



Provisions of the Tertiary Education Quality and Standards Agency Amendment Bill 2014

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Comments:

Quality assessments of higher education providers:

- Private HEPs are particularly concerned for the reputation of their place in the higher education sector in order to counter the not infrequent implicit prejudice that “public” = “good” and “private” = “bad”.
- In order to achieve, maintain and improve quality, all HEPs need clear and unambiguous guidelines for regulatory documentation.
- Distinct from, but linked to, regulatory requirements, private HEPs also need simple guidelines for further development in order to aspire to
 - self-accreditation of some or all of their courses, and
 - university college status, particularly if that can be a permanent provider category rather than a temporary proto-university status.

Institutions, like individuals, need to have the option to aspire for further development and to be rewarded for adding value to the sector beyond the minimum threshold requirements needed for mere survival as a HEP.

The *delegation of decisions* needs to be discretionary at various levels because not all perceived deficiencies are equal impediments in the conformity of a HEP to minimum regulatory requirements; for instance,

- governance faults or quality assurance failures would generally be more serious than a subjective judgement about the extent to which continuing professional development of staff is sufficient or whether a particular form of assessment in relation to a learning outcome or graduate attribute is superior to that advocated by a TEQSA Expert.

The former would require higher level negotiation with the (future) TEQSA CEO, whereas the latter might be mediated by a Case Manager.

In order to simplify these processes, future TEQSA guides need to state clearly:

- the fundamental purpose of each guide;
- what the three regulatory principles of TEQSA (risk, proportionality and necessity) mean in practice for
 - registration of the HEP and initial accreditation of one or more courses
 - re-registration of the HEP, and
 - accreditation of new courses, or
 - re-accreditation of existing courses;
- scope of the
 - role of the Case Manager, and
 - use of experts;
- application forms which are

- unambiguous
- avoid the need for provision of duplicate information
- separate out course specific accreditation details from background details of the methods of operation of the institution. For example, if an institution has already provided details of its academic governance and quality assurance processes for the approval of course 'A' it should not be necessary to provide those details again for the approval of course 'B' or nested courses. Certification that the processes apply across all courses on offer should be sufficient
- explicit with respect to need for supporting documentation so that delays for supplying further documentary evidence are minimized (if not entirely eliminated).

Most importantly, HEPs need reliable guidance and models from TEQSA as to its requirements on specific issues for which there have been few precedents outside the university sector in the past.

The TEQSA view that it does not wish to dictate the way things should be done is commendable in theory but can be extremely frustrating for new or smaller HEPs who have no clear applicable models to work from and have to engage in what seems to be a guessing game with the TEQSA assessors. It is not inaccurate to say that many HEP senior administrators are constantly trying to 'read the tea leaves' with the help of the peak bodies, COPHE and ACPET.

Examples of these emerging and evolving issues for which there are few reliable publicly available HEP models and precedents are:

- Governance:
 - Constitution
 - Terms of Reference, including delegations, and proportions and roles of external members
 - Scope of Audit and Risk Committee, including risk status reports, quality management and benchmarking;
 - Action on reports, including enrolments, attrition rates, graduations, grievance processes.
- Planning:
 - Strategic Plan
 - Scholarship and Research Plan
 - Teaching and Learning Plan
 - Internal review cycles.

It should be possible, without providing a strict template, for TEQSA to provide at least a model or a set of questions for each of these that will provide guidance as to the core elements that TEQSA requires to be present. Alternatively, a 'resource library' of de-identified exemplars judged by TEQSA to be good practice could be provided.

Of critical importance in the new regulatory environment is the establishment of norms and expectations governing the relationship, independence and delegations between academic boards and HEP Boards of Directors. The role of a Board of Directors of a private higher education provider is not directly comparable to the role of a University Council whose membership and functions are normally established by legislation. Given the scale of operations of small HEPs it is also not reasonable to expect complete separation of academic and management responsibilities nor to expect the same multi-layered levels of audit and risk oversight.

The current approach to regulation fails to acknowledge adequately the very real and significant differences between large established publicly funded and legislated universities and smaller privately operated for



profit or not-for-profit providers. Non-specific descriptors such as “independence of academic decision making” have no meaning if devoid of context. It might be helpful if a series of case studies exemplifying different sizes and type of higher education providers and model terms of reference for their layers of governance could be provided as a guide for institutions to enable them to locate themselves within a context.

Such a series of case studies might profitably be commissioned from ACPET and COPHE who are best placed to comprehend the nuances and challenges.