Delivering Education across Borders – results of the recent report on CBHE in EU member states

Lukas Bischof | October 2014
The study on CBHE in EU Member States

Agenda:

1. Some words on the study’s context and methodology
2. A map of CBHE activity in the EU
3. International providers and national regulation

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The legal framework for CBHE in the EU

- Treaty on the Functioning of the European Union:
  - freedom of establishment (Art. 49)
  - provision of services in any Member State of the EU (Art. 56).
  - freedoms enjoyed by nationals of Members States extend to companies or firms formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the EU (Art. 54 and 62).
  - EU supporting competence in higher education, regarding mutual recognition of qualifications (Art. 53), the development and maintenance of quality education, and academic mobility (Art. 165).

- The Services Directive
  - Includes services of general economic interest (SGEI)

- Case Law of the European Court of Justice
  - Remunerated Education is a SGEI
  - oversight of academic programmes is the sole responsibility of the Member States where the institution is established

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Context of the study in 2009

- Acute lack of accessible empirical data on the scope and quality of CBHE → especially in the EU!
- European QA framework (EQAR, ESG) does not address CBHE
- Little systematic knowledge about national regulation in EU Member States
Objectives of the study

- Map prevalence of cross-border delivery of higher education services (CBHE) within the (then) 27 Member States of the European Union (both EU and non-EU based providers)
- Map and analyze regulatory frameworks regarding CBHE in the 27 Member States
- Identify and analyze (perceived) risks and benefits of CBHE provision as well as issues of quality
Cross-Border Higher Education (CBHE): Focus on provider mobility

- **Franchising**: an existing programme, which has been developed by the *exporting institution* is conducted at a *receiving institution*
- **Validation**: *exporting institution* assesses and validates a programme that has been developed by the *receiving institution*
- **Branch campuses**
  - Criteria: physical presence in the receiving country, no joint/double degree programmes
Methodology – approach

1. **Desk Research** to gather preliminary list of CBHE activities
   - Observatory on Borderless Higher Education
   - Expert Advisory Board (Peter Scott, Stamenka Uvalić-Trumbić, Hans de Wit).
   - Scholarly Articles, newspaper articles
   - Extended network of CHE contacts in HE
   - Google-Search

2. **CHE Experts Delphi** to activate stakeholders and fine-tune questionnaires

3. **Web-based survey of stakeholder organisations**
   (Ministries, rectors conferences, QAAs/ENIC-NARICs, CBHE providers)

4. **Verification of the collected data** with Ministries of Education

5. **In-depth interviews** – Austria, Cyprus, France, UK
Methodology - phases of the study

Delphi 1
• Activation of Stakeholders
• N = 37

Delphi 2
• Feedback on questionnaire
• N = 15

Survey
• 5 contacts
• N = 91 participants / 35% return rate

Quality Control
• Research CBHE activities
• Validation with ministries

Case Studies
• 4 country case studies (AT, CY, FR, UK)

Data collection March → September 2012

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- 253 CBHE activities in 24 Member States
- No CBHE providers have been found to be operating in Estonia, Portugal and Slovenia.
- Highest absolute number of CBHE-activities in Spain (49) and Greece (29); further Germany (14), Austria (13) and Hungary (14)
- Low levels of CBHE activity can be observed in Lithuania (1), Bulgaria (2) and Poland (2)
- Problem: Lack of information about type of CBHE (franchising/validation)
CBHE European exporters into the EU
Types of CBHE exports into the EU
Frequency and type of CBHE received

Incidences of CBHE activity (received):
- Below 2
- 2 until below 5
- 5 until below 10
- 10 until below 20
- 20 and more

Type of received CBHE:
- Branch campus
- Franchising/validation
Which types of institutions export?
Which types of institutions receive?
Exporting and receiving compared at the regional level
Receivers of CBHE also tend to lose students abroad
Highest relative number of CBHE-activity* in Malta (7,4), Cyprus (3,1) and Luxembourg (1,86); followed by Greece (0,5), Austria (0,4), Hungary (0,4) and Denmark (0,4)

Location: Most CBHE-activities in urban centers (NRW, Catalonia)

Type: branch campuses mostly in UK; franchising mostly in Cyprus, Austria, Hungary and Greece

Funding: Receiving institutions commonly use private sources of funding

Relationship between CBHE levels being received and outgoing student degree mobility, \( r = .41 \) → Quality and quantity of home HE system country key factors?

* CBHE activities / 10,000 students
Freedom of establishment (Art. 49) and provision of services in any Member State of the EU (Art. 56); Evaluation of Services Directive: “Substantial disparities between the regulatory approaches in the different Member States”

Variance in regulation for received programmes regarding:
1. Right to operate
2. Recognition of degrees
Countries with no regulation (CZ, BE, IE, FI, FR, NL, SE, UK, some German Länder)

Countries with little regulation (AT, DK, EE, HU, SI, BG, CY, EL)
  - Need to register,
  - need to prove recognition/accreditation in exporting country

Countries with some regulation (IT, MT, ES)
  - +Need for authorization by receiving country

Countries with considerable regulation (LU, PL, RO)
  - +Need for accreditation of receiving country
  - +Prohibit franchising and validation (LV, LT)
Very diverse!

Regulation often “just-in-case”…

…but often there was very little to no awareness of CBHE among authorities

Some countries were sued and abandoned all regulation of incoming CBHE (DE)…

…others (BG, CY, GR) made an exception for EU-providers but banned all non-EU providers

Explicit regulation for exporting programmes rather scarce (only in RO, FR, DE, DK, NL, LV, PL); Sometimes different regulation for different types of HEIs (AT, CY, IE)
Common reliance on accreditation processes of exporting countries

A high level of trust into other countries’ QA mechanisms…

…but hardly any country has in place mechanisms to assure quality of exports ….

… even where there is strong regulation of incoming CBHE

And only 3 countries differentiate between EU and non-EU provision

Very heterogeneous knowledge of regulation among stakeholder organisations
Loopholes in regulation

- Transparency tools for registration or accreditation only present in some countries
- Lack of information on quality for students on providers’ websites
- De facto loopholes for rogue providers exist

➢ Need for European-level transparency instruments, with quality mechanisms on both sides of the sender-receiver relationship
Further reading

- The full report is available at: http://edz.bib.uni-mannheim.de/daten/edzb/gdbk/13/bld/borders_en.pdf

- More studies by CHE Consult can be found at our website: http://www.che-consult.de/
Thank you!
Problem: Risks and benefits need to be considered against the (lack of) regulation in place for each country. Analysis by stakeholder org makes little sense because of the great heterogeneity (regulation-wise) of the countries represented.
Overall Quality

- worse
- slightly worse
- no difference
- slightly better
- better
- cannot answer

Risks and Benefits
Funding of receiving CBHE institutions