



## *AZES* and *Cipes* Conference

Porto, 9-11 October 2014

### **HIGHER EDUCATION AS COMMERCE:**

#### **CROSS BORDER EDUCATION AND THE SERVICE DIRECTIVE**

Cross border education is a multi-billion Euro activity. Over the years attempts have been made to transform education into a tradable service that could be provided across borders without the imposition of barriers by national authorities. Early in the present century, a bid to include higher education in the General Agreement on Trade in Services saw negotiations launched within the framework of the World Trade Organization. This initiative was withdrawn following a joint declaration, signed by the presidents of organizations representing higher education institutions in U.S., Canada and Europe.

Cross border education activities raise fundamental issues about the quality of the services provided. In 2005, both UNESCO and the OECD recognised that university degrees supplied by foreign providers were attracting a rapidly increasing clientele. To safeguard against low-quality services, both organisations jointly drew up *Guidelines on Quality Provision in Cross-border Higher Education*, inviting “governments to establish comprehensive systems of quality assurance and accreditation for cross-border higher education, recognising that this involves both sending and receiving countries”.

More recently, the European Union issued a Service Directive (Directive 2006/123/EC) of the European Parliament and of the Council. The European Commission (EC), drawing on decisions of the European Court of Justice, has pressed member states to implement this directive, including those “services of higher education” provided by *private* institutions.

The view taken by the EC holds that programmes and their diplomas awarded by a private institution of one Member State (MS) which are on offer in another MS, for example through franchise agreements, are the responsibility of the MS where the awarding authority is located. The Commission’s interpretation is that responsibility

for ensuring the quality of the training and education thus provided is **not** incumbent on the **receiving** Host Member State. Rather, responsibility for verification and approval for the programmes and diplomas awarded lies with the MS from which the private provider hails. Under this interpretation, verification, quality and accreditation fall to the exporting MS, not the importing MS. Clearly it is more blessed to give than to receive!

Nevertheless, to ensure that private education service providers from other MS in fact and in law form part of the home MS system of higher education, a MS may carry out certain checks. However, the requirements and conditions for the prior checks are subject, in the view of the Commission, to the tests of justification and proportionality and should thus be clear, known in advance, not excessively burdensome (e.g. no certified translations), contain clear criteria, entail reasonable costs, etc.

In effect, the EU would appear to have ignored completely the measured and considered opinion of both UNESCO and OECD. As currently interpreted, the Service Directive would seem to leave aside the option of receiving MS putting measures in hand to ensure their citizens are alerted and made aware of low quality services supplied by private providers from another MS.

A new and further dimension in Cross Border (Higher) Education currently adding impetus – and, in the views of some, considerable potential – to this general theme is the advent of Massive Open Online Courses (MOOCs). This variation on e-learning has recently emerged in both the U.S. and in Europe where a number of universities are actively engaged in this venture. At present, it is by no means clear whether this development entails a more complex role to internet education, may act as a potential accelerant to Cross Border (Higher) Education or is simply another educational fad.

The conference will address the topic of Cross Border Higher Education, its dimensions, the issues it poses for nation-state systems of higher education, its associated potential, including the new phenomenon of MOOCs. What are the consequences that follow from the EU Service Directive? What measures may national quality assurance agencies envisage to ensure an acceptable balance between the interpretation of higher education as a tradable service against its abiding mission to advance knowledge, to raise the educational level of the Nation's citizens, to sustain its innovative capacity and to uphold its social cohesion?

**VENUE: Anfiteatro Ferreira da Silva**

**Faculdade de Ciências**

**Rua do Campo Alegre, 1021**

**PORTO**

## Speakers



Alberto Amaral holds a doctorate from Cambridge and is a professor at the University of Porto and a researcher at CIPES – Centre for Research on Higher Education Policies. He was the rector of Porto University from 1985 to 1998. At present he is the chair of the administration council of the Portuguese Assessment and Accreditation Agency for Higher Education.



Guy Neave holds a doctorate in French Political History from UC London. One-time Professor of Comparative Education at the University of London Institute of Education (1985 – 1990), he is also Professor Emeritus of CHEPS (Netherlands). In 1999 he was elected Foreign Associate of the US National Academy of Education. At present, he is the scientific director of CIPES.



Jamil Salmi is a global tertiary education expert providing policy advice and consulting services to governments, universities, professional associations, multilateral banks and bilateral donors. Until January 2012, he was the World Bank's tertiary education coordinator. Dr. Salmi was the principal author of the Bank's 2002 Tertiary Education Strategy entitled "Constructing Knowledge Societies: New Challenges for Tertiary Education". His 2009 book addresses the "Challenge of Establishing World-Class Universities".



Achim Hopbach, former President of the ENQA he is also a member of the Bologna Follow-up Group; Achim is the Managing Director of the new Agency for Quality Assurance and Accreditation Austria and serves as member of the Hong Kong Accreditation Council. In addition to quality assurance he works in the field of qualifications frameworks.



Andrée Sursock is senior advisor at the EUA. She serves on the international advisory committee of Université Pierre et Marie Curie - Paris 6, and on the appeals committee of the Portuguese accreditation agency. She sits on the boards of several QA agencies: in the French Community of Belgium, Switzerland and Dubai. She earned a first degree in philosophy from the University of Paris I and a PhD in social-cultural anthropology from the University of California, Berkeley.



Luigi Berlinguer has a degree in Law from the University of Sassari and was a member of the European Parliament from 2009 to 2014. He was the rector of the University of Siena (1985-1994) and the secretary general of the conference of the rectors of the Italian universities. He was minister of Education from 1996 to 2000 and minister for University Scientific Research and Technology from 1996 to 1998. He served both at the Italian Camera dei Deputati and the Italian Senate. He has also been member of the Italian higher council for the Judiciary.



Jan De Groof is professor at the College of Europe (Bruges, Belgium) and at the TiasNimbas Business School (University of Tilburg, the Netherlands). He is president of the European Association for Education Law and Policy. Jan De Groof is professor and visiting professor at Belgian, European, American and South African universities. In 1987, he was appointed Government Commissioner for Universities in the Flemish Community of Belgium. He has been Chief of the Cabinet of the Flemish Minister of Education (1985-1988). Jan De Groof holds the UNESCO Chair for the Right to Education and is former UNESCO Chargé de Mission.



Lukas Bischof is a project manager with CHE Consult, Berlin. He studied Business Administration, Spanish, Russian and HE Management and holds a Master's Degree in Organisational and Work Psychology from the University of Freiburg. At CHE Consult, he is engaged in projects on international quality assurance and does research and consulting work. He publishes regularly on quality assurance in higher education.



Luca Lantero is the Director of the NARIC Italia. From 2005 he is senior adviser at the Italian Erasmus Mundus National Structure and since 2009 he is the national correspondent for the Italian Qualifications Framework. His research activity is focused in the field of professional and academic recognition and mobility programmes including double and joint degrees and bogus diplomas and accreditation mills.



Elsa Hackl holds a Master Degree in Law and Doctor Degree in Politics. Has been director at the Austrian Ministry for Higher Education and Research before integrating the Department of Political Science, University of Vienna. Was a visiting fellow at the University of British Columbia, Canada, the European University Institute, Florence, and worked as an expert for OECD, the Council of Europe and Salzburg Seminar.



Anthony McClaran has been Chief Executive of QAA since October 2009 and was previously Chief Executive of UCAS. His career has included senior academic administration and management posts at the Universities of Warwick and Hull. Anthony has held numerous governance positions across the school and university sectors. He is a Freeman of the Company of Educators; a Member and Trustee of the Honourable Company of Gloucestershire; a Trustee of the Summerfield Trust; and Chair of All Saints' Academy in Cheltenham. He was elected to the ENQA Board in 2013.



Padraig Walsh holds degrees in Chemical and Biochemical Engineering from University College Dublin (BE, PhD) and from the University of Missouri (MSc). In 2005, he was appointed Chief Executive of the Irish Universities Quality Board (IUQB) and subsequently of the bodies that merged in 2012 into Quality and Qualifications Ireland. He is the President of the ENQA board since October 2013. He serves on the appeals committee of the Portuguese accreditation agency.



Judith S. Eaton is president of the Council for Higher Education Accreditation (CHEA), the largest institutional higher education membership organization in the United States. A national advocate and institutional voice for self-regulation of academic quality through accreditation, CHEA is an association of 3,000 degree-granting colleges and universities.



Joris Larik is a senior researcher at The Hague Institute for Global Justice. Previously, he was a postdoctoral research fellow at the Centre within the project "The Internationalisation of European Law and Europeanisation of International Law" and academic coordinator of the "The EU in Global Governance"-MOOC. His research focuses on the law of external relations of the European Union, comparative & multilevel constitutional law and comparative regional integration.



Russell Beale is a Professor of Human-Computer Interaction at the University of Birmingham. As a 'Critical Friend' of FutureLearn, he guides the development of the site from the dual perspectives of learning design and user experience. On the academic side, he helps to devise new pedagogies that are suitable for massive open online courses (moocs), and solves issues that arise around the learning design. Russell also works closely with the website's design team to make sure learners get the best possible user experience from FutureLearn.com.



Maria J. Rosa is an Assistant Professor at the Department of Economics, Management and Industrial Engineering at the University of Aveiro. She is also a researcher at CIPES. Her main research topics are quality management and quality assessment in higher education institutions. She is a member of CHER and of the executive committee of EAIR.



Cláudia Sarrico is an associate professor with the Lisboa School of Economics and Management, Universidade de Lisboa, and researcher at CIPES. Her area of interest is operations management, particularly in services. She has worked primarily on issues of quality and performance of services, with a focus on professional services, such as education, higher education and science.

## Programme

### Thursday, 9 October

09.00 – 10.00 Registration of participants

#### **Morning – Opening and Introduction to the theme**

10.00 – 11.00 Cross-border education. A new business? – Alberto Amaral

11.00 – 11.30 Coffee break

#### **Morning – Conceptual framework** – Chair David Dill

11.30 – 12.30 Exporting one's wares, competitive assertiveness or Trojan Horse?  
Interpreting Cross-border Higher Education – Guy Neave

12.30 – 14.00 Lunch

#### **Afternoon – The economic value of Cross-border Education** – Chair Pedro Teixeira

14.00 – 15.00 The Business of Cross-border Education (Jamil Salmi)

#### **Afternoon – Quality and Cross-border Education** – Chair Cláudia S. Sarrico

15.00 – 16.00 Cross-border education. The UNESCO/OECD recommendation  
(Achim Hopbach)

16.00 – 16.30 Coffee break

#### **Afternoon – The view of stakeholders** – Chair Sónia Cardoso

16.30 – 18.00 Panel session

- The view of HEIs (Andrée Sursock)
- The view of students (ESU)

## **Friday, 10 October**

### ***Morning – Understanding the Service Directive*** – Chair Alberto Amaral

09.30 – 11.00 Panel Session

- Why the European Parliament has passed the Service Directive? What protection was given to education? Was it successful? (Luigi Berlinguer)
- A legal explanation of the consequences of the Service Directive (Jan de Groof)

*11.00 – 11.30 Coffee break*

### ***Morning – The Service Directive*** – Chair Orlanda Tavares

11.30 – 12.30 Delivering Education across Borders in the European Union – National responses to the service directive and their effect on franchising, validation, and branch campuses (the recent report on CBHE in EU member states) (Lukas Bischof)

*12.30 – 14.00 Lunch*

### ***Afternoon – National Cases of Cross-border Education*** – Chair Guy Neave

14.00 – 16.00 Panel Session

- Italy (Luca Lantero)
- Austria (Elsa Hackl)
- UK (Anthony McClaran)

*16.00 – 16.30 Coffee break*

### ***Afternoon – Quality Agencies and the Service Directive*** – Chair Amélia Veiga

16.30 – 17.30 How to minimize the negative effects of the Service Directive? How can national quality agencies collaborate? (Padraig Walsh)

## **Saturday, 11 October**

### ***Morning – The Emergence of MOOCs*** – Chair Maria João Rosa

09.00 – 11.00 Panel Session

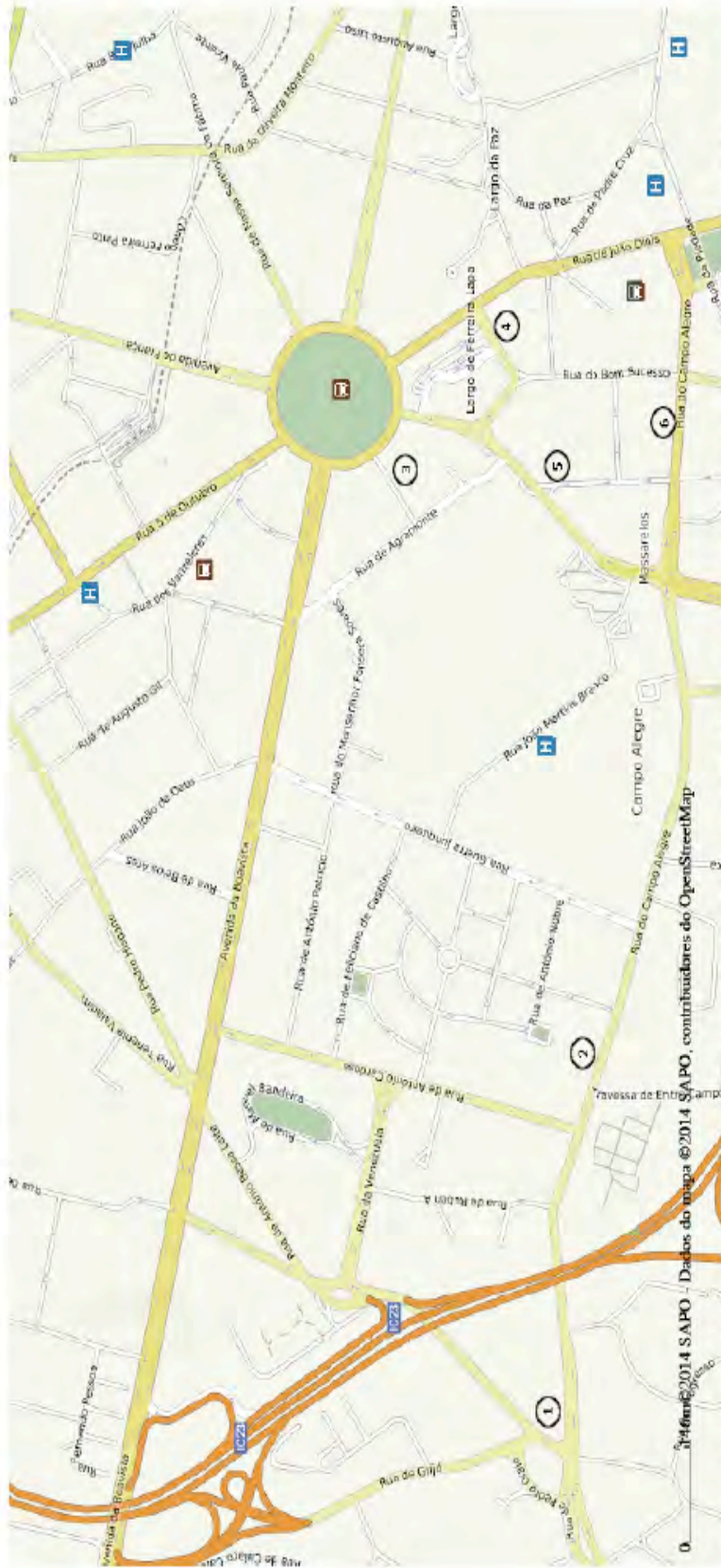
- Implementing a MOOC (Joris Larik)
- A reflective perspective on MOOCs (Russell Beale)
- Accreditation of e-learning and MOOCs (Judith Eaton)

*11.00 – 11.30 Coffee break*

### ***Morning – Conclusions*** – Chair Alberto Amaral

11.30 – 12.30 Conclusions and closure (Maria João Rosa and Cláudia Sarrico)

*12.30 – 14.00 Lunch*



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