

Final version for signatures for the purposes of section 452 of the Education and Training Act 2020

NZQA Board:  Date: 12 February 2021

Minister of Education:  Date: 15 March 2021

NZQF Offshore Programme Delivery Rules 2021

1. Authority

1.1 These Rules are made under section 452 of the Education and Training Act 2020.

2. Commencement and application

2.1 These Rules commence on the 28th day after the date of approval by the Minister under section 452(5) of the Act.

3. Interpretation

3.1 In these Rules, unless the context otherwise requires:

Act means the Education and Training Act 2020

accreditation means accreditation to provide all or part of an approved programme under section 441 of the Act

Category 1 institution means an institution (*other than a university*) that has received, in the most recent external evaluation and review carried out by NZQA in respect of that institution, statements of confidence that are either:

- (a) *Highly Confident* in educational performance and *Highly Confident* in organisational capability in self-assessment; or
- (b) *Highly Confident* in educational performance and *Confident* in organisational capability in self-assessment

Category 2 institution means an institution (*other than a university*) that has received, in the most recent external evaluation and review carried out by NZQA in respect of that institution, statements of confidence that are either:

- (a) *Highly Confident* in organisational capability in self-assessment and *Confident* in educational performance; or

(b) *Confident* in educational performance and *Confident* in organisational capability in self-assessment

credit value means the number of credits, with each credit representing ten notional learning hours

deemed programme rules means the NZQF Programme Approval and Accreditation Rules 2021, as amended or replaced from time to time

external evaluation and review, for the purposes of the definitions of “Category 1 institution” and “Category 2 institution”, means the quality assurance system known as EER that is set out in rules made under section 452(1)(t) of the Act

institution has the same meaning as in section 10(5)(a) of the Act in relation to programme approval, and as in section 10(5)(b) of the Act in relation to accreditation

level means any of levels 1 to 10 of the NZQF

NZQA means the New Zealand Qualifications Authority

NZQF means the New Zealand Qualifications Framework

offshore partner organisation means an organisation that is used, or is to be used, by an institution for all or part of offshore programme delivery

offshore programme delivery means provision of a programme overseas that leads to a qualification on the NZQF

programme has the same meaning as in section 10(1) of the Act

Universities New Zealand means the New Zealand Vice-Chancellors’ Committee continued by section 311 of the Act.

4. Programme approval and accreditation requirements for offshore programme delivery

4.1 Applications for programme approval and accreditation for offshore programme delivery may only be made by universities and by Category 1 and Category 2 institutions.

4.2 Institutions must meet the following rules prior to carrying out offshore programme delivery:

- (a) the deemed programme rules; and
- (b) rule 5.1 (*containing the special programme approval criteria*); and
- (c) rule 6.1 (*containing the special accreditation criteria*); and
- (d) rule 7.1 (*content of an application*).

4.3 For the avoidance of doubt, an institution is required to obtain accreditation whether or not it is using an offshore partner organisation.

4.4 Where an institution is using an offshore partner organisation, the institution remains responsible under these Rules for the actions and performance of the offshore partner organisation in relation to the offshore programme delivery.

5. Special programme approval criterion for offshore programme delivery

5.1 The special programme approval criterion for offshore programme delivery is:

CRITERION 1 - PROGRAMME DESIGN AND DELIVERY

The institution ensures the design of the offshore programme is suited to delivery in the host country and suited to the needs of the intended and enrolled students.

The institution ensures that the following matters are comparable to New Zealand based programme delivery:

- programme learning outcomes:
- content:
- acceptability to the qualification developer, relevant academic bodies, employers, industry bodies, professional bodies, and other relevant bodies and communities:
- student workload (particularly credit value, level, and duration).

6. Special accreditation criteria for offshore programme delivery

6.1 The special accreditation criteria for offshore programme delivery are:

CRITERION 2 - OFFSHORE RELATIONSHIPS

The institution must ensure that any offshore partner organisation being used for the offshore programme delivery:

- is recognised as a legal entity in the host country:
- has appropriate financial performance and stability.

Where the offshore partner organisation is used for delivery of teaching the institution must take reasonable steps to be satisfied that the offshore partner organisation:

- has sufficient and appropriate tertiary education experience and is lawfully allowed to provide tertiary education in the country in which the delivery occurs:
- has an ownership and structure (*including in management and administration*) suitable for the offshore programme delivery:
- is a reputable provider of education in its host country and any other country:
- is providing teaching facilities, educational resources, and student services and support that are appropriate.

CRITERION 3 - FORMAL AGREEMENT WITH OFFSHORE PARTNER ORGANISATION

The institution must have in place a formal agreement with any offshore partner organisation that is executed by their senior officials with formal legal authority to enter the agreement on behalf of both of them.

The agreement must include provisions that:

- define how the institution and offshore partner organisation will continue to comply with these rules and the deemed programme rules:
- identify clear channels of authority and accountability for decision-making between the institution and the offshore partner organisation for the offshore programme delivery:
- cover compliance with local requirements relating to the offshore programme delivery:
- appropriately manage all actual and potential conflicts of interest.

CRITERION 4 - RESOURCES

The institution ensures it has appropriate resources to enable successful outcomes for overseas students, and that the resources are of comparable quality, type and availability to those used in New Zealand.

CRITERION 5 - ASSESSMENT AND MODERATION

The institution ensures that assessments conducted offshore apply assessment methods and criteria consistent with approved programmes for New Zealand delivery while allowing for appropriate adaptation for offshore delivery.

The institution undertakes moderation of offshore examinations and assessments.

CRITERION 6 - ACADEMIC AND OTHER STAFF

The institution ensures that the qualifications, experience, teaching skills, management, and oversight of offshore teaching staff are suitable and effective for the offshore programme delivery.

The institution's staff selection, management, and oversight are appropriately adapted to offshore delivery.

CRITERION 7 - STUDENT SUPPORT AND COMPLAINTS

The institution ensures the student and academic support services, and the procedures to manage student complaints, are effective for offshore programme delivery.

CRITERION 8 - STUDENT INFORMATION

The institution ensures that relevant and accurate information relating to the programme is provided to intending and enrolled students, including information on the language of programme delivery and assessment, and information on available student support and guidance.

CRITERION 9 - FEE REFUNDS AND CLOSURES

The institution ensures that fee refund provisions are clear and will not undermine the educational reputation of New Zealand.

In the event of programme closure for any reason, the institution ensures there is appropriate alternative provision of education available to offshore students enrolled at the time.

CRITERION 10 - QUALITY ASSURANCE AND MANAGEMENT

The institution ensures that the special considerations for offshore programme delivery are incorporated within its quality assurance and management systems, and that all applicable quality assurance requirements in the host country are identified and met.

7. Applications for offshore programme delivery by institutions other than universities

- 7.1 Applications for offshore programme delivery (*from institutions other than universities*) must describe how the offshore programme delivery will comply with the rules specified in paragraphs (a) to (c) of rule 4.2.
- 7.2 Applicants will be advised if the application requires a site visit or further work.
- 7.3 Where the requirements for the application have been met, the application will be approved and the applicant will be advised.
- 7.4 Where the requirements have not been met, the application will not be approved, and the applicant will be advised accordingly.
- 7.5 Details of successful applications will be published on the NZQA website.

8. Applications for offshore programme delivery by universities

- 8.1 Applications by universities for offshore programme delivery will be decided by Universities New Zealand under section 453 of the Act, in accordance with any procedures set up for inter-university course approval and moderation under section 312(a) of the Act.

9. Requirements to be met to maintain approval

9.1 Institutions with offshore programme delivery approval must:

- (a) continue to meet the deemed programme rules and the criteria in rules 5.1 and 6.1:
- (b) ensure there is a permanent and accurate record kept of student enrolment and achievement:
- (c) as part of the institution's participation in self-assessment and external evaluation and review, ensure there are regular reviews of the programme and its delivery offshore, including reviews of any delivery by an offshore partner organisation.

10. Consequential revocations

10.1 The following rules are revoked:

- (a) NZQF Offshore Programme Delivery Rules 2012
- (b) NZQF Offshore Programme Delivery Amendment Rules 2018.