

# HIGHER EDUCATION AND TRAINING AWARDS COUNCIL, IRELAND

Comhairle na nDámhachtainí Ardoideachais agus Oiliúna, Éire

## Policy for Collaborative Programmes, Transnational Programmes and Joint Awards

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## Foreword

Collaborative provision, transnational provision and joint awards play important roles in education and training particularly in the context of the European Higher Education Area and the European Research Area.

This document proposes policy and criteria for accreditation/validation, delegation of authority, and making awards in the context of collaborative programmes and transnational programmes and joint award programmes.

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# 1 INTRODUCTION

## 1.1 Objectives, scope, implementation

- 1.1.1 Subject to the Qualifications (Education and Training) Act 1999 (referred to as the Qualifications Act in this document) HETAC will accredit or jointly accredit (with other authorities) collaborative programmes and transnational programmes and make<sup>1</sup> and recognise joint awards.
- 1.1.2 The general HETAC standards, policy and criteria (for programme accreditation, quality assurance, learner assessment, making awards and delegating authority) supplemented by the policy and criteria in this document, apply to collaborative programmes and transnational programmes that lead to awards made by HETAC or by a recognised institution of the Council under delegated authority or joint awards made by the aforementioned with others. The supplementary policy does not supplant other HETAC policy.
- 1.1.3 *‘Policy for collaborative programmes, transnational programmes and joint awards (2008)’* replaces:
- *‘Policy and Criteria for Making Joint Awards, Joint Accreditation and Accreditation of Jointly Provided Programmes and Quality Assurance of Consortium Providers on Joint Awards’ (2005)* and
  - *‘HETAC Overseas Awards Policy’.*

1.1.4 Providers of programmes previously approved under the replaced HETAC Overseas Awards Policy may apply to HETAC, within six months of commencement of the *‘Policy for collaborative programmes, transnational programmes and joint awards (2008)’*, for continuation of approval demonstrating how those programmes and the associated services and arrangements meet the requirements of the new policy; **otherwise approval will lapse automatically for new enrolments of learners.**

## 1.2 Interpretation<sup>2</sup>

- 1.2.1 A “**programme of education and training**” ‘means any process by which learners may acquire knowledge, skill or competence and includes courses of study or instruction, apprenticeships, training and employment and references to “programme” should be construed accordingly’.
- 1.2.2 The term “**provider**” ‘means a person who, or body that, provides, organises or procures a programme of education and training and references to “provider” should be construed accordingly’.
- 1.2.3 The term “**validation**” ‘means the process by which an awarding body will satisfy itself that a learner may attain knowledge, skill or competence for the purpose of an award made by the awarding body’. The term validation is explicitly included here because it is one of the functions of HETAC under the Qualifications Act.
- 1.2.4 The term “**programme accreditation**” is defined by HETAC in the policy Taught and Research Degree Programme Accreditation Policy, Criteria and Processes (2005). The substantial difference between ‘accreditation’ and ‘validation’ is that the former requires that the provider has established approved quality assurance procedures, the latter does not. The term Programme Accreditation is also used in different senses in some countries where it refers to a mandatory external approval function carried out by an independent authority which is not an awarding body.
- 1.2.5 An “**award**” for the purpose of this document is a higher education and training qualification conferred, granted or given by an awarding body and records that a learner has acquired a standard of knowledge, skill or competence.

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<sup>1</sup> Joint awards are, of course, jointly made. This understanding applies throughout.

<sup>2</sup> The quotations are from the Qualifications (Education and Training) Act 1999.

- 1.2.6 An “**awarding body**” means a body which makes awards. For the purpose of this document this means HETAC, a recognised institution of the Council or any body recognised by HETAC as an awarding body.
- 1.2.7 A “**recognised institution of the Council**” is an institution described in section 24 of the Qualifications Act. Currently (2008) the list comprises thirteen institutes of technology.

## 2 COLLABORATIVE PROVISION

### 2.1 Preliminaries

- 2.1.1 Collaborative provision for the purpose of this document means two or more providers being involved by formal agreement in provision of a programme of higher education and training.
- 2.1.2 There is a range of different forms of collaborative provision. There may be collaboration in the development of the programme, in the academic monitoring of the programme, in the teaching, in the assessment, etc. or a combination of any of these.
- 2.1.3 Collaboration can be difficult to make work in practice so there should be clear benefits from establishing any collaborative programme and from the involvement of each of the partner providers.
- 2.1.4 Collaborating providers should establish an appropriate formal agreement between one another before starting a collaborative programme. Such an agreement will be referred to as a **consortium agreement** and the involved providers as partner providers. The group of partner providers will be referred to as the consortium. Guidelines on consortium agreements are provided in the Appendix.
- 2.1.5 A provider is responsible for any activities conducted in its name and this responsibility extends to activities conducted by consortia involving the provider. Accordingly, a provider's Academic Council (or an equivalent top level committee) should establish the overarching strategy for collaborative provision; approve potential collaborator providers and should be involved in the establishment of any collaborative arrangements and the associated consortium agreements.
- 2.1.6 A provider when considering entering into a consortium with partner providers should ensure that the prospective consortium as a whole and each of its prospective partner providers is in good academic and financial standing and would be entitled, competent and sufficiently well resourced to fulfil its obligations. Partner providers should ensure that they are legally entitled to enter into the consortium agreement.
- 2.1.7 Normally, a collaborative programme should be jointly developed. Whether or not this is the case, all of the elements of the collaborative programme should have full recognition by the consortium as constituent parts of the collaborative programme. This does not preclude provision of elective modules that are not part of the collaborative programme but are necessary to meet other requirements beyond the collaborative programme's intended learning outcomes (i.e. the outcomes required to be attained before the relevant higher education and training award can be made).
- 2.1.8 A consortium establishing a collaborative programme should establish joint policy, procedures and criteria (in accordance with national legislations and with the formally stated policies and procedures of the partner providers) for all involved matters. Procedures and criteria for access to the programme by learners and assessment of learners at various stages require particularly close attention. Any approved assessment undertaken or academic credit assigned by one partner provider in respect of an element of collaborative programme should be fully and automatically recognised by the other partner providers of the consortium in accordance with the relevant collaborative programme assessment strategy which should be jointly agreed by all partner providers.
- 2.1.9 Prospective learners should only need to apply for admission to a single programme/entity and information about the programme should be easily accessed by them at a single point. Prospective learners should be informed of the identity of partner providers in the consortium; the awarding bodies; the programme's accreditation/validation status; the award-type, the award name and its placement in relevant frameworks of qualifications; prior learning and other admission requirements; recognition by regulatory, statutory or professional bodies; the programme structure and intended programme learning outcomes; the regulations that apply (including *inter alia*

those governing assessment, appeals and complaints, having regard for the need to be clear and consistent particularly in respect of which of each partner provider's particular institutional regulations (and procedures etc.) are applicable i.e. are incorporated); and the schedule of study periods to be spent in the partner provider institutions in addition to the information required by the *'Policies, actions and procedures for Access, Transfer and Progression for Learners'* of the National Qualifications Authority of Ireland (Appendix 2) and the Qualifications Act.

- 2.1.10 Any consortium should have contingency plans showing how it can fulfil its obligations to learners, so that in the event that a particular collaborative programme cannot be continued, alternative arrangements are in place so that without unreasonable delay learners already registered on that programme are enabled to transfer to a similar programme and gain a qualification equivalent to the one that the first programme had been leading towards. In the case of consortia which intend to operate programmes on a commercial and profit-making basis, Sections 43 and 44 of the Qualifications Act apply.
- 2.1.11 Where recognised institutions of the Council are involved in a consortium (whether or not they have delegated authority from HETAC) they should retain oversight of, with a clearly defined and appropriate degree of responsibility for, all of the following:
- arrangements for advertising and recruitment of learners
  - access, transfer and progression of learners
  - academic staff involved with the programme
  - quality assurance
  - learner assessment
  - recommending awards, issue of Europass Diploma Supplement

This derives from the principle that a provider is responsible for any activities conducted in its name and does not prevent involvement of partner providers in these areas.

The foregoing is subject to the condition that a recognised institution of the Council should not delegate the authority that is delegated to it by HETAC nor should it franchise, sell or transfer rights to its recognised status or accreditation or delegated authority. (Refer to Sections 3 and 4 for specifics, concerning, respectively, transnational programmes and joint awards.).

- 2.1.12 The consortium and its partner providers should ensure that all media presentations (press releases etc.) about the relevant provision are factual, fair and accurate.
- 2.1.13 Collaborative programmes should be included in the partner providers' calendars (or equivalent) and on their main websites.
- 2.1.14 The Policies, Actions and Procedures for Access, Transfer and Progression for Learners of the National Qualifications Authority of Ireland apply to consortia providing collaborative programmes accredited/validated by HETAC or a recognised institution of the Council.
- 2.1.15 The accreditation/validation and quality assurance of transnational programmes that involve collaborative provision are also subject to Section 3 of this document, which specifically addresses transnational programmes. This applies to all subsections of Section 2.

## **2.2 External quality assurance arrangements (including programme accreditation)**

- 2.2.1 Normally the quality assurance of a collaborative programme will involve the relevant external quality assurance agencies for each of the partner providers.
- 2.2.2 In the context of collaborative provision the approval processes used by recognised quality assurance agencies established within the European Higher Education Area or

agencies in any country with which HETAC has established a formal legally binding memorandum of understanding (or equivalent) may, by agreement, be accepted by HETAC as fulfilling its own requirements wholly or partially.

### **2.3 Quality procedures**

- 2.3.1 The document ‘Standards and Guidelines for Quality Assurance in the European Higher Education Area’<sup>3</sup> specifies the broad requirements for internal and external quality assurance in general. More specific requirements are set out in the HETAC document entitled ‘Guidelines and criteria for quality assurance procedures (2002)’. The ‘Policy for collaborative programmes, transnational programmes and joint awards’ (this document) sets out supplementary requirements for collaborative programmes.
- 2.3.2 Collaborative programmes are subject to at least the same quality assurance standards as other types of programmes accredited by HETAC or validated by a recognised institution of the Council. Partner providers in a consortium are subject to at least the same quality assurance standards as other providers of programmes accredited by HETAC.
- 2.3.3 The consortium responsible for a collaborative programme and its partner providers should establish appropriate and transparent corporate governance arrangements for the collaboration that safeguard against academic and/or financial impropriety, recklessness and negligence.
- 2.3.4 The consortium agreement governing the provision of the collaborative programmes should interface with each partner provider’s quality assurance procedures. Guidelines on consortium agreements are provided in the Appendix to this document.
- 2.3.5 Unless included in the consortium agreement itself, the consortium will generally need to establish quality assurance procedures for its operations and these will be shared by the partner providers and included in their individual quality assurance procedures.

### **2.4 Agreement and review of quality procedures**

2.4.1	Provider’s quality assurance procedures for collaborative programmes, including consortium agreements where relevant, should be submitted to HETAC for its agreement where not already agreed.
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- 2.4.2 Quality assurance procedures for collaborative programmes may be agreed in the context of accreditation evaluation or delegation of authority review.
- 2.4.3 HETAC may review the effectiveness of the quality assurance procedures for collaborative programmes distinctly from that of other programmes. This may be done in conjunction with partner providers and/or other relevant external quality assurance agencies.

### **2.5 Accreditation of collaborative programmes: supplementary policy and conditions**

- 2.5.1 A consortium may apply to HETAC for accreditation of a collaborative programme. The HETAC document ‘*Taught and Research Programme Accreditation Policy, Criteria and Processes*’ describes the default processes and the general accreditation criteria.
- 2.5.2 Accreditation/validation of a collaborative programme will normally be conditional on the commencement of the consortium agreement.
- 2.5.3 Partner providers in a collaborative programme accredited by HETAC or validated by a recognised institution of the Council may not sub-contract any of their responsibilities or

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<sup>3</sup> European Association for Quality Assurance in Higher Education. [Internet]. (2005). *Standards and Guidelines for Quality Assurance in the European Higher Education Area*. Available from: [http://www.bologna-bergen2005.no/Docs/00-Main\\_doc/050221\\_ENQA\\_report.pdf](http://www.bologna-bergen2005.no/Docs/00-Main_doc/050221_ENQA_report.pdf). Last Accessed: 23rd September 2008.

rights under the agreement without the written agreement of HETAC or the recognised institution of the Council. Any such sub-contract arrangement requires re-accreditation/revalidation.

- 2.5.4 Each provider should maintain and publish a record of all of its collaborative programmes and partner providers in its calendar (or equivalent) and on its main website..
- 2.5.5 Effectively, the provider of a collaborative programme is the consortium and the consortium is named by listing the partner providers on the Certificate of Programme Accreditation/ Validation etc.
- 2.5.6 Any programme accredited by HETAC or validated by a recognised institution of the Council may be converted into a collaborative programme. A programme deriving from such a conversion must always be re-accredited/revalidated to address the differences arising from the conversion, particularly to ensure that the intended learning outcomes of the collaborative programme comply with the relevant awards standards. Any approvals or recognition of the original programme by regulatory, statutory or professional bodies should not be assumed to extend automatically to the converted programme.

## **2.6 Reviewing accreditation**

- 2.6.1 Under Section 26 of the Qualifications Act, HETAC may review a collaborative programme at any time. If the programme is jointly accredited (refer to Section 4) the review process will be carried out in consultation with the other awarding bodies in line with the joint awarding agreement; otherwise the following default will apply.
- 2.6.2 If following the review HETAC is of the opinion that
  - i) the programme fails to meet the criteria under which accreditation was granted or
  - ii) the conditions that accreditation is subject to are not being complied with or
  - iii) other reasonable grounds exist for withdrawal of accreditation.HETAC will inform the consortium, by letter posted to the designated address, of its opinion giving reasons for that opinion.
- 2.6.3 The consortium may make representations to HETAC within one month of receipt of notice.
- 2.6.4 If after the expiration of one month and after consideration of any representations made by the consortium HETAC remains of the opinion that there exist sufficient grounds for the withdrawal of accreditation, then having regard for the interests of learners concerned it may withdraw its accreditation by notice in writing to the consortium.

## **2.7 Appealing refusal or withdrawal of accreditation**

- 2.7.1 A consortium may appeal to the National Qualifications Authority of Ireland against refusal or withdrawal of accreditation by HETAC.

### 3 TRANSNATIONAL PROGRAMMES SPECIFICALLY<sup>4</sup>

HETAC's remit is higher education and training in Ireland and accordingly it will normally only accredit/jointly accredit transnational programmes that are provided wholly or partly by a provider operating from Ireland.

#### 3.1 Preliminaries

- 3.1.1 **Transnational education** for the purpose of this document is the provision or partial provision of a programme of education in one **country**<sup>5</sup> by a provider which is based in another country. A **provider country** is the country in which a provider is based. A **receiver country** is a country in which learners are based. There may be multiple receiver countries and for collaborative programmes there may be multiple provider countries. The statement of policy assumes that each provider has its main base in one country—the extension of the policy and criteria to the alternative case is obvious. The term ‘transnational’ for the purpose of this document may be construed as cross-border or cross-jurisdictional.
- 3.1.2 Transnational programmes can be challenging to establish and operate and therefore there should be a clear benefit from the establishment of any such programme.
- 3.1.3 A provider is responsible for any activities conducted in its name and this responsibility extends to transnational programmes. Accordingly, a provider’s Academic Council (or an equivalent top level committee) should establish the overarching strategy for transnational provision; approve transnational programmes and be involved in the establishment of relevant arrangements.
- 3.1.4 Providers should only contemplate transnational provision
- within the framework of a clear, realistic, and periodically reviewed organisational strategy for doing so;
  - where arrangements for provision are financially sound and would not significantly diminish capacity to provide already established validated/accredited programmes;
  - where the learning environment can be sufficiently well resourced (humanly and materially) to enable learners to comfortably attain the intended learning outcomes which should be in compliance with HETAC awards standards;
- 3.1.3 Each provider should make detailed and timely information available to HETAC about all transnational provision and should seek prior written agreement of HETAC for each planned new instance of transnational provision. However, as already stated, a provider bears the full responsibility for whatever is done in its name.
- 3.1.4 The provider should ensure that all media presentations (press releases etc.) about its transnational provision are factual, fair and accurate.
- 3.1.5 Transnational programmes should be included in the provider’s calendar (or equivalent) and on its main website.
- 3.1.6 Prospective learners should be informed of the identity of the awarding bodies; the programme’s accreditation/validation status; the award-type, the award and its placement in relevant frameworks of qualifications; prior learning and other admission requirements; recognition by regulatory, statutory or professional bodies; programme structure and intended programme learning outcomes; the regulations that apply; and the schedule of any study periods to be spent outside the receiver country in addition to the information required by the ‘Policies, actions and procedures for Access, Transfer and

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<sup>4</sup> Parts have been adapted from NEASC/CIHE p.47

<sup>5</sup> Country for the purposes of this document can be construed as territory of a sovereign state, jurisdiction etc.

Progression for Learners' of the National Qualifications Authority of Ireland (Appendix 2) and the Qualifications Act.

- 3.1.7 Any provider should have contingency plans showing how it can fulfil its obligations to learners and so that in the event that a particular transnational programme cannot be continued, alternative arrangements are in place so that without unreasonable delay learners already registered on that programme are enabled to transfer to a similar programme and gain a qualification equivalent to the one that the first programme had been leading towards. In the case of providers which intend to operate programmes on a commercial and profit-making basis, Sections 43 and 44 of the Qualifications Act apply.
- 3.1.8 Academic policies and criteria relating to standards and assessment and related matters should be equivalent to those applying in respect of typical relevant Irish programmes provided in Ireland. The '*Policies, actions and procedures for Access, Transfer and Progression for Learners*' of the National Qualifications Authority of Ireland apply to providers of transnational programmes accredited/validated by HETAC or a recognised institution of the Council.
- 3.1.9 Support services for learners (such as health, safety, welfare, placements, career development advice and other services not directly linked to the programme) should be comparable to those provided to learners in programmes based in Ireland. Refer to the documents cited in 3.3 for other requirements.
- 3.1.10 HETAC has not yet established explicit guidelines on distance education and training. In the interim providers are referred to the Quality Assurance Agency for Higher Education's (QAA) *Code of Practice on Collaborative provision and flexible and distributed learning (including e-learning)*.
- 3.1.11 The accreditation/validation and quality assurance of transnational programmes that involve collaborative provision are also subject to **Section 2** of this document which specifically addresses collaborative programmes. This applies to all subsections of Section 3 of this document.

### **3.2 External quality assurance arrangements (including programme accreditation)**

- 3.2.1 Normally the **quality assurance** of a transnational programme will involve the relevant national quality assurance agencies both in the provider countries and in each of the receiver countries.
- 3.2.2 HETAC will normally seek to establish appropriate agreements concerning external quality procedures (validation/accreditation and quality assurance) with any relevant external quality assurance agencies in the receiver countries.
- 3.2.3 In the context of transnational provision the external quality procedures used by recognised quality assurance agencies established or recognised within the European Higher Education Area or agencies with which HETAC has established a formal legally binding memorandum of understanding may, by agreement, be accepted by HETAC as fulfilling its own requirements wholly or partially.

### **3.3 Quality procedures**

- 3.3.1 Section 2.3.1 of this document applies *mutatis mutandis* to transnational programmes.
- 3.3.2 Providers of transnational programmes should follow the relevant parts of the *Guidelines for Quality Provision in Cross-border Education* (OECD/UNESCO 2005) which are hereby adopted by HETAC as its Guidelines and use the codes of practice referenced therein particularly the UNESCO/Council of Europe Revised *Code of Good Practice in the Provision of Transnational Education* (2007) which is hereby adopted by HETAC as its Code of Good Practice.
  - Providers have the principal responsibility for quality assurance. The Code makes reference to 'awarding institution's' role in quality assurance. In cases where HETAC (not being a provider) is the awarding body this responsibility is

shared with the providers whose programmes are accredited but the responsibility of HETAC in this particular respect only relates to (joint) issue of the (joint) award.

- 3.3.3 Transnational programmes are subject to at least the same quality assurance standards as other types of programmes accredited by HETAC or validated by a recognised institution of the Council.
- 3.3.4 It is particularly important to ensure that the policy and criteria for monitoring and review of performance of academic staff (including tutors, demonstrators, adjunct staff, etc.) involved in transnational programmes should be equivalent to those applying to academic staff involved in accredited/validated programmes provided in Ireland.
- 3.3.5 Those responsible (individually and collectively) for transnational programmes should be particularly careful when establishing appropriate and transparent corporate governance arrangements that safeguard against academic and/or financial impropriety, recklessness and negligence.
- 3.3.6 The administration and internal quality assurance of transnational programmes is the responsibility of the provider of the accredited programme (i.e. the provider named on the Certificate of Approval) unless this responsibility is shared in the context of a collaboration and consortium agreement (established in accordance with Section 2). This means that transnational programmes involving a physical presence in another country and not involving a collaborative arrangement with a provider based in that country will require the establishment of a branch campus headed by a senior person from the provider organisation who is qualified by education and experience to represent the interests of the provider and to whom teaching and administrative staff report.

#### **3.4 Agreement and review of quality procedures**

- 3.4.1 Section 2.4 of this document applies *mutatis mutandis* to transnational programmes.
- 3.4.2 A review under 3.4 may involve visits to sites in the receiver countries and may involve any relevant external quality assurance agencies in those countries. HETAC may coordinate such visits reviewing all relevant provision on a country by country basis for reasons of efficiency.

#### **3.5 Accreditation/validation of transnational programmes supplementary policy and conditions**

- 3.5.1 A provider may apply to HETAC for accreditation of a transnational programme. The HETAC document '*Taught and Research Programme Accreditation Policy, Criteria and Processes*' describes the default processes and the general accreditation criteria.
- 3.5.2 A provider of a transnational programme accredited by HETAC may not sub-contract any of its responsibilities or rights under the accreditation without the written agreement of HETAC. A sub-contract arrangement would normally require re-accreditation prior to agreement.
- 3.5.3 Each provider should maintain and publish a record of all of its transnational programmes.
- 3.5.4 Subject to Section 3.7, a programme accredited by HETAC or validated by a recognised institution of the Council may be converted into a transnational programme. A programme deriving from such a conversion must always be re-accredited/revalidated to address the differences arising from the conversion and particularly to ensure that the intended learning outcomes of the transnational programme comply with the relevant awards standards. Any approvals or recognition of the original programme by regulatory, statutory or professional bodies should not be assumed to extend automatically to the converted programme.
- 3.5.5 If a transnational programme does not involve formal collaboration with a recognised higher education provider (in accordance with Section 2) then the provider may not

delegate any of its core academic functions in respect of the transnational programmes and the associated services. In particular, it should be responsible for, and for maintaining all permanent official records in respect of, advertising and recruitment of learners; access, transfer and progression of learners; the appointment of academic staff; all matters relating to assessment; allocation of academic (ECTS) credit; quality assurance procedures, recommending awards, and issue of Europass Diploma Supplement. In the case of a recognised institution of the Council if and only if the provision falls explicitly within the scope of its delegated authority as explained in Section 3.6 it is responsible for validation and the issuing of awards and cannot delegate those functions.

### **3.6 Reviewing accreditation and appealing refusal and withdrawal of accreditation**

3.6.1 The procedures and criteria in Section 2 apply *mutatis mutandis*.

### **3.7 Supplementary procedures and criteria for delegating authority to recognised institutions of the Council to make awards**

3.7.1 A necessary condition for a recognised institution of the Council to make awards under delegated authority in respect of transnational programmes is that HETAC has explicitly delegated authority specifying the discipline area; the framework levels of the awards and the specific award-types for which authority is delegated; the receiver countries; the partner providers if there are any; and any physical locations at which the programmes will be provided. If a recognised institution of the council validates additional programmes within the scope of such delegated authority it should inform HETAC which will issue formal delegated authority for that particular programme as is the practice with taught programmes generally.

3.7.2 Recognised institutions of the Council may apply to HETAC for delegated authority to validate transnational programmes and make awards in a specified discipline area; of specified award-types, at specified framework levels, for programmes provided in collaboration with specified partner providers if there are any, in specified locations in specified receiver countries. If authority to jointly make a joint award is required then an application should be made under Section 4.

3.7.3 HETAC will review such applications in accordance with the *Criteria and Procedures for the Delegation and Review of Delegation of Authority to Make Awards* (2004) supplemented by *'Policy for collaborative programmes, transnational programmes and joint awards'*. Specifically it will evaluate the relevant processes used by the recognised institution of the Council, the operation of those processes and decide whether or not to delegate authority to the recognised institution of the Council.

3.7.4 Prior to making a formal application under Section 3.7 for delegated authority to make awards in respect of transnational programmes, a recognised institution of the Council may, for the purpose of establishing, and demonstrating the operation of, the necessary processes, following consultation with HETAC, develop transnational programmes in the context of the intended application and progress the programmes through its programme validation processes having regard to relevant HETAC criteria and procedures but stop short of validating the programme and recruiting learners.

3.7.5 Where a recognised institution of the Council has already received delegated authority to make awards, then the review under Section 3.7 will only address the extension of delegation of authority. If the recognised institution of the Council already holds delegated authority which is comparable in scope to that required for the transnational provision (particularly with respect to collaborative arrangements (Section 2), receiver countries, award-type, framework level and discipline area) then, normally, no further review should be necessary and authority will normally be delegated following consideration of the application subject to the agreement of the Council and the National Qualifications Authority of Ireland.

3.7.6 HETAC requires, *inter alia*, that any recognised institution of the Council with delegated authority to make awards in respect of transnational programmes, ensures that the

transnational programmes are validated and provided in accordance with Section 3 of this document.

- 3.7.7 A recognised institution of the Council should not delegate the authority that is delegated to it by HETAC nor should it franchise, sell or transfer rights to its recognised status or accreditation or delegated authority.

## 4 ESTABLISHING AND MAKING JOINT AWARDS

### 4.1 Preliminaries

- 4.1.1 A joint award ‘*should be understood as referring to a higher education qualification issued jointly by at least two or more higher education institutions or jointly by one or more higher education institutions and other awarding bodies, on the basis of a study programme developed and/or provided jointly by the higher education institutions, possibly also in cooperation with other institutions*’.<sup>6</sup>
- 4.1.2 The motivation for making a joint award is to give due recognition to the involvement of two or more providers (normally higher education institutions) in the collaborative provision of the associated programme. The involvement may be as equal partners with shared responsibility for all of the main elements of the programme including the teaching, assessment and quality assurance. However, other less symmetrical arrangements arise and also justify the establishment of a joint award. For example, joint awards may be made where the involvement of one of the institutions is restricted to the joint validation and other quality assurance procedures for the associated programme.
- 4.1.3 The preferred form for the issue of a joint award is a single joint diploma (i.e. certificate or qualification) issued by a group of awarding bodies. HETAC recognises that the issue of multiple diplomas may be necessary to guarantee recognition in some circumstances for example where the different awarding bodies are required to use different award titles (e.g. Associate Degree and Higher Certificate).
- 4.1.4 The Qualifications Act states that Institutes of Technology in Ireland may enter into arrangements with the Higher Education and Training Awards Council, or with any other authority approved by the National Qualifications Authority of Ireland, from time to time, for the purpose of having higher education and training awards made. The arrangements for that purpose need to be approved by the National Qualifications Authority of Ireland. This provision applies to joint awarding arrangements.
- 4.1.5 An awarding body subject to the Qualifications Act is responsible for the validation of programmes leading to awards made in its name including joint awards and the monitoring of the quality of those programmes in accordance with the same act and possibly other requirements provided they do not conflict with their obligations under the act.
- 4.1.6 The accreditation/validation and quality assurance of joint award programmes that involve collaborative provision are also subject to **Section 2** of this document, and those that involve transnational provision are also subject to **Section 3** of this document. This applies to all subsections of Section 4.

### 4.2 External quality assurance arrangements

- 4.2.1 The joint awarding agreement (Section 4.4, 4.6 and Appendix) will elaborate any special quality assurance arrangements including joint review of the effectiveness of quality assurance procedures and or review of delegated authority.

### 4.3 Quality procedures

- 4.3.1 Section 2.3.1 of this document applies *mutatis mutandis* to joint awarding and associated programmes.

### 4.4 Agreement and review of quality procedures

- 4.4.1 Section 2.4 of this document applies *mutatis mutandis* to joint awarding and associated programmes.

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<sup>6</sup> The italicised text is based on the definition adopted (9 June 2004) by the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region.

4.4.2 A review under 4.4 may involve any relevant awarding bodies and external quality assurance agencies.

#### **4.5 HETAC involvement in joint accreditation of programmes and making joint awards: policy and criteria**

4.5.1 Any programme that is designed to lead to a joint award must be appropriately authorised for that purpose. Joint accreditation of a programme refers to the processes by which a group of awarding bodies and any other relevant authorities jointly satisfy themselves that a programme meets the jointly agreed minimum acceptable standards to enable it to be provided and for the purpose of the appropriate higher education and training awards (whether issued as multiple diplomas or a single joint diploma) being made.

4.5.2 The detailed specification of the standards, policy and criteria for joint accreditation and making joint awards must be established in a joint awarding agreement between HETAC and the relevant authorities. Normally one agreement document to be signed by all involved parties will be sufficient to cover programme accreditation/validation, quality assurance and making of awards. Guidelines on drafting joint awarding agreements are provided in the Appendix.

4.5.3 In the context of joint accreditation the approval processes used by awarding bodies (other than recognised institutions of the Council for which there are provisions in Section 4.6) established or recognised by, public bodies statutorily established for that purpose within, or other equivalent bodies recognised within, the European Higher Education Area and approved by a recognised higher education quality assurance agency, may be accepted by HETAC as fulfilling its own requirements.

4.5.4 A provider or a consortium may apply *jointly* to HETAC and other awarding bodies with which HETAC has established a joint awarding agreement for joint accreditation of a programme of higher education and training. The HETAC document ‘Taught and Research Programme Accreditation Policy, Criteria and Processes’ describes the default processes and the general accreditation criteria but Section 4.5.3 may be applied. In cases where a programme has already been accredited/validated HETAC may accept this under 4.5.3.

4.5.5 A necessary condition for HETAC to establish a joint awarding agreement and/or participate in the joint accreditation of a programme is that the *minimum* intended programme learning outcomes (i.e. the standard of the programme) are substantially equivalent to the learning outcomes specified by the generic award standard (published by HETAC) for the relevant award-type within the National Framework of Qualifications in Ireland.<sup>7</sup>

4.5.6 If a joint award is to be issued jointly as a single joint diploma then the award title (e.g. Honours Bachelor Degree, etc.) on the joint diploma should conform to the title of the relevant award type in the National Framework of Qualifications otherwise the joint award will normally be issued as multiple diplomas, but if feasible may be issued as a single diploma with the multiple award titles listed.

4.5.7 Joint accreditation of a programme will normally result in the production and issue by HETAC of an Order of Council and a Certificate of Programme Accreditation, which will stipulate, amongst other things, the Programme Title, the Award Title(s), the awarding bodies, the providers, the approved locations of provision, the award standard, type and level on the National Framework of Qualifications, and the dates of the first and last student intakes. The Order of Council will also include such conditions as

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<sup>7</sup> The National Framework of Qualifications in Ireland is compatible with the Dublin Descriptors for the three cycles in the Bologna Process and the Framework for Qualifications of the European Higher Education Area.

HETAC thinks fit, which should include but not necessarily be limited to, those conditions specified under Section 25(5) of the Qualifications (Education and Training) Act 1999. The conditions specified under Section 25(5) require the provider to

- i. co-operate with and assist HETAC, and the Qualifications Authority where appropriate, in the performance of their functions;
- ii. establish procedures for the assessment of learners which are fair and consistent and for the purpose of compliance with standards determined by HETAC;
- iii. implement the procedures for access, transfer and progression determined by the National Qualifications Authority of Ireland; and
- iv. provide such information as HETAC may from time to time require for the purposes of the performance of its functions, including information in respect of completion rates.

#### **4.6 Supplementary procedures and criteria for delegating authority to recognised institutions of the Council to make awards joint awards**

- 4.6.1 Subject to 4.1.4, HETAC may delegate authority to a recognised institution of the Council to make joint awards with other awarding bodies, in the context of collaborative provision. This also applies specifically to a recognised institution making joint awards with other recognised institutions.
- 4.6.2 A necessary condition for a recognised institution of the Council to make joint awards with other specified awarding bodies under delegated authority is that HETAC has first entered into an agreement with the specified awarding bodies. Such an agreement will take the form of an outline joint awarding agreement but with some of the detail unspecified to be addressed in the relevant consortium agreements. Guidelines on drafting joint awarding agreements are provided in the Appendix.
- 4.6.3 Where it is desired that joint awards are to be made in respect of collaborative programmes provided by a consortium involving one or more recognised institutions of the Council, the recognised institution(s) of the Council may request HETAC to enter into a joint awarding agreement, if not already established, with any other relevant authorities and the recognised institution of the Council(s) for the purpose *inter alia* of establishing joint award(s).
- 4.6.4 HETAC would normally seek to have the necessary joint awarding agreements (4.6.3) established on an overarching basis at the national level in the case of consortia involving partners exclusively from Ireland and the United Kingdom. This approach may be extended to other countries as the appropriate mutual recognition infrastructure is established.
- 4.6.5 A recognised institution of the Council named in a joint awarding agreement established under 4.6.3 may apply to HETAC for delegated authority jointly to validate new programmes and (jointly) to make joint awards in respect of that agreement.
- 4.6.6 A recognised institution of the Council should have a substantial direct involvement in the teaching and assessment of learners in any programmes leading to joint awards to be made under delegated authority with other awarding bodies.
- 4.6.7 A recognised institution of the Council cannot delegate its delegated authority.
- 4.6.8 HETAC will review applications made under 4.6.5 in accordance with the *Criteria and Procedures for the Delegation and Review of Delegation of Authority to Make Awards* (2004) and the procedures and criteria in *'Policy for collaborative programmes, transnational programmes and joint awards'*.

- 4.6.9 Where a recognised institution of the Council has already limited delegated authority to make awards, then the review under 4.6.5 will only address the extension of delegation of authority. If the recognised institution of the Council already holds delegated authority which is comparable in scope to that of the joint awarding agreement (particularly with respect to collaborative provision (refer to Section 3), transnational provision (refer to Section 4), award-type, framework level and discipline area) then, normally, no further review should be necessary and authority will normally be delegated subject to the agreement of the Council and the National Qualifications Authority of Ireland.
- 4.6.10 HETAC requires, *inter alia*, that a recognised institution of the Council with delegated authority to make joint awards with other awarding bodies, ensures that the relevant collaborative programmes are validated and provided in accordance with the HETAC *'Policy for collaborative programmes, transnational programmes and joint awards'*.
- 4.6.11 A recognised institution of the Council with delegated authority under 4.6 should establish a robust operational process with the other awarding bodies for the purpose of securely issuing the award certificates and the Europass Diploma Supplement.
- 4.6.12 It is important that each recognised institution of the Council makes available to HETAC detailed and timely information relating to all types of collaborative provision in which it is involved.
- 4.6.13 HETAC may review or withdraw delegated authority in accordance with Section 30 of the Qualifications Act and following consultation with the other signatories (parties) to the joint awarding agreement.

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## 6 APPENDIX

### 6.1 Guidelines on the drafting of a Consortium agreement

The consortium agreement should assure that education and training provision and associated services are provided in a streamlined manner and in compliance with HETAC policy and in accordance with its guidelines and with any other legitimate requirements; and normally<sup>8</sup>

#### General arrangements

- a) establish and specify the consortium (indicating the partner providers and the designated address for communication);
- b) establish the rights and obligations of all partner providers;
- c) establish the nature of the services to be performed by each partner provider; specify the scope of the agreement and the relevant programme(s) and the award(s) that each will lead to;
- d) establish the period of the agreement;
- e) establish the conditions under which the agreement will be reviewed and under which it will be renewed;
- f) provide for the amendment of the agreement;
- g) establish the entity (normally the consortium) that learners can hold legally liable for any deficiencies in the provision of education and training;
- h) specify any limitations on liability and provide for mutual indemnification;
- i) provide for the resolution of disputes arising in respect of the agreement;
- j) provide for the termination or suspension of the agreement (setting out the conditions under which this can be done) having regard for learners concerned;
- k) make appropriate arrangements for the protection of learners as stipulated in Section 43 of the Qualifications (Education and Training) Act and in all cases for residual obligations to learners on termination of the agreement;
- l) name the jurisdiction within which the agreement is enacted and should be interpreted;
- m) establish a process for addressing disputes in respect of the agreement including any perceived breaches of the agreement and grievances by learners and involved employees;

#### Financial arrangements

- n) state financial arrangements
  - i. that address the distribution of any income arising from services provided by each of the partner providers;
  - ii. that assure each partner provider's capacity to account for income and expenditure involving the consortium;
  - iii. that meet all legal requirements in all of the involved jurisdictions;

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<sup>8</sup> Parts of this have been adapted from NEASC/CIHE Pp12

- iv. that make adequate provision for protection for learners as described under paragraph j.

Specific arrangements in respect of each of the programmes covered by the agreement

- o) specify the programme's essential parameters including prior learning and other admission requirements, programme assessment strategy and intended learning outcomes;
- p) specify the awarding body or bodies and including the necessary awarding agreements;
- q) oblige partner providers to participate in the collaborative programme review/accreditation/validation process required by the relevant awarding bodies and to comply with any conditions that are attached to review/accreditation/validation;
- r) establish quality assurance procedures for the collaborative programme and require partner providers to cooperate and participate in each other's quality assurance procedures and in related quality evaluations whether internal or externally organised, while ensuring that quality assurance procedures applying to the collaborative programme should be recognised as meeting the national requirements in each partner provider's country;<sup>9</sup>
- s) provide for the relevant awarding bodies to monitor the quality and standards of the programme and associated services;
- t) require, and provide for, the partner providers as appropriate to jointly contribute to the provision of the programme;
- u) specify the regulations (recruitment, access and admission, academic standard, transfer, progression, assessment, appeals, complaints etc.) that apply to learners or prospective learners concerned while ensuring that the procedures<sup>10</sup> for access, transfer and progression determined by the National Qualifications Authority of Ireland are implemented;
- v) specify in detail the rights and entitlements of learners (including necessary learner support services) at each of the partner provider sites and how the relevant services will be delivered and how access to same by learners should be assured;
- w) deal explicitly with the provision of, and access by learners to, human and material resources;
- x) specify in detail (with explicit rationale based on the learning outcome standards required by the awarding body or bodies and any other requirements needed for approval) the programme assessment strategy and learner assessment procedures for the programme and the conditions under which an award will be recommended and provide for the appointment of external examiners;
- y) collect and maintain the information required by external quality assurance agencies and produce a Europass Diploma Supplement with complete information about the ECTS credits earned on the collaborative programme;

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<sup>9</sup> The establishment of mutual accreditation agreements between relevant quality assurance agencies will facilitate such recognition.

<sup>10</sup> National Qualifications Authority of Ireland. [Internet]. (2003). *Policies, actions and procedures for Access, Transfer and Progression for Learners*. Available from: <http://www.nqai.ie/docs/publications/10.pdf> Last Accessed: 23rd September 2008.

- z) require that partner providers will encourage and make provision for cooperation between their staff in respect of the programme;
- aa) deal with intellectual property rights relevant to the collaboration;

Transnational Provision

- bb) require, in the case of transnational provision, compliance with Section 4 of this document.

## 6.2 Guidelines on the drafting of joint awarding agreements

Agreements should normally:

- a) establish clear limits to their scope in respect of
  - i. the programmes and/or discipline areas as appropriate;
  - ii. the awards and/or award-types;
  - iii. the providers; and
  - iv. the sites for provision.
- b) determine, for each of the award-types covered by the agreement, by the authority of the authorised parties to the agreement and with reference to relevant national qualifications frameworks and any relevant international agreements on qualifications, the standard of knowledge, skill and competence to be attained by the learner before an award can be made/recommended; the detailed standards for programmes developed to lead to joint awards established by the agreement ought to be specified in the appropriate consortium agreements;
- c) name any recognised institutions of the Council that may apply to HETAC for delegated authority jointly to make joint awards under the agreement and specify the role and responsibilities of each such institution;
- d) state that the programmes covered by the agreement are subject to approval and re-approval by all the relevant bodies by the established accreditation/validation process (e) and provide, where appropriate, for the accreditation/validation of new programmes to be covered by the agreement and
- e) establish (or provide for the establishment of) the policy and criteria for programme accreditation/validation which *inter alia* should
  - i. set up a joint accreditation/validation process (the process should involve (I) self-assessment by the provider, (II) review by independent external experts and (III) the publication of the findings of the assessors);
  - ii. ensure that the provider(s) establish procedures for the assessment of learners which encourage effective learning and which are fair and consistent and for the purpose of compliance with standards determined under (2.4-b);
  - iii. ensure that all parts of the programme and its providers are subject to transparent quality assessment;
  - iv. provide for (i) joint re-accreditation/re-validation, (ii) the joint review of accreditation/validation at any time and (iii) the withdrawal of accreditation/validation having regard for the interests of learners concerned;
  - v. provide a process for appealing refusal or withdrawal of accreditation/validation; and

- vi. require, where the programme is provided by a consortium, that accreditation/validation is conditional on the execution of the consortium agreement (Section 3).
- f) Establish (or provide for the establishment of) the policy and criteria for making (and revoking) awards which should normally:
  - i. implement the standards determined under (b);
  - ii. provide for the establishment of an operational process for making awards describing the form of the parchment, the award ceremony, the academics, the body responsible for the secure and permanent establishment and maintenance of a register of awards made and the issue of the parchments;
  - iii. having regard to the requirements of the Lisbon recognition convention and relevant national and international agreements make provisions to (i) ensure that the joint award is widely recognised and (ii) guarantee that the joint award is at least recognised in the countries of the awarding bodies;
  - iv. provide for the issue of a Europass Diploma Supplement<sup>11</sup>;
  - v. provide for the assignment of European Credit Transfer System (ECTS) credit to the programme and, if appropriate, its parts;
  - vi. provide for an appeals process in respect of decisions made by the awarding bodies;
- g) provide for the agreement of providers' quality assurance procedures;
- h) provide for mutual indemnification;
- i) provide for the resolution of any disputes arising in respect of the agreement;
- j) provide for the termination of the agreement;
- k) provide for amendments to the agreement; and
- l) name the jurisdiction within which the agreement is enacted and should be interpreted.

### 6.3 Institutes of Technology of Ireland Principles (2007)

**1. Transnational arrangements** should be so elaborated, implemented and monitored as to widen the access to higher education studies, fully respond to the learners' educational needs, contribute to their cognitive, cultural, social, personal and professional development, and comply with the national legislation regarding higher education in both receiving and sending countries. In the case of collaborative arrangements there should be written and legally binding agreements or contracts setting out the rights and obligations of all partners. For the purpose of 6.3 the partners shall include an awarding institution which shall be an institute of technology and providing institutions which shall include all institutions involved in provision.

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<sup>11</sup> "The Europass Diploma Supplement issued with a joint degree should clearly describe all parts of the degree, and it should clearly indicate the institutions and/or study programmes at which the different parts of the degree have been earned." (ENIC/NARIC)

The diploma supplement should include cross-references where multiple diplomas are issued to a learner in respect of a joint programme.

**2. Academic quality and standards** of transnational education programmes should be at least comparable to those of the awarding institution as well as to those of the receiving country. Awarding institutions as well as the providing institutions are accountable and fully responsible for quality assurance and control. Procedures and decisions concerning the quality of educational services provided by transnational arrangements should be based on specific criteria, which are transparent and systematic.

**3. The policy and the mission** of institutions established through transnational arrangements, their management structures and educational facilities, as well as **the goals, objectives and contents** of specific programmes, sets of courses of study, and other educational services, should be published, and made available upon request to the authorities and beneficiaries from both the sending and receiving countries.

**4. Information** given by the awarding institution, providing organization, or agent to prospective students and to those registered on a study programme established through transnational arrangements should be appropriate, accurate, consistent and reliable. The information should include directions to students about the appropriate channels for particular concerns, complaints and appeals. Where a programme is delivered through a collaborative arrangement, the nature of that arrangement and the responsibilities of the parties should be clearly outlined. The awarding institution is responsible for and should control and monitor information made public by agents operating on its behalf, including claims about the recognition of the qualifications in the sending country, and elsewhere.

**5. Staff members** of the institutions or those teaching on the programmes established through transnational arrangements should be proficient in terms of qualifications, teaching, research and other professional experience. The awarding institution should ensure that it has in place effective measures to review the proficiency of staff delivering programmes that lead to its qualifications.

**6.** Transnational education arrangements should encourage the awareness and knowledge of the **culture and customs** of both the awarding institutions and receiving country among the students and staff.

**7.** The awarding institution should be responsible for the **agents** it, or its partner institutions, appoint to act on its behalf. Institutions using agents should conclude written and legally binding agreements or contracts with these, clearly stipulating their roles, responsibilities, delegated powers of action as well as monitoring, arbitration and termination provisions. These agreements or contracts should further be established with a view to avoiding conflicts of interests. They should also establish the information to be provided by the agent to prospective students and to students at any induction processes. Notwithstanding this, a recognised institution of the Council (of HETAC) should not delegate any powers that have been delegated to it by HETAC. Moreover the scope of the authority that can be devolved to agents is curtailed by the *Policy for collaborative programmes, transnational programmes and joint awards (2008)*.

**8. Awarding institutions** should be responsible for issuing the qualifications resulting from their transnational study programmes. They should provide clear and transparent information on the qualifications, in particular through the use of the Europass Diploma Supplement, facilitating the assessment of the qualifications by competent recognition bodies, the higher education institutions, employers and others. This information should include the nature, duration, workload, location and language(s) of the study programme leading to the qualifications.

**9. The criteria for admission** of students to a course of study, **the teaching/learning activities, the examination and assessment requirements** for educational services

provided under transnational arrangements should be equivalent to those of the same or comparable programmes delivered by the awarding institution.

**10. The academic work load** in transnational study programmes, expressed in credits, units, duration of studies or otherwise, should be that of comparable programmes in the awarding institution, any difference in this respect requiring a clear statement on its rationale and its consequences for the recognition of qualifications.

**11. Qualifications** issued through transnational educational programmes, complying with the provisions of the present Code, should be assessed in accordance with the stipulations of the Lisbon Recognition Convention.

#### 6.4 Access, Transfer and Progression

##### **Extract from Policies, Actions and Procedures for Access, Transfer and Progression for Learners, National Qualifications Authority of Ireland 2003<sup>12</sup> (p 36,37)**

Actions and procedures on information provision—Providers of further and higher education and training

To ensure the maximum effect of the Framework in promoting transparency and clarity for learners, the Authority has determined procedures to be followed by providers to ensure that learners and prospective learners are able to get comprehensive information on the possibilities for access, transfer and progression in a clear, straightforward and consistent manner. These procedures are formulated as information protocols to be observed by all relevant providers as defined in the legislation:

- all providers are to inform learners commencing programmes of the name of the awarding body and the title, award-type and framework level designation of the award associated with that programme
- all providers, for each and every programme, will publish in a standard and accessible format:
  - the arrangements for eligibility to enter, including a statement of the knowledge, skill and competence needed by the learner as a basis for successful participation on the programme
  - arrangements to assess learner's eligibility to enter
  - further selection arrangements, where these apply
  - a statement of arrangements available for recognition of prior learning, for entry to each of their programmes and for access to an award
  - possibilities for transfer and/or progression associated with the programme, including any relevant specific progression linkages
  - details of learning support available for specific learner groups such as learners with disabilities, or learners whose mother tongue is not English
- all information and publicity documentation referring to a programme leading to an award will include a statement of the arrangements for entry, and a description of the transfer and/or progression possibilities into and out of the programme

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<sup>12</sup> National Qualifications Authority of Ireland. [Internet]. (2003). *Policies, actions and procedures for Access, Transfer and Progression for Learners*, pp. 36-37. Available from: <http://www.nqai.ie/docs/publications/10.pdf> .Last Accessed: 24th September 2008.

- any supplementary document (i.e. certificate or diploma supplement to promote transparency of an award) issued by providers with independent awarding powers will include information about:
  - the placing of the award in the National Framework of Qualifications
  - the name of the awarding body and the title, award-type and framework level designation of the award the transfer and progression opportunities associated with the award.