

**MGA ALITUNTUNIN KAGAWARAN, KAWANIHAN AT  
TANGGAPAN AT MGA KAUTUSANG PAMPANGASIWAAN  
[DEPARTMENT, BUREAU AND OFFICE ADMINISTRATIVE ORDERS AND  
REGULATIONS]**

## Commission on Higher Education

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OFFICE OF THE PRESIDENT  
COMMISSION ON HIGHER EDUCATION  
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CHED MEMORANDUM ORDER (CMO) No.  
02 Series of 2008

SUBJECT : POLICIES, STANDARDS, AND GUIDELINES (PSG) ON TRANSNATIONAL EDUCATION (TNE)

Pursuant to the pertinent provisions of the 1987 Constitution; in accordance with Batas Pambansa Blg. 232, otherwise known as the "Education Act of 1982", Republic Act (RA) No. 7722, otherwise known as "Higher Education Act of 1994", and the Manual of Regulations for Private Schools; and by virtue of Commission *En Banc* resolutions and other relevant policies and guidelines on the offering of programs and establishment of institutions in the country, the Commission hereby adopts and promulgates this set of Policies, Standards and Guidelines (PSG) for Transnational Education.

### ARTICLE I

#### GENERAL PRINCIPLES AND POLICIES

1. The Commission on Higher Education recognizes that globalization, changing foreign policies, and liberalization of trade in goods and services worldwide have created a climate for borderless teaching and learning as well as expanded the opportunities for transnational education.
2. This phenomenon, together with rapid developments in information and communications technology, promotes

access to foreign qualifications, degrees, certificates and diplomas. It also encourages Philippine universities, colleges and training institutions to offer credits and degrees in a borderless environment.

3. The potential of transnational arrangements to provide education that meets human, social, economic and cultural needs can only be achieved by ensuring quality provision of educational services.
4. Transnational education is a matter of critical public interest in terms of relevance of content to national needs and the needs to safeguard the interests of legitimate education providers and the general public.
5. Quality assurance, audit, accreditation and similar activities protect the interests of various stakeholders in transnational education;
  - a. Governments
  - b. Higher education institutions, including academic staff.
  - c. Student bodies
  - d. Quality assurance and accreditation bodies
  - e. Academic recognition bodies
  - f. Professional bodies
  - g. Prospective employers
6. The Commission is guided by the principles adopted by the UNESCO/ Council of Europe as stated in the Code of Good Practice in the Provision of Transnational Education (June 2001). (Annex A)

7. The Commission recognizes the Philippine commitments to bilateral, regional and multilateral trade agreements such as the General Agreement on Trade in Services and the ASEAN Framework Agreement on Services.
8. The Commission recognizes Article 5(f) of the 1963 Vienna Convention on Consular Relations regarding the role of consular offices to act as notary in the authentication of relevant documents.
9. The Commission hereby establishes the **POLICIES, STANDARDS AND GUIDELINES ON TRANSNATIONAL EDUCATION**. The policies and guidelines herein set forth shall define:
  - a. Scope
  - b. Extent of regulation
  - c. Procedures for registration
  - d. Mechanics of recognizing foreign higher education providers and their courses/programs offered in the country
  - e. Mechanics of recognizing Philippine higher education institutions engaged in transnational education.
4. **Awarding institution** – refers to a higher education institution issuing degrees, diplomas, certificates or other qualifications.
5. **Auxiliary services** – refers to services that support the delivery of educational services such as promotion, recruitment of students, testing, admission, registration, processing of payments, student orientation, providing access to communication technologies, proctoring examinations, and such other related activities but not to include teaching and learning activities.
6. **Blended learning** – is a mode of educational delivery, which is characterized by the combination of multiple approaches to educational processes, combining methods of distance education with traditional classroom-based education.
7. **Branch** – a remote extension established by an existing HEI that provides educational services. A **local branch** refers to a branch of a FHEP in the Philippines and a **foreign branch** refers to a branch of a Philippine HEI abroad. A **branch** may be in the form of learning/tutorial/information centers.
8. **Commercial presence** – refers to a Higher Education Provider a) putting up a foreign branch (covered by current laws on constitutional ownership and the CHED Policies, Standards and Guidelines for the disciplines); or b) contracting/appointing a local agent, franchiser, or partner.

## ARTICLE II

### DEFINITION OF TERMS

1. **Academic Program** – refers to a set of courses of study the completion of which leads to a degree.
2. **Accreditation**– refers to the recognition given by national, regional or international accrediting agencies to educational programs or institutions based on acceptable levels of quality and performance.
3. **Agent** – refers to a third party, such as a broker or facilitator that acts as an intermediary between awarding and providing institutions for establishing transnational educational arrangements. An agent is not usually involved in the provision of educational services.
9. **Curricular Guidelines** – refer to a set of guidelines issued by CHED prescribing the minimum requirements for undergraduate, graduate and post-graduate degree/s or course/s.
10. **Courses of Study** – refer to subjects that constitute an academic program.
11. **Distance Education (DE)** – is a mode of educational delivery whereby teacher and learner are geographically separated and instruction is delivered

- through specially designed materials and methods using appropriate communication technologies, and supported by organizational and administrative structures and arrangements,
12. **Distance education student** – refers to a student who is either onshore or offshore studying in the distance mode.
  13. **Educational services** – refers to any study program, course of study or parts of a course of study that leads, after successful completion, to a qualification. This also includes services such as preparatory/introductory modules to facilitate access to a course of study, or training modules that lead to professional development (UNESCO, 2001).
  14. **Educational service provider** – refers to any entity that provides educational services.
  15. **Equal partnership** – refers to a level of collaboration where foreign higher education providers and local education providers have equal stake in the relationship. Both education providers award academic credits or degrees.
  16. **Face-to-face delivery of educational services** – refers to traditional mode of classroom-based education.
  17. **Foreign Higher Education Provider (FHEP)** – Refers to a foreign-owned and duly recognized higher education institution following or abiding by a prescribed system of education duly registered in a country other than the Philippines.
  18. **Franchising** – refers to the process whereby a higher education institution (franchiser) from a certain country authorizes another institution or organization (franchisee), from the same or from another country, to provide its(i.e. the franchiser's) educational services (e.g. the whole or a part of one or more of its approved courses of study or academic program).
  19. **Franchiser** – refers to a higher education provider that enters into a contractual relationship with an entity (franchisee) operating under the franchiser's trade name and usually with the franchiser's guidance, in exchange for a fee.
  20. **Franchisee** – refers to a SEC registered and accredited entity in the Philippines authorized to procure market and deliver educational programs or materials from a higher education provider.
  21. **GATS Modes of Supply** – refer to the four modes of trading services as defined in Annex 1B Part I Article 1.2 of the General Agreement on Trade in Services (GATS) of the World Trade Organization. These are the supply of a service:
    - (Mode 1) Cross border supply – from the territory of one [WTO] member to the territory of any other member (e.g. e-learning program of a foreign university accessed by a Filipino student via the internet)
    - (Mode 2) Consumption abroad – in the territory of one member to the service consumer of any member (e.g. foreign student enrolled in a Philippine university)
    - (Mode 3) Commercial presence – by a service supplier of one member through commercial presence in the territory of any other member (e.g. a foreign university setting up operations in the Philippines).
    - (Mode 4) Presence of natural persons – by a service supplier of one member through presence of natural persons in the territory of any other member (e.g. a Filipino as a visiting professor in a foreign university). (Note. A "natural person" is a human being as distinct from legal persons)

such as companies or organizations.)

22. **Local Learning/Tutorial/Information Center**— refers to the site(s) within the host country, to be used in marketing or delivery of foreign educational services under a franchising or other partnership agreement. See also **Branch**.

23. **Offshore** – refers to any locality outside of the country where an HEP has its base of operations.

24. **Onshore** – refers to the country where an HEP has its base of operations.

25. **Onshore student** – refers to a student who is located in the same country as the one where the institutions providing the education is based.

26. **Offshore student** – refers to a student who is located in a country other than the one where the institution providing the education is based.

27. **Partner** – refers to a person, organization or institution involved in transnational agreements.

28. **Presence of Business** – includes advertising, opening of a foreign branch, appointing representatives (duly organized corporations) who in any calendar year for a period of 180 days or more, participate in the management, supervision and control of educational programs and other related acts.

29. **Providing Institution** – refers to an institution or organization, which delivers a range of educational services, but does not issue degrees, diplomas, certificates or other qualifications.

30. **Transnational education (TNE)** – refers to all types of higher education study program, or sets of courses of study, or educational services (including those of distance education) in which the learners are located in a country different from the one where the awarding institution is based. Such

program may belong to the education system of a State different from the State in which it operates, or may operate independently of any national educational system (UNESCO, 2001).

31. **Transnational education arrangement** – refers to an educational, legal, financial or other arrangement agreed upon formally by partners in order to provide educational services.

### ARTICLE III

#### OBJECTIVES

1. Define and describe existing and emerging models of TNE.
2. Provide guidelines on the operation of FHEPs in the Philippines.
3. Provide guidelines on offshore services offered by Philippine HEIs
4. Promote the development and utilization of innovative higher education services that use various technologies and media
5. Encourage international cooperation in the quality provision of higher education
6. Promote a culture of continuous improvement through regular self-review, adherence to quality assurance principles, and participation in monitoring and audit processes
7. Provide the policy environment for the development of a national strategy for quality assurance in transnational education

### ARTICLE IV

#### CATEGORIES OF TRANSNATIONAL EDUCATION

The Commission on Higher Education shall determine and specify the modes of transnational education programs, which may subject to appropriate policies, guidelines and regulations. The categories of transnational education are as follows (Table 1):

- I. Distance Education – examples include, but are not limited to, the following:
  - A. Partners enter into an equal relationship and deliver programs via distance education, with both institutions awarding the credit or degree.
  - B. The program is offered directly by an awarding institution with no local agent/franchisee/partner. The institution may be an FHEP with students in the Philippines (IB1), or a Philippine HEI with students abroad (IB2).
  - C. A Philippine HEI uses programs/ courses owned or created by a FHEP under a license agreement. Credit is granted by the local HEI.
- II. Face-to-face or Conventional Mode of Education Offered Transnationally- examples include, but are not limited to, the following:
  - A. Partners enter into an equal relationship and deliver programs face-to-face, with both institutions awarding the credit or degree.
  - B. Conventional programs are offered transnationally by FHEP with a local branch in the Philippines (IIB1), or a Philippine HEI with a foreign branch (IIB2).
  - C. Conventional programs are offered by a FHEP thru a franchiser or a local partner. Credit is granted by the FHEP.
- III. Blended Learning – examples include, but are not limited to, the following:
  - A. Partners enter into an equal relationship and deliver programs using blended learning techniques, with both institutions awarding the credit or degree.
  - B. Conventional programs are offered transnationally by an FHEP with a local branch in the Philippines (IIB1), or a Philippine HEI with a foreign branch (IIB2), using a mix of face-to-face and distance education.
  - C. Conventional programs are offered by an FHFP thru a franchiser or a local partner using a mix of face-to-face and distance education. Credit is granted by the FHEP.

Table 1. Types of Transnational Education Arrangements

	Delivery System or Mode			Level of Collaboration Between/ Among Higher Educational Service Providers				Institution Awarding Credit or Degree			Mode of Supply (GATS)			
	Distance Education	Face-to-Face	Blended Learning	Equal Partnership	Franchise	Branch	No Commercial Presence	FHEP	Local HEI	Both	1	2	3	4
I	A	✓		✓						✓				
	B1	✓					✓							
	B2	✓					✓							
II	C	✓			✓					✓				
	A		✓					✓				✓		✓
	B1		✓									✓		✓
	B2		✓									✓		✓
	C		✓					✓				✓		✓
												✓		✓
III	A			✓						✓			✓	✓
	B1			✓		✓						✓		✓
	B2			✓		✓						✓		✓
	C			✓								✓		✓
												✓		✓
												✓		✓

**ARTICLE V****SCOPE AND COVERAGE**

These policies and guidelines shall cover all FHEPs operating in the Philippines, including agents, franchisers and partners; and Philippine Higher Education Institutions engaged in transnational education as defined in Articles II and IV.

**ARTICLE VI****GENERAL IMPLEMENTING GUIDELINES**

For all entities in transnational education operating in or from the Philippines:

1. In selecting partners offshore, awarding institutions/providing institutions/franchisers/franchisees/agents should exercise due diligence to determine the partner's:
    - a. Legal standing in its base of operations as well as in countries where it has a presence of business;
    - b. Reputation and standing in the academic community;
    - c. Roles and responsibilities;
    - d. Internal quality management systems;
    - e. Audited financial statements;
    - f. Ability to disseminate accurate, clear, transparent, and truthful information in good faith to potential students;
    - g. Ability to provide support services to enrolled students;
    - h. Ability to provide qualified teaching and research staff (where tutoring/academic support is provided by offshore partners); and
    - i. Existing facilities (e.g. library, computing services, meeting rooms and others) needed to support specific TNE services provided.
  2. In the event of termination of a partnership or phase out/closure of a program, institutions engaged in TNE should ensure that commitments made to enrolled students are met, including offering students suitable alternative pathways for completing the program to which they have been accepted.
  3. Entities engaged in TNF shall develop, implement and review internal quality assurance processes, and cooperate with quality assurance reviews by CHED or other local and international audit and accreditation bodies. Such systems will protect and strengthen the reputations of *bona fide* institutions engaged in TNE. At the same time, this will attend to the pressing need to protect students and other stakeholders from low quality provision and disreputable providers, and eradicate "diploma mills" (bogus institutions awarding fraudulent qualifications) that are engaged in malpractice and fraud.
  4. Academic staff transported to another country to teach offshore should comply with laws, rules and regulations of the destination country, particularly those that govern teaching and the licensing and practice of professionals in specific fields of expertise.
  5. Where the TNE service involves a twinning arrangement, this shall be covered by the CHED Policies, Standards and Guidelines on Linkages and Twinning Programs.
- For FHEPs establishing a commercial presence in the Philippines:
6. Only FHEPs recognized by their respective governments as quality higher education providers and accredited by a recognized accrediting body in the country of origin or its equivalent may be given government authority to offer undergraduate, graduate and post-graduate degrees. Provided that the FHEP has or shall have a twinning arrangement (as defined in CHED policies and guidelines in linkages and twinning programs) with an accredited Philippine HEI.
  7. No FHEP shall be allowed to establish its branch or any entity purporting to deliver educational programs without approval of the CHED.

8. All undergraduate, graduate and post graduate academic programs of an FHEP offered in the Philippines shall be operated or conducted in accordance with rules and regulations established by CHED and other Philippine laws, rules and regulations.

For Philippine HEIs operating offshore:

9. Philippine HEIs providing education offshore must preserve the reputation of the Philippines as a provider of quality higher education. Consequently, only Philippine HEIs with programs recognized by CHED may be given government authority to offer services offshore.
10. Philippine HEIs operating offshore should abide by the laws, rules and regulations of the country where it seeks to operate or deliver its educational programs.
11. In cases where offshore students are to spend a period of time in the Philippines as part of course or program requirements, the HEIs should provide students support services as necessary, including information on legal requirements and living arrangements.

For Philippine – based students who wish to avail themselves of educational services of FHEPs:

12. In selecting educational service providers, students should exercise due diligence to determine the following, and seek assistance from CHED where necessary:
- The provider's legal standing in its base of operations as well as in the Philippines
  - The provider's reputation and standing in the academic community
  - Recognition of credits and degrees earned in the institution
  - The provider's ability to disseminate accurate, clear, transparent, and truthful information in good faith to potential students.

- Methods of payment
- The provider's ability to provide support services to enrolled students
- The provider's ability to provide qualified teaching and research staff (where tutoring/academic support is provided by offshore partners)
- Existing facilities (e.g. library, computing services, meeting rooms and others) needed to support specific TNE services provided.

## ARTICLE VII

### SPECIFIC IMPLEMENTING GUIDELINES AND PROCEDURES

- In instances where the FHEP has no local presence of business and all teaching and learning activities are done via distance education or purely through the internet (Category IBI), CHED shall:
  - Advise students to exercise due diligence in their selection of FHEP (Article VI).
  - Assist stakeholders in the Philippines in finding out about the legal status and reputation in the academic community of an overseas educational institution through official communication with Ministries of Education (and relevant offices) in the base of operations of the FHEP.
- In instances where the FHEP plans to establish a local presence of business (for example, Categories IA, IB2, IC, II and III):
  - It shall seek prior authority from CHED to operate a specific educational and/or auxiliary service and shall comply with the requirements set forth in these guidelines and procedures. (See Article VIII.)
  - Providers of educational and/or auxiliary services who are partners of the FHEP must be registered with the Securities and Exchange



Commission (SEC) or Department of Trade and Industry (DTI), for the purpose of providing educational and auxiliary services. Likewise, existing entities seeking to expand their services to include TNE operations must register this expansion with SEC or DTI.

- c. The entities seeking to provide educational and/or auxiliary services as described under this section shall comply with the relevant CHED Policies, Standards and Guidelines.
3. In Instances where a Philippine HEI provides educational and/or auxiliary services abroad:
  - a. It shall request CHED for Certification that it is allowed to offer in the Philippines the degree program it plans to offer offshore.
  - b. The Philippine HEI shall be subject to monitoring and evaluation by the CHED, with no distinctions made between onshore and offshore operations.
  - c. The Philippine HEI shall comply with rules/regulations/laws pertinent to operations of similar higher education institutions in the foreign country.
  - d. The guiding documents are the relevant CHED Policies, Standards and Guidelines.
4. In instances where programs of a Philippine HEI require students to earn 25% or more of total program units through a partner FHEP:
  - a. The Philippine HEI shall request CHED for an authority to offer such educational service (see Article VIII).
  - b. The Philippine HEI shall be subject to monitoring and evaluation by the CHED, with no distinctions made between onshore and offshore operations, guided by relevant CHED Policies, Standards and Guidelines.

- c. The Philippine HEI shall comply with rules/regulations/laws pertinent to operations of similar higher education institutions in the foreign country.

#### ARTICLE VIII

#### REGISTRATION GUIDELINES AND PROCEDURES

This CMO aims to establish a comprehensive, fair and transparent system of registration and licensing for foreign higher education providers intending to operate in the Philippines, and Philippine higher education institutions engaged in transnational education.

The issuance of an authority to operate a specific educational and/or auxiliary service shall be governed by the following general procedures:

1. The FHEP along with its Philippine-based agent/franchiser/partner files an application for an authority to operate an educational and/or auxiliary service at the Office of Programs and Standards (OPS), through the appropriate CHED Regional Office.

There must be no instance, except when all educational services are delivered purely via Internet or postal/courier service, where a FHEP may be allowed to operate or establish local presence without a partner.

This application shall include relevant documents showing their status as quality higher educational service providers. Any documents executed or issued outside the Philippines must first be authenticated by the partners with the Philippine Foreign Service post concerned prior to submission to CHED. FHEPs and CHED shall be guided by the existing regulations of the Department of Foreign Affairs on 1) authentication and 2) the jurisdiction of Philippine diplomatic posts.

- a. A description of the nature of the educational and/or auxiliary services to be provided, following the provisions of Article VI hereof;
- b. A copy of any Memoranda of Agreement/Understanding entered into by the partners;

- c. A copy of due diligence report which includes information regarding the partner(s)' profile (refer to Article VI, item 1, a to i);
  - d. Completed TNE Forms 1 to 4 (attached); and
  - e. For institutions engaged in face-to-face or conventional delivery of educational services, proof of compliance with CHED discipline-specific requirements for facilities in delivering classroom-based instruction.
2. The OPS evaluates documents, interviews representatives of the institutions, and conducts inspection as appropriate. The evaluation/interview/inspection shall be conducted jointly by the Technical Panel on Distance Education and the Technical Panels for the disciplines concerned, under the auspices of the OPS.
  3. The OPS forwards its recommendations to the Commission *en Banc* for decision.
  4. If approved by the Commission *en Banc*, an authority to operate a transnational educational and/or auxiliary service is issued by the CHED Central Office.
  5. The Commission shall communicate to the public using various media, including the Internet, the issuance of the authority to operate a transnational educational and/or auxiliary service.
  6. The Commission shall likewise inform the public about the legal status of institutions and all applications regarding transnational education operations.

#### ARTICLE IX

#### ANNOUNCEMENTS ON TRANSNATIONAL EDUCATIONAL AND/OR AUXILIARY SERVICES

Any announcement referring to educational and/or auxiliary services being offered shall be done after the educational service provider shall have obtained the required authority to operate from the

Commission on Higher Education. It is unlawful for any transnational educational service provider to advertise or cause the publication of any advertisement or announcement before an authority to operate is granted.

Announcements should contain accurate, clear, transparent, and truthful information for all stakeholders.

#### ARTICLE X

#### REVOCATION OF EXISTING AUTHORITY TO OPERATE A TRANSNATIONAL EDUCATIONAL AND/OR AUXILIARY SERVICE

The revocation of an authority to operate a transnational educational and/or auxiliary service may be ordered by the Commission for valid cause pursuant to existing laws, rules, policies, and regulation and after due process. The institution shall be duly notified in writing by the CHED.

#### ARTICLE XI

#### SANCTIONS

Any transnational educational service provider found guilty of violating the provisions of this CMO as well as other pertinent rules and regulations implementing the same shall be subjected to the appropriate administrative and legal proceedings including the imposition of sanctions to include, but not limited to, the withdrawal or revocation of authority to operate an educational and/or auxiliary service; phase-out or program termination; recommendation for the withdrawal of accreditation and closure of any entity operating an educational and/or auxiliary service.

In addition, the appropriate civil and/or criminal actions shall be instituted against the entity and/or the officials of the institution/provider pursuant to applicable laws, rules and regulations.

The CHED shall enlist the assistance of the National Bureau of Investigation (NBI), Office of the Solicitor General (OSG),

Department of Justice (DOJ), Philippine National Police (PNP) and other law enforcement bodies to effectively enforce this CMO.

#### ARTICLE XII

#### TRANSITORY PROVISIONS

An existing transnational educational service provider shall comply with the provisions of this CMO within a year from the approval of this policy. However, a new transnational educational service provider shall comply with the provisions of this CMO upon its application.

#### ARTICLE XIII

#### SEPARABILITY CLAUSE

If any part or provision of this CMO shall be held invalid, other provisions hereof which are not affected shall continue to be in force and effect.

#### ARTICLE XIV

#### REPEALING CLAUSE

Any and all CHED issuances, which are contrary to or inconsistent with any of the provisions herein, are hereby deemed repealed. This CMO also supersedes the CHED Memorandum Order No. 6, s. 2003, entitled "Policies and Guidelines on Transnational Education."

#### ARTICLE XV

#### APPROVAL AND EFFECTIVITY

This CMO shall take effect immediately upon approval by the Commission and 15 days after its publication in the *Official Gazette*.

Signed, this 28th day of January, 2008, in the City of Pasig, Philippines.

(Sgd.) ROMULO L. NERI  
*Chairman*

## ANNEX A

THE UNESCO/COUNCIL OF EUROPE  
CODE OF GOOD PRACTICE IN THE PROVISIONS  
OF TRANSNATIONAL EDUCATION

Adopted by the Lisbon Recognition Convention Committee at its second meeting, Riga, 6 June 2001

## PREAMBLE

The Parties to the **Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Lisbon Recognition Convention)**

**Conscious** of the rapid development of transnational education, characterized by those arrangements and partnerships between institutions and organisations in which the students are located in a different country to the one where the institution providing the education is based, and of its impact on higher education globally, but also specifically in the Europe Region;

**Conscious** in particular of the challenges posed by transnational education institutions and programmes operating outside of the framework of any national education system;

**Being aware** of the fact that transnational higher education is rapidly expanding, due mainly to the growing and seemingly limitless uses of the new information technologies in providing educational services in a world of borderless higher education;

**Convinced** that the national systems of higher education are, and will continue to be, entrusted *inter alia* to preserve the cultural, social, philosophical, and religious diversity of the European Region while also being expected to promote various forms of international and global co-operation.

**Attaching** great importance of the academic quality of study programmes and degrees awarded by higher education institutions engaged in transnational education;

**Considering** that, regardless of the procedures adopted for establishing and

providing educational services, higher education institutions should comply with those standards of performance in teaching and learning that are required by the present and future development of knowledge, technology and the labour market;

**Acknowledging** that facilitating the recognition of qualifications awarded through transnational arrangements will contribute to promoting both the mobility of students and that of study programmes between higher education institutions and systems;

**Having regard** to the Council of Europe/ UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region that provides an overall normative framework for dealing with academic recognition matters;

**Having regard** also to the Codes of good practice developed and monitored by some of the major providers, such as:

- **Code of Ethical Practice in the Provision of Education to International Students by Australian Universities**, Australian Vice-Chancellors' Committee;
- **Quality Assurance Code of Practice: Collaborative Provision**, United Kingdom Quality Assurance Agency for Higher Education;
- **Principles of Good Practice for Educational Programs for Non-U.S. Nationals**;

**Mindful** that such Codes provide working frameworks from the perspective of the sending institutions/systems of higher education, and that they have to be complemented by the perspective of the receiving institutions/systems;

**Having regard** also to the Diploma Supplement developed jointly by the European Commission, the Council of Europe and UNESCO and aiming to provide supplementary information facilitating the assessment of qualifications;

**Confident** that ethical principles and values should closely guide the international and Global cooperation between higher education systems and institutions;

**Conscious** of the need to find commonly agreed solutions to practical recognition problems in the European Region, and between the States of this Region, and those of other regions of the world, in an ever more global space of higher education;

**Conscious** of the need to permanently update the implementation mechanisms of the principles and provisions of the **Lisbon Recognition Convention**, thus keeping up with the pace of new developments in higher education cooperation:

**Have agreed** on the need for:

- **A Code of Good Practice** in the provision of higher education study programmes and other educational services by means of transnational arrangements;
- **Recommendation on procedures and criteria for the assessment of foreign qualifications** with a view to implementing the Code of Good Practice and to facilitating the recognition of qualifications awarded following completion of transnational study programmes/courses of study;
- and for these to be considered as fully complementary and mutually supportive documents.

## SECTION I. Terminology

Terms defined in the **Lisbon Recognition Convention** are not mentioned here again and shall, for the purposes of this Code of Good Practice, have the same meaning as in the Convention. The following terms, listed in alphabetical order, shall have the following meaning:

### Agents

Third parties, such as brokers, facilitators, or recruiters, that act as intermediaries between awarding and providing

institutions for establishing transnational educational arrangements. An agent is not usually involved in the provision of educational services.

### Agreement

A document agreed formally by the partners that contains all collaborative arrangements made between the awarding and providing institutions.

### Awarding institution

A higher education institution issuing degrees, diplomas, certificates or other qualifications.

### Educational services

Any study programme, course of study or parts of a course of study that leads, after successful completion, to a qualification. This also includes services such as preparatory/introductory modules to facilitate access to a course of study, or training modules that lead to professional development.

### Partners

The awarding and providing institutions involved in transnational arrangements.

### Providing institution

An institution or organization which is delivering all or part a study programme.

### Transnational arrangements

An educational, legal, financial or other arrangement leading to the establishment of (a) **collaborative arrangements**, such as: franchising, twinning, joint degrees, whereby study programmes, or parts of a course of study, or other educational services of the awarding institution are provided by another partner institution; (b) **non-collaborative arrangements**, such as branch campuses, off-shore institutions, corporate or international institutions, whereby study programmes, or parts of a course of study, or other educational services are provided directly by an awarding institution.

### **Transnational education**

All types of higher education study programmes, or sets of courses of study, or educational services (including those of distance education) in which the learners are located in a country different from the one where the awarding institution is based. Such programmes may belong to the education system of a State different from the State in which it operates, or may operate independently of any national education system.

## **SECTION II. Principles**

1. **Transnational arrangements** should be so elaborated, enforced and monitored as to widen the access to higher education studies, fully respond to the learners' educational demands, contribute to their cognitive cultural, social, personal and professional development, and comply with the national legislation regarding higher education in both receiving and sending countries. In the case of collaborative arrangements there should be written and legally binding agreements or contracts setting out the rights and obligations of all partners.
2. **Academic quality and standards** of transnational education programmes should be at least comparable to those of the awarding institution as well as to those of the receiving country. Awarding institutions as well as the providing institutions are accountable and fully responsible for quality assurance and control. Procedures and decisions concerning the quality of educational services, provided by transnational arrangements should be based on specific criteria, which are transparent, systematic and open to scrutiny.
3. **The policy and the mission statement** of institutions established through transnational arrangements, their management structures and educational facilities, as well as the **goals, objectives and contents** of specific programmes, sets of courses of study, and other educational services, should be published, and made available upon request to the authorities and beneficiaries from both the sending and receiving countries.
4. **Information** given by the awarding institution, providing organization, or agent to prospective students and to those registered on a study programme established through transnational arrangements should be appropriate, accurate, consistent and reliable. The information should include directions to students about the appropriate channels for particular concerns, complaints and appeals. Where a programme is delivered through a collaborative arrangement, the nature of that arrangement and the responsibilities of the parties should be clearly outlined. The awarding institution is responsible for and should control and monitor information made public by agents operating on its behalf, including claims about the recognition of the qualifications in the sending country, and elsewhere.
5. **Staff members** of the institutions or those teaching on the programmes established through transnational arrangements should be proficient in terms of qualifications, teaching, research and other professional experience. The awarding institution should ensure that it has in place effective measures to review the proficiency of staff delivering programmes that lead to its qualifications.
6. Transnational education arrangements should encourage the awareness and knowledge of the **culture and customs** of both the awarding institutions and receiving country among the students and staff.
7. The awarding institution should be responsible for the **agents** it, or its

partner institutions, appoint to act on its behalf. Institutions using agents should conclude written and legally binding agreements or contracts with these, clearly stipulating their roles, responsibilities, delegated powers of action as well as monitoring, arbitration and termination provisions. These agreements or contracts should further be established with a view to avoiding conflicts of interests as well as the rights of students with regard to their studies.

8. **Awarding institutions** should be responsible for issuing the qualifications resulting from their transnational study programmes. They should provide clear and transparent information on the qualifications, in particular through the use of the Diploma Supplement, facilitating the assessment of the qualifications by competent recognition bodies, the higher education institutions, employers and others. This information should include the nature, duration, workload, location and language(s) of the study programme leading to the qualifications.
9. **The admission** students for a course of study, **the teaching/learning activities, the examination and assessment requirements** for educational services provided under transnational arrangements should be equivalent to those of the same or comparable programmes delivered by the awarding institution.
10. **The academic work load** in transnational study programmes, expressed in credits, units, duration of studies or otherwise, should be that of comparable programmes in the awarding institution, any difference in this respect requiring a clear statement on its rationale and its consequences for the recognition of qualifications.
11. **Qualification** issued through transnational educational programmes, complying with the provisions of the present Code, should be assessed in accordance with the stipulations of the Lisbon Recognition Convention.

## Explanatory Memorandum

### THE UNESCO/COUNCIL OF EUROPE

#### CODE OF GOOD PRACTICE IN THE PROVISION OF TRANSNATIONAL EDUCATION

##### 1. Introduction

The Code which follows is designed to present the perspectives of both sending and receiving countries regarding the provision of transnational education. Its contents are to be seen as complementary to the **Lisbon Recognition Convention** thus providing a normative framework to be taken as reference by the national recognition bodies in their specific undertakings.

##### 2. The objectives of the Code

In order to promote good practice in the area of transnational education – with particular reference to the quality of the provision of study programmes and the standards of qualifications issued by the Parties to the Council of Europe/UNESCO **Lisbon Recognition Convention**, the Code is intended:

- to meet the expectations of both the sending and the receiving countries with regard to *transnational arrangements* in higher education;
- to provide a source of reference on issues relating to the quality assurance and evaluation of programmes provided and qualifications issued through transnational arrangements;
- to offer “consumer protection” for students, employers and others who may be concerned with qualifications awarded through transnational arrangements;
- to facilitate the recognition of qualifications awarded through transnational arrangements in higher education.

##### 3. Implementation of the Code

The **Code** includes a set of *principles* which should be respected by institutions or organizations involved in the provision of educational services through transnational

arrangements. These principles are presented in the form of statements with a normative value. For implementing the provisions of the **Code**, mainly with regard to the recognition of qualifications issued through transnational arrangements, the ENIC network shall apply the procedures outlined in the **Recommendation on procedures and criteria for the assessment of foreign qualifications**. Therefore, the **Code** and the **Recommendation** are fully complementary and mutually supportive documents.

#### **4. The Scope of the Code**

The Code refers particularly to those transnational arrangements which lead to the provision of study programmes and to the issuing of qualifications. Consequently, reference is made to:

- a) **institution and programme** involved in concluding any type of transnational arrangement whereby an institution provides educational services outside its country of origin;
  - b) **teaching staff**, regardless of their country of origin, who work in an institution/study programme established through a transnational arrangement;
  - c) **students**, regardless of their country of origin, who are registered, for a course of study or parts of it leading either wholly or in part to a higher education qualification, in an institution/programme established through a transnational arrangement;
  - d) **agents**, that are third parties, acting as brokers, facilitators or recruiters in transnational arrangements;
  - e) **other stakeholders**, like employers and the public at large, interested in the quality of higher education qualifications.
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**Republic of the Philippines  
OFFICE OF THE PRESIDENT  
COMMISSION ON HIGHER EDUCATION**

**TRANSNATIONAL EDUCATION (TNE) SERVICE PROVIDER(S)' PROFILE**

**1. Profile of Philippine-based Service Provider\***

Name of Service Provider	
Address:	
Street	
Municipality	
Province/City	
Postal or Zip Code	
Telephone No. (include area code)	
Fax No. (include area code)	
Email address	
Website	
Year Established	
Latest SEC Registration/ Enabling Law/Charter	
Name of Head/President/CEO	

**2. Profile of Foreign Partner(s)\***

Name of Institution	
Address:	
Street	
Municipality	
Province/City	
Postal or Zip Code	
Telephone No. (include area code)	
Fax No. (include area code)	
Email address	
Website	
Year Established	
Appropriate Government Authority/ Enabling Law/Charter	
Name of Head/President/ CEO	

\* if there are more than two entities involved in the partnership, please use additional sheets.

**3. Existing TNE Arrangements (refer to Table 1 of CMO)**

Delivery System or mode	Level of Collaboration between local and foreign partners	Institution awarding credit degree	Courses/ Programs offered and/ or Certificate/ Diploma Issued	Date of Effectivity

**4. Proposed TNE Arrangements**

Delivery System or mode	Level of Collaboration between local and foreign partners	Institution awarding credit degree	Proposed Courses/ Programs and/ or Certificate/ Diploma to be Issued

**5. Specific services to be undertaken**

A.

Educational Services	Check that all apply	Description
Curriculum planning		
Curriculum development		
Syllabi development		
Instructional materials design and development		
Mentoring, lecturing, tutoring, facilitating discussions, academic counseling		
Developing assessment methods/instruments		
Student evaluation		
Course/program evaluation		
Other services		

B.

Auxiliary Services	Check that all apply	Description
Promotional activities		
Recruitment		
Testing		
Admission		
Registration		
Processing of payments		
Student orientation		
Providing access to communication technologies		
Proctoring examinations		
Other services		







TNE Form 4

**DESCRIPTION OF TECHNOLOGIES USED FOR  
NETWORKING AND COMMUNICATION**

**1. Hardware Complement**

<b>Equipment</b>	<b>Number of Units (in-country)</b>	<b>Number of Units (offshore)</b>
Telephones		
Facsimile Machines		
Teleconferencing equipment		
Video Conference equipment		
Multi-Media equipment		
Functional Computer Units		
- for staff use		
- students' use		
Others (Specify)		

**2. Software Complement**

<b>Type</b>	<b>Description</b>	<b>Utilization</b>
Online learning management system or other online learning software		
Course authoring software		
Databases		
Others (Specify)		

**3. Connectivity**

<b>Equipment</b>	<b>Description/ specifications</b>	<b>Location</b>
Internet connection		
Others (specify)		

TNE Form 4

4. Network Diagram

Network diagram (LAN, WAN)

