

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

NZQA Board: Date: 28 Nov 2022

Minister of Education: *Ch* Date: 15/12/22

Offshore Programme Delivery Rules 2022

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 Programme Approval, Recognition and Accreditation Rules 2022, 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 quality assurance rules made under section 452(1)(t) of the Act

institution has the same meaning as in section 10(5) of the Act

level means any of levels 1 to 10 of the NZQCF

NZQA means the New Zealand Qualifications Authority

NZQCF means the Qualifications and Credentials Framework described in section 436 of the Act

offshore partner organisation means an organisation that is used, or is to be used, by an offshore provider for any of the following activities relating to offshore programme delivery:

- (a) teaching, training, or supervision of learning activities:
- (b) assessment:
- (c) practical training:
- (d) academic or pastoral support

offshore programme delivery means provision, in a country other than New Zealand, Cook Islands, Niue or Tokelau, of all or part of a programme that leads to a qualification on the NZQCF, whether physically provided in that country by:

- (a) the offshore provider; or
- (b) one or more offshore partner organisations; or
- (c) the offshore provider together with:
 - (i) one or more other offshore providers:
 - (ii) one or more offshore partner organisations

offshore provider means a university or Category 1 or Category 2 institution

practical training includes on-the-job training, work placements, and internships

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

WDC has the same meaning as in section 10(1) 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 an offshore provider.

4.2 Offshore providers 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 To avoid doubt:

- (a) an offshore provider is required to obtain accreditation whether or not it is using an offshore partner organisation; but

(b) the following kind of programme provided in a country other than New Zealand, Cook Islands, Niue or Tokelau does not require approval under these Rules:

- (i) the programme is delivered to that country by distance learning only; and
- (ii) the programme has been approved under the deemed programme rules and that approval included the delivery by distance learning.

4.4 Where an offshore provider is using an offshore partner organisation, the offshore provider 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 offshore provider 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 offshore provider ensures that the following matters are comparable to New Zealand based programme delivery:

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

The offshore provider must demonstrate it has obtained any necessary WDC endorsement.

The offshore provider must demonstrate that the offshore programme will produce graduates whose skills are comparable to students taught or trained in New Zealand, and that for offshore programmes leading to professional qualifications, the students will meet the criteria of the relevant New Zealand registration body.

6. Special accreditation criteria for offshore programme delivery

6.1 The special accreditation criteria for offshore programme delivery are:

CRITERION 2 - OFFSHORE RELATIONSHIPS

The offshore provider must demonstrate that all of its offshore partner organisations:

- are recognised as a legal and reputable entities in the host country and any other country in which they operate:
- where any kind of approval or registration by a relevant authority in the host country is required for what it will be doing, have that approval or registration:
- have an ownership and structure (*including in management and administration*) suitable for the offshore programme delivery, including appropriate governance and management, financial performance and management, and stability:
- will provide appropriate teaching facilities, educational resources, and student services and support.

Where any of its offshore partner organisations are used for delivery of teaching and/or training, the offshore provider also must demonstrate that those offshore partner organisations:

- have sufficient and appropriate tertiary education experience and/or appropriate experience in training and assessing learning in the workplace or learning environment:
- are lawfully allowed to provide the teaching and/or training in the country in which it is being provided.

CRITERION 3 - FORMAL AGREEMENT WITH OFFSHORE PARTNER ORGANISATION

The offshore provider 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 offshore provider 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 offshore provider 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 offshore provider 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 offshore provider 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 offshore provider undertakes moderation of offshore examinations and assessments.

CRITERION 6 - ACADEMIC AND OTHER STAFF

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

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

CRITERION 7 - STUDENT SUPPORT AND COMPLAINTS

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

The offshore provider ensures that well-being and safety practices:

- respond effectively to the distinct needs of their offshore enrolled students:
- comply with the Education (Pastoral Care of International and Domestic Tertiary Students) Code of Practice 2021 as amended or replaced from time to time.

CRITERION 8 - STUDENT INFORMATION

The offshore provider 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 offshore provider 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 offshore provider ensures there is appropriate alternative provision of education available to offshore students enrolled at the time.

CRITERION 10 - QUALITY ASSURANCE AND MANAGEMENT

The offshore provider 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 offshore providers other than universities

7.1 Applications for offshore programme delivery (*from offshore providers other than universities*) must:

- (a) describe how the offshore programme delivery will comply with the rules specified in paragraphs (a) to (c) of rule 4.2:
- (b) where the language of instruction, assessment or training is not Te Reo Māori or English, explain how that will be communicated to potential students and how that will feature on the certificate of award:
- (c) where practical training arrangements are involved, explain how they will be overseen, verified, and assessed, and explain the responsibilities and accountabilities of each party:
- (d) where work placements are involved, explain how the employer and workplace are assessed and how the student's safety and wellbeing during the work placement will be supported.

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 Offshore providers with offshore programme delivery approval must:

- (a) continue to meet the deemed programme rules and the criteria in rules 4.1 and 6.1:

- (b) ensure there is a permanent and accurate record kept of student enrolment and achievement:
- (c) as part of the offshore provider'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. Revocation

10.1 The NZQF Offshore Programme Delivery Rules 2021 are revoked.