

# Internationalization of Higher Education: Cross-Border Higher Education and a Regulatory Framework

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# Introduction

Internationalization of higher education is a response to the process of globalization that gained momentum during the early 1990s.

The best manifestations of this are 'Student Mobility' and provision of 'Cross Border Higher Education'.



# Internationalization of Higher Education

Internationalization of higher education refers to the process of integrating an international and intercultural dimension in the basic functions of a university i.e., into teaching, research and service

(After Jane Knight, 2006)



# Cross-Border Higher Education

Cross Border Higher Education (CBHE) is described as “higher education that takes place in situations where the **teacher, student, programme, institution/provider or course materials** cross national jurisdictional borders”. (UNESCO-OECD, 2004).

It involves a complex interplay between people (students & teachers), programmes (academic) and providers (higher education institutions)



# CBHE Framework

## COMPONENTS

### Persons

Students

Teachers

Researchers

### Programmes

Diploma/ Training

Degree

Research

Distance Education

### Providers

Universities

Companies

Organizations

Degree Mills

## ACTIVITY/PROGRAMME/ INSTITUTION

Formal degrees/ Articulation/ Study

Abroad programmes/ Internships

Teaching assignments/ Sabbaticals

Research/ Consultancy

Certificate / Diploma

Formal Degree/Joint Degree/Dual  
Degree

Research

Correspondence/Online/Virtual

Branch campuses, academic  
partnerships

Training institutes/ D.E. Centers

Independent Institutions

Offices

(After Jane Knight, 2006)

# Student Mobility

- Student mobility is the most visible manifestation of IHE
- In 1990 there were 1.2 m. international students. The number rose to 2.1 m. in 2000 and is presently about 2.5 m. It will double by 2015, and possibly be 8 m. by 2025.
- It is estimated that the number of international students in India are about 30,000 with those registered with Indian Universities for graduate programmes being about 15,000.



# Promotional Measures - 1

- The major source countries are UAE, Iran, Nepal, Saudi Arabia, Sri Lanka, Kenya, Oman Mauritius and Bahrain.
- The Indian Diaspora needs to be tapped.
- A number of promotional measures need to be taken



# Promotional Measures - 2

In recent reports the following actions have been recommended for promoting inflow of international students.

## *Actions by the Government*

1. Policy formulation and issue of guidelines for administrative actions
2. Enactment of protective legislation



# Promotional Measures - 3

The Inter-ministerial Committee on Welfare of Foreign Students (2009), set up under the direction of the Prime Minister, has identified problems faced by foreign students and made recommendations on actions by the:

- Ministry of External Affairs (levels of both ministry and Indian Missions abroad),
- Ministry of Home Affairs (at both ministry and FRO/FRRO levels),
- MHRD (at ministry, UGC, universities/ institutions and ICCR levels) and
- Ministry of Finance.



# Promotional Measures - 4

## *At University/Institutional Level (Administrative)*

1. Dissemination of adequate information
2. Streamlining admission procedures
3. Creating additional (supernumerary) seats
4. Establishing special infrastructure
5. Introducing open-door policy for self-financing students.



# Promotional Measures - 5

## *At University/Institutional Level (Academic)*

1. Academic restructuring
2. Internationalization of Curricula
3. Establishing international linkages
4. Making provision for English Language Courses
5. Introducing 'Study India' programmes



# Provider of Higher Education

**‘Provider of higher education’** includes all conventional higher education institutions (HEI), companies, corporations and consortia & networks that impart post-secondary/higher education, both within a country or across its borders.

Some educators prefer to restrict its use to institutions that offer Cross-Border Higher Education, i.e. to Foreign Providers



# Providers of Higher Education

- **Traditional Providers**
  - Universities and Colleges
- ☐ **Recent Providers (post-Independence)**
  - Higher Education Institutions (HEIs) in Professional disciplines
  - Open Universities
  - Autonomous Institutions, Training Centres & Coaching Classes
- ☐ **The Emerging Providers (Recent)**
  - Consortia and Networks
  - Company HEIs
  - Corporate Universities/HEIs
  - Virtual Universities
  - Diploma and Degree 'Mills'



# Activities of Foreign Providers

## Foreign Providers may:

- Start Branch/Off-shore Campuses
- Enter into:
  - Academic partnerships.
  - Strategic Alliances
  - Articulation arrangements.
  - Training and development arrangements
- Offer distance education programmes



# Off-shore Campuses

- Off-shore campuses are being developed by universities of the educationally progressive world in the developing countries.
- These largely replicate programmes and facilities offered in the parent university which takes up the academic responsibility, including that of granting degrees.
- Because of government requirements and financial considerations (like infrastructure costs), the parent university usually enters into partnership with local establishments.



# Academic Partnerships

- Academic partnerships are developed between institutions that are largely comparable as regards infrastructure, quality of faculty and standard of education
- There is mutual assistance in curricula design, exchange of faculty and development of research programmes.
- There is no revenue sharing but joint/dual degrees *may* result.



# Strategic Alliances

- Strategic Alliances are developed between an established institution, which provides the curricula and expertise, and a growing institution in which the students are enrolled.
- The foreign university and the host university offer joint degrees or dual degrees. There is revenue-sharing between the two institutions and profit is a major consideration.
- An example is the arrangement between Kellogg School and Hong Kong University of S&T for Joint MBA Executive programme.



# Articulation Arrangements

- Articulation Arrangements involve study on two campuses; for the major part at an institution in India and later on at the campus of the foreign university which then awards the degree. The fields covered are mainly engineering and management.
- A 2006 study identified 56 partnerships between Indian institutions, largely private professional institutions, and foreign partners from the UK, USA, Australia, Canada, and EU countries.



# Franchise Arrangements

- Academic programmes are offered by the foreign provider through non-academic partners, usually business establishment.
- All academic responsibilities are of the providers.
- The home partner is responsible only for operations



# Distance Education

- Distance Education has the potential of playing an important role in the export of Indian higher education using both the conventional and online modes.
- It must, however, fulfill the criteria of being available, accessible and affordable.
- Quality must be ensured through good self-instructional material, and full use be made of later generation technologies.



# Need for Regulation 1

- While partnerships with reputed institutions are to be welcomed there is a need to regulate the activities of second-rate providers and fly-by-night operators.
- Many countries (China, Hong Kong, Malaysia, Indonesia, India, Gulf countries) have found it necessary to adopt regulations to control CBHE.



# Need for Regulations - 2

This arises from an apprehension that:

- As the for-profit motive dominates in CBHE there may be economic exploitation
- The education provided may not of the desired quality.
- The education provided may not be in consonance with national policies or the country's socio-cultural ethos.
- CBHE may lead to the emergence of a new form of elitism and may thus adversely impact on the social order.
- CBHE may have a deleterious effect on the local higher education system.



# Need for Regulations - 3

The restrictions placed by the Regulations take different forms like:

- Limitations on the number of programmes, partners and campuses.
- Insistence on joint venture with a local academic partner.
- Imposition of high license fees and/or taxes.
- Regulation of the amount of money that can be repatriated.



# Global Regulation Scenario

- **No Regulations**
- **Liberal**
- **Moderately Liberal**
- **Moving from Liberal to Restrictive**
- **Moving from Restrictive to Liberal**
- **Restrictive (Legal)**
- **Restrictive (Recognition of qualifications)**
- **France, Sri Lanka, Uganda**
- **Canada, US, UK, Norway**
- **Australia, Bangladesh, Pakistan, Singapore**
- **India, Malaysia**
- **Japan, South Korea**
- **South Africa, UAE**
- **Belgium, Greece**

(Verbik and Jokivirta, 2005)



# Indian Regulatory Framework

- In India the regulatory Framework includes:
  - AIU Guidelines of 1998.
  - AICTE Regulations of 2005
- A Foreign Institutional Providers Bill, 2007/2010 is presently under the consideration of Parliament



# AIU Guidelines -1

The Association of Indian Universities is the organization empowered to grant equivalence to degrees awarded by foreign universities.

In 1998 it issued guidelines for grant of equivalence to degrees awarded by foreign universities working in partnership with recognized Indian institutions.



# AIU Guidelines - 2

The conditions for grant of equivalence are:

- The Indian partner is a university or affiliated institution that has adequate infrastructure and facilities as substantiated by an AIU review.
- The programme is implemented jointly with both partners contributing academically.
- The foreign degree gives an undertaking that the degree awarded in India would be considered equivalent to the degree awarded at home and would be recognized in the home country as equivalent.



# AICTE Regulations - 1

- The AICTE 'Regulations for Entry and Operation of Foreign Universities in India for imparting Technical Education' (2005) prescribe a detailed procedure for foreign universities/institutions seeking to operate in India, directly or through collaborative arrangements with an Indian university/institution.
- It requires the submission of a no-objection certificate by the concerned Embassy in India, a certificate of genuineness, and a detailed project report.
- Franchise arrangements are not permitted.



# AICTE Regulations - 2

- The foreign institution has to be accredited in its home country and should give an undertaking that the degree/ diploma awarded in India will be recognized in the home country.
- The Indian partner has to be an Indian university or an affiliated institution, preferably accredited by the National Board of Accreditation of AICTE.
- The nomenclature of the degree offered in India has to be the same as that which exists in the parent (home) country.



# AICTE Regulations - 3

- The fees to be charged, and the intake to each course, shall be prescribed by the AICTE. Further, the foreign provider shall be bound by the advice of the AICTE with regards to admission, entry qualifications and the conduct of courses.
- There are other conditions that provide for overall control of operations by AICTE.

[Strangely, a clause prevents the university/ institution from educational innovations including those related to mode of delivery.]



# The Foreign Educational Institutions Bill, 2010 - 1

Primary requirements of the Bill are:

- All foreign educational institutions desiring to operate in India will first have to get themselves registered as a foreign education provider with the University Grants Commission.
- The institution will have to submit an application, duly endorsed by the Embassy/ High Commission of its home country, certifying that it has been established under a law of the country and clarifying its accreditation status.
- It has to maintain the quality of its programmes at the level present in the home institution.



# The Foreign Educational Institutions Bill, 2010 - 2

- The institution will have to function according to the cultural and linguistic sensitivities of the Indian people.
- The institution will have to give an undertaking to maintain a corpus fund of not less than 50 crore.
- Of the savings 75% will have to be used for the development of the institution and the remaining 25% will have to be deposited in the corpus fund.
- No money can be repatriated.



# The Foreign Educational Institutions Bill, 2010 - 3

- Foreign providers, especially the more reputed universities, may find some of the provisions in the Bill to be too restrictive.
- They may consider the need to be first recognized by the UGC as being bureaucratic/time consuming and may regard the conditions relating to the creation and operation of the corpus fund too demanding.

**There is a controversial provision in the Bill that allows exemption of an institution from any of the provisions of the Bill on the basis of its reputation and standing.**



# Modes of Supply under GATS

- Under GATS there are four Modes of Supply:
  1. Cross-Border Supply
  2. 2 Consumption Abroad
  3. Commercial Presence
  4. Movement of Natural Persons



# A Thought

- The Provisions of the proposed Bill are omnibus in nature.
- It is doubtful if the regulations could be applied, with equal effectiveness, to the different modes of supply and operations like agreements leading to joint or dual degrees, articulation programmes, franchise arrangements or direct operation through (offshore) centres/ campuses.



# Cross-Border Supply

## Mechanism/Mode

- Print media and AV mode
- Electronic/Online/Internet

## Action Required

- No action required
- Possible regulation through:
  1. Restrictions on e- transmission.
  2. Non-recognition of degrees obtained through e-mode.



# Commercial Presence

## Mechanism/ Mode

- Branch Campus
- Academic Partnerships
- Articulation programmes
- Franchise arrangements

## Action Required

- Allow very selectively
- Encourage on selective basis
- Allow selectively
- Disallow



# A Possibility

- It would, perhaps, have been more pragmatic to have had separate provisions for different modes of supply.



# Who Will Come and Why? 1

Choudaha (2010) has identified three sets of universities interested in coming to India

*Prestige-enhancing Universities* (top-research universities) that are primarily interested in adding to their existing prestige. They are not interested in India as a source of revenue and will not establish campuses, at least for the present. However, they would be keen to establish partnerships covering student and faculty exchange and research collaboration.



# Who Will Come and Why? 2

*(Prestige-seeking Universities (next-tier research universities)* that seek internationalization to built their prestige and at the same time get opportunities of revenue-enhancement. These are likely to seek academic partnerships and may be open to establishing campuses either by themselves or in partnership.



# Who Will Come and Why? 3

- *Revenue-maximizing Universities* (the average or below Average HEIs) that seek entry into India primarily to generate resources. These do not have the resources to start their own campuses and look for twinning (articulation) arrangements and possibilities for franchising their offering.

The universities of the first category should be welcomed, those of the second category selectively encouraged, and those of the third category closely carefully scrutinized.



# Concluding Thoughts

- India wishes to promote the export of Indian education. At the same time it has a strict regulatory regime for foreign providers.
- Is there not a contradiction in the approach?
- Can we not have simpler regulations for both import and export of education?
- I leave you with these questions.



# Thank you

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