Australian Higher Education Regulatory Terrain: The Experience of a Self Accrediting Institution (SAI)

Abstract

This paper is an organisational ethnographic study of the university re-registration process that the SAI (the University) has undergone as part of the new regulatory regime under the Tertiary Education Quality Standards Agency (TEQSA) legislative requirements. This was an arduous and complex ten-month process that resulted in a one hundred and thirty page application document with more than five hundred pieces of individual evidence to support the claims being made by the University in responding to the one hundred and two threshold standards. The co-authors were organisationally embedded key actors and this paper is their collective and self-reflective autoethnographic organisational ‘story’ collated into a combined written voice.

Keywords: Higher education, regulation, regulatory necessity, Australian Qualifications Framework.

The Australian higher education regulator, the Tertiary Education Quality Standards Agency (TEQSA) came into existence on 29 July 2011, assumed its regulatory powers on 29 January 2012 and is now responsible for regulating more than one hundred and seventy institutions. These include not only self-accrediting institutions (SAIs - mostly universities) but numerous other (mainly private) higher education providers. TEQSA has had a busy first eighteen months determining a range of matters including: constructing a risk assessment framework, developing and commencing processes for provider registration and course accreditation, providing briefings to the higher education sector as well as recruiting and training its own staff (TEQSA, 2012).

The existence of the new regulator has not been welcomed by all institutions in the sector (Craven, 2013). In particular, senior leaders of what could be judged to be the elite universities are suspicious (with a hint of trepidation) of the entity and view TEQSA as an unwelcome intrusion on their independence as self-accrediting institutions (Lane, 2013a, Matchett, 2011).

This paper documents and analyses the experiences at one SAI (hereafter referred to as the University) in relation to the application process required for re-registration with TEQSA as an Australian University. We argue that this process had both positive and negative elements but was overall a beneficial experience for the University. The study is a self-reflection of that experience and, therefore, provides an informing set of insights for other SAIs and non SAIs who will be required to
undergo similar regulatory ‘journeys’. The new regulatory terrain is a reality to which all higher education providers in the sector will have to adjust and accept as part of the current and future tertiary education landscape.

This paper is structured as follows: the first section provides a brief background of the current regulatory setting; the second section outlines the research approach that was used; the third and fourth sections detail the impact of the re-registration process and the rethinking of the Master of Business Administration (MBA). This is followed by discussion of the implications of the TEQSA re-registration process at the university and course level, including identification of lessons learned at the micro level.

THE REGULATORY SETTING

The Tertiary Education Quality Standards Agency is a very different agency to the previous quality organisation, the Australian Universities Quality Agency (AUQA). AUQA was set up in 2000 with responsibility for assuring quality within the higher education sector though an external audit methodology in which a designated panel made judgements about higher education providers’ quality assurance processes and outcomes (DIICCSRTE, 2013). The focus of AUQA was to ‘Monitor, review, analyse and provide public reports on quality assurance arrangements in self-accrediting institutions’ (AUQA, 2005, p. 9). The aim of this agency was to provide some external assurance of the quality of Australian universities. In so doing, their audit processes provided a useful form of validation and verification of universities and effectively provided key stakeholders (including state and Federal governments) and students (domestic and international) with a sense of reassurance that all was well with Australian higher education institutions.

AUQA’s original plan had been to have a regular five-year cycle of audits of individual universities. In the end, only one complete round of audits (Cycle 1 audits) was ever carried out. AUQA was disbanded in the second half of 2011 when nearing the completion of its Cycle 2 audits, with the announcement that TEQSA would assume a regulatory role in January 2012. TEQSA chose not to continue with the Cycle 2 audits that AUQA had scheduled for 2012, but rather to submit these few remaining SAIs to a renewal of registration process instead. The report on the review of higher
education in 2008 (the Bradley Report) noted AUQA’s lack of effective regulatory powers to enforce required changes identified in its external audit process, and it was a recommendation of this review that eventually led to the demise of the agency in favour of a regulatory body with legislated power (Bradley, 2008).

The AUQA process had involved universities preparing a critical, reflective and (supposedly) honest self-assessment document which was then queried and probed as part of a formal visit (usually lasting three days) by an external audit panel. The panel usually interviewed staff and students selected from a list initially identified by the university under scrutiny. Selection was based on criteria provided by the audit panel and included early career researchers, casual academics, professors and students with disabilities. The members of the audit panel had the right to call in any additional individuals or groups for further interrogation. The end result was a formal, published open report that contained a series of commendations (identifying those areas in which the university performed well), affirmations (for those self-assessed areas where the panel members concurred with the University’s plan for improvement) and recommendations (the areas identified by the panel as requiring specific change). This was effectively a ‘name and shame’ process, however, because the university in question could virtually ignore these recommendations. Universities were encouraged voluntarily to implement any of the recommended changes in the final report because of an AUQA requirement to provide a public progress report eighteen months after the Cycle 1 audit and document these changes in the portfolio for the Cycle 2 audit. However, there were no effective consequences for inaction.

TEQSA was set up with a full suite of regulatory powers although none of these have as yet been tested in the courts (TEQSA, 2012). This new agency has responsibility not only for universities but for all higher education providers, many of which are from the private sector. Universities are treated as a subset of those higher education providers classified as self-accrediting institutions with the freedom to set up and accredit their own tertiary qualifications, both undergraduate and postgraduate.

The reaction of universities has been to expect to be treated differently, and less stringently, than institutions in the private sector. Greg Craven (Vice Chancellor – Australian Catholic University) has argued strongly that there is a legislative requirement for such an approach: ‘The law of TEQSA,
as embodied in its act, is that it is a light-touch regulator’ (Craven, 2013, para. 14). This perspective has been based on the requirement for TEQSA to adopt a risk-based approach to regulation and, of course, universities have considered themselves to be less risky than private higher education providers. The Chief Commissioner, Dr Carol Nicoll, has spent the past eighteen months giving presentations to universities, other higher education providers and interested stakeholders that have clearly challenged and dismissed that position (Lane, 2013b). TEQSA, she says, will take the same even-handed regulatory approach with all providers based on the publicly stated principles of regulatory necessity, proportionality and risk-based assessments.

The new regulatory terrain has now been in place for the higher education sector for more than a year and a half. This new regulator will require a significant period of time to be evaluated as to its effectiveness in carrying out its charter and its primary roles and functions. A key element in the next stage is a review of the threshold standards. The first set of standards, developed by the Higher Education Standards Panel (HESP), was legislated in December 2011, with minor amendments made in January 2013. Under the TEQSA Act (2011), HESP was charged with conducting a review of the existing standards and commenced this task in 2012. The Panel is using a consultative approach and has twice called for comment on proposed standards, the latest call in relation to standards for research, research training and learning outcomes (research training), areas that were not specifically part of the original suite of standards (HESP, 2013). This is work in progress.

**RESEARCH APPROACH**

This qualitative paper uses a social constructivist approach as the informing theoretical framework for investigation and analysis (Crotty, 1998; Neuman, 2000). We have adopted an organisational ethnographic approach within this paper to document the ‘story’ of the University’s regulatory experience (Doloriet & Sambrook, 2012). Furthermore, we use a collective auto-ethnographic research lens as a group of key embedded organisational actors (Boudville et al., 2012; Kidd & Finlayson, 2010).

Ethnography is a qualitative approach to social research in which researchers (traditionally) observe—usually over a significant length of time—and participate in small-scale social and
organizational settings in order to generate detailed descriptions of social and work life which are then interpreted and analysed (Carson et al, 2001; Crawford, 1996; Denzin, 1997; Denzin & Lincoln, 2011; Gubrium & Holstein, 1997; Neuman, 2000). The aim of ethnographic inquiry is to gain a deeper understanding of the meanings and perspectives of the people participating in the research project and to consider these meanings and perspectives against the background of the participants’ worldview, context and/or socio-cultural perspective. The ethnographic process uncovers ‘…how situations are being defined by the participants themselves – to identify contextualised meanings and experiences’ (Moores, 1996, p. 28).

The expert stance taken by researchers can be clouded by their ‘own subjective experiences and implicit knowledge…..Ethnography then becomes autoethnographic because the ethnographer is unavoidably in the ethnography one way or another, manifest in the text, however subtly or obviously’ (Crawford, 1996, p. 63). Consequently, a more honest ethnographic experience would occur if the researchers’ experiences and subjectivities are expressed and discussed. This then takes us into the field of autoethnography which ‘epitomizes the reflexive turn of fieldwork for human study by (re)positioning the researcher as an object of inquiry who depicts a site of interest in terms of personal awareness and experience’ (Crawford, 1996, p. 167). This study can be seen as a narrative in that ‘writing that enquires into the self as part of a socio cultural context’ is an exploration of the lived experiences of the authors which reveals elements not otherwise exposed for consideration (Glesne, 2011, p. 247). Collective exploration, particularly when it involves collaborative writing based on group discussion and sensemaking by those who were embedded in the process, creates an opportunity to challenge each other’s notions of what occurred and to reach new understandings. This collective exploration by embedded organisational actors enables a capacity to construct, reflect on, and critique the experience of the TEQSA audit from an insider perspective. The next three sections chronicle and evaluate our collective autoethnographic experience in the university TEQSA re-registration process. These have been collated through consensus conversations into a combined written voice. The ‘collective voice’ of the authors is surfaced and is an explicitly central element in the next three sections of the paper well as in the conclusion.
THE UNIVERSITY ‘STORY’

The University had been deeply committed to the process of preparing for its 2012 Cycle 2 AUQA audit, when, in November 2011 it was informed by TEQSA that the audit would not proceed. Instead, the University was advised that it would be amongst the first group of higher education institutions required to apply for re-registration. Considerable preparatory effort had already been put into place at that point in time including extraction and analysis of data, identification of areas for improvement and drafting of chapters of the portfolio.

What helped to drive TEQSA’s decision to commence the re-registration process was that the higher education threshold standards (one hundred and two in total for Australian Universities) were registered as legislative instruments in December 2011. TEQSA provided the application form for renewal of registration to ten SAIs on the 23 March 2012. This was followed by briefings about the process to be utilised for those required to seek re-registration. Seven members of this group were Australian universities, including our University.

A steering committee was set up at the University in February 2012 under the Deputy Vice Chancellor to both develop the approach to, and oversee, the re-registration application. It involved key members of staff across academic and professional areas of the institution. The steering committee was supported by the staff of the quality assurance office with the bulk of the work completed between April and September 2012. The scale of the task was such that input and assistance was required from across the University. Workshops were held to brief key staff particularly with respect to the evidence relevant to each of the threshold standards. Decisions needed to be made (without prior guiding precedents) about the type, scale and appropriateness of the evidence to be provided to demonstrate compliance.

The standards themselves were analysed using a traffic light indicator system devised to indicate the scale and relevance of evidence seen to be required to meet each threshold standard. There were four groups of standards to be addressed in the application. The first was the provider registration standards which focused on University reputation, student support, infrastructure, governance, management and financial viability. The second group were the provider category standards that
determined whether the University would qualify to be classified as an ‘Australian University’. The third group was the qualification standards which focused on the requirements for the University to be compliant with the strengthened Australian Qualifications Framework (AQF). The fourth was the provider course accreditation standards with the criteria focusing on whether courses offered by the University met standards required for accreditation and its actions and policies were appropriate for it to maintain its self-accrediting status. The focus in this last group was on providing evidence in relation to five TEQSA nominated qualifications. The University was notified at the end of June 2012 that the selected courses were the Bachelor of Science in Veterinary Biology and Veterinary Medicine, the Bachelor of Nursing, the Graduate Diploma in Extractive Metallurgy, the Master of Business Administration (MBA) and the Doctor of Psychology in Organisational Psychology.

An additional element of complexity within this process was the need for the University to construct a *plan for compliance* with the AQF because other institutions have until 2015 to make their courses compliant. The University had identified early in the process that it would not yet be compliant with a number of the new qualification threshold standards. TEQSA accepted a compromise position in requiring re-registering institutions to prepare a *plan for compliance* clearly identifying the time frame for non-compliant qualifications to meet the specifications of the AQF by 2015, the date by which all Australian universities are required to be compliant.

The University completed the process and submitted the final document with attached items of evidence on 26 September just prior to the required submission date of 1 October 2012. This had been an arduous and complex ten-month process that resulted in a one hundred and thirty three page application document. More than five hundred and thirty pieces of individual evidence were collated to support the claims being made by the University in responding to each one of the threshold standards. TEQSA advised institutions that the assessment of the completed applications would be undertaken within nine months of submission.

The University then received a formal request for further information (RFI) in May 2013 with only a two week period to respond. This extra step had also been required of the other universities and, in some cases, staff members from TEQSA arranged formal visits to the institution being assessed.
This final stage of the re-registration application was completed and submitted on 24 May 2013 with a nineteen page response accompanied by more than eighty additional pieces of evidence.

The University is still waiting for an official outcome as TEQSA had not completed its assessment process at the time of writing.

**THRESHOLD STANDARDS AND THE MASTER OF BUSINESS ADMINISTRATION**

The University’s *plan for compliance* had identified the (MBA) as one of the postgraduate qualifications that would need substantial work to meet the Australian Qualifications Framework (AQF) requirements. Significant curriculum rethinking was required to ensure that the MBA would be compliant, specifically in relation to research requirements. In addition, the Australian Business Deans Council (ABDC) had also judged that there was a need to justify postgraduate business offerings and posited that the MBA was a widely accepted international degree with globally accepted norms around issues such as volume of learning and learning outcomes (ABDC, 2011, p. 9).

The University had to supply information and evidence in relation to the MBA for more than forty provider course accreditation standards (PCAS). The documentation took up thirteen pages of its overall application submission with more than ninety individual pieces of evidence. This required a significant amount of time and effort by key staff across the business school to compile the submission requirements.

One of the most thought-provoking standards was one which focused on faculty teaching the MBA (both onshore and offshore) and, in particular, for teaching faculty to be ‘qualified at least at one qualification standard level higher than the course of study being taught or with equivalent professional experience’. This was a challenge during the self-reflection phase. The requirement for appropriately qualified or professional experienced faculty led to a review of the allocation of sessional and contractual staff to the teaching of core units in the MBA. The School reviewed the profile of all the staff teaching on the MBA, including those in the three transnational locations where the course is taught, to ensure that their qualifications and/or equivalent professional experience plus teaching experience was at the required level. The contemporaneous review ensured that the University could demonstrate compliance.
The research training and research outcomes component of the MBA was an elective element, but this has now been altered so that there are now two compulsory research training units in the MBA. The research skills component of the qualification is covered by the development of two academic research methods units as well as a research project unit, in which students will apply their newly acquired skills. A further area under consideration was compliance with the level 9 criteria outlined in the AQF, a matter which required critical appraisal of the suite of units being offered.

A significant amount of time and resources were committed to documenting the history and development of the course design of the MBA both onshore and offshore, its admission requirements, resourcing, assessment and ongoing review as well as compiling the evidence required to meet the provider course accreditation standards. This task acted as a trigger not only for reviewing the current curriculum content of the MBA to ensure compliance with the level 9 criteria of the AQF, but has prompted a further development of the MBA particularly in light of reconsideration of MBAs worldwide.

**DISCUSSION**

Massification through increasing student numbers (Holloway, 2004) and managerialism (Pick, Teo & Yeung, 2012) have been two strong driving forces in the higher education sector over the past twenty years. In addition, there has been, by successive governments of different political persuasions, a significant reduction in public funding that has driven a financial imperative for higher education providers to diversify their revenue sources. That period of time has also seen higher education providers developing a significant focus on recruiting international fee-paying students as well as expanding into offshore/transnational education (TNE) operations. This transition had led to growing concerns about the quality of offerings by universities and private higher education providers as well as a potential deterioration in the student experiences and supports that they provide. The Federal government, therefore, has taken the not unexpected move to introduce a regulator in the form of TEQSA to ensure quality assurance and provide an effective (supposedly) regulatory oversight of the sector. A major part of this new regulatory terrain has been the need for institutions to apply for re-registration as higher education providers. This, of course, also applies to universities (on the basis of
treated all institutions equally) and led to our University having to apply for re-registration as an Australian University in 2012.

The process involved has been a salutary and enlightening collective experience for the authors and all others involved. Our experience was that re-registration was a complex and arduous process that consumed a significant amount of resources but which was ultimately a beneficial outcome for the University. There were a series of both positive and negative experiences and outcomes that eventuated from this application process.

The set of negative experiences included, initially, the realisation that this was a very large task with limited time for completion, which meant that significant pressures were placed on key staff to ensure completion within the given time frame. In addition, there were a series of decisions that needed to be reached in relation to the interpretation of some of the threshold standards. The University gained a clear understanding during this exercise that many of the standards needed further elaboration: this included questions being raised either about lack of measurability, or how evidence could be supplied to demonstrate meeting a number of the individual standards. Standards were also often complex and, in some cases, either duplicated or overlapped other standards. It was never clear that any of the standards had comparative weightings of importance: they were in effect all equally weighted. In the longer term, this is a significant issue for a regulator working within a risk-based assessment framework.

It is not unexpected that the current and future work of the Higher Education Standards Panel in reviewing all the existing threshold standards should have the primary aim of clarifying, if not reducing, the number of standards that higher education providers have to meet as part of the re-registration process. The first two calls for comments on new draft standards, in relation to learning and teaching and research standards, issued by HESP during the first half of 2013, raise significant questions about the degree to which panel members have understood the issues identified above. One area of initial concern in relation to the draft learning and teaching standards is the position being taken by HESP to downgrade the importance of the strengthened AQF. The current proposal is that the AQF should be considered to be merely a reference point and not part of the required threshold standards in relation to learning and teaching (HESP, 2013).
These draft standards, sent out by HESP, still contain a series of what could be described as motherhood type statements that are difficult to measure and look like echoing the earlier intricacies of having a myriad of labyrinthine threshold standards that higher education providers will need to meet. We trust that feedback from the sector will be taken seriously by HESP when they complete the rest of their tasks in relation to the drafting of the new suite of threshold standards.

The University accrued a number of positive elements from this renewal process. Initially, the requirement to apply for re-registration provided the University with an externally imposed impetus to commit to a detailed examination of its operations and policies against these prescribed threshold standards. The extent of this self-assessment and examination is rarely undertaken by any institution without external pressures, and drivers to do so in the first place: to carry out such a degree of self-assessment requires a significant degree of management commitment and resources, and would not normally happen voluntarily. The outcome(s) of arduous self-examination provided the University with a degree of institutional confidence about the quality of its learning and teaching, as well as satisfying concerns that it may have had around issues to do with effective governance and operations management. This is not to say that there is no room for improvement, as quality assurance exercises should always include seeking to do better.

This tough regulatory journey has enabled the University to develop a greater understanding of the types of and level of evidence that would be required in future to demonstrate the attainment of standards, including those of the new suite of standards still to be developed by HESP. The process had, in addition, provided some assurance that the University was tracking well in relation to its capability for meeting these standards. The University also gained significant insight into those matters that are of regulatory interest to TEQSA, which has had the unintended consequence of providing a stronger sense of direction for the University in investing in its own capabilities for the future and still being able to satisfy any element of regulatory concern that may arise.

The re-registration process had also involved the MBA as one of the five TEQSA nominated qualifications to be tested against the provider course accreditation standards. This review identified that the University and the business school was on the right path to compliance and that the MBA is a robust and high quality postgraduate offering. This was also a positive outcome.
Finally, we would argue that the outcome of this regulatory journey for the University was overall a beneficial one on the balance of our experiences of 2011 and 2012, although collectively there is a weariness associated with the conclusion of the work involved. One note of concern, however, that emerged from this experience was the high degree of the reporting burden imposed on universities by a range of government agencies. The recent announcement by Minister Craig Emerson about the review of regulation and red tape burdens (under Professor Lee Kwong) being placed on the higher education sector is not, in our judgement, unexpected (Australian Government, 2013). There is a very clear perception in the sector that there is a significant cost burden being placed on universities to comply with a very wide range of reporting requirements.

CONCLUSION

The University has survived the *travails* of its TEQSA journey. Whether this was a successful journey is still to be determined since TEQSA has yet to hand down its decision in relation to the re-registration application at the time of the writing of this paper. The result of the ten-month process was the construction of a one hundred and thirty three page application document with more than five hundred and thirty pieces of individual evidence to support the claims being made by the University in responding to the threshold standards. The learning journey for the University has come at a time of significant change in the sector, and has yielded lessons in quality assurance which will stand it in good stead for the future. The University is quietly confident that it has more than met the requirements of each one of the threshold standards and will be re-registered for seven years as an Australian University. There is a feeling of some relief for the institution that this cycle will not be repeated for another seven years. We also appreciate that TEQSA is still in the early part of its own learning journey in relation to its own understandings of its roles and responsibilities as well as its behaviour as a regulator for the sector, which suggests a brighter outlook for both the regulator and the regulated over time.
References


