Joint Committee on Higher Education

Revised National Protocols for Higher Education Approval Processes

Draft for consultation prepared by the JCHE. This draft does not necessarily represent the views of Ministers or jurisdictions.

March 2006
Contents

Introduction 1
- Purpose 1
- Background 1
- Implementation 1
- Timeframe 1
- The National Protocols 1
- Application of the National Protocols 2
- Goals of higher education in Australia 3
- Quality assurance of Australian higher education 3

Protocol A - Nationally agreed criteria and approval processes for all higher education institutions 4
- Nationally agreed criteria for all higher education institutions 4
- Nationally agreed processes related to all applications for higher education approvals 5

Protocol B - Criteria and processes for the registration of non self-accrediting higher education institutions and the accreditation of their higher education courses 6
- Additional registration criteria 6
- Additional course accreditation criteria 6
- Assessing applications 6
- Assessing applications to operate in more than one jurisdiction 7
- Quality assurance 7

Protocol C - Criteria and processes for awarding self-accrediting authority to higher education institutions other than universities 8
- Additional criteria 8
- Assessing applications 8
- Assessing an application for a proposed new (including 'green-field') institution seeking self-accrediting authority 9
- Quality assurance 9

Protocol D - Criteria and processes for awarding a modified university title to specialised university-level self-accrediting institutions 10
- Additional criteria 10
- Assessing applications 11
- Assessing applications for proposed new (including 'green-field') specialised university-level self-accrediting institutions 11
- Quality assurance 12

Protocol E - Criteria and processes for establishing Australian universities 13
- Additional criteria for established universities 13
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional criteria for newly established universities</td>
<td>13</td>
</tr>
<tr>
<td>Assessing applications</td>
<td>14</td>
</tr>
<tr>
<td>Assessing applications for proposed new (including ‘green-field’)</td>
<td>14</td>
</tr>
<tr>
<td>universities</td>
<td></td>
</tr>
<tr>
<td>Quality assurance</td>
<td>14</td>
</tr>
<tr>
<td><strong>Protocol F - Criteria and processes for overseas higher education</strong></td>
<td>15</td>
</tr>
<tr>
<td>institutions seeking to operate in Australia</td>
<td></td>
</tr>
<tr>
<td>Additional criteria</td>
<td>15</td>
</tr>
<tr>
<td>Assessing applications</td>
<td>16</td>
</tr>
<tr>
<td>Quality assurance</td>
<td>17</td>
</tr>
<tr>
<td><strong>Part G - Obligations on Government Accreditation Authorities</strong></td>
<td>18</td>
</tr>
<tr>
<td>Glossary of Terms</td>
<td>20</td>
</tr>
<tr>
<td>Acronyms</td>
<td>23</td>
</tr>
</tbody>
</table>
Introduction

Purpose

The National Protocols for Higher Education Approval Processes (the ‘National Protocols’) are a key element of the national quality assurance framework for Australian higher education. They protect the standing of Australian higher education nationally and internationally by assuring students and the community that higher education institutions in Australia have met identified criteria and are subject to appropriate government regulation.

Background

The Australian State and mainland Territory Governments and the Australian Government, which have responsibility for managing co-operatively all higher education approval processes, first agreed to the adoption of the National Protocols on 31 March 2000.

During 2004 and 2005, an extensive process of consultation led to the further development of the National Protocols. Details of this process, which included a commissioned report and a national workshop, and related documents are available at www.dest.gov.au.

The current revised edition of the National Protocols was recommended by the Joint Committee on Higher Education (JCHE) and approved by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) on XXX 2006.

Implementation

The National Protocols are implemented through a co-operative national approach to higher education accreditation and approval processes. The Australian Qualifications Framework (AQF) Register of Government Accreditation Authorities, available at www.aqf.edu.au, lists the bodies which are responsible for the implementation of the National Protocols. All jurisdictions have enacted legislation to give effect to the National Protocols. National guidelines elaborate on details of the implementation of the National Protocols.

Timeframe

This edition of the National Protocols will commence operation in June 2007. It has been agreed that the National Protocols will next be reviewed no later than 2012.

The National Protocols

This document includes six Protocols that outline criteria and processes for higher education approvals:

- **Protocol A** Nationally agreed criteria and approval processes for all higher education institutions
- **Protocol B** Criteria and processes for the registration of non self-accrediting higher education institutions and the accreditation of their higher education courses
- **Protocol C** Criteria and processes for awarding self-accrediting authority to higher education institutions other than universities
- **Protocol D** Criteria and processes for awarding a modified university title to specialised university-level self-accrediting institutions
- **Protocol E** Criteria and processes for establishing Australian universities
Protocol F Criteria and processes for overseas higher education institutions seeking to operate in Australia

Part G outlines obligations on Government Accreditation Authorities.

The Glossary at the end of this document defines key terms used within the National Protocols. Terms defined in the Glossary are underlined and, in electronic versions of the document, are hyperlinked to the Glossary.

A list of Acronyms is also provided.

National Guidelines are provided separately. See: URL

**Application of the National Protocols**

The *National Protocols for Higher Education Approval Processes* apply to:

- all higher education institutions *operating* in Australia
- all higher education institutions seeking to operate in Australia
- all higher education institutions *purporting to operate* in Australia
- the offshore activities of all Australian higher education institutions operating in overseas countries
- arrangements in which some aspects of a higher education institution’s operations are carried out by other entities, such as through partnerships with other institutions, providers or business entities, the formation of companies, subcontracting of services, or franchising. Whenever students are enrolled in a higher education institution or awards are conferred by a higher education institution, the higher education institution is responsible for oversight of the arrangement and for ensuring the arrangement complies with the National Protocols.

Applications for all institutions seeking to operate in Australia will be assessed using the criteria and processes set out in these National Protocols. Compliance with the National Protocols by existing higher education institutions already operating in Australia will be regularly assessed through the standard quality assurance processes that apply to each institution.

The consistent standards set out in the National Protocols are expected to apply to all higher education functions of an institution, regardless of where its higher education students are located or the delivery mode of its higher education courses.

In the case of international students, higher education institutions must comply with the *National Protocols for Higher Education Approval Processes* and the *Education Services for Overseas Students Act (ESOS)* in addition to other codes and protocols that apply specifically to international students (see: www.dest.gov.au)

Universities and other *self-accrediting institutions* do not have the power to accredit the courses of other institutions. This applies even when a self-accrediting institution makes its curriculum and materials available to other institutions. The institution that enrolls the students and confers the award will be regulated as if it were operating as a higher education institution in its own right.
Goals of higher education in Australia

Higher education in Australia is delivered by institutions that meet nationally agreed criteria set out in the National Protocols for Higher Education Approval Processes and that are authorised by an Australian government to offer higher education awards in Australia.

The goals of higher education in Australia include:

- advancing knowledge and understanding
- enabling individuals to learn throughout their lives (for personal growth and fulfilment, for effective participation in the workforce and for constructive contributions to society)
- meeting the demands of the labour market through quality education
- equipping the community with social, cultural and international knowledge, skills and attitudes to improve the quality of life
- contributing to a democratic, civilised society
- contributing to an improved national economy through high levels of skills, knowledge and research, including collaborative research with business, industry and government.

In addition to contributing to the goals above, institutions in receipt of significant public funding are expected to:

- provide for equitable access to, and opportunities to participate in, higher education
- engage with the community to enhance material, human, social and/or environmental wellbeing of the community.

Diversity in Australia’s higher education system, both within and between institutions, is important to meet diverse and changing student, employer and community expectations. At the same time, all elements of the higher education system strive to maintain the highest quality.

Quality assurance of Australian higher education

Responsibilities for quality assurance of higher education in Australia are shared among the Australian and State/Territory Governments and the institutions themselves. Nationally agreed quality assurance arrangements are set out at: www.dest.gov.au. These include a system of institution registration, course accreditation, a national qualifications framework and external quality audits.

The Australian Qualifications Framework (AQF) is a unified system of national qualifications. It provides descriptors of awards that are accredited within the higher education sector.

Government Accreditation Authorities are listed on the AQF Register and are responsible for registration of higher education institutions and accreditation of higher education awards by non self-accrediting institutions. Part G of the National Protocols outlines the obligations on Government Accreditation Authorities.

Accreditation takes place against the nationally agreed characteristics of learning outcomes for each of the national higher education qualifications, which are set out in detailed guidelines in the AQF Implementation Handbook.
Protocol A – Nationally agreed criteria and approval processes for all higher education institutions

This Protocol relates to all Australian higher education delivery. It sets out criteria that apply to all higher education institutions and processes that relate to all higher education approvals. Additional criteria and processes that relate to particular types of institutions and applications are provided in Protocols B to F that follow.

The following principles apply to the implementation of all of the National Protocols.

1. Applications will be assessed against criteria through an objective, transparent and equitable process which is clearly documented for the information of applicants.

2. Applications from all types of institutions, including overseas institutions, will be assessed using the same criteria and processes as for other applicants under the same Protocol.

3. The responsible decision-maker will have the power to require information of an approved institution, including statistical information, and may set conditions on the approval, such as willingness to participate in periodic review and reporting processes, including national quality assurance processes.

4. The standards and requirements set out in the National Protocols are expected to apply to all higher education students of the institution and to all courses leading to higher education awards made in the name of the institution, regardless of where the students are located or the mode of instructional delivery of the course.

5. In response to concerns about the quality of delivery by a higher education institution, a Commonwealth or State/Territory Minister may investigate such concerns and place conditions on the continuation of activities by the institution within the jurisdiction. A Minister may also revoke permission to operate at any time based on reasonable grounds and following a show cause process.

Nationally agreed criteria for all higher education institutions

An institution involved in Australian higher education delivery is expected to meet the following criteria:

A1. is a legal entity which has been established or recognised by or under an Australian legislative instrument

A2. has a clearly articulated higher education purpose that includes a commitment to and support of free intellectual inquiry in all of the institution’s endeavours

A3. has governance arrangements, quality assurance management processes and a staffing profile appropriate to its goals and academic purposes

A4. has sound financial and business management practices and sufficient financial and other resources to sustain the delivery of the institution’s programs into the future

A5. where it offers Australian higher education awards, complies with the requirements set in the AQF for the award level and nomenclature

A6. its academic staff are active in scholarship that informs their teaching and learning, and are active in research when engaged in research supervision

A7. provides support for student learning and protection for students in the event of closure of the entity or any of its courses.
Protocols B to F include additional criteria that apply to each Protocol. The criteria above and the additional criteria associated with each Protocol are elaborated in National Guidelines.

**Nationally agreed processes related to all applications for higher education approvals**

To ensure consistency in the way in which applications are assessed under the National Protocols, there is national agreement that the following processes relate to all higher education approvals:

1. As a condition of making an application, applicants will be required to disclose their prior history of higher education applications in all jurisdictions (including overseas), together with the outcomes of such processes.

2. The application must be made to a legally authorised decision-maker, who will consider advice from the relevant Government Accreditation Authority in arriving at a decision about the application.

3. This advice is normally based on an assessment and report of an expert panel, independent of the applicant, on whether an application should be approved, together with any conditions the panel believes should be attached to the approval.

4. The panel’s composition will be relevant and appropriate to the application under consideration and usually includes at least one senior academic with experience in the Australian university sector. The applicant will have the right to comment on the panel’s composition.

5. The assessment process will involve evaluation against the nationally agreed criteria, on the basis of written material and discussion with proponents of the institution and must include an inspection of facilities where they exist. In cases where the institution is already involved in educational delivery, discussion may also take place with staff and students.

6. Appropriate investigatory mechanisms will be used to ensure financial probity and ensure that the applicant and the institution’s senior officers are fit and proper persons to establish a higher education institution and deliver higher education courses. Additional expert advice may be sought to assess financial capacity.

7. An approved applicant will be required to meet reporting obligations and conditions set by the jurisdiction.

8. The permission to operate should normally be subject to review after a period of no more than five years.

9. An approved applicant will be listed on the AQF Register of Bodies with Authority to Issue AQF Qualifications. The AQF Register will include a separate section listing those overseas institutions approved to operate in Australia and approved to deliver qualifications from their country of origin.

Protocols B to F include additional processes that relate to each Protocol. The processes above and the additional processes associated with each Protocol are elaborated in National Guidelines.
This Protocol relates to applicants seeking to operate as a non self-accrediting higher education institution in Australia. Operation as a non self-accrediting institution offering Australian higher education awards is authorised under legislative frameworks in each jurisdiction.

Non self-accrediting higher education institutions must seek registration as a higher education institution and course accreditation for each of the higher education awards offered. These two processes may be undertaken concurrently or separately, with each requiring different criteria to be met. An institution may not operate without both registration and course accreditation. Arrangements are in place for mutual recognition of course accreditation decisions across jurisdictions (see below). Registration is required in each jurisdiction in which the institution operates.

**Additional registration criteria**

In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, a non self-accrediting higher education institution will meet the following criterion:

B1. has delivery arrangements, including matters of institutional governance, facilities, staffing and student services, that are appropriate to higher education and enable successful delivery of the course/s at the level proposed.

**Additional course accreditation criteria**

In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, a higher education course delivered by a non self-accrediting institution will meet the following criterion:

B2. is comparable in requirements and learning outcomes to a course at the same level in a similar field at Australian universities.

**Assessing applications**

In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval as a non self-accrediting higher education institution:

1. The process for registration of a higher education institution and accreditation of higher education course/s will involve the appointment of an expert panel with extensive knowledge of higher education courses in the same or similar fields as those in the application.

2. Courses will be subject to re-accreditation and institutions will be subject to re-registration after a period of no more than five years.

3. Streamlined re-registration and re-accreditation processes may apply for institutions with a good track record of higher education delivery.

4. Jurisdictions will ensure the registered higher education institutions and all accredited courses are listed on the AQF Register.

5. As a condition of accreditation, a higher education institution must report to jurisdictions statistical information on its higher education offerings covering student load and enrolments, fields of study and some staff statistics. Jurisdictions report
this information annually on a ‘whole of jurisdiction’ basis, in a format compatible with Commonwealth statistics collections.

Assessing applications to operate in more than one jurisdiction

6. For institutions seeking approval to operate in more than one jurisdiction, mutual recognition will apply when the same course is to be offered using similar delivery arrangements in different jurisdictions.

7. Mutual recognition in the context of course accreditation refers to the accreditation by one jurisdiction (the ‘secondary’ jurisdiction) of a course on the basis of accreditation of the course by another jurisdiction (the ‘primary’ jurisdiction) together with an assessment of relevant local issues. In some cases, an institution will apply both to a primary and to one or more secondary jurisdictions for the accreditation of a course. In other cases, following accreditation in one jurisdiction, the institution will later apply to one or more other jurisdictions for accreditation of the same course.

8. Mutual recognition will be the preferred approach in processing applications involving more than one jurisdiction. A full accreditation process should only be carried out in exceptional circumstances where a secondary authority has a sound reason not to use mutual recognition. In such cases, the reason will be provided to the institution applying for mutual recognition but there will be no right to appeal this decision.

9. Mutual recognition involves local investigation by an expert panel established by the secondary jurisdiction. This will cover all areas of delivery and content that require local consideration. Areas investigated will include, but not be restricted to, local staff, resources, premises and facilities.

10. The institution seeking mutual recognition will provide each secondary jurisdiction with a copy of the original submission considered by the primary jurisdiction. It will also provide a submission based on a list of relevant local issues determined by the secondary jurisdiction and a report on any changes that have occurred or are planned since accreditation by the primary authority.

11. Unless not permitted by legislation, the period of accreditation in each secondary jurisdiction will have the same end date as in the primary jurisdiction.

12. When a course is accredited in one jurisdiction for delivery purely in distance mode, it will be accepted as accredited in all other jurisdictions. Where there is any face-to-face component, the course will be assessed in the secondary jurisdiction/s by mutual recognition, including investigation of local delivery.

Quality assurance

Quality assurance of non self-accrediting institutions will be reviewed through regular re-registration and/or re-accreditation processes undertaken by jurisdictions.

The processes for quality assurance followed by State and Territory jurisdictions will be subject to external audit on a regular basis by the relevant quality assurance body and mechanisms in place at the time.
Protocol C – Criteria and processes for awarding self-accrediting authority to higher education institutions other than universities

This Protocol provides for non self-accrediting higher education institutions with an appropriate track record in registration, accreditation and quality assurance to seek approval to self-accredit their courses on a renewable and revocable basis.

Self-accrediting authority under this Protocol does not confer authority to use the title ‘university’. Only institutions with authority to self-accredit all of their higher education courses may be called self-accrediting institutions.

Additional criteria

In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, a higher education institution with self-accrediting authority will meet the following criteria:

C1. demonstrates, through at least two approval cycles, maturity and effectiveness in:
   • governance and decision-making
   • teaching, learning, scholarship and, if relevant, research activities
   • quality assurance processes and outcomes
   • compliance with the National Protocols

C2. has effective and comprehensive structures and processes to set standards for qualifications awarded equivalent to Australian and, where relevant, international standards

C3. has accreditation and re-accreditation processes and mechanisms consistent with academic accreditation practices in Australian institutions with self-accrediting authority

C4. demonstrates commitment to quality assurance and continuous quality improvement in the provision of higher education, including arrangements for external benchmarking of teaching and learning and underpinning quality systems.

Assessing applications

In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval for self-accrediting authority to a higher education institution:

1. An institution may apply for self-accrediting authority or extension of self-accrediting scope at any time.

2. Ordinarily, authority to self-accredit will be based on independent, expert advice and will be limited to the broad fields of study and AQF levels of qualification in which the institution has a proven track record.

3. The decision-maker may attach conditions to self-accrediting authority that are relevant and reasonable. Conditions may include a specific period after which renewal of self-accrediting authority must be sought.

4. A jurisdiction will grant an institution self-accrediting authority under relevant legislation.
5. Self-accrediting authority will be revocable at any time, based on reasonable grounds, and following a show cause process. The outcomes of external quality reviews, monitoring and reporting may provide grounds for any decision by the jurisdictional decision-maker on renewal or revocation of self-accrediting authority.

6. In determining whether to renew or revoke approval for self-accrediting authority, the decision-maker will seek advice from the relevant Australian quality assurance body on the performance of the institution in those areas in which it is self-accrediting.

7. An institution with self-accrediting authority in one jurisdiction in Australia will be permitted to exercise that authority in any other jurisdiction.

Assessing an application for a proposed new (including ‘green-field’) institution seeking self-accrediting authority

8. For a proposed new institution seeking self-accrediting authority and which has no track record of prior higher education provision, the assessment will be based on a detailed plan rather than an existing institution’s track record. The application will be assessed on whether the plan and the human and financial resources allocated provide a high probability that, on establishment, the institution will operate at a similar standard to already established higher education institutions with self-accrediting authority.

9. Approval may be given to operate on a provisional basis for a period of up to five years from commencement of operation. The responsible accrediting authority will establish conditions for the operation of the institution during this period. Provision for the welfare of students must be guaranteed if the institution is not approved to continue at the completion of this period.

Quality assurance

Institutions with self-accrediting authority will be subject to regular external quality review by the relevant quality assurance body and mechanisms in place at the time.
Protocol D – Criteria and processes for awarding a modified university title to specialised university-level self-accrediting institutions

[Note: MCEETYA agreed that the revised National Protocols should provide for self-accrediting, specialist higher education institutions with no access to the title of ‘university’ and these would meet all the criteria for a university with the exception of the requirement for the range of fields of study. This has been provided for under Protocol C.

In addition, MCEETYA requested further advice on the criteria under which it might be appropriate to allow a modified form of university title, and the exact form of title to be permitted, for use by a self-accrediting, specialist institution, where there is formal affiliation with an existing university. The draft revision of the National Protocols addresses this request by MCEETYA through the following Protocol D and through the provision of a university college under Protocol E. The criteria covering Protocol D have not yet been agreed by MCEETYA.]

This Protocol relates to institutions seeking approval to operate as a specialised university-level self-accrediting institution with a modified university title. Such institutions will meet the criteria for approval to operate as a university except for the requirement for the range of the broad fields of study specified in Protocol E.

Additional criteria

In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, an Australian specialised university-level self-accrediting institution with approval to use a modified university title will meet the following criteria:

D1. has been granted self-accrediting authority under Protocol C that extends to all levels of higher education awards in the field/s of study in which it specialises

D2. has demonstrated that it has exercised its self-accrediting authority effectively through a positive quality audit process

D3. delivers higher education qualifications (including Research Masters and PhDs) in one or two broad fields of study only and sets standards for those qualifications which are equivalent to Australian and international standards

D4. delivers teaching and learning that engage with advanced knowledge and inquiry

D5. demonstrates a culture of sustained scholarship which informs teaching and learning in all fields in which courses are offered

D6. undertakes research that leads to the creation of new knowledge and original creative endeavour at least in those fields in which Research Masters and PhDs are offered

D7. demonstrates commitment of teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge

D8. demonstrates governance, procedural rules, organisational structure, admission policies, financial arrangements and quality assurance processes which are underpinned by the values and goals of a university-level institution and which are sufficient to ensure the integrity of the institution’s academic programs.
Assessing applications

In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval for a university-level self-accrediting institution to use a modified university title:

1. The application will be subject to assessment by an independent, expert panel the composition of which will include a majority of senior academic leaders with high-level experience in the Australian university sector, including significant representation from within the field/s of specialisation and significant representation from outside the jurisdiction in which the application is made.

2. The assessment process will be sufficiently open to provide opportunity for public comment on the proposal before the report is final. This provision does not require commercial-in-confidence information to be made public.

3. Specialised self-accrediting institutions approved to use a modified university title will be established under State, Territory or Commonwealth legislation.

4. An institution approved as a specialised university-level self-accrediting institution in one jurisdiction in Australia will be permitted to operate in any other Australian jurisdiction.

5. The authority to operate will specify the title the institution may use and the conditions for the use of that title.

6. An institution approved as a specialised university-level self-accrediting institution under this Protocol may use the term ‘[Name] University of [specialisation]’ as part of its title (for example, Perth University of Agricultural Sciences or Brisbane University of the Performing Arts). The title must not be shortened to ‘University’ in advertising or formal documentation.

7. The decision-maker may attach conditions to self-accrediting authority and the use of a modified university title that are relevant and reasonable. Conditions may include a specific period after which renewal of self-accrediting authority and use of the modified university title must be sought.

8. Self-accrediting authority and use of the modified university title will be revocable at any time, based on reasonable grounds, and following a show cause process. The outcomes of external quality reviews, monitoring and reporting may provide grounds for any decision by the jurisdictional decision-maker on renewal or revocation of self-accrediting authority and authority for use of the modified university title.

9. In determining whether to renew or revoke approval for self-accrediting authority and use of the modified university title, the decision-maker will seek advice from the relevant Australian quality assurance body on the performance of the institution in those areas in which it is self-accrediting.

Assessing applications for proposed new (including ‘green-field’) specialised university-level self-accrediting institutions

10. For a proposed new specialised university-level self-accrediting institution where the assessment is based on a plan, approval may be given to operate on a provisional basis as a university college for a period of up to five years from commencement of operation, where the assessment panel and the responsible accrediting authority believe that there is a high probability of the criteria for an established institution being fully satisfied at the end of the provisional period.

11. The responsible accrediting authority will establish conditions for the operation of the institution during this period. These conditions will include a period of sponsorship
or mentoring by an established Australian university (or universities). At the end of this period, an external quality review will be used to confirm that the institution’s teaching and research outcomes are at university level.

12. During this provisional period, the institution must use the title ‘[name] University College of [specialisation]’ (for example, Perth University College of Agricultural Sciences), but this must not be shortened to University College or University in advertising or formal documentation.

13. Continued operation after the provisional period will be conditional on meeting the criteria in full. Provision for the welfare of students must be guaranteed if the institution is not approved to continue at the completion of this period.

Quality assurance

Institutions with self-accrediting authority and a modified university title will be subject to regular external quality review by the relevant quality assurance body and mechanisms in place at the time.
Protocol E – Criteria and processes for establishing Australian universities

[Note: MCEETYA has not yet agreed that there should be university colleges, but these are included in this draft Protocol and in Protocol D to provide advice on how they might be implemented.]

This Protocol relates to Australian universities and institutions seeking approval to operate as an Australian university.

Australian universities are self-accrediting and deliver higher education awards that comply with the relevant descriptors in the Australian Qualifications Framework.

An institution approved as an Australian university under this Protocol may use the term ‘university’ in its title.

Additional criteria for established universities

In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, an Australian university will meet the following criteria not more than five years after its establishment and will continue to meet these criteria thereafter:

E1. delivers higher education qualifications across a range of broad 
fields of study
(including Research Masters and PhDs in at least three broad fields of study) and setting of standards for those qualifications which are equivalent to Australian and international standards

E2. delivers teaching and learning that engage with advanced knowledge and inquiry

E3. demonstrates a culture of sustained scholarship which informs teaching and learning in all fields in which courses are offered

E4. undertakes research that leads to the creation of new knowledge and original creative endeavour at least in those fields in which Research Masters and PhDs are offered

E5. demonstrates commitment of teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge

E6. demonstrates governance, procedural rules, organisational structure, admission policies, financial arrangements and quality assurance processes which are underpinned by the values and goals of universities and which ensure the integrity of the institution’s academic programs.

Additional criteria for newly established universities

In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, a proposed, newly established Australian university will demonstrate capacity to meet the following criteria at the point of its establishment and to build towards meeting the criteria for an established university no more than five years after establishment:

E7. delivers higher education qualifications across a range of broad 
fields of study
(including up to Masters coursework degrees in at least three broad fields of study and Research Masters and PhDs in at least one broad field of study) and sets standards for those qualifications which are equivalent to Australian and international standards

E8. delivers teaching and learning that engage with advanced knowledge and inquiry
E9. demonstrates commitment to a culture of scholarship which informs teaching and learning in all fields in which courses are offered

E10. undertakes research that leads to the creation of new knowledge and original creative endeavour at least in those fields in which Research Masters and PhDs are offered

E11. demonstrates commitment of teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge

E12. demonstrates governance, procedural rules, organisational structure, admission policies, financial arrangements and quality assurance processes which are underpinned by the values and goals of universities and which ensure the integrity of the institution’s academic programs

Assessing applications

In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval as an Australian university:

1. The application will be subject to assessment by an independent, expert panel. The panel’s composition will include a majority of senior academic leaders with high-level experience in the Australian university sector, including significant representation from outside the jurisdiction in which the application is made.

2. The assessment process will be sufficiently open to provide opportunity for public comment on the proposal before the report is final. This provision does not require commercial-in-confidence information to be made public.

3. An institution approved to operate as a university in one jurisdiction in Australia will be permitted to operate in any other jurisdiction.

Assessing applications for proposed new (including ‘green-field’) universities

4. For proposed new universities where the assessment is based on a plan, approval may be given to operate on a provisional basis for a period of up to five years from commencement of operation, where the assessment panel and the responsible accrediting authority believe that there is a high probability of the criteria for an established university being fully satisfied at the end of this period.

5. The responsible accrediting authority will establish conditions for the operation of the university during this period. These conditions will include a period of sponsorship or mentoring by an established Australian university (or universities). During the provisional period, the institution must use the title ‘university college’ and this must not be shortened to ‘university’ in advertising or formal documentation.

6. Continued operation after the provisional period will be conditional on meeting the criteria in full. Provision for the welfare of students must be guaranteed if the institution is not approved to continue as a university at the completion of this period.

Quality assurance

Universities will be subject to regular external quality review by the relevant quality assurance body and mechanisms in place at the time.
Protocol F – Criteria and processes for overseas higher education institutions seeking to operate in Australia

This Protocol relates to overseas higher education institutions, including universities, seeking approval to operate in Australia. It covers the use of the title of ‘university’ in circumstances other than as an Australian university under Protocol E. This Protocol also relates to the offering of country of origin awards by overseas higher education institutions.

Overseas higher education institutions operating in Australia are also subject to Protocol A which applies to all higher education delivery in Australia.

Overseas institutions seeking to offer Australian qualifications that comply with the Australian Qualifications Framework should apply through the relevant Protocols B, C, D or E.

- Protocol B applies to overseas applicants seeking approval to offer Australian qualifications on a non self-accrediting basis
- Protocol C applies to overseas applicants seeking approval to offer Australian qualifications on a self-accrediting basis
- Protocol D applies to overseas applicants seeking approval to operate at university-level in one or two specialised areas, to use a modified university title and to offer Australian qualifications in the specialised areas on a self-accrediting basis
- Protocol E applies to overseas applicants seeking approval to operate as an Australian university.

An overseas institution may seek approval to operate as an overseas higher education institution in Australia under Protocol F and also seek approval to offer Australian qualifications on a non self-accrediting basis through Protocol B.

Additional criteria

In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, an overseas higher education institution will meet the following criteria to gain approval to operate in Australia:

F1. is legally established in its country of origin
F2. demonstrates that the institution and the courses to be offered are of an appropriate standard and standing
F3. offers courses that have been properly accredited in the institution’s country of origin by an accreditation authority that, in the opinion of the Australian jurisdiction’s decision-maker, has appropriate standing and authority
F4. has delivery arrangements, including the arrangements for academic oversight and quality assurance proposed by the overseas institution, that are comparable to those of approved Australian higher education institutions
F5. if it has local partners or agents, they have appropriate standing
F6. has appropriate financial and other arrangements to permit the successful delivery of the course/s in Australia.
Assessing applications

In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval as an overseas higher education institution operating in Australia:

1. No applicant will be allowed to operate in Australia without the permission of a relevant accrediting authority.

2. The process will involve the expert verification of the credentials of the institution in the country of origin, and the expert verification of the relationship between the institution and any nominated local agents.

3. The jurisdiction will seek advice from the relevant Australian quality assurance body on:
   - home country and international standing and standards of the body(ies) responsible for the institution’s accreditation
   - home country standing of the institution
   - ongoing quality assurance requirements of the institution in its home country
   - home country standing and standards for the institution’s courses to be delivered in Australia.

4. The assessment process will involve an independent expert panel and will particularly focus on the local delivery arrangements (including those with local partners or agents) such as:
   - local arrangements for academic oversight and quality assurance
   - financial and other arrangements for local delivery (e.g. facilities, staffing, student services)
   - safeguards for students in the event the institution ceases to operate.

5. Where the overseas institution is accredited in its own jurisdiction by a recognised accrediting agency, the standing and standards of which are acceptable in Australia, and the local delivery arrangements are adequate, the applicant will be permitted to offer its country of origin awards in Australia. The institution must make it clear in all of its legal and marketing documentation within Australia that it is offering country of origin higher education awards based on accreditation processes and standing in another country.

6. Where the standing of the institution’s accreditation status or courses is not acceptable to the decision-maker, the decision-maker will not allow the institution to offer its country of origin awards in Australia. Under these circumstances, the institution may seek approval under other Protocols, but will be assessed on its capacity to offer Australian qualifications that comply with the AQF.

7. The permission to operate may include conditions and will be renewable, subject to review, after a period of up to five years. Permission to operate will also be revocable at any time, based on reasonable grounds and following a show cause process. The permission to operate is limited to the nominated local agents (where relevant).
8. The AQF register will include a list of those overseas institutions approved to operate in Australia, their local agents (where relevant) and the courses they are approved to deliver.

9. An overseas higher education institution approved to operate in one jurisdiction in Australia will be permitted to operate in any other jurisdiction, subject to approval of local delivery arrangements by the secondary jurisdiction.

10. The authority to operate in Australia will specify the title the institution may use and the conditions for the use of that title.

11. Use of the university title will be allowed where:

- the local delivery arrangements are adequate
- the institution is recognised as a university in its own jurisdiction by an accrediting authority, the standing and standards of which are acceptable in Australia
- the institution has a track record of quality assurance processes and, where relevant, self-accreditation of courses similar to Australian universities.

However, the institution must make it clear in all of its legal and marketing documentation within Australia that the basis for use of the title ‘university’ rests on the institution’s standing in another country and that it is offering country of origin higher education awards based on that standing.

12. Where an institution is not recognised as a university in its own jurisdiction, it will not be permitted to use the term ‘university’ in its title in Australia unless it seeks approval under Protocol D or E.

Quality assurance

Overseas higher education institutions approved to operate in Australia will be subject to the quality assurance requirements of their home country and any other requirements specified as conditions of the approval to operate in Australia.
Part G – Obligations on Government Accreditation Authorities

To ensure the integrity of the National Protocols and consistency in their implementation, Government Accreditation Authorities are subject to the following requirements.

1. The titles ‘university’ and ‘university college’ are protected in business names/associations legislation and Commonwealth corporations law by:
   - providing for consultation between the authority responsible for approving business names and the relevant higher education authority before a decision is made to allow the use of the term University or University College in a business and/or corporation name
   - requiring the relevant higher education authority to undertake an assessment of the education credentials of an applicant (typically requiring administrative assessment and not assessment by a panel) before providing advice on the use of the terms ‘university’ or ‘university college’ in a business and/or corporation name
   - establishment in all Australian jurisdictions of a legislative framework consistent with the National Protocols specifying the means by which an institution/organisation may use the titles ‘university’ or ‘university college’ in Australia.

2. The legislative framework will provide that establishment as a university or university college in Australia will only occur by the mechanism of a legislative instrument, either by or under a separate act, or by a regulation or order made under an Act.

3. Jurisdictions involved in approving the use of the terms ‘university’ or ‘university college’ in business and company names will consult with each other before approval is granted.

4. The scope of the protection of the titles ‘university’ or ‘university college’ will extend to prohibition on:
   - use of the titles without authorisation in Australia
   - purporting to be an Australian university or university college or operating as a university or university college in Australia
   - advertising as an Australian university or university college, offering a course as a university or university college in Australia, or issuing an award as a university or university college in Australia.

5. Prohibition of the use of the titles ‘university’ or ‘university college’ will not extend to those bodies where the context makes it clear that there is no connection with an existing university (e.g. University Avenue Newsagent Pty Ltd).

6. Protection of title legislation will provide for the responsible Minister to exempt a body from the requirements of the legislation when it is clear that the purpose of the body could not be construed as providing higher education – as in the case of the University of the Third Age.

7. Each authority will establish significant financial penalties for breaching the legislation or guidelines which protect the titles ‘university’ and ‘university college’. National consistency in the level of penalties is desirable.

8. AQF higher education award titles are protected by:
• establishing in all Australian jurisdictions a legislative framework consistent with the National Protocols specifying the means by which an institution/organisation may use these titles in Australia

• protecting use of the award titles in legislation

• establishing significant financial penalties for breaching the legislation or guidelines which protect use of the titles. National consistency in the level of penalties is desirable.

9. Government Accreditation Authorities must establish rules and processes to give effect to the National Protocols, including adhering to any nationally agreed guidelines which elaborate the National Protocols or specify requirements for their implementation.

10. Jurisdictions will aim to reduce duplication in the provision of information, reporting and charging requirements and will work towards consistency in fee levels.

11. Information with respect to applications and approved higher education institutions will be shared across jurisdictions on a confidential basis.

12. Government Accreditation Authorities will publish the outcomes of approvals and the processes used to determine approvals.

13. Government Accreditation Authorities are subject to regular external quality review by the relevant quality assurance body and mechanisms in place at the time.
Glossary of Terms

For the purposes of the National Protocols, the following definitions of key terms will apply.

Approval:
A process of assessment and review which enables a higher education course or institution to be recognised or certified as meeting appropriate standards.

Course accreditation:
The term ‘course accreditation’ includes the assessment, approval, accreditation or authorisation of courses of study that lead to higher education awards.

Field of study:
The term ‘field of study’ refers to the Australian Bureau of Statistics’ Australian Standard Classification of Education (ASCED) categories for a broad field of education (excluding the ‘mixed field’ classification).

Higher education award:
The awards covered by higher education legislation and processes are those defined as higher education awards in the Australian Qualifications Framework.

Institution:
The term ‘institution’ includes the full range of institutions and other providers offering higher education awards.

Jurisdictions:
Those governments in Australia which have agreed to enact the National Protocols.

Operating in Australia and purporting to operate in Australia:
‘To operate’ and ‘purporting to operate’ as a higher education institution in Australia includes both to provide courses or parts of courses in Australia leading to higher education awards, and the related components of that activity (educational delivery and assessment), or to confer higher education awards (whether or not a course is provided). Electronic delivery of a higher education course/s in or from a jurisdiction is included in the definition of operating in Australia, although electronic delivery into a jurisdiction from outside Australia is not included.

‘Purporting to operate’ in Australia means representing that the institution operates in, or has accreditation association with, the relevant jurisdiction.

The requirements related to operating in or purporting to operate in Australia apply to an institution or an agent acting on behalf of the institution.

Overseas higher education institution:
An overseas higher education institution refers to a university or other recognised higher education institution whose legal origin is in a country other than Australia.
Registration:
The term ‘registration’ includes the registration, authorisation or approval of an institution to deliver one or more courses of study leading to a higher education award.

Research:
Research\(^1\) comprises creative work and artistic endeavours undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of humans, culture and society, and the use of this stock of knowledge to devise new applications. Research activity is characterised by originality and includes creative activity and performance. It has investigation as a primary objective, the outcome of which is new knowledge, with or without a specific practical application, or new or improved materials, products, devices, processes or services. Research ends when work is no longer primarily investigative.

There are three broad types of research activity:

- **Basic research** is experimental and theoretical work undertaken primarily to acquire new knowledge without a specific application in view. It consists of pure basic research which is work undertaken to acquire new knowledge without looking for long term benefits other than advancement of knowledge and strategic basic research which is work directed into specific broad areas in the expectation of useful discoveries thus providing the broad base of knowledge necessary for the solution of recognised practical problems.

- **Applied research** is original work undertaken primarily to acquire new knowledge with a specific application in view. It is undertaken either to determine possible uses for the findings of basic research or to determine new ways of achieving some specific and predetermined objectives.

- **Experimental development** is systematic work, using existing knowledge gained from research or practical experience that is directed to producing new materials, products or devices, to installing new processes, systems and services, or to improving substantially those already produced or installed.

Scholarship:
Scholarship in relation to learning and teaching involves:

- demonstrating current subject knowledge and an ongoing intellectual engagement in primary and allied disciplines, and their theoretical underpinnings;

- keeping abreast of the literature and new research, including by interaction with peers, and using that knowledge to inform learning and teaching;

- encouraging students to be critical, creative thinkers and enhancing teaching understanding through interaction with students;

- being informed about the literature of learning and teaching in relevant disciplines and being committed to ongoing development of teaching practice; and

- focusing on the learning outcomes of students.

\(^1\) Based on the ABS definition of Research and Development, with minor amendment to provide for more explicit recognition of performance and creative arts.
Self-accrediting institution

A self-accrediting institution is one which has the authority to accredit all of its higher education courses at any level. An institution with authority to accredit only some of its higher education courses cannot use the term ‘self-accrediting institution’. Self-accrediting institutions include Australian universities established or recognised under Protocol E, institutions with authority to self-accredit all of their higher education courses under Protocols C or D and a number of institutions established prior to the National Protocols².

² Australian Maritime College, Australian Film, Television and Radio School, Batchelor Institute of Indigenous Tertiary Education and Melbourne College of Divinity.
Acronyms

ABS       Australian Bureau of Statistics
AQF       Australian Qualifications Framework
ASCED     Australian Standard Classification of Education
AUQA      Australian Universities Quality Agency
ESOS      Education Services for Overseas Students
JCHE      Joint Committee on Higher Education
MCEETYA   Ministerial Council on Education, Employment, Training and Youth Affairs
PhD       Doctor of Philosophy