

The University of Notre Dame Australia

Response to a Review of the Higher Education Provider Category Standards (PCS)

The University of Notre Dame Australia welcomes the opportunity to respond to the issues raised in the discussion paper to support a review of the Higher Education Provider Category Standards (PCS). While we consider that the PCS are broadly fit for the purpose of underpinning regulatory approaches to higher education, there are a range of considerations that we believe important for the review to take into account, as summarised below.

1. What Characteristics should define a 'higher education provider' and a 'university'?

- 1.1 The search for, advancement of, and creation of new knowledge is an integral part of the identity of a university, one that has endured over time and been embraced across the world. Universities play an important civic role in line with general community and government expectations - disseminating and connecting significant research and education to support local and global communities is a key part of university missions. These characteristics distinguish universities from other kinds of teaching institutions and higher education providers, and from research institutes or similar institutions that are not housed within a university and in which only research is conducted (generally in a single area). The important relationship between teaching and research that generates new knowledge and original creative endeavour should continue to define a university and not be changed within the PCS - to do so would harm the high standard and international reputation of Australian universities in an increasingly competitive global environment.
- 1.2 Universities also differ from other types of higher education providers as they are established by legislation as autonomous bodies, with multi-layered accountability requirements. The functions set out in universities' establishing legislation include teaching, research, the advancement of knowledge, the promotion of scholarship and free inquiry, industry engagement, and community and cultural services. The current criteria requiring a provider to have the support of the relevant government when applying to a university category is important to ensure the use of the term is limited and to protect Australia's higher education reputation.
- 1.3 A higher education provider, while requiring a specific educational purpose, is not established under legislation, does not need to offer higher level qualifications, nor undertake research unless engaged in research student supervision. Notwithstanding this, the existing standards provide a 'high front gate' to regulate entry into the Australian higher education system and should not be diluted in any way as the minimum criteria required to uphold a regulatory approach that assures the reputation and standing of the entire system.

1.4 Defining a university by such categories as ‘teaching only’ or ‘mostly teaching’ would likely promote a class divide of Australian universities, effectively returning to the binary system in place decades ago. Australians generally share an understanding of the term “university” as being much more than a teaching institution that awards degrees, and introducing this category would likely cause confusion and potentially undermine the reputation of Australian universities in the global marketplace. The distinction is arguably a false dichotomy – for example the idea of ‘teaching only’ universities in the arts, humanities and sciences is a misnomer. Also, there is a risk that the category may suggest that such universities should be excluded from receipt of any research funds. While this review is not tasked to consider funding issues and should not allow these to shadow the outcomes, such implications need to be carefully considered.

2. Are the PCS fit for purpose in terms of current and emerging needs? Why?

2.1 While the definitions of ‘university’ and ‘higher education provider’ are generally appropriate, it is noted that the PCS do not currently specify what the breadth and quantity of programs and courses needs to be within each field of study. An institution could meet the criterion of Australian University by offering just one undergraduate and one postgraduate course in each of the three fields, which is out of step with the expectations of communities for the scope of delivery of universities.

2.2 The PCS do not currently adequately describe the breadth of providers within the Australian higher education system (127 HEPs are classified in a single category). Because the role of the PCS is to classify the types of education providers that can be registered by TEQSA as part of a national quality assurance framework, it could be argued that the PCS should play a role in providing some system transparency for the general community, most notably prospective students and their families. While additional categorisation to differentiate between provider missions might possibly better support and incentivise diversity, defining types of providers poses a risk that providers will be constrained to meet defined assumptions about what is possible into the future. TEQSA already uses descriptions of higher education providers in its various publications that are not featured in the PCS, labelling higher education providers that are not universities variously as ‘for profit’, ‘not for profit’; ‘faith based’ and ‘TAFEs’. We consider that the main purpose of the PCS is to support regulatory decisions. It is unclear how further classification of different types of providers would positively impact on TEQSA’s regulatory approach. In our view, the National Register would be the appropriate mechanism to use to describe the types of higher education providers across the system.

2.3 The National Register provides generic information about each provider, as prescribed in the *Tertiary Education Quality and Standards Agency (Register) Guidelines 2017*. The National Register could be developed beyond its current content to provide relevant additional information about each higher education provider’s scope of operations as approved by TEQSA, while relating to the PCS categories. Additional information could include the range of AQF qualification levels delivered by each provider and the qualifications that the provider is approved to deliver in instances where self-accrediting authority has not been granted; as well as the scope of any self-accrediting authority (unlimited; or at certain AQF levels and/or discipline areas). The Register could also more clearly identify dual sector providers, and the key mission of each

provider (such as a pathway college, vocational focus, etc.) and number/proportion of international students. Whatever approach is taken, it will be important to ensure that categorisation does not inadvertently create a proxy league table of providers by referencing selected measures of research or teaching quality.

3. *Should some categories be eliminated or new categories be introduced? What should be the features of any new categories?*

- 3.1 The transitional 'Australian University College category' could be eliminated (with appropriate consideration of any providers who have already applied to this category), noting the problems highlighted in the discussion paper relating to the mismatch of requirements, and the ambiguity when regulating 'realistic and achievable plans to meet the criteria of Australian University.' It is also possible that this category be misinterpreted as referring to a residential or pathway college within or attached to a University. The apparent attraction of this category is the ability to apply concurrently for full self-accrediting authority.
- 3.2 There would be potential benefits from introducing a new transitional category of 'Greenfield University' as a more appropriate term to describe an institution that is scaling up to full operation as a 'University of Specialisation' in the first instance to meet all requirements over a period of time. The ability for existing higher education providers to access this category should remain; and there should be greater flexibility in any revised standards to enable consideration of new entrants, such as an existing research institute not currently registered as a higher education provider, or a non-Government organisation. Retaining appropriate criteria to be met to in order to be finally classified as a university will be essential in this context. Once a University of Specialisation is achieved, then over time, the university could then apply to be an "Australian University" as its scope of operations develops.

4. *Do specific categories need to be revised? How?*

- 4.1 The self-accrediting authority criteria as they are currently worded are problematic. They should be expanded to demonstrate a history of capability as well as capacity and capability to expand into new broad fields. Further, the current criteria require that three cohorts of students *in Australia* have graduated from the courses of study and that there is substantial evidence of successful graduate outcomes from the course of study. This is restrictive to overseas applicants who will not meet the criterion at time of application. The criteria could be revised to focus on an applicant's capacity to self-accredit based on evidence of activities and standing in the overseas applicant's own country.
- 4.2 In considering any amendments to the PCS, it would be prudent to take into account the legislative provisions that govern regulation against these standards. Section 19(1)(2) of the TEQSA Act provides that TEQSA *have regard to* the Threshold Standards when determining whether an application for registration in a particular provider category is appropriate. On the other hand, section 21 of the Act requires TEQSA in granting an application for registration to be satisfied that the applicant *meets the* Threshold Standards. These current provisions have the potential to support inconsistent approaches in assessing the PCS, and reinforce the need for

clarity in the PCS wording. There is currently ambiguity in some criteria that would benefit from revision:

- 4.2.1 The Overseas University Category Standards provide for “equivalent criteria” to the Category Standards and for “standards acceptable to TEQSA”.
- 4.2.2 There is currently no clarity of what might constitute ‘sustained scholarship’ in the context of the Australian University College category.

5. How would the needs of providers, students, industry, regulator and broader public interest be served by your suggested changes?

We consider that the PCS are broadly fit for the purpose of underpinning regulatory approaches to higher education. The important relationship between teaching and research that generates new knowledge and original creative endeavour should continue to define a university. This will ensure that the high international reputation of Australian universities is upheld. Changing the research requirements could have far reaching negative consequences.

The suggestions made in our submission are likely to benefit a range of stakeholders, including:

- the broader public through an expansion of provider information in the National Register to enhance transparency;
- prospective providers, industry and government by clarifying the transitional stages to becoming a university and enabling consideration of new entrants to the system (such as existing research institutes not currently registered as a higher education provider); and
- TEQSA, by clarifying some aspects of the PCS which are currently ambiguous.

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