

# **REVISED CODE OF GOOD PRACTICE IN THE PROVISION OF TRANSNATIONAL EDUCATION**

## **PREAMBLE**

The Parties to the **Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Council of Europe/UNESCO Lisbon Recognition Convention)**,

*Conscious* of the rapid development of transnational education, characterised by those arrangements and partnerships between institutions and organisations in which the students are located in a different country to the one where the institution providing the education is based, and of its impact on higher education globally, but also specifically in the Europe Region;

*Conscious* of opportunities presented by the presence of lawful and recognized transnational education, but also noting the challenges posed by transnational education institutions and programmes operating outside of the framework of any national education system;

*Being aware* of the fact that transnational higher education is rapidly expanding, partly due to the growing and seemingly limitless uses of the new information technologies in providing educational services in a world of borderless higher education;

*Convinced* that national systems of higher education are, and will continue to be, entrusted *inter alia* to preserve the cultural, social, philosophical, and religious diversity of the European Region while also being expected to promote various forms of international and global co-operation;

*Attaching* great importance to the quality of study programmes and degrees awarded by higher education institutions engaged in transnational education;

*Considering* that, regardless of the procedures adopted for establishing and providing educational services, higher education institutions should comply with those standards of performance in teaching and learning that are required by the present and future development of knowledge, technology and the labour market;

*Acknowledging* that facilitating the recognition of qualifications awarded through transnational arrangements will contribute to promoting both the mobility of students and that of study programmes between higher education institutions and systems;

*Having regard* to the Council of Europe/UNESCO Recognition Convention that provides an overall normative framework for dealing with academic recognition matters;

*Considering* the developments resulting from the objectives and principles of the Bologna Process and their implications for wider academic cooperation in the European Region;

*Having regard* to the Codes of good practice and Statements developed and monitored by authorities within some of the sending systems, such as:

- **Universities and their Students: Principles for the Provision of Education by Australian Universities. RE: Provision of Education to International Students. Code of Practice and Guidelines for Australian Universities**, Australian Vice-Chancellors Committee (AVCC), (2005);
- **Principles for United States Accreditors Working Internationally: Accreditation of Non-United States Institutions and Programs**. Council for Higher Education Accreditation (CHEA), U.S.A. (2001);
- **Sharing Quality Higher Education Across Borders: A Statement on Behalf of Higher Education Institutions Worldwide**, Council for Higher Education Accreditation (CHEA), International Association of Universities (IAU), Association of Universities and Colleges of Canada (AUCC) (2005);
- **Code of Practice for the Assurance of Academic Quality and Standards in Higher Education. RE: Collaborative provision and flexible and distributed learning (including e-learning)**, The Quality Assurance Agency for Higher Education (QAA), UK, (2004).

*Having regard* also to the *Guidelines for Quality Provision in Cross-border Higher Education*, jointly elaborated by UNESCO and OECD (2005);

*Mindful* that codes and statements developed to provide working frameworks for transnational education on a Regional basis need to incorporate the perspectives of the receiving institutions/systems as well as those of the sending institutions/systems;

*Having regard* also to the Diploma Supplement developed jointly by the European Commission, the Council of Europe and UNESCO and aiming to provide supplementary information facilitating the assessment and recognition of qualifications;

*Confident* that ethical principles and values should closely guide the international and global cooperation between higher education systems and institutions;

*Conscious* of the need to find commonly agreed solutions to practical recognition problems in the European Region, and between the States of this Region, and those of other regions of the world, in an ever more global space of higher education;

*Conscious* of the need to permanently update the implementation mechanisms of the principles and provisions of the **Council of Europe/UNESCO Recognition Convention**, thus keeping up with the pace of new developments in higher education cooperation;

*Have agreed* on the need for:

- **A Code of Good Practice** in the provision of higher education study programmes and other educational services by means of transnational arrangements;
- **Recommendation on procedures and criteria for the assessment of foreign qualifications**, with a view to implementing the Code of Good Practice and to facilitating the recognition of qualifications awarded following completion of transnational study programmes/courses of study;
- and for these to be considered as fully complementary and mutually supportive documents.

## **Section I. Terminology**

Terms defined in the **Council of Europe/UNESCO Recognition Convention** are not mentioned here again and shall, for the purposes of this Code of Good Practice, have the same meaning as in the Convention. The following terms, listed in alphabetical order, shall have the following meaning:

### **Agents**

Third parties, such as brokers, facilitators, or recruiters, that act as intermediaries between awarding and providing institutions for establishing transnational educational arrangements. An agent is not usually involved in the provision of educational services.

### **Agreement**

A document agreed formally by the partners that contains all collaborative arrangements made between the awarding and providing institutions.

### **Awarding institution**

A higher education institution issuing degrees, diplomas, certificates or other qualifications.

## **Educational services**

Any study programme, course of study or parts of a course of study that leads, after successful completion, to credits or a qualification. This also includes services such as preparatory/introductory modules to facilitate access to a course of study, or training modules that lead to professional development.

## **Partners**

The awarding and providing institutions involved in collaborative transnational arrangements.

## **Providing institution**

An institution or organization which is delivering all or part of a study programme.

## **Transnational arrangements**

An educational, legal, financial or other arrangement leading to the establishment of (a) **collaborative arrangements**, whereby study programmes, or parts of a course of study, or other educational services of the awarding institution are delivered or provided by another partner institution; (b) **non-collaborative arrangements**, whereby study programmes, or parts of a course of study, or other educational services are delivered or provided directly by an awarding institution.

## **Transnational education**

All types and modes of delivery of higher education study programmes, or sets of courses of study, or educational services (including those of distance education) in which the learners are located in a country different from the one where the awarding institution is based. Such programmes may belong to the education system of a State different from the State in which it operates, or may operate independently of any national education system.

## **Section II. Principles**

- 1. Transnational arrangements** should be so elaborated, enforced and monitored as to widen the access to higher education studies, fully respond to the learners' educational demands, contribute to their cognitive, cultural, social, personal and professional development, and comply with the national legislation regarding higher education in both receiving and sending countries.

In the case of collaborative arrangements there should be written and legally binding agreements or contracts setting out the rights and obligations of all partners.

2. **Academic quality and standards** of transnational education programmes should be comparable to those of the parent awarding institution(s), if any, and respect the criteria and provision for quality assurance and/or accreditation systems of the home country as well as be recognized in an appropriate way by the receiving country whether as legitimate foreign education or part of the host education system. Awarding institutions as well as the providing institutions are accountable and fully responsible for quality assurance and control. Procedures and decisions concerning the quality of educational services provided by transnational arrangements should be based on specific criteria, which are transparent, systematic and open to scrutiny.
3. **The policy and the mission statement** of institutions established through transnational arrangements, their management structures and educational facilities, as well as **the goals, objectives and contents** of specific programmes, sets of courses of study, and other educational services, should be published, and made available upon request to the authorities and beneficiaries from both the sending and receiving countries.
4. **Information** given by the awarding institution, providing organization, or agent to prospective students and to those registered on a study programme established through transnational arrangements should be appropriate, accurate, consistent and reliable. The information should include directions to students about the appropriate channels for particular concerns, complaints and appeals. Where a programme is delivered through a collaborative arrangement, the nature of that arrangement and the responsibilities of the parties should be clearly outlined. The awarding institution is responsible for and should control and monitor information made public by agents operating on its behalf, including claims about the nature of the collaboration with its agents/partners, recognition of the qualifications in the sending country and, where appropriate, their location in relevant qualifications frameworks.
5. **Staff members** of the institutions or those teaching on the programmes established through transnational arrangements should be proficient in terms of qualifications, teaching, research and other professional experience. The awarding institution should ensure that it has in place effective measures to review the proficiency of staff delivering programmes that lead to its qualifications.
6. Transnational education arrangements should encourage the awareness and knowledge of the **culture and customs** of both the awarding institutions and receiving country among the students and staff.

7. The awarding institution should be responsible for the **agents** it, or its partner institutions, appoint to act on its behalf. Institutions using agents should conclude written and legally binding agreements or contracts with these, clearly stipulating their roles, responsibilities, delegated powers of action as well as monitoring, arbitration and termination provisions. These agreements or contracts should further be established with a view to avoiding conflicts of interests as well as protecting the rights of students with regard to their studies.
8. **Awarding institutions** should be responsible for issuing the qualifications resulting from their transnational study programmes. They should provide clear and transparent information on the qualifications, through the use of the Diploma Supplement, facilitating the assessment of the qualifications by competent recognition bodies, the higher education institutions, employers and others.
9. **The admission** of students for a programme or a course of study, **the teaching/learning activities, the examination and assessment requirements** for educational services provided under transnational arrangements should be comparable to those specific programmes delivered by the awarding institution.
10. **The academic work load** in transnational study programmes, expressed in credits, units, duration of studies or otherwise, should be that of comparable programmes in the awarding institution, any difference in this respect requiring a clear statement on its rationale and its consequences for the recognition of qualifications.
11. **Qualifications** issued through transnational educational programmes, complying with the provisions of the present Code, should be assessed in accordance with the stipulations of the **Council of Europe/UNESCO Recognition Convention** and its subsidiary texts.

## Explanatory Memorandum

# THE UNESCO/COUNCIL OF EUROPE CODE OF GOOD PRACTICE IN THE PROVISION OF TRANSNATIONAL EDUCATION

*STATUS OF THE DOCUMENT: The Code was adopted in the third meeting of the Working Group on Transnational Education held in Jerusalem in November 1999. It was submitted to the ENIC Network in its 7<sup>th</sup> Annual Meeting, in 2000, for approval. The ENIC Network approved the Code and decided to forward it to the Intergovernmental Committee of the Council of Europe/UNESCO Recognition Convention for adoption. The Committee adopted it at its Second session (Riga, 2001).*

*The revised version of the Code was approved by the ENIC Network at the 12<sup>th</sup> Annual Meeting in 2005 and adopted by the Intergovernmental Committee of the Council of Europe/UNESCO Recognition Convention at its 4<sup>th</sup> Session (Bucharest, 2007), as a subsidiary text to the Council of Europe/UNESCO Recognition Convention.*

## 1. Introduction

The Code which follows is designed to present the perspectives of both sending and receiving countries regarding the provision of transnational education. Its contents are to be seen as complementary to the **Council of Europe/UNESCO Recognition Convention** thus providing a normative framework to be taken as reference by the national recognition bodies in their specific undertakings.

## 2. The objectives of the Code

In order to promote good practice in the area of transnational education - with particular reference to the quality of the provision of study programmes and the standards of qualifications issued by the Parties to the **Council of Europe/UNESCO Recognition Convention**, the Code is intended:

- to meet the expectations of both the sending **and** the receiving countries with regard to *transnational arrangements* in higher education;
- to provide a source of reference on issues relating to the quality assurance and evaluation of programmes provided and qualifications issued through transnational arrangements;
- to safeguard the interest of students, employers and others who may be concerned with qualifications awarded through transnational arrangements;
- to facilitate the recognition of qualifications awarded through transnational arrangements in higher education.

### 3. Implementation of the Code

The **Code** includes a set of *principles* which should be respected by institutions or organizations involved in the provision of educational services through transnational arrangements. These principles are presented in the form of statements with a normative value. For implementing the provisions of the **Code**, mainly with regard to the recognition of qualifications issued through transnational arrangements, the ENIC network shall apply the procedures outlined in the **Recommendation on procedures and criteria for the assessment of foreign qualifications**. Therefore, the **Code** and the **Recommendation** are fully complementary and mutually supportive documents.

Following the mutual recognition principles inherent in the Council of Europe/UNESCO Recognition Convention, timely and favourable consideration should be given to requests for the recognition of transnational education qualifications awarded by those providers demonstrating adherence to the principles and criteria stated in the Code of Good Practice, on a case-by-case basis, unless there are legitimate grounds for denying recognition due to other factors.

### 4. The Scope of the Code

The Code refers particularly to those transnational arrangements which lead to the provision of study programmes and to the issuing of qualifications. Consequently, reference is made to:

- a) **institutions and programmes** involved in concluding any type of transnational arrangement whereby an institution provides educational services outside its country of origin;
- b) **teaching staff**, regardless of their country of origin, who work in an institution/study programme established through a transnational arrangement;
- c) **students**, regardless of their country of origin, who are registered, for a course of study or parts of it leading either wholly or in part to a higher education qualification, in an institution/programme established through a transnational arrangement;
- d) **agents**, that are third parties, acting as brokers, facilitators or recruiters in transnational arrangements;
- e) **other** stakeholders, like employers and the public at large, interested in the quality of higher education qualifications.