

Australian Catholic University

Submission to the Higher Education Standards Panel

Amending the Higher Education Standards Framework: Provider Category Standards

April 2020

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EXECUTIVE SUMMARY

Australian Catholic University (ACU) welcomes the opportunity to respond to the Higher Education Standards Panel (HESP) consultation paper: *Amending the Higher Education Standards Framework: Provider Category Standards* (Consultation Paper).

The Higher Education Provider Category Standards (Standards) categorise and articulate how Australia defines its higher education providers and signals differentiation across the sector. The Standards establish the framework upon which Australia's higher education providers, including universities, operate. As such, they serve an important function in ensuring that the Australian higher education sector, particularly its world-class university sector, continues to be of high quality, well reputed, and internationally competitive.

ACU notes that the Commonwealth Government has accepted all ten recommendations of the Review of the Higher Education Provider Category Standards undertaken by Emeritus Professor Peter Coaldrake AO in 2019 (Coaldrake Review). However, the Government has indicated an intention for the new category to be reserved for high-performing non-university higher education providers (NUHEPs) to be called "University Colleges", rather than "National Institutes of Higher Education" as recommended by the Coaldrake Review.

ACU strongly opposes using the descriptor "University Colleges" for NUHEPs for several reasons, namely because it is:

- (1) likely to result in these providers being mistaken for fully-fledged universities;
- (2) an inaccurate descriptor for NUHEPs which are, by definition, not universities;
- (3) likely to undermine the perceived standing of existing universities, which are held to more rigorous standards; and
- (4) essentially unsuitable, as the new category recommended by the Coaldrake Review was designed to also accommodate providers that have no desire to progress to "Australian University" status.

Fundamentally, this change could adversely affect the reputation of Australia's strong university sector, both domestically and globally.

It has taken many years for Australia to build its renowned university education system and for Australian Universities to establish their reputations internationally. The new Standards must protect, and where needed, seek to enhance these efforts, rather than risk diminishing the reputation of the sector.

Given the unprecedented challenges now facing Australian universities, particularly the impacts of the global coronavirus pandemic and the associated loss of most of the sector's international student cohort, it is all the more vital to maintain the identity and reputation of Australia's strong public university sector.

It is also imperative, more broadly, that any amendments to the Standards ensure that new entrants to the higher education sector are adequately overseen and, like existing providers, are held to high standards and regulatory compliance requirements.

As such, ACU makes the following recommendations to the HESP, with respect to amending the Standards.

Recommendations

University Colleges

1. The descriptor "National Institute of Higher Education", recommended by the Coaldrake Review, should be reinstated for high performing NUHEPs. In the alternative, a descriptor should be selected that does not create the potential for confusion – i.e. that does not contain the word "University".

2. If the descriptor “University College” is nevertheless adopted, the new Standards should:
 - a. Explicitly prohibit these providers from falsely promoting or featuring themselves as “Universities”, and/or diminishing the fact that they are NUHEPs.
 - b. Protect students and the public from misleading conduct by requiring that both the words “University” and “College” be given equal prominence in provider logos, websites, advertising material and all written communications and documentation.

Greenfield Universities and Colleges

3. Provision for greenfield universities should be made through legislative amendment, as recommended by the Coaldrake Review, rather than solely through the Standards.
4. Consideration should be given to how the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) (TEQSA Act) and the Standards would interact with respect to new entrants when the legislation and Standards are amended.
5. The draft criteria for greenfield University Colleges should be strengthened, as currently they are too weak and inadequate.
6. New providers seeking University College status should:
 - a. First enter the higher education sector as an “Institute of Higher Education”.
 - b. Record five years of demonstrated regulatory compliance as an Institute of Higher Education to be eligible to be categorised and operate as a University College.

Australian Universities

7. The benchmark standard for research at an Australian Universities should be above world standard.
8. The following guiding principles should be strongly affirmed and maintained in the new Standards:
 - a. Australian Universities should, by definition, continue to be required to engage in both teaching and research.
 - b. The nexus between teaching, research and scholarship should be inviolable for Australian universities.
 - c. Fundamental principles of institutional autonomy must be maintained for universities.
 - d. Universities fulfil, and should be expected to fulfil, important community service and community engagement obligations. These broader contributions to the community and society – locally, regionally, and nationally – should be considered an essential element of universities’ unique social licence.

“UNIVERSITY COLLEGES”

The Coaldrake Review recommended the creation of a new category of provider, titled “National Institute of Higher Education”, a classification that should be reserved for the highest performing non-university higher education providers (NUHEPs). This would serve to foster the potential for aspiration and progression within the Standards.

While accepting this recommendation, the Government has indicated that the new category would instead be described as “University Colleges”. ACU strongly opposes this proposal.

ACU recommends adopting the original descriptor “National Institute of Higher Education” recommended by the Coaldrake Review, or alternatively, a title that does make use of the word “University”, for this type of provider.

ACU notes that, in principle, it is supportive of the existence of a provider category that recognises the level of maturity of high-performing NUHEPs. A separate provider category would acknowledge the achievement of a high standard of governance and of teaching and learning.

However, the use of the word “University” to describe this category of providers is very likely to cause confusion and mislead the public, risking the reputation of Australia’s strong university sector. Furthermore, it is not an accurate descriptor for NUHEPs which are, by definition, not universities.

It is also important to acknowledge, when considering an appropriate descriptor for this category of providers, that the Coaldrake Review envisaged the new category will also “function as a destination category in its own right” and is “vital for those high performing higher education providers that have no desire to become a university.”¹

If the Government is nevertheless minded to adopt the descriptor “University Colleges” for this category of providers, ACU urges the HESP to recommend stringent requirements be incorporated in the Standards to ensure that these providers are clearly differentiated from “Australian Universities”. To this end, in addition to the proposed requirement that such providers use the “University College” title in full (without abbreviation to, or disproportionate emphasis of, “University”), the new Standards should:

- Explicitly prohibit these providers from falsely promoting or featuring themselves as “Universities”, and/or diminishing the fact that they are NUHEPs.
- Require providers to give both words, “University” and “College”, equal prominence so as not to mislead the public, especially in provider logos, websites, advertising material and all written communications and documentation. For example, an individual “University College” would not be permitted to give more prominence to the word “University” than to the word “College” when displaying its title.

Fundamentally, any changes to the Standards and provider category definitions must not undermine or threaten the quality and established reputation of Australia’s strong public university system.

Recommendations

1. The descriptor “National Institute of Higher Education”, recommended by the Coaldrake Review, should be reinstated for high performing NUHEPs. In the alternative, a descriptor should be selected that does not create the potential for confusion – i.e. that does not contain the word “University”.
2. If the descriptor “University College” is nevertheless adopted, the new Standards should:
 - a. Explicitly prohibit these providers from falsely promoting or featuring themselves as “Universities”, and/or diminishing the fact that they are NUHEPs.
 - b. Protect students and the public from misleading conduct by requiring that both the words “University” and “College” be given equal prominence in provider logos, websites, advertising material, and all written communications and documentation.

¹ Coaldrake, P., *What’s in a Name? Review of the Higher Education Provider Category Standards: Final Report* (2019) (Coaldrake Review), p. 26.

“GREENFIELD” UNIVERSITIES AND COLLEGES

The Consultation Paper outlines the HESP’s proposal to make provision for greenfield universities solely through amendment to the Standards. This would be facilitated by having a new provider enter in the new “University College” category, with at least a five-year transition pathway to becoming an “Australian University”. Greenfield University Colleges would be limited to those applicants seeking entry to the Australian University category.

ACU notes that neither the TEQSA Act nor the Standards currently make provision for greenfield universities. However, as acknowledged in the Consultation Paper, the Coaldrake Review recommended that this should be facilitated by way of legislative amendment: namely, the TEQSA Act should be amended to allow for such providers. ACU endorses this recommendation. In view of the significance of the establishment of a new university, provision for doing so should, appropriately, be set out in legislation (i.e. TEQSA Act); and not solely through the Standards, which can be changed at the discretion of the Minister.

As recognised by the Coaldrake Review, the deliberative process should also give due consideration to how the TEQSA Act and the Standards would interact with respect to new entrants, and on the appropriate requirements regarding the regulatory standards for greenfield universities. The high standards and quality of Australia’s universities should be maintained and protected in any reforms.

ACU notes that the Consultation Paper states:

To enable the establishment of a greenfield ‘University College’, the [Coaldrake] Review proposed amending the TEQSA Act (Review Recommendation 7). However, given Section 21 of the TEQSA Act already enables TEQSA to grant registration to new providers and take account of their growing maturity in meeting the Standards, the Panel prefers that criteria for this kind of greenfield provider be drafted as part of the ‘University College’ category standard, to allow a different standard of test for a ‘Institute of Higher Education’ category. (p. 19)

There is an error in this assertion. It should be noted that the TEQSA Act does not make provision for TEQSA to take account of new providers’ growing maturity in meeting the Standards.

The proposed standards for greenfield “University Colleges” are too weak

ACU submits that the proposed criteria for greenfield “University Colleges” outlined in the Consultation Paper are too low and the regulatory compliance requirements too weak.

For instance, the draft criteria propose that, at the time of application to TEQSA for entry to the “University College” category as a new entity (i.e. a greenfield University College), the higher education provider should have “realistic and credible policies, plans and procedures to meet the criteria in the “University College” category” and “realistic and achievable plans to comply fully with the “Australian University” category standard, including achieving research benchmarks” (Consultation Paper, p. 18).

ACU considers these are weak criteria. Requiring new entrants to merely make plans and promises sets a low benchmark of expectation on these providers. This requires only that new entrants produce glossy proposals and policy documents, without a demonstrated record of compliance or achievement.

The proposed criteria also require applicants to “provide strong evidence of financial backing necessary to sustain a greenfield University College during start-up (at least the first five years).” Alongside the other draft criteria (i.e. requirements 11-14 under B1.2 – Consultation Paper, p. 31), this seemingly merely requires new providers to have access to sufficient funds at a given point in time to secure “University College” status.

ACU proposes that the Standards should instead require a demonstrated history of compliance in order for providers to be categorised as a “University College” and ultimately, an “Australian University”. Plans and promises alone are insufficient.

Furthermore, ACU considers that new providers should first enter the higher education sector as an “Institute of Higher Education”. This would allow providers to build up their five years of demonstrated compliance to then transition to the University College category.

Factors that could be taken into consideration in this respect could include ensuring that the new entrant can demonstrate it has:

- a minimum number of students, having regard to the profile of the provider;
- a minimum number of academic staff with suitable higher education qualifications (at identified levels, having regard to the course offerings);
- established infrastructure suited to the size and profile of the provider;
- sufficient facilities for the delivery of higher education; and
- established administrative capacity and governance arrangements and structures to meet ongoing regulatory requirements, including the Standards.

It has taken many years for Australia to build its strong university education system and to establish its reputation internationally. The new Standards must thus ensure that new entrants are adequately guided and held to equally high standards and regulatory performance requirements.

Recommendations

3. Provision for the greenfield universities should be made through legislative amendment, as recommended by the Coaldrake Review, rather than solely through the Standards.
4. Consideration should be given to how the TEQSA Act and the Standards would interact with respect to new entrants when the legislation and Standards are amended.
5. The draft criteria for greenfield University Colleges should be significantly revised, as currently they are too weak and inadequate.
6. New providers seeking University College status should:
 - a. First enter the higher education sector as an “Institute of Higher Education”.
 - b. Record five years of demonstrated regulatory compliance as an Institute of Higher Education to be eligible to be categorised and operate as a University College.

AUSTRALIAN UNIVERSITIES

The draft new Standards appropriately recognise that an Australian University must, by definition, engage in research. ACU endorses this provision.

ACU affirms that the requirement for an Australian University to engage in research, as a defining characteristic, should be maintained. This reflects the important nexus that exists between teaching, learning and research.

While Australia’s distinctive and successful higher education environment has developed over time, research has been at the centre of what it means to be a university. Australians conceive of universities as being places for both teaching *and* research. As the 2008 Bradley Review identified, research is central to the identity of Australia’s universities:

A distinctive feature of our understanding of universities in Australia is that teaching within them is informed by research to develop or apply new knowledge.

The expectation that universities undertake research together with teaching became a feature of Australian universities from the 1950s.²

The Coaldrake Review also acknowledged:

These two fundamental features [research and teaching] have become synonymous with the title “university” and have contributed to the good reputation of Australia’s universities internationally for high quality teaching and research.³

² Bradley, D., Noonan, P., et al, *Review of Australian Higher Education: Final Report (2008)* (Bradley Review), p. 123.

³ Discussion Paper to the Coaldrake Review: *Review of the Higher Education Provider Category Standards – Discussion Paper* (2019), p. 11.

Appropriately, the Consultation Paper also reiterates that “The undertaking of research that leads to new knowledge and original creative endeavor and research training are fundamental to the status of a higher education provider as an ‘Australian University’”. (Consultation Paper, p. 32).

Fundamentally, it should be kept in mind that the following holistic principles should be assured and maintained in any revision of the Standards:

- Australian Universities should, by definition, continue to be required to engage in both teaching and research.
- The nexus between teaching, research and scholarship should be inviolable for Australian universities.
- Fundamental principles of institutional autonomy must be maintained for universities.
- Universities fulfil, and should be expected to fulfil, important community service and community engagement obligations. These broader contributions to the community and society – locally, regionally, and nationally – should be considered an essential element of universities’ unique social licence.

Standards for Research

Under the draft new Standards detailed in the Consultation Paper for the “Australian University” category, the proposed “benchmark standards for research” are:

- a. research that is ‘world standard’ measured using best practice indicators; and/or
- b. research of national standing in fields specific to Australia, in the case of research that is not easily captured by existing standard indicators. (Consultation Paper, p. 33)

ACU considers that these standards, which presumably equate or align to an Excellence in Research Australia (ERA) rating of “3”, is an unduly low benchmark. ERA 3 is a standard comparable to the average of all outputs across the whole world in a given field of research. Australian universities should be producing, and should be required to produce, research at a higher standard than this.

ACU recommends that the requisite university research should be *above* world standard (i.e. at least ERA rating 4).

Recommendations

7. The benchmark standard for research at Australian Universities should be above world standard.
8. The following guiding principles should be strongly affirmed and maintained in the new Standards:
 - a. Australian Universities should, by definition, continue to be required to engage in both teaching and research.
 - b. The nexus between teaching, research and scholarship should be inviolable for Australian universities.
 - c. Fundamental principles of institutional autonomy must be maintained for universities.
 - d. Universities fulfil, and should be expected to fulfil, important community service and community engagement obligations. These broader contributions to the community and society – locally, regionally, and nationally – should be considered an essential element of universities’ unique social licence.

ATTACHMENT A

Australian Catholic University Profile

Australian Catholic University (ACU) is a publicly funded Catholic university, open to people of all faiths and of none, and with teaching, learning and research inspired by 2,000 years of Catholic intellectual tradition.

ACU operates as a multi-jurisdictional university with eight campuses, across four states, one territory, and overseas. ACU campuses are located in North Sydney (NSW), Strathfield (NSW), Canberra (ACT), Melbourne (Victoria), Ballarat (Victoria), Brisbane (QLD), Adelaide (SA), and Rome (Italy).

ACU is the largest Catholic university in the English-speaking world. Today, ACU has around 32,000 students and 2,000 staff.⁴

ACU graduates demonstrate high standards of professional excellence and are also socially responsible, highly employable and committed to active and responsive learning.

ACU has built its reputation in the areas of Health and Education. ACU produces more nursing and teaching graduates than any other university in Australia, serving to meet significant workforce needs in these areas.⁵

ACU has four faculties: Health Sciences; Education and Arts; Law and Business; and Theology and Philosophy. This consolidation of ACU's previous six faculties in 2014 has created a more efficient and competitive structure focused on the needs of industry and employment partners. ACU has also moved towards the adoption of a shared services model where suitable, to improve efficiencies, internal processes and better allocate resources.

ACU is committed to targeted and quality research. ACU's strategic plan focuses on areas that align with ACU's mission and reflect most of its learning and teaching: Education; Health and Wellbeing; Theology and Philosophy; and Social Justice and the Common Good. To underpin its research intensification efforts, ACU has appointed high profile leaders to assume the directorships, and work with high calibre members, in its research institutes.⁶ ACU is a world-leading research university in its priority areas of education, health, and theology and philosophy.

⁴ Student numbers refer to headcount figures while staff numbers refer to full-time equivalent (FTE).

⁵ Department of Education and Training, '2017 Special Courses' in *Selected Higher Education Statistics – 2017 Student Data* (2018). Accessible via <https://www.education.gov.au/selected-higher-education-statistics-2017-student-data>.

⁶ See Australian Catholic University, 'Research at ACU' via <http://www.acu.edu.au/>.