Licensing and Supervision of Private Higher Education Institutions in the Arab States[*]

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Abstract

This study provides a brief overview of experiences in Arab countries experience in the development and organization of private higher education; it aims at reviewing the licensing regulations and procedures and identifying the means for monitoring, supervision, and performance control as well as outlining the advantages and disadvantages of these regulations and means. The study touches briefly on the development of private higher education in the Arab states, and discusses and analyses licensing systems and means of monitoring and supervision, focusing on the experiences of eight Arab countries: Jordan, Sudan, Egypt, the United Arab Emirates, Kuwait, the Kingdom of Saudi Arabia, Oman, and Tunisia. It reviews these countries' experiences with licensing regulations, procedures and structures, as well as with their means for evaluating performance, with the aim of outlining similarities and differences.

The study concludes that despite the relative progress achieved in applying licensing systems, as well as in monitoring and control in a number of Arab countries, it is worth noting that such progress was not achieved in compliance with the recommendations of an expert report published in 2000. In addition, there are shortcomings and weaknesses in ensuring that institutions comply with the set standards. Moreover, the controls proposed in the expert report need to be developed and updated to keep abreast of regional and global developments. The reviewed experiences show that the controls proposed in the report and those that are applied on the ground were designed for the traditional higher education system and fail to take into account the standards of modern higher-education models that have begun to spread in the region. The study also puts forward a number of recommendations.

I. Introduction

Higher education is deemed an effective mechanism to induce a comprehensive change in any country in the world. The second half of the 20th century witnessed great quantitative developments with increasing individual as well as collective demand for all forms of educational services. Qualitatively, there has been a large scientific and technical diversification in higher

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education programs, specifically in the way its institutions are structured, managed, and supervised and also in the way their performance is assessed.

In a number of countries the terms "non-governmental higher education" or "*ahli*" education are used to refer to private higher education, a term usually associated with for-profit economic investments. However, using the term private higher education institutions is more appropriate and inclusive, as this type outnumbers not-for-profit institutions. While the meaning attached to the term "private higher education" may vary from one country to the other, this study is restricted to post-secondary private higher education provided for profit by private entrepreneurs or by not-for-profit charities. Private higher education mainly aims at bridging gaps by providing those who cannot access governmental education or certain disciplines unavailable in governmental education with opportunities to pursue higher education. It also provides skills required by the labor market in specific areas; thus achieving high flexibility and adaptability to change, in addition to achieving high returns on investment.

II. Private higher education in the Arab States

The fast pace of progress in the world in general, has led to a number of radical changes in higher education policies and a rapid growth in private higher education institutions, notably in the 1980s and 1990s.

Jordan is considered as one of the first Arab States to establish private higher education institutions in the 1980's (mainly for-profit) followed by Sudan, the United Arab Emirates and Egypt. Nowadays, private higher education has spread to almost all Arab countries, yet with large differences in both the number and size of institutions and of enrolled students.

Private higher education in the Arab States is characterized by a wide diversity of levels and organizational constraints. For example, a number of countries such as Sudan and Libya have exclusively local non-governmental and private institutions, whereas GCC countries, except for the Kingdom of Saudi Arabia, have opened their doors to transborder higher education. Saudi private education regulations provide that only charities and licensed companies are authorized to establish educational institutions.

Private higher education institutions in Arab countries follow a wide variety of systems, structures, and sizes. This is due to several factors, including: legislation, regulations, standards, institutional capacities, market demand, etc. Most countries, such as Jordan, Egypt, Saudi Arabia, and Tunisia, authorize direct licensing for the establishment of universities. While others, such as Sudan, only grant licenses for the establishment of institutes and faculties, which can later be promoted to the status of universities, according to specific terms, regulations, and standards. Other countries, such as Kuwait and Oman, only authorize branches of, or programs licensed by, foreign universities with a certain standing in international classifications.

III. Licensing private higher education institutions and monitoring their performance

Belle (2002), Babiker (2007), and Abu Amma (2009) have noted that, for various reasons, private higher education institutions, though increasingly numerous, do not clearly contribute in alleviating the burden of national higher education systems. Moreover, the unprecedented openness of higher education in Arab countries to different patterns of education and private institutions has stirred some concerns, regarding equal educational opportunities or social justice,

compatibility and quality of education. Moreover, these institutions were founded in a number of Arab countries without any controls or specific regulations. Those responsible for the sector only realized the need for regulations and laws when the number of private HEIs exploded. Based on that, it became crucial to determine solid conditions and restrictions for licensing them and put in place conditions to oversee, follow and ensure the quality of academic and administrative performance. Jordan, Sudan and the United Arab Emirates were the first countries to impose licensing restrictions and regulations in the 1990s, followed after 2000 by Tunisia, Saudi Arabia, Kuwait, Oman and Bahrain (in chronological order).

Further to a recommendation from the 6th Meeting for Arab Ministers in charge of Higher Education and Scientific Research in 2000, a meeting of experts with participation of a number of relevant regional organizations was held in Amman, Jordan, in September 2000 with the aim of improving the performance of private education institutions by laying the foundations of licensing and accreditation, taking into consideration some of the common elements emerging from the experiences conducted in the Arab States. One of the outcomes of this meeting was a report including draft guidelines and controls for licensing. It was recommended that licensing follow a two-phase process, i.e. preliminary licensing and final licensing. The report reviewed licensing authorities, systems and regulations and funding. The Ministry of Higher Education or any other similar authority in charge of higher education would be responsible for granting licenses, drafting regulations, and ensuring oversight and follow-up. This would be done with the proper technical and administrative bodies that have been established to provide the necessary help.

The report recommended eight conditions to be met for preliminary licensing: funds should be available to guarantee the sustainability of the institution; founders should commit to abide by academic and social values; a number of experts, determined by every state, should be part of the Board of Founders and Trustees; objectives of the institution should be compatible with higher education objectives, such as meeting development needs; admission opportunities for qualified students should be enhanced; professional and scientific gaps should be bridged; new concepts of higher education should be introduced; institutions should adapt to technological change, and serve all sectors of society including remote and the least developed regions; and present a plan to provide appropriate resources for scientific research. Every State was to determine the validity of preliminary licensing, provided that it does not exceed three years, while the licensing decision had to be made by the authorities within three months.

Conditions and standards for final licensing include the following:

the availability of human resources, with the required number of highly-skilled professionals filling leadership and teaching positions; appropriate technical cadres; an integrated organizational structure of academic councils and administrative bodies (board of trustees, university and faculty councils, departmental councils, administrative and financial units, etc.); and the availability of training and capacity-building programs for human resources. Regarding utilities and equipment, the report indicated the need to check that institutions have the required teaching/learning facilities (such as halls, laboratories and workshops ..etc.) as well as any appropriate learning materials needed to serve the institution's mission and curricula. Sanitary and service utilities also need to be checked. In the program and curriculum section, the report pinpointed the need to determine objectives, the name of the degree, the number of required years or hours to complete courses and the competencies to be acquired at the end of the course. Moreover, it is important to ensure harmonization of courses with the objectives, competencies and educational progress as well as to be compatible with the financial and human resources that are available in order to optimize the execution of the curriculum.

Regarding performance monitoring, the report recommended developing assessment and accreditation mechanisms on three levels i.e. institutional, national and regional. These mechanisms would ensure all final licensing commitments are met to guarantee optimal performance, quality, and improvement of performance. It was also recommended to encourage institutions to use international assistance in assessment.

IV. Licensing higher education institutions in a number of Arab countries

1. Jordan

Jordan first started licensing higher education institutions in 1989, when the Provisional Private Universities Act was adopted. Article (7.b) of the Act provides that the Higher Education Council in Jordan should ensure that private universities fulfill their goals. The Council is also entitled to issue licensing and accreditation instructions which have to be respected by institutions before they begin providing services to students. Licensing is a two-phase process: general accreditation and specific accreditation. General accreditation is completed once the committees, formed by the supervisory authority (previously called the Accreditation Council, and currently the Higher Education Accreditation Commission), ensure that higher education institutions meet five sets of criteria. These are: faculty, land area, classrooms, library, and admission and registration procedures. Based on the scores obtained with regard to accreditation conditions the overall enrolment capacity is then defined (Higher Education Accreditation Commission, 2008). Specific accreditation covers: program objectives, intended learning outcomes, study plans, faculty, supporting staff, library, students, laboratories and workshops, equipment and instructional material, and administration (Higher Education Accreditation Commission, 2008).

A comparison, between Jordan›s higher education and the guidelines and conditions published in the Expert report, would reveal several similarities. However, the Jordanian guidelines do not comply with a number of criteria mentioned in the report and related to the objectives of higher education institutions. For example, these include ensuring that profit does not outweigh educational objectives, providing new higher education patterns, geographic distribution, abidance by academic and social values etc. The Jordanian Higher Education Ministry also lacks a special administrative authority in charge of technical and administrative procedures necessary for licensing, oversight, and monitoring. Though licensing and accreditation regulations fail to mention scientific research, the 2005 Higher Education Act provides for the establishment of a Higher Committee for Scientific Research within the Ministry to promote and develop scientific research. This entails two scientific research professors from private universities to be included among the other members. This step highlights the attention given to developing scientific research in private higher education institutions.

2. Sudan

Prior to 1990, the Sudanese Ministry of Higher Education was in charge of licensing, by virtue of a direct decision made by the minister. However, as demands to establish new institutions soared at the beginning of the 1990's, the National Higher Education Council established an affiliate committee for licensing and follow-up, called the Committee for Non-Governmental and Foreign Higher Education. An Executive Secretariat for the Committee was established, and later developed in 1996 into a General Administration accountable to the Minister and the Committee for Non-Governmental and Foreign Higher Education. The National Higher Education and Scientific

Research Council also drafted, through the Committee, a set of licensing regulations.

The Sudanese example is unique, as licenses are only granted to faculties to be promoted later to the status of universities after meeting certain conditions. Licensing is a four-step process; (1) the application is examined by the New Projects Committee to ensure compliance with regulations and criteria; (2) this is then recommended to the Committee for Non-Governmental and Foreign Higher Education, which examines the recommendation and grants primary approval; (3), final approval is given after collecting key data on financial, physical and human resources and examining the recommendation of a special technical committee established to review such conditions; (4) lastly, the green light is given to start enrolling students and start courses, once the staff contracts are submitted and the qualifications of the faculty members and administrative staff are verified. Regarding quality control mechanisms and performance monitoring, the Sudanese experience follows certain procedures: licenses of new institutions as well as new programs in established institutions are audited; comprehensive and partial institutional and program evaluation is carried out; equipment within institutions is regularly checked by specialized technical committees formed by the Committee for Non-Governmental and Foreign Higher Education; regulations and legislations are regularly amended; assessment and follow-up mechanisms are updated to bridge any gaps arising during their performance; the numbers and qualifications of faculty members are regularly reviewed; and the external examiners system is regularly implemented to assess the performance of graduating students.

The Sudanese experience is compatible with most recommendations issued in the Expert report, and even includes additional regulations and procedures. However, practice has revealed a number of pitfalls, such as the focus of most institutions on programs of a theoretical nature with very limited numbers of students in programs of technical and vocational training, and leniency in the application of regulations and criteria". (Abdel Bagi Babiker, 2003)

3. The United Arab Emirates

The UAE has a large number of private higher education institutions of various sizes and capacities, owned by various parties. The Ministry for Higher Education and Scientific Research is responsible for licensing such institutions. (Higher Education Ministry - the UAE, 2008).

The Commission for Academic Accreditation (CAA) was entrusted with licensing and quality control through program accreditation and license renewal. This is a two-phase process: preliminary licensing and license renewal. The higher education institution should submit, with its application for the preliminary license ten required documents including a feasibility study, a list of human and physical resources, a building permit for the premises, regulations of the institution, etc.

As license renewal is not automatic, institution must submit an application for general accreditation at least one year before its license expires, and must meet the licensing criteria and regulations. The CAA carries out the accreditation evaluation procedures through special committees of local experts with participation of external experts or special committees fully comprised of foreign expertise. Special accreditation is then carried out once every four years according to specific criteria (Khaled Al-Sultan, et al., 2007).

The UAE licensing and accreditation regulations are largely compatible with the recommendations of the Experts report. Yet, the UAE regulations fail to include that profit shall not outweigh educational objectives, the necessity of providing new patterns, assurance of availability of resources for research, and that owners are expected to respect academic and social values.

4. The Kingdom of Saudi Arabia

Private higher education institutions were first established in Saudi Arabia since the year 2000. The Ministry of Higher Education is the authority entitled to grant licenses to private higher education. A General Licensing and Approval Committee has been established for this purpose. This is a four-step process: preliminary licensing, general accreditation, special accreditation, and final licensing. Specialized committees ensure regular follow-up, interviewing faculty members, students, and administration staff, review programs, and examine the performance of graduates in the labor market (Waleed Abd-Al-Razzak Al-Wali, 2008).

Saudi Arabia has perhaps the most compatible regulations with those of the Experts report, including aspects ignored in other countries, such as the encouragement of not-for-profit educational institutions, abidance by academic criteria and social values, and the promotion of scientific research. However, as the Saudi experience is relatively new, it is necessary to wait for actual implementation of regulations in order o determine whether they are actually fully respected.

5. Tunisia

Private higher education institutions in Tunisia are established according to the provisions of Private Higher Education Act No. 73 of 2000. The Act stipulates that institutions should be established as corporations. It also determines certain requirements and general procedures to be met, and organizes the licensing process. The act also details licensing conditions and criteria, the required documents, and the special procedures and conditions in the organization of institutions, premises, faculty members, programs, assessment, examinations, etc. The Act also includes provisions linked to medical and health-related programs.

Regarding follow-up and supervision procedures, articles 22 and 23 of the act provide that the institution is subject to administrative monitoring. The General Directorate for Higher Education is in charge of technical and administrative issues for licensing. Several Decrees on licensing and follow-up were issued with the 2000 Act, such as the Decree on the Establishment of a Consultative Committee to Grant or Withdraw Licenses. Though new in this field, Tunisia has reduced licensing procedures to just one step, i.e. submitting the application for licensing with the required documents. Tunisia has not established a specialized private higher education administrative authority, since the Licensing Consultative Committee is a technical committee and administrative procedures still fall under the authority of the General Directorate for Higher Education.

6. Kuwait

The Private Universities Council (PUC) is the authority granting licenses for higher education institutions in Kuwait. The Council of Ministers issued Act No. 34 of 2000 regarding the follow up and licensing of private universities, and established the Private Universities Council. The terms of reference and authorities of the Council were determined regarding licensing regulations and including procedures for academic accreditation of private higher education institutions, program accreditation, review of their performance, as well as criteria for recognition and accreditation of the degrees, certificates and diplomas. The Council was also given the authority to grant or withdraw licenses, order the cessation of an activity or merge private educational institutions together (Private Universities Council, 2005).

The Kuwaiti experience is rather similar to some other Arab countries; however, it does adopt a general approach without detailed accurate criteria for measurement. Kuwaiti procedures cover

both preliminary and final approvals and regulations determine the steps to be followed. It is worth noting that in Kuwait, an institution submitting an application for licensing is required to have established an academic affiliation with a prestigious foreign university, which in turn minimizes the efforts for follow-up, supervision, and assessment of academic activity performance by the Council..

7. Oman

In 2000, the Ministry of Higher Education of Oman established a General Directorate for Private Universities as an authority to supervise and follow up the performance of private higher education institutions. In 2001, the Oman Accreditation Council (OAC) was established to be the governmental authority in charge of academic and program evaluation and accreditation of higher education institutions. Oman also requires all private higher educational institutions that apply for licensing to establish academic links or affiliation with prestigious foreign universities to ensure quality of academic performance (Abdullah Ben Mohammad Al-Sarmi, 2009). In addition to drafting and developing licensing procedures and criteria, the General Directorate conducts regular field visits to private higher education institutions to check compliance with rules and regulations and monitor academic performance. Under the institutional and program accreditation regulations and procedures a general evaluation should be carried out once the first batch of students graduate.

Oman's experience is rather special in the sense that OAC developed a number of criteria that could be regarded as a real addition to the Region, to be used in the follow-up, evaluation and accreditation of higher education institutions in other Arab States.

8. Egypt

Licensing higher education institutions in Egypt is unlike licensing in any other Arab country. There are no determined licensing regulations and criteria for private universities. Universities are established by virtue of a government decision, and every university has its own act, regulations and authorities. The only act in Egypt regarding the organization of higher education institutions was issued in 1970. A list of regulations was also issued by decision No. 1988 - 1978, in addition to regulations concerning medical and technical health institutes (offering programs leading to a Bachelor degree) in the year 1988, based on which the Ministry has authorized the establishment of technical institutes and colleges, or advanced polytechnics and community colleges offering vocational and training programs (Rules for Submitting an Application for the Establishment of a Private Higher Education Institution, 2009).

Requirements and needed documentation for the establishment of a higher education institution (other than a university) are found on the website of the Egyptian Ministry of Higher Education. Khaled Al-Sultan and his two colleagues (2006) summarized the Egyptian experience in licensing. In their study, they concluded that there were no general criteria and rules, but rather regulations issued on a case-by-case basis by governmental decision. Currently, there is no sign of any efforts to improve the situation, and it appears that there is general satisfaction that it meets the requirements for the time being. Regulations are also highly flexible, allowing for the prompt establishment of institutions and ease in the provision of educational services.

Follow-up, monitoring and supervision of higher education institutions is supposed to be carried out by the national quality assurance framework (the National Agency for Quality Assurance and Accreditation in Education "NAQAAE"), but it has not yet started evaluating and/or accrediting private or public institutions or programs. There is also no evidence in the reports of the Ministry

of Higher Education of any assessment or visits being carried out in any of the universities on. Seemingly, there is a general satisfaction based on the presence of a consultant from the ministry within every university, filing reports to the ministry, and accrediting its diplomas and carrying out the necessary equivalencies of such degrees..

V. Conclusion and Recommendations

Private higher education has gained ground in Arab countries, as its institutions and enrolled students are constantly increasing. However, there are different levels and organizational structures, as well as different regulations and criteria for licensing, accreditation, supervision, and monitoring. As unconventional higher education patterns rapidly expanded and grew, concerns were voiced by stakeholders and members of society over the quality of private higher education. A set of guidelines and indicators were then suggested for developing licensing and performance monitoring regulations. Arab Education Ministers and regional organizations (such as the United Nations Educational, Scientific and Cultural Organization, UNESCO; The Arab Association of Universities, AARU; and the Arab League for Educational, Cultural and Scientific Organization, ALECSO) launched this initiative in 2000, based on the experience of some Arab countries. In a number of Arab countries, these recommended licensing and monitoring procedures and regulations were taken into account to some extent. Despite remarkable progress in licensing regulations and procedures in several Arab countries, some regulations still do not comply with all the recommended requirements and guidelines by the Experts Committee in 2000. These include ensuring that lucrative and for-profit tendencies do not overshadow national objectives, bridging professional and scientific gaps, offering new patterns of higher education, ensuring respect of academic and social values and guaranteeing proper resources for scientific research. Most importantly, monitoring the performance of institutions and the assurance that they abide by the set criteria still seems to be weak; a matter which highlights the importance of regular follow-up and assessment. It is also necessary to develop quality control mechanisms and criteria within a strategy to include both public and private higher education in every country, and at the same time preserving diversity in line with international developments.

Based on the experiences reviewed, Arab countries clearly adopt different approaches in determining licensing and follow-up regulations for private higher education institutions and their programs. So far, Egypt still has not developed licensing and monitoring regulations and criteria. Instead, a case-by-case approach is adopted, which could lead to different regulations and measures negatively affecting higher education. Other Arab countries such as Jordan, the UAE and Sudan have come a long way in drafting and implementing regulation mechanisms. However, some of their regulations still diverge from the guidelines and recommendations of the 2000 Experts Report, and it is therefore necessary to bridge these gaps in implementation and develop new legislations. On the other hand, legislations in Saudi Arabia respect most of the report's recommendations, though so far, no information is available on actual implementation. Tunisia has developed limited regulations, which lack any follow-up, evaluations or visits to ensure respect of regulations and quality control.

It should be mentioned that the 2000 Experts Report, though important, has several discrepancies. It also needs to be updated in line with the international trends and developments, and general guidelines and criteria suitable for the Arab region should be adopted. In fact, the recommended regulations were designed for conventional higher education, failing to take into consideration the new higher education modes and patterns, which are expected to expand in line with

globalization and the developments in ICT.

Expert meetings are undoubtedly vital to develop licensing and quality control and assurance regulations and procedures, along with developing flexible criteria to be adapted to country-specific conditions (either by amendment or addition). It is also necessary in this regard, to draw on the positive experience of some countries and draft European-type conventions on quality assurance of higher education and mutual recognition of diplomas and degrees. Private higher education institutions can then play a more important role in developing education; degrees and certificates could be mutually recognized, and student mobility could easily be facilitated between higher education institutions in the Arab region.

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