

XMUM has to take the "Big Test."

#### LOOKING AHEAD

While it is too early to assess XMUM's long-term viability, its first steps are informative. The XMU/XMUM partnership illustrates that a branch campus is not a simple mirror site of the home campus. In this case, adjustments have been made to fundamentals like language of instruction, academic calendar and program, admissions policies and practices, and price. Some of these decisions may limit the flow of students from China in general and from the home university. Yet these adjustments, made in response to local context and prevailing educational practices, may impact the longer-term viability of the branch campus. ■

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## Foreign Higher Education in India: The Latest Developments

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India is a classic case of TNE confusion and complexity. TNE refers to "transnational education," higher education institutions or programs from one country established or offered in another. Examples include international branch campuses, joint degrees, or partnerships between local and foreign institutions. Motives on the part of the foreign institution include increased international student recruitment and pursuit of an international identity; while host governments and local partner institutions tend to focus on access to high quality and specialized programming.

The national government in India worries about domestic higher education capacity and quality, and the number of students who study abroad never to return, but is suspicious of foreign providers who offer help. A comprehensive regulatory framework for TNE in India has long been promised. The patchwork of guidance that exists, split across different government agencies, is both frustratingly vague and laboriously detailed. Quite a bit of TNE goes on in practice, but must contend with lack of recognition, poor data, and unpredictable enforcement of the rules.

On 23 June 2016, then Human Resource Development (HRD) Minister Smriti Irani unveiled amended regulations for collaboration between Indian and foreign institutions.

The big change is that Indian institutions may now apply directly to have a foreign collaboration approved. Under the old rules, formalized in 2012, the foreign partner had to apply. The minister revealed that not a single foreign institution had filed an application, and blamed perceived bureaucracy. Irani vowed that applications—to the University Grants Commission (UGC), an HRD agency—would be acknowledged within a month and processed within two.

#### BREAKTHROUGH OR FALSE DAWN?

An important factor is the kinds of collaboration that are permitted. On that point, the minister announced no change. The 2012 regulations ban forms of TNE that are commonplace elsewhere. Franchising (i.e. a foreign institution allowing an Indian one to offer degrees in its name) is not permitted, nor are joint degrees.

The regulations promote "twinning" programs, where the student in India enrolls at a local institution and spends part of the program on the campus of the foreign partner. But unlike twinning arrangements elsewhere, the student obtains a degree from the Indian institution, not the foreign one. Under the amended rules, the degree transcript may include the name and crest of the foreign partner, but no foreign or joint degree may be awarded.

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In another change, the minister said that Indian students associated with a collaboration may now get academic credit if they spend part of their program on the home campus of the foreign institution. Undergraduates who opt for this path must spend at least two semesters overseas. For postgraduate students, the minimum is one semester. The same opportunity is now available for foreign students who want to spend time in India. The two-semester minimum for undergraduates to receive credit may be impractical for many students, in both directions.

Why is the government against joint degrees? The reticence may be due in part to dependence on a regulatory, rather than legislative, route to reform. The government may be of the opinion that the right to award a degree in

India is legally restricted to domestic institutions. Short of a new law, which experience suggests is anything but straightforward in India, the government may be limited to tweaking UGC regulations.

A further complication is the role of the All-India Council for Technical Education (AICTE), a parallel body to the UGC. AICTE oversees higher education in “technical” areas, including at degree level. Business, IT, and engineering programs fall under its purview. AICTE has its own rules and approval process for foreign institutions, which permit independent foreign campuses and distance learning, and give no indication that joint degrees are a problem. However, the ten programs approved for 2016/17 are all “twinning” arrangements. The approved programs are from six foreign universities, including DeMontfort and Huddersfield in the United Kingdom and the University of Massachusetts and Valparaiso University in the United States. The list is shrinking—down from 21 approved programs in 2013/14.

#### GOVERNMENT INQUIRY

Bills to introduce foreign providers date back to 1995. The latest, in 2010, the Foreign Educational Institutions Bill, died in Parliament. A recent government inquiry instigated by Prime Minister Modi recommended that foreign institutions be permitted to be set up in India and proposed three ways forward: 1) a new act of Parliament; 2) a redefinition of the university, to encompass foreign institutions; or 3) tweaks to UGC rules on collaboration. If the HRD minister’s announcement means the government has gone with option 3, the legal framework for foreign institutions remains ambiguous at best. Ten of India’s 29 states recently backed entry of foreign providers, but seven signaled opposition.

There are estimated to be over 600 foreign education providers in India, spanning everything from twinning to faculty exchange and distance learning. According to the recent HEGlobal survey on UK TNE, there are at least nine UK higher education institutions operating in India, offering 82 programs. This contradicts the AICTE list and UGC’s assertion that it has approved zero foreign providers. UGC says existing collaborations must obtain approval within a year or face sanctions, but similar deadlines have come and gone with little action. AICTE’s “must comply” announcements also appear widely ignored.

In many cases, it is not that foreign providers are deliberately flouting the rules. But rather differing approaches to TNE by the central government and individual states, confusing and overlapping jurisdiction by oversight bodies, and uneven enforcement foster ambiguity about exactly what is permissible.

The latest move by the HRD minister may mean a new flow of applications by Indian institutions interested in collaboration. However, foreign interests may continue to be put off by the inability to award their own degrees, and an approval process that permits UGC to scrutinize “infrastructure facilities, facilities available for instruction, faculty, specified fee, courses, curricula, [and] requisite funds for operation for a minimum period of three years (...)” Much TNE may continue to operate outside the rules, viewing employer enthusiasm as more important than government oversight.

When it comes to foreign higher education, India has yet to find the right balance between regulation and innovation. Until that day comes, the government will experience TNE as a headache rather than a benefit. ■

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## International Faculty Mobility: Crucial and Understudied

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The presence of international (i.e., foreign, nonlocal, or nondomestic) faculty within higher education institutions and systems around the world is an important dimension of higher education in the global knowledge society of today. Increased global competition for talent, research, funding, and reputation/profile/branding not only implies that universities must compete for the best and brightest of undergraduate and graduate students, but they must also seek out talented researchers and teachers on a worldwide scale.

The international mobility of faculty is also important in relation to the specific phenomenon of internationalization of higher education. Here, we note that such elements