

Continuing Challenges for International Studies

“Going Global” – forums for establishing and operating higher education programmes in Europe

John Hall, Eversheds LLP,
Professor Tim Birtwistle, Leeds
Metropolitan University, and
Professor Joe Morrissey, Stetson Law

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Going Global

What we will cover today

- Introduction – whither the global university?
- The context – Europe and beyond
- Setting up a campus in Europe
- Acquiring a university in three key European jurisdictions
- Operational risks and their management
- Questions and discussion

Introduction – John Hall

Whither the global university?

What is your conception of a global university?

Going Global

Possible conceptions of a global university

- The colonial model – taking the US/UK model of a liberal higher education to less developed parts of the world: acceptable or sustainable?
- Bringing them home model – recruiting students from around the world back to base: acceptable or sustainable?
- Setting up a campus in Europe for mutual benefit of your own students and students based there
- Acquiring an existing university in Europe to gain degree awarding rights quickly – again for mutual benefit
- Distance learning – targeting overseas students and teaching them entirely remotely – feasible but unattractive to some students
- Mixed mode – distance learning plus face to face tuition in the students' home countries

Will focus on third and fourth of these. Sixth raises many of the same issues as the fourth.

Context #1 – Tim Birtwistle

- Global “knowledge business” and development
- Need for educated people:
 - Higher Education (Quality, Credits, Recognition, Lifelong learning + legal safeguards)
 - 21st Century Students (cognitive skills, all forms of required mobility + finances)
 - Skills (for whatever jobs exist at any given time)
 - International competitiveness
- How to facilitate this?

Context #2

Europe -

- Broadest: European Higher Education Area, Bologna Process, Brain Drain/Gain
- European Union: policy drivers – people, economy, cohesion, culture
- National: within the twin contexts and frameworks of EHEA and EU

International –

- Competition for resources (human and financial)
- Trade structures (GATS)
- Private for profit intervention

Legal environment

EU TFEU (as previously covered by John Hall):

- Art 6
- Art 165
- Art 166
- Art 167

EHEA (Bologna Process)

- No legal basis – but very influential.

Major drivers and instruments

- Tuning – curriculum + reference points + student engagement + academic engagement
- Qualification Frameworks – make sense of diversity + make the implicit explicit + mobility + [within, across, between] + “meets Tuning”
- Lifelong learning – QF+ credit + RPL + social dimension + labour market needs + personal development
- It is all about learning

~~~ know, understand and be able to do ~~~



# Impact on international mobility

- Benchmarks – Qualification Frameworks, Quality Agencies and methodologies
- Reference points and points of more transparent comparison – credits, ease of access to further study, funding, research
- ‘Tuning’ – growing international community, reference points, quality markers, assessment linked to active learning outcomes

~~~~~ know understand and be able to do ~~~~~

Establishing a campus in Europe – legal structures – John Hall

- EU freedoms of movement, establishment & provision of services mean that a university established in any EU state has the general right to establish a branch campus in any EU state & offer online education on the same terms as a university physically established in such member state
- Member states have the right to restrict these freedoms provided it is necessary and proportionate in order to protect the public but NOT to protect national businesses from competition
- The university would have to comply with all generally applicable laws eg tax, employment, immigration, crime

Legal structures – company or branch?

- Company structure
 - pros – liability of company owners limited; subsidiary self-contained entity; company can contract, raise funds, employ staff, sue/be sued in own name
 - cons – may be rules re use of “university” in name; company set up and ongoing compliance costs;
- Branch structure
 - pros – quicker, cheaper initially and ongoing; easier to get permission to use “university” in name
 - cons – no limited liability to ring fence; foreign body liable for obligations of branch
- Company structure – under state law or EU law?

Establishing a campus in Europe – regulation: example – England

- Degree awarding powers – taught/research degrees – tight regulation – new criteria forthcoming
- University title – tight regulation – new criteria forthcoming
- Quality assurance – the QAA and the academic infrastructure – mandatory for publicly funded universities only – stronger future role likely
- Academic Council – no regulation
- Change of control- no regulation
- Public funding – designation & regulatory consequences
- Student unions – in theory not mandatory, in practice unavoidable – regulatory consequences

Acquiring a university in Europe: England

- Acquiring a private sector university – possible but currently only one (University of Buckingham)
- Acquiring a public sector university – possible but difficult
- Acquiring a private sector HE institution with degree awarding powers – possible but only 4 currently
- Acquiring a public sector HE institution with degree awarding powers – possible but difficult
- Acquiring a listed body –straightforward. LB is not a university and cannot award degrees, but might be able to apply for DAP more quickly than if foreign university applied from scratch
- Due diligence – important for both private and public sector institutions

Acquiring a university in Europe: France

- Acquiring a private sector university – not possible
- Acquiring a public sector university – not possible if would turn HEI into private sector
- Acquiring a private sector HE institution with degree awarding powers – private sector HEIs cannot award main degrees, but can enter co-operation agreements with degree awarding universities
- Acquiring a public sector HE institution with degree awarding powers -theoretically possible but politically unlikely
- Acquiring a private sector HE institution without degree awarding powers – possible but private sector HEI cannot issue degrees or operate under university title

Acquiring a university in Europe: Spain

- Acquiring a private sector university – possible subject to administrative controls
- Acquiring a public sector university – not possible
- Acquiring a private sector HE institution with degree awarding powers – possible subject to administrative controls
- Acquiring a public sector HE institution with degree awarding powers – not possible
- Acquiring a private sector HE institution without degree awarding powers – possible subject to (less stringent) administrative controls

Operational risks and their management –

Case studies
of
students abroad



Closing comments

Questions and discussion

johnhall@eversheds.com

t.birtwistle@leedsmet.ac.uk

jmorriss@law.steson.edu



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