian institutions for offshore delivery of Australian higher education awards, TEQSA has developed this Transnational Education Toolkit to provide guidance to institutions new to transnational education on best practice in third-party offshore delivery.

The toolkit has a particular focus on ensuring a high-quality student experience and compliance with the Higher Education Standards Framework. By presenting the material through the lens of the life cycle of a transnational education agreement, the toolkit aims to provide practical support for Australian higher education institutions to understand, assess and mitigate the risks and complexities associated with third-party offshore arrangements. The toolkit:

- identifies areas of interest, common issues and difficulties for institutions offering offshore delivery, particularly through third-party arrangements
- offers institutions guidance and advice on quality offshore delivery with best practice examples
- includes information on policy and legislative requirements and benchmarking tools, along with links to relevant legislative frameworks and policies
- contains resources that will help institutions identify risks to the quality of offshore delivery.

I would like to recognise and commend the work of Dr Samantha Young, Director, Office of Quality and Policy at Monash University, who generously shared her extensive knowledge and experience in the governance and quality assurance of transnational education in developing this toolkit.

I commend this toolkit as an important resource for building and enhancing delivery of Australia's highly regarded education around the globe.

Professor Peter Coaldrake AO

Chief Commissioner
Tertiary Education Quality and Standards Agency
November 2022

Author's note

It has been a wonderful opportunity to develop the Transnational Education (TNE) Toolkit for TEQSA and to share my experience working as both an academic and a quality assurance and governance specialist in the higher education sector. I'm very grateful to my colleagues across the sector who have given their time to discuss my approach and share their experiences of managing TNE across a range of Australian institutions and businesses.

The Australian higher education sector has a great opportunity to recover from the COVID-19 pandemic by offering its awards across different delivery modes and into new and emerging markets. Yet this opportunity should also be balanced by the risks innate to offering awards offshore to ensure the integrity of Australian higher education awards is always maintained. The toolkit will enhance institutions' understanding of those risks.

The toolkit introduces a 'transnational education lifecycle' that steps the reader through key phases of TNE delivery and can be applied to any model of transnational education (such as a branch campus) or to any contract arrangement (such as third-party agreements). The information is presented in a way that can be utilised by all higher education institutions – be they small, private institutions or larger, public universities – and by staff across an institution's operations, such as the admissions, academic leads, or governance functions.

The offering of Australian higher education awards offshore will continue to increase over the coming years, and the variety of delivery modes will respond to market demand and evolving technologies. This toolkit can be used to support staff in assuring the integrity of those awards alongside providing a quality experience for all students.

Dr Samantha Young

Director, Office of Quality and Policy
Monash University
October 2022

Introduction

This Transnational Education Toolkit has been designed to support Australian higher education institutions understand, assess, and mitigate the risks associated with delivering Australian higher education awards offshore. The toolkit focuses on the relevant transnational education (TNE) and third-party arrangements to ensure institutions meet their obligations to deliver a high-quality education and student experience, regardless of location.

What is TNE?

The most practical definition of transnational education that aligns with this toolkit is where *'learners are located in a country different from the one where the awarding institution is based.'*[1]

For the purposes of this toolkit, the information about and examples of TNE are limited to those regulated by TEQSA under the *Higher Education Standards Framework*, where the outcome of TNE activity is an award conferred by an Australian higher education institution.

Traditionally, offshore delivery of Australian higher education awards has been undertaken in face-to-face modes with some hybrid study at an institution-managed branch campus or via a third-party arrangement. In recent years, institutions have increased their opportunities to reach new and additional cohorts by diversifying course offerings and embracing the shift to hybrid delivery models. As institutions enter new markets and onboard new partners there is the potential to increase the risk of quality delivery, a quality student experience, and ultimately the integrity of the higher education award.

This toolkit offers detail to enhance institutions' understanding of the complexity of operating TNE offshore and the inherent, increased risk of delivering programs via third-party arrangements. The information in the toolkit is presented through the 'transnational education lifecycle' that sets out the key phases of activity for both quality delivery of courses of study via TNE and maintaining effective third-party arrangements.

What are third-party arrangements?

The toolkit takes the definition of 'third-party arrangements' from the *Higher Education Standards Framework* where third-party arrangements include those 'between a registered higher education institution and one or more third parties to offer a course of study [offshore] ... that leads to the award of an Australian higher education qualification.'[2]

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1. Council of Europe, 'Code of Good Practice in the Provision of Transnational Education', 6 June 2001.
2. TEQSA, *Guidance Note: Third-Party Arrangements*, October 2019

Legislative frameworks

The *Higher Education Standards Framework* (HES Framework) requires quality assurance of the delivery of all higher education awards, including those offered through third-party arrangements. However, the application of the HES Framework will change depending on the nature of the third-party agreement and should be considered at the point of formalising an agreement, with terms and expectations clarified in the contract. Refer to TEQSA's [Guidance Note: Third-Party Arrangements](#) for further information, along with Appendix 2 of this document - 'What does compliance look like?'.

Australian higher education institutions need to be aware of their legislative obligations when managing offshore, third-party arrangements. Relevant legislative frameworks include:

- [Higher Education Standards Framework (Threshold Standards) (2021)](#)
- [Tertiary Education Quality and Standards Act (2011)](#)
- [Education Service for Overseas Students (ESOS) Legislative Framework](#)
- [National Vocational Education and Training Regulator Act (2011)](#)
- [Foreign Relations (State and Territory Arrangements) Act (2020)](#)
- [Guidelines to Counter Foreign Interference in the Australian University Sector (2021)](#)

Institutions are encouraged to review information provided by the [Department of Foreign Affairs and Trade](#) at the earliest stage of contemplating a new partnership and report any proposal to 'enter an arrangement with a foreign government or a foreign university that does not have institutional autonomy'[3].

An institution's operations (recruitment, student administration and learning management systems), will need to be flexible to respond to future government policy changes and expectations.

Key risks and challenges

High-level considerations of risks and challenges for offshore third-party delivery include:

- admissions practices and recognition of prior learning (RPL)
- student induction and ongoing pastoral care and academic support
- student safety and wellbeing
- assessment invigilation, academic integrity and learner authentication
- equivalence of delivery, learning outcomes and award recognition in-country
- cybersecurity risks, including how to manage offshore student data to adhere to Australian privacy laws
- intersections of Australian and offshore laws and protections
- service-level agreements and the application of an institution's policies and procedures in jurisdictions outside Australia.

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3. Australia's Foreign Relations (State and Territory Arrangements) Act 2020, Fact Sheet 4 - Australian Universities (February 2021)

Toolkit: Transnational education lifecycle of activity

This toolkit introduces a 'transnational education lifecycle' to provide detail on the management of quality offshore delivery. The lifecycle does not need to be applied in the order of the phases presented here, but can be started at the point most relevant to an institution's existing TNE arrangements.

This toolkit is designed to guide institutions new to TNE through this lifecycle, to build their awareness of key risks and considerations that will enable them to successfully manage the various stages of a contract or the delivery of a course with a third party.
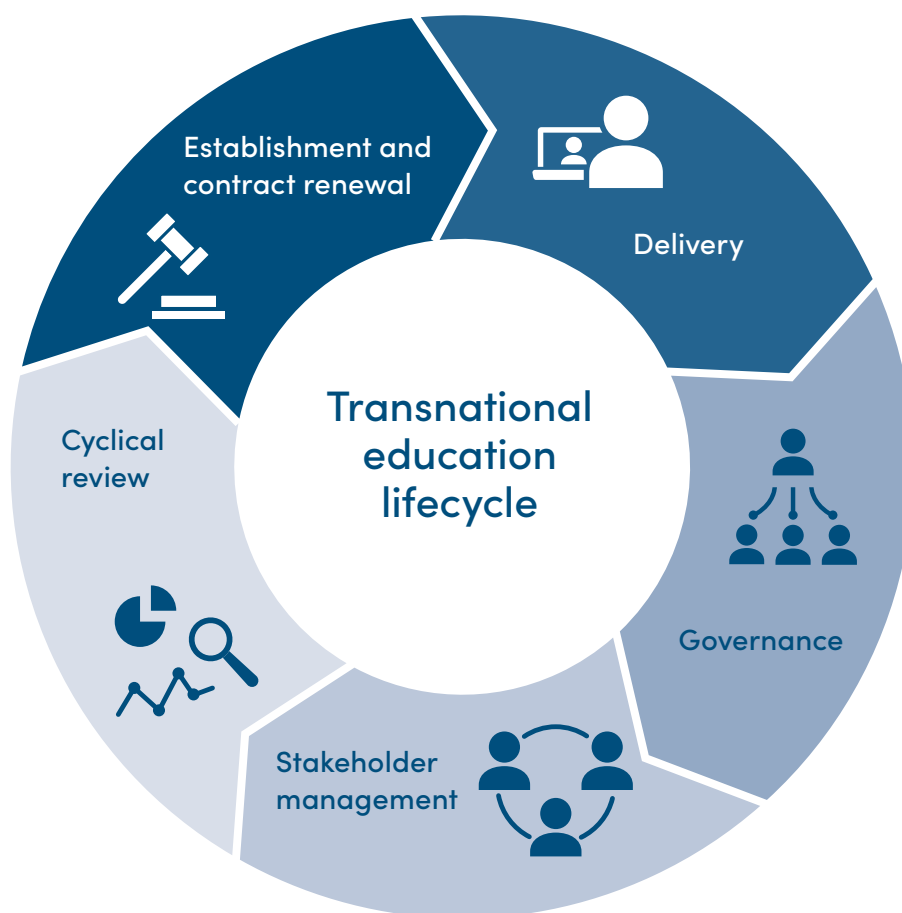
The toolkit includes two icons to guide readers:

Presents key tips or considerations

Identifies where a lead indicator of risk may be evident

Diagram 1: Transnational education cycle

There are five key phases of activity for delivering courses of study via TNE and the agreement (contract) supporting a third-party arrangement[4]

Establishment and contract renewal

Delivery

Governance

Stakeholder management

Cyclical review

Transnational education lifecycle

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4. Note – the topics in the identified phases of TNE can be overlapping. For example, quality assurance will be detailed in the delivery, governance and review stages. This toolkit includes detail as it relates most to each phase.

PHASE 1:
Establishment and contract renewal

☐   **Due diligence**

☐   **Understanding of operating context**

☐   **Awareness of legal obligations**

Successful third-party arrangements are supported by a clear and specific business case that clearly sets out the rationale for the type and scope of TNE to be offered, alongside consideration of the academic model of the arrangement.

Key risks and challenges

Due diligence is a standard exercise to be undertaken before entering into a contract to ensure that a prospective partner can meet the expectations of the TNE delivery. Effective, targeted and clear-eyed due diligence processes are crucial. Examples of due diligence activities are included in Table 1 below.

Due diligence will assess a potential partner alongside pertinent, in-country characteristics such as:

- how the in-country government regards the delivery of higher education

- the applicable regulatory and course accreditation or recognition models

- any issues regarding recognition of an overseas qualification (in this case an Australian award).

The contract will reflect the business case and academic rationale and have specific and achievable goals and responsibilities for each party including key performance indicators (KPIs). The institution must ensure the contract:

- is enforceable in the jurisdiction

- takes into consideration different laws within countries, noting that some laws will be different to those in Australia.

Due diligence and contractual approach should consider the perspectives of staff across an institution's academic and operational portfolios (agents, recruitment, marketing, course delivery, support services) to ensure contract obligations are appropriate for each operational area that will work with a partner once the contract commences.

Risk in and of itself should not be prohibitive. Any identified risk needs to be considered and appropriately addressed, including allowing risk to be identified and accepted as part of effective corporate governance and risk management arrangements.

The establishment phase should also include the requirement for the institution to advise TEQSA of the delivery of offshore awards via a Material Change Notification. Notification to the in-country government may also be required.

Table 1 – Activities to consider in the establishment and contract renewal phase

Activity	Considerations during development
Business case	• Alignment with the institution's strategic plan • Market analysis to support the proposal • Assessment of an institution's capacity to deliver on the proposed arrangements • Risk appetite for the specific market • Any obligations that must be met such as minimum number of students or other conditions precedent before a contract commences to ensure viability of business case • Intended Key Performance Indicators (KPIs).

Academic case	• Evaluate the academic model that the TNE will have including:
	  ▸ articulation or credit to or from an institution's award
	  ▸ delivery mode
	  ▸ changes to program delivery structure or sequence
	  ▸ mechanisms for moderation across delivery sites.
	• Endorse and approve course accreditation by the Academic Board or equivalent if it entails joint awards an institution might need the Council's approval

Partner due diligence	• Assessment of proposed partner's operations and history, including:
	  ▸ financial viability and track record of probity
	  ▸ standing of its management and governing body (including fit and proper person review)
	  ▸ reputation in market
	  ▸ existing TNE arrangements.
	• Risk assessment for the proposed model of delivery, including potential conflicts of interest
	• Contingency plans across the proposed delivery model, including termination of contract and teach-out arrangements
	• Partner staff capability and capacity, with evidence of skills to support delivery of award programs

Activity	Considerations during development

Location or in-country due diligence	• Environmental scans of political instability or sensitivities
	
	• Regulatory and accreditation requirements, including those additional to the TEQSA Framework. For example:
	
	  ▶ in-country governments may impose their own approval criteria, such as the Malaysian Qualifications Agency accreditation requirements
	
	  ▶ recognition of an Australian higher education award may not be automatically granted by the in-country government
	
	  ▶ regulatory models may be unclear or even emerging, such as that of the Indonesian higher education sector
	
	  ▶ professional accreditation may need to be sought in-country in addition to that provided in Australia
	
	  ▶ different international student visa regimes may require new student administration systems.
	
	• Legislative scanning to understand the scope of all relevant in-country laws (such as privacy and data protection, labour laws, fraud, anti-bribery), including compliance requirements:
	
	  ▶ this scan should be assessed against an institution's own policy and obligations under Australian law to ensure any conflict is identified ahead of contract establishment.
	
	• Market analysis is part of the due diligence process and should be performed regularly with an eye to considering emerging markets and competitors

Table 1 (continued)

Activity	Considerations during development
Partnership establishment (contractual arrangements) (Refer table 2)	- It is critical that the contract meet the institution's expectations and responsibilities as a registered higher education institution in Australia - Introduce a roles and responsibilities matrix that clearly sets out each party's activities across the student lifecycle – from marketing and recruitment through to graduations and award conferral: - this matrix should consider each applicable Threshold Standard; the Standards are useful for guiding partners to understand what's expected in the delivery of Australian awards. - If a contract is time-limited or if a contract is to be terminated, ensure responsibilities for teach-out of awards are maintained at the conclusion of the arrangement - Consider due diligence and obligations around sub-contractors: - define what, if any, sub-contracting is allowable under the contract - put adequate control measures in place to meet the relevant Threshold Standards, including reporting any sub-contracts to the institution. - Don't underestimate the importance of checking in, clarifying roles, asking questions, setting expectations, and ensuring a shared understanding of the intent of each clause
Partnership or contract renewal	- Assess activity and outputs across the five phases of this 'transnational education lifecycle' - Reviews of key activities performed on an agreed cycle should be genuinely collaborative and supportive, with the results shared openly with the partner and reported to the appropriate institution governance committees. Review activities may include: - admissions processes and record keeping - student pathway analysis - performance of any appointed subcontractors. - Return to original due diligence to ensure the agreement still satisfies the needs of both parties

Contract renewal

A well-functioning partnership will include regular communication between the parties at the different levels of interaction. Effective communication allows rectifications to made throughout the contract period and means a contract renewal should be straightforward.

Nevertheless, the same approach to establishment should be taken for any contract renewal. Each party would benefit from introducing a 'no surprises principle', which formalises clear communication pathways to promptly raise any issue during the life of a partnership rather than waiting for the next meeting of a senior committee.

Often older partnerships can be problematic. Don't assume everything is running smoothly; the same review of end-to-end partnership activity checks should be applied to even the most long-standing and efficiently run arrangements

Roles and responsibilities

A roles and responsibilities table that reflects the agreed arrangements for the TNE delivery can be included in a contract to clearly set out the functions to each party. This table formalises the agreed roles and responsibilities to support arrangements across the delivery of an award, from marketing and recruitment, through to graduation and conferral. It is recommended that each activity points to an institution's applicable policy or procedure to ensure expectations and instructions are clear for partner staff. The example provided in Table 2 shows select activities only and a finalised matrix would run to several pages.

Table 2 – Best practice: Example roles and responsibilities – Governance arrangements (select activities only)

Activity	Institution	Partner	Institutional documentation
Marketing	• Approves all marketing material	• Drafts promotional material for in-country markets • Executes marketing campaign	Direct link to institution policies and procedures to support compliance with nominated activity
Academic case	• Sets admission standards and entry criteria; ensures policy and procedure are current • Maintains accurate information on entry criteria and advises partner of any changes • Performs cyclical audits	• Ensures partner staff apply relevant institution policy • Ensures all offers meet the set entry requirements for each award	
Staff qualifications	• Sets minimum qualification standards for academic staff members, supported by institution policy • Approves all academic staff appointments; and confirms teaching staff at the unit level at the commencement of each teaching period	• Ensures all staff members meet the minimum qualification requirements • Provides a list of prospective academic staff for approval, at the point of appointment and commencement of each teaching period	
Student complaint mechanisms	• Establishes and monitors a complaints management and resolution process • Monitors reporting of complaints for any signs of risk or recurrent issues.	• Implements the institution's complaint management and resolution process, including informing students of the process • Makes reports to the institution on the number and nature of student complaints	

A similar matrix could be introduced at the institution level for delegating responsibilities for staff activities as they relate to the TNE or third-party arrangement. For example:

• who has approval to sign a contract

• which faculty or senior staff member has overarching responsibility for each course

• who can approve course or policy amendments specific to the third-party arrangement

• any limitations on existing delegations.

Course delivery

☐ **Course design**

☐ **Assessment and moderation**

☐ **Staff qualifications**

☐ **Learning Management System**

☐ **Infrastructure and facilities**

☐ **Student support and wellbeing**

Activities required by the end-to-end delivery of a course need to be agreed upon before delivery commences.

Onboarding program

Successful delivery of a TNE program will be supported by a rigorous onboarding program, overseen by the institution, that covers every aspect of training and delivery. For example:

- ensuring the partner understands what product is being promoted in market, and that partner staff understand admission standards and how to apply them

- agreeing on course delivery including teaching delivery, research supervision duties and roles (if any), marking of assessments, support of at-risk students and moderation of assessments, results across teaching locations or modes of delivery, and the appointment of partner staff in collaboration with the institution

- ensuring students studying through the partner have access to appropriate academic and non-academic support

- agreeing upon any adaptation to marketing and recruitment material, or customisation of course curriculum, including assessment tasks, to suit the offshore context

- considering time zone differences in the scheduling of exams and support services

- ensuring partner staff have been made aware of all applicable policies and procedures, and how these need to be implemented, including the management of student data.

> Don't underestimate the work required in managing a partner. Until a partner becomes established and meets standards, there will need to be a lot of touchpoints and regular contact.

Course delivery

Activities to be considered in the Course delivery phase include:

- activity across the complete course delivery cycle should not deviate from what has been agreed in the contract (refer Table 2 above)

- the qualifications of all partner academic staff should be reviewed at the start of each teaching period to ensure compliance with the HES Framework, even for returning staff

- partner academic and general support staff should be available to students across the course delivery and should be inducted into the institution's expected support standards, including:

  - ▶ orientation and transition support

  - ▶ institutional academic policy requirements (e.g. academic integrity; moderation and assessment)

  - ▶ academic skills development, including English language support where required

  - ▶ ensuring students understand and have access to the complaints resolution procedures of the institution

  - ▶ student safety and wellbeing

  - ▶ reporting of any student conduct breaches (including sexual assault and sexual harassment (SASH)).

> Introduce a database to streamline the assessment of staff to reduce the administrative burden on both parties

Learning Management System

In addition to staff qualifications, ensure partner teaching staff have access to the Learning Management System (LMS), or equivalent, and have the expected level of experience to use it and other technologies. Be prepared to onboard and mentor partner staff to meet the expectations for delivery. In particular:

- staff resourcing and training should meet the expectations of the institution's Academic Board (or equivalent). For example, partner staff should be adequately prepared to detect, address and routinely report academic integrity issues, such as commercial academic (contract) cheating and emerging concerns of the use of artificial intelligence content generation

- implement the same quality assurance cycle to ensure student evaluations, student complaints and completion data are analysed regularly to monitor cohort performance, and compare these with Australian-based cohorts to uphold quality student experience (*refer Phase 5 for further information*)

> Embed the academic governance arrangements for the partnership into the institution's existing arrangements, such as Boards of Examiners (or equivalent), course reviews, distribution, compilation and comparison of student surveys.

- an institution's established quality assurance cycle will need to be maintained across each partnership but will benefit from responding to any in-country considerations that may impact on reporting matters relating to course delivery
- arrangements for the management of student administration should be identified in the contract, including detail on the system to be used, and how data will be integrated across the two parties:
  - ▶ it is critical that due diligence identifies any difference in information management legislation between the two parties (e.g., that outlining data protection across borders, privacy, geo-blocking) and that appropriate mitigations and accommodations are in place
  - ▶ in-country regulatory reporting requirements may also need attention, such as the recording of student enrolments and pass rates and teaching staff.

> Encourage partner staff to participate in governance meetings. This will increase their awareness and understanding of an institution's practices and expectations and is part of ongoing stakeholder management.

Table 3 provides an example table of roles and responsibilities for key activities across the course delivery lifecycle. The policy and procedure supporting these activities will be directly related to the governance arrangements shown at Table 1.

Course delivery activity	Institution	Partner
Academic and support staff	• Establish staff ratios for both academic and support staff • Provide initial and ongoing staff training modules for all student learning support staff	• Ensure staff ratios are met for teaching and face-to-face support staff (as required) • Ensure all staff complete training modules • Provide reports to the relevant partnership committees on training activity
Student wellbeing and support	▶ Provide ongoing training modules to both staff and students ▶ Clear information and guidelines on points of contact and reporting channels	• Ensure all staff complete training modules • Make information on available support available to students • Provide reports to relevant partnership committee where appropriate

Table 3 (continued)

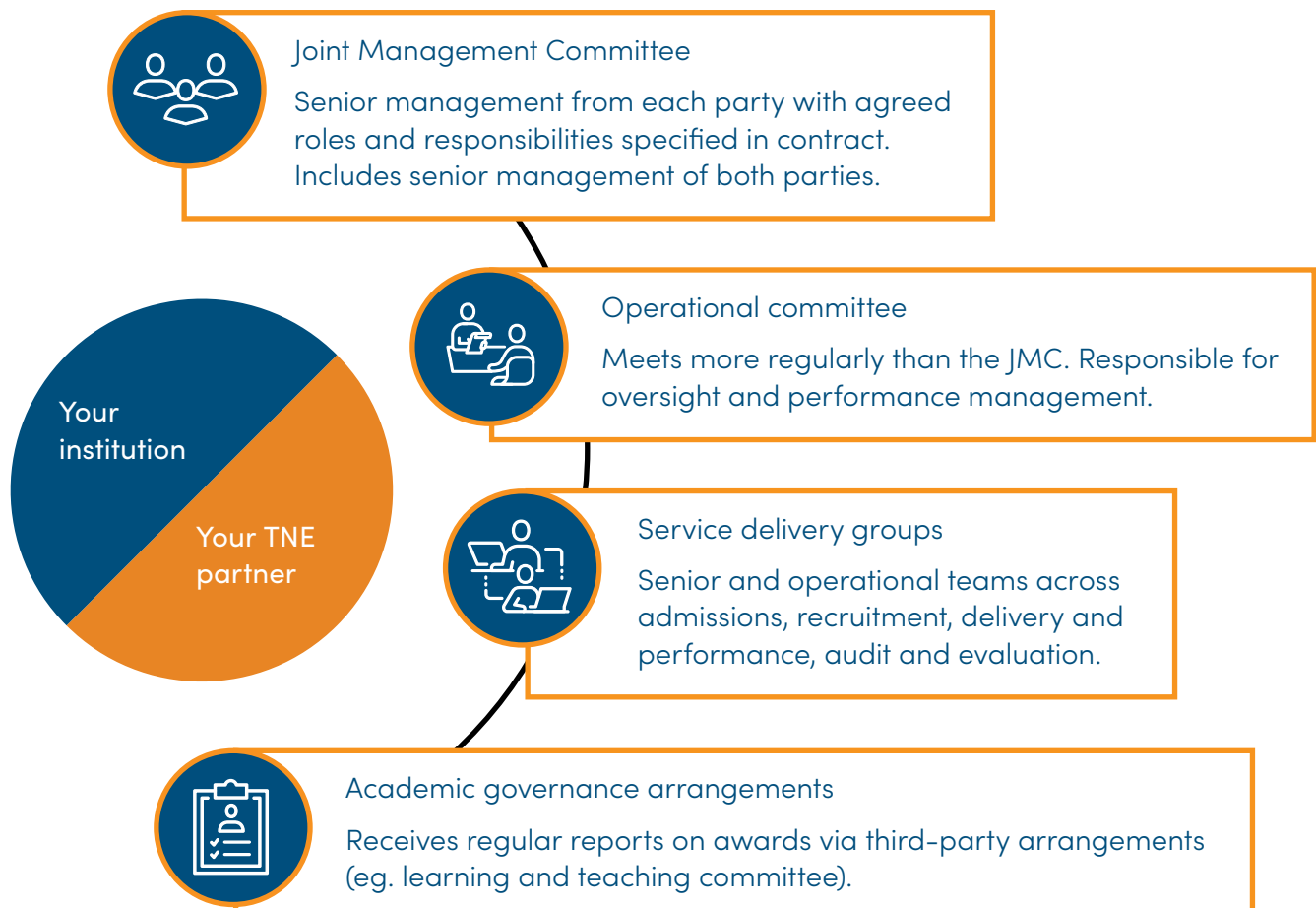| Course delivery activity	Institution	Partner
Course design and accreditation	• Accredit course(s) with the delivery mode, structure and assessments in mind to ensure the course meets the needs of the offshore cohort • Implement any adapted assessments with partner staff	• Collaborate with institution staff in the customisation of assessment tasks • Report any issues with course design elements through the partnership committees
Assessment and moderation	• Ensure clear and comprehensive policies are in place • Ensure clear rubrics or other standardisation guides are provided to all teaching staff across locations to support consistency • Sampling of partner staff marking of assessments against the same course on campus to ensure consistency and quality • Administer Boards of Examiners (or equivalent) process at the end of each teaching period • Conduct pathway analysis of partner cohorts to monitor progress and quality standards	• Ensure staff are aware of obligations under relevant assessment and moderation policies • Ensure staff have received sufficient information and guides to support consistent assessment • Report any issues with assessment tasks or other teaching matters through the institution course lead/ specified contact
Cyber security	• Provide staff and student training modules on cybe rsecurity • Clear policies and procedures on security, managing student data and privacy protections	• Ensure staff and students complete training • Report any breaches as required
Academic integrity	• Provide staff and student academic integrity training modules • Clear and easily accessible staff and student academic integrity policies and procedures	• Ensure staff and students complete training • Monitor academic conduct across all assessment tasks • Report any breaches as required
Changes to institutional policy or procedure	• Advise partner staff of any material changes to existing policy or procedure and allow appropriate time for implementation	• Ensure any policy or procedure changes are disseminated across relevant teams, and changes are reflected in day-to-day operations

PHASE 3:
Governance arrangements

- ☐ Oversight
- ☐ Risk management
- ☐ Academic governance arrangements

Governance of third-party arrangements must address all activities pertaining to the partnership and ensure the institution's governing body is aware of and supports the delivery of an award with a third party.

Governance arrangements will be scaled to suit the nature of the partnership and delivery model but will always include corporate governance and academic governance activities and responsibilities. The following model can be adapted to suit an institution's specific needs.

Diagram 2: Partnership governance framework
Ensure there are joint committees or other working relationships at all of the relevant levels of governance. This will help ensure that there is visibility, accountability and clear lines of communication to support the partnership.

Your institution

Your TNE partner

Joint Management Committee

Senior management from each party with agreed roles and responsibilities specified in contract. Includes senior management of both parties.

Operational committee

Meets more regularly than the JMC. Responsible for oversight and performance management.

Service delivery groups

Senior and operational teams across admissions, recruitment, delivery and performance, audit and evaluation.

Academic governance arrangements

Receives regular reports on awards via third-party arrangements (eg. learning and teaching committee).

Partnership governance activities include corporate governance and academic governance. Responsibilities for each include:

Corporate governance

- Approval and oversight of the partnership contract and any supporting schedules

- Risk management and due diligence - seeking assurance that any high-risk matters (e.g., cybersecurity, academic integrity) are effectively mitigated and managed via a risk register introduced by the institution and monitored over the duration of the contract

- Receiving cyclical reports from senior management, including reviews of any education agents engaged by the institution

- Ensuring ongoing compliance with the *Higher Education Standards Framework* and any relevant in-country legislation

- Evaluate revenue targets. In instances where they are not being met assess the viability of the contract. Where a contract is dissolved, teach-out arrangements must be put into action. It is likely that a Material Change Notification to TEQSA will be required at this point

> The partnership governance framework should itself be reviewed to ensure it functions as intended. If the Joint Management Committee (or equivalent) does not meet as regularly as specified in the contract, efforts should be made to re-establish regular oversight between the two parties.

Academic governance

- Evaluate whether the TNE students are performing to expected academic standards. Academic oversight is needed to address whether the teaching model is meeting objectives

- Peak governance body (e.g., Academic Board) approval of applicable policy and procedure pertaining to TNE and third-party arrangements

- Implementation of the quality assurance cycle and consideration of data reporting on:

  ▶ student progress and completions, performance

  ▶ annual moderation or comparison cycle associated with finalising grades in a given academic year as well as a cyclical performance review

  ▶ student performance trend data and comparison of outcomes across cohorts (onshore and offshore)

  ▶ student evaluation of teaching

  ▶ student complaints reports, including resolution.

- Course reviews and associated review action plans – tailored to the partner delivery, but also linked to cycle and activity at home campus

- Boards of examiners (or equivalent) considering and contrasting performance across all teaching locations and modes of delivery

- Academic Integrity detection and reporting, and educative programs. Tailored academic integrity approach (education and prevention activities) to market and institution

Governance bodies receive regular reports detailing academic performance across the quality assurance cycle, particularly for the commencing teaching periods for any new partnership.

Table 4 – Best practice: Example roles and responsibilities.

A table such as this can help ensure that the institution has identified key risks and ascribed both responsibility and actions to mitigate the risk. A small number of examples are provided below, using the example governance structure presented in Diagram 2. A table such as this would need to be tailored and expanded to suit the particular partnership and the governance arrangements in place.

Risk activity	Institution	Partner
Contract not fit for purpose	JMC	Senior Management amend contract and provide to each party for consideration and approval. Only staff with clear authority can make and approve changes to an existing contract.
Failure to comply with in-country legislative requirements	JMC	Seek legal advice and present detailed explanation of legislative compliance to JMC, along with agreed remediation activities for both parties.
Poor student experience evidenced through student complaints	Service delivery group Operational Committee	Ensure clear lines of communication are established between academic groups and student support groups at each location. Introduce agreed action plan to address poor student experience.
Poor quality or inconsistent course delivery	Peak academic governance committee for institution	Ensure compliance with relevant academic governance policies and procedures through review of appropriate data and reporting. Introduce agreed action plan to address poor student experience.

PHASE 4:
Stakeholder management

- ☐ Contract maintenance
- ☐ Entity management
- ☐ Maintaining local networks and stakeholders

Stakeholder management is critical to the establishment and maintenance of TNE and other programs offshore, and to the successful maintenance of a partnership.

Strategic and coordinated stakeholder management of offshore TNE – either self-managed or delivered by a third party – will be required by multiple teams across an institution's operations. It is vitally important that staff and students identify with the institution and have a sense of belonging. Engagement across the organisation should be encouraged.

They key to effective and efficient stakeholder management is to identify key stakeholders, agree to the engagement level and frequency that aligns with the priorities of the partnership and provide for open dialogue to address any identified risk or issue. Checklist 1 provides a list of potential stakeholders and considerations to support each relationship.

Staff turnover is likely to occur regularly across all aspects of a partner's operations. Institutions shouldn't assume partners will always induct and train new staff to the same standard that would have occurred at the start of the contract.

High or increased staff turnover should be investigated as it can be a lead indicator of problems in the partner organisation and result in poor student experience.

Checklist 1:

Activities to consider in the stakeholder management phase

Stakeholder: Partner

☐ **Communication**

Regular and structured communication is critical across the different groups (academic and operational staff, technical and administrative support teams) involved in the delivery. Ad hoc communication to advise of important changes to policies, procedures, course delivery is also important and should be encouraged.

☐ **Time zone differences**

Plan for any time zone differences and ensure these are addressed ahead of time. Examples include ensuring adequate support staff are available during exam or assessment periods to respond to queries, providing sufficient lead time for partner staff to receive assessment or exam material and allowing time for any changes to be made.

☐ **Clear contact points for staff**

Partner staff should know who to contact to raise an issue directly with the awarding institution when they may be unable to resolve an issue through their 'primary' contact.

☐ **Clear contact points for students**

Ensure students feel part of the awarding academic community. Students should be aware of complaints mechanisms to raise concerns and points of contact regarding academic support and wellbeing.

☐ **Professional accreditation**

When managing offshore TNE arrangements, make sure to meet the requirements of the relevant professional accreditation bodies.

☐ **Culture of engagement**

Partner communications and systems (e.g., online orientation) should be constructed to support partner staff in their onboarding and as a means of relationship building. Promote engagement and communities of practice, staff in-country getting together and alumni events.

Stakeholder: Partner

☐ **Liaisons**

Stakeholder management with in-country government via the institution Government Relations team (or equivalent).

☐ **Networks and connections**

Offshore activities by Australian institutions can be much more than transnational education. Working with governments may also provide opportunities to expand on local networks and develop industry connections, or research and community partnerships.

☐ **Build relationships**

Building a close and ongoing relationship with government will help an institution understand what a regional government wants to gain from transnational education in its market, and to stay ahead of any issues including any important legislative changes.

Stakeholder: Networks and market analysis

☐ **Agent management**

Where applicable, closely oversee and regularly audit the management of agents with an eye on understanding lead risk indicators.

☐ **Ongoing market analysis**

Market analysis is part of the due diligence process and needs to be maintained to ensure any issues, new obligations or legislative change are picked up early.

⚠️ If student progress or performance are not at the expected level, this may be a lead indicator of a problem elsewhere, such as education agents not applying course entry standards appropriately. *See also Course Review* in Phase 5: Cyclical review.

Cyclical review

- ☐   Student performance
- ☐   Student experience
- ☐   Return on investment
- ☐   Changes in the region

The Cyclical review phase is a complement to the Governance Arrangements set out in Phase 3 and should be undertaken of both the partnership agreement and the course delivery.

Cyclical review is crucial component of effective TNE partnerships. The outcomes of review activities (reports, audits, data) should be reported to institution governance bodies on a regular cycle and be shared with the partner. Reviews should benefit both parties.

Contract renewal

Review of third-party arrangements

Any third-party arrangement should be reviewed on a regular and agreed cycle (e.g., annually) to ensure it is functioning well and within the arrangements agreed in the contract. This may also present an opportunity for closer alignment of partnerships that have been established at different points in time.

Strategic review

A separate, strategic review of the contract should be performed less frequently – perhaps every three years - to consider if benefit to both parties remains. This review would include consideration of the key performance indicators (KPIs) agreed to in the contract establishment phase, noting that adjustment may be needed to these KPIs as they change across the contract period.

Course review

Monitoring cohort performance

The outputs of the academic governance arrangements in Phase 3 are common indicators of performance and will inform the cyclical review of the delivery of a course of study. Evidence includes survey data, institution benchmarking, audit reports, and action plan recommendations. Data to monitor offshore cohort performance should be compared with Australian-based cohort data, where applicable.

Sophisticated data sets will include lead indicators of student outcomes, pathway analysis, monitoring login rates and other data determined by the institution. This is a best-practice consideration as an accompaniment to traditional, cyclical quality assurance reporting such as attrition/progression, assessment outcomes, student evaluation reports.

Wells Advisory, *Forward impact of COVID-19 on Australian higher education*, October 2021, p. 38

Performance data

Performance data is an indicator of how successful a third-party arrangement is operating and can point to many areas of risk if analysed appropriately. For example, poor student satisfaction with teaching staff may point to staff turnover or an issue with staff onboarding and training; poor performance outcomes may suggest that admission requirements are not appropriately administered, or the English Language Proficiency standards needed to be adjusted.

Ensure students are provided with clear information about how to make a complaint about any part of their student experience. The contract should include clear expectations for the partner to disclose all student complaints.

Know your market

Ongoing review provides insight on how an arrangement is operating in practice and may reveal where tailoring specific activities would be beneficial to a particular student or staff cohort. For example, China and Vietnam are very different cohorts, with different stressors or in-country considerations so specific modules on academic integrity may be needed for each of these different markets.

Validation events or onsite visits are an opportunity to develop and mature relationships between partners and should not be approached as an audit management. Through validation events an institution can better understand how third-party delivery operates in practice, how admissions are undertaken, and governance committee meetings managed. Reporting on validation events or site visits should be made to the institution's course governance and contract lead committee as part of the contract performance *(see also Phase 1)*.

Final considerations

TNE – Top three things to know

- Where an award is offered in collaboration with a partner, the institution registered with TEQSA remains accountable for compliance with the HES Framework and the quality of the award. Examples of HES Framework requirements include: selection and admission; granting of credit; curriculum and assessment of units; oversight by governing bodies; sign–off on partner academic staff appointments; and moderation and finalisation of grades.

- Don't underestimate how much work is required to manage a successful partnership, which will include all aspects of delivery such as ongoing staff professional development and customising assessment to a particular market.

- Always work and think in terms of being in partnership and use that in language and approach; stay in close contact and don't imagine the partner has everything under control. The further away the delivery from the home campus, the riskier the arrangement. Ongoing communication with your partner, supported by reporting to committees and a well structured suite of policies and procedures will be crucial elements in supporting quality transnational education (diagram 3).

Diagram 3: Key elements supporting successful TNE arrangements
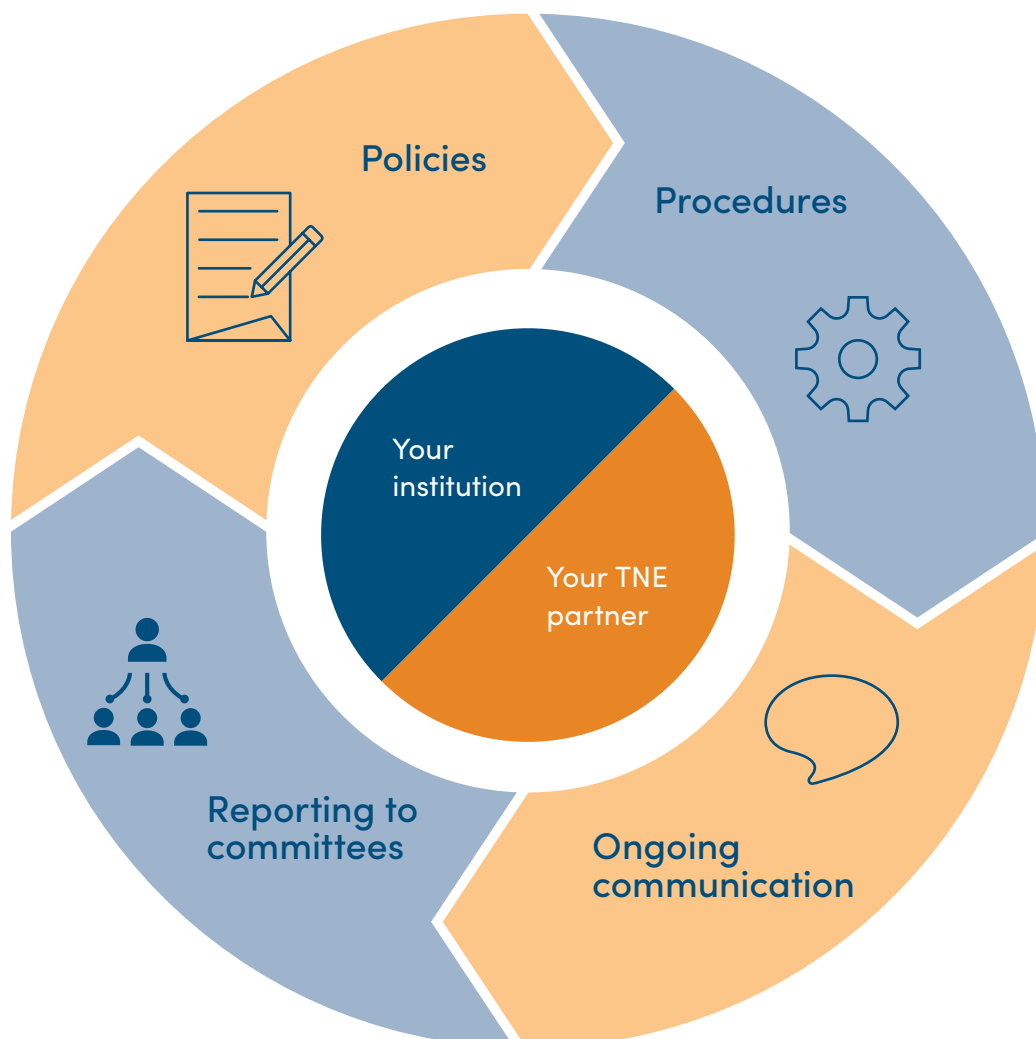
Actions to ensure successful TNE arrangements

☐ **Due diligence**

It's critical that due diligence is undertaken across the arrangement's activity. Knowing what you're getting into (e.g., regulatory environment and in-country award recognition) can save problems throughout delivery.

☐ **Clarity of purpose**

It's critical that due diligence is undertaken across the arrangement's activity. Knowing what you're getting into (e.g., regulatory environment and in-country award recognition) can save problems throughout delivery.

☐ **Roles and responsibilities**

Clearly set out agreed roles and responsibilities of each party in the contract development stage and reflected in the final signed agreements.

☐ **Partnership governance framework**

A partnership governance framework at the institution-level will support all aspects of the arrangement.

☐ **Communication protocols**

Agree to, and document, a communications protocol to provide for clear, open, effective lines of communication across all levels of the partnership.

☐ **Cultural sensitivities**

Don't underestimate cultural sensitivities and how these may change with each partner or market (e.g., responses to student complaints and academic integrity matters may differ across locations).

☐ **Time management and resourcing**

Allow time, energy and resources for a rigorous onboarding program for new partners and academic and operational staff.

☐ **Corporate governance and academic oversight**

Implement processes to ensure corporate governance and academic oversight is maintained.

☐ **Key operational activities**

Undertake checks of key operational activities in the early stages of a new partnership; check in, clarify roles, ask questions, and set expectations.

☐ **Performance benchmarks**

Monitor and evaluate cohort performance against institution and other benchmarks, looking for lead indicators of potential risk.

☐ **Validation events**

Separate to a formal audit (benchmarks and key operations), validation events, or site visits, are incredibly useful in building positive relationships between parties.

Appendix 1: Types of transnational education

Transnational education can be undertaken in various delivery modes, including face-to-face, hybrid and fully online. Australian institutions commonly deliver TNE across different types, with different partners across numerous countries and regions – for example, several public universities have established branch campuses in southeast Asia and multiple third-party arrangements in other markets. Governance of each arrangement is likely to be managed on different cycles and against differing contract terms, making the management of TNE a complex and varied activity.

Common types of TNE include:

Articulation arrangements (e.g., 2+2)

Articulation arrangements are those between two institutions that allow students to undertake part of their studies in their home country (offshore) followed by an equivalent period of study in Australia to complete the requirements of a single award. Most commonly, articulation arrangements are delivered as 2 years at the home campus plus 2 years at the host campus in Australia.

Branch campus

An offshore campus of an Australian higher education institution, with comparable disciplines, facilities and staffing arrangements as the home campus. Branch campuses may be wholly owned by the Australian institution, administered as a joint venture, or operated by a third party.

Joint awards

TEQSA defines joint awards as those that 'involve a single course of study arranged and delivered jointly by two or more institutions that leads to the award of a *single qualification* that is recognised within the Australian Qualifications Framework and is typically conferred jointly by the institutions involved'.[5]

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5. TEQSA, *Guidance Note: Joint and Dual Awards*, October 2017, Accessed 31 July 2022

Mobility or student exchange (inbound and outbound)

Student exchange (mobility) involves a student travelling from an Australian higher education institution or to an Australian higher education institution to undertake a period of study at a partner institution. Exchange programs offer students the opportunity to live and study in a new environment and receive credit towards their degree. Exchange is often non-award study, meaning a student does not receive a grade for the study undertaken at the host institution.

Third-party arrangements

Where a higher education institution has, or intends to have, aspects of a course of study carried out by a partner, agent or third-party arrangement, these arrangements may include:

- Partnerships with other institutions, higher education institutions, or entities
- The formation of joint ventures or special purpose companies
- Sub-contracting of services
- Franchising arrangements[6]

Appendix 2: What does compliance look like?

The priority of the Threshold Standards as they relate to third-parry arrangements is the assurance of the quality delivery of the higher education award. For this reason, the applicable Threshold Standards will change depending on the nature of the third-party agreement and must be considered at the point of formalising an agreement and clarifying terms and expectations.

Evidence of practice to support compliance with the Higher Education Standards Framework (HES Framework) includes, but is not limited to:

Governance and management

Accountability for ensuring that the requirements under the HES Framework are met will always rest with the institution's governing body. This extends to any sub-contracting allowed under the partnership agreement *[see HES Framework 5.4.2, 6.1.3c and s26 of the TEQSA Act]*.

TEQSA will expect that the institution has in place clear and consistent operational arrangements to support the contact, as reflected in the 'transnational education lifecycle' phases in Part Two. These activities should ensure that regular reports on the partnership are provided to senior managers and to the governing body, as required. Monitoring of material

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6. TEQSA, *Guidance Note: Third-Party Arrangements*, October 2019 Accessed 24 July 2022

issues and risks should be embedded in this reporting cycle and included in the minutes of the governing body and/or the academic governing body meetings *[see HES Framework 5.3.7, 6.2.1k]*.

Student and staff wellbeing should also be fostered, particularly where students have limited contact with institution staff, or for cohorts studying offshore and online *[HES Framework 2.3, 6.1.4]*.

Due diligence and risk management

TEQSA will expect that a detailed and rigorous due diligence exercise is conducted ahead of reaching an agreement with any potential third-party. The due diligence should extend to the party's ability to meet the obligations of the HES Framework, including evidence of contingency plans and risk mitigations in the event of the failure or termination of a third-party arrangement. Further detail on due diligence arrangements is set out in Part Two *[see 5.3.7 and 6.2.1e]*.

Performance monitoring and quality assurance

TEQSA will expect that regular and systematic monitoring and review of the third-party delivery is occurring and that an institution's internal quality assurance mechanisms (e.g. policy and procedure, student surveys, audits, review of student complaints) are being applied in the same, or equivalent, way to arrangements at a home campus. Institutional processes for identifying any student at risk of unsatisfactory progress must be implemented in any course delivered by a third-party *[see HES Framework 1.3.4]*.

An institution is responsible for monitoring the performance of students enrolled via the third-party and to evaluate their performance against institutional and other benchmarks – doing so will allow the institution to test the effectiveness of the third-party delivery and identify any risks in the delivery as they may occur. Any identified risks must be proactively managed, and performance and risk management arrangements should be responsive to any change in circumstances. *[See HES Framework 5.3.4]*

Information to students

An institution must ensure clear and accessible information is publicly available at all locations where it delivers higher education awards, including overseas *[HES Framework 7.3.1g]*, and where it has arrangements in place with other parties to deliver its awards, including research training *[see HES Framework 7.3.1j]*. A practical way to meet this requirement is a page maintained on an institution's website detailing all third-party arrangements. These and other Standards are in place to ensure students have the necessary information required to make an informed decision prior to accepting an offer of enrolment *[also see HES Framework 7.2]*.

References

1. British Council, *The shape of global higher education (volume 2): International mobility of students, research and education provision*, July 2017

2. Council of Europe, 'Code of Good Practice in the Provision of Transnational Education', 6 June 2001

3. Croucher, G., Elliot, K., Locke, W. and Yencken, E, 'Australia's higher education delivery offshore and online: trends, barriers and opportunities, Melbourne Centre for the Study of Higher Education, 2020

4. TEQSA, *Guidance Note: Joint and Dual Awards*, October 2017, accessed 30 June 2022

5. TEQSA, *Guidance Note: Third-Party Arrangements*, October 2019, accessed 25 June 2022

6. UNESCO, *A practical guide to recognition – Implementing the Global Convention on the Recognition of Qualifications Concerning Higher Education*, 2020

7. Wells Advisory, *Forward impact of COVID-19 on Australian higher education*, October 2021

8. Yencken, E., Croucher, G., Elliott, K. and Locke, W. (2021). Transnational education provision in a time of disruption: Perspectives from Australia. *International Journal of Chinese Education*, 10 (3), pp.221258682110691–221258682110691. https:// doi.org/10.1177/22125868211069174 Accessed 25 June 2022

Useful links

Australian Trade and Investment Commission (Austrade), International Education Data

Department of Education, Case Studies – Transnational Education

Department of Education, International Education Data and Research

Department of Education, Strategy for International Education 2021–2030

Department of Education, Transnational Education Guidance Note on Due Diligence

Department of Foreign Affairs and Trade – Foreign Arrangements Scheme

Quality Indicators for Learning and Teaching

TEQSA publications and guidance material

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