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Chapter

Mapping the Policy Regulatory Environment of Transnational Education (TNE) in the Ghanaian Tertiary Education System

Francis Ansah, Hope Pius Nudzor, Gloria Nyame and Ophelia Affreh

Abstract

Given the critical role of public policy in TNE arrangements of countries, and the fact that TNE partnerships are growing steadily in the Ghanaian tertiary education sector, a robust and resilient public policy environment is imperative. However, the public policy environment of TNE partnerships in the tertiary education sector in Ghana is unexamined by any scientific study to guide decision on TNE partnerships in Ghanaian tertiary education institutions (TEIs). Against this backdrop, this chapter examines the level of influence of public policy frameworks on TNE partnerships in TEIs in Ghana to ignite a national discourse on TNE regulation. A multiphase mixed-method research design, informed by exploratory and explanatory sequential designs was adopted for the study. The findings reveal that TNE partnerships are an emerging concept in the Ghanaian tertiary education system with less than 20% of the over 200 TEIs engaged in TNE partnerships. More importantly, the findings indicate that the policy environment of TNE partnerships of TEIs in Ghana is not sufficiently robust because no tailor-made policy regulatory frameworks exist to regulate TNE partnerships in TEIs. To this end, the study concludes that the existing policy regulatory frameworks for the Ghanaian tertiary education system are incapable of helping the country maximise the full benefits of TNE partnerships by ensuring win-win situations for TEIs engaged in TNE partnerships. In view of this, the study recommends that the government should develop a tailor-made policy framework for regulating TNE partnerships in Ghanaian TEIs.

Keywords: Policy Regulatory Framework, TNE, Tertiary Education, Ghana

1. Introduction

Increasingly, governments have come to recognise the wealth of benefits available from international engagements, and the importance of national support for this, if their tertiary education sectors are to be successful. In pursuance of this important goal of international education, many universities across the globe have resorted to pursuing new modes of international engagement, including online delivery and engagement in a proliferation of partnerships for offshore programme delivery, whilst at the same time, transnational education (TNE) has come to assume increasing importance as an

international education delivery strategy [1]. In all this, transnational education has become a core element of nations' "tertiary education as business" philosophy [2], and is a defining characteristic of the transition of universities into 'multi-million-dollar academic enterprises' reliant upon 'flexible internal and external networks in partnership with businesses, communities and other universities [3].

Consequently, in today's globalised world, TNE including transnational tertiary education (ITE) has become a policy preoccupation for many countries, and the provision of tertiary education to students from 'other' countries remains a critically important role for the vast majority of tertiary education institutions [4]. Tertiary education is used as umbrella term to cover all forms of post-secondary education including education offered by universities. The role of public policy and regulations in the development of tertiary education cannot be over-emphasised. The tertiary education sector is one of the key sectors in modern societies that requires the right public policy regulations in order to play its critical role in society effectively [5]. The debate about tertiary education as public good is still unresolved but the need for right public policy framework to empower tertiary education systems and institutions to deliver on their mandates successfully does not seem to be in contention [6]. Public policy is generally viewed as a broad course of action that guides the behaviour of governments, organisations and individuals. A policy might be a law, or a regulation, or a set of all laws and regulations that govern a particular issue area or problem [7].

Given the critical role of public policy in TNE arrangements of countries and the fact that TNE partnerships are growing steadily in the Ghanaian tertiary education sector, a robust and resilient public policy environment is imperative. However, the public policy environment of TNE partnerships in the tertiary education sector in Ghana is unexamined by any scientific study to guide decision on TNE partnerships in Ghanaian tertiary education institutions (TEIs). Against this backdrop, this chapter examines the level of influence of public policy frameworks on TNE partnerships in TEIs in Ghana to ignite a national discourse on TNE regulation. This chapter is an outgrowth of a British Council, Ghana sponsored research project undertaken between 2019 and 2020 by the Institute for Educational Planning and Administration (IEPA) of the University of Cape Coast, Ghana [8]. The original research project on which this chapter is based investigated transnational education (TNE) partnerships and the environment of distance learning generally in TEIs in Ghana. The rationale for this research endeavour essentially, was to provide insights into the state of tertiary education (TE) in Ghana.

The overarching aim of the study was to support both Government of Ghana and her international development partners in identifying the key areas where they could work to improve the quality of, and access to Ghanaian TEIs, while at the same time providing her international development partners with value in the form of qualitative and/or economically beneficial partnerships. The focus of this chapter is on how the Government of Ghana's education policy frameworks have influenced, and still continues to influence the development of TNE partnerships in the country. This chapter addresses two of the research questions that guided the study. The first of the two research is "what are the existing policy frameworks in Ghana's tertiary education sector post-independence?" The second research question that this chapter addresses is "how have the existing public policy frameworks influenced, and still continues to influence the development of TNE partnerships in the country?"

The rest of the chapter is organised in this order. The next section (2) provides a portrait of Ghana's tertiary education landscape to put the chapter in context. This is followed by the study's research approach and methods in Section 3. Thereafter,

the findings are presented in Section 4 and Section 5 discusses the findings before the concluding thoughts are provided in Section 6.

2. Ghana's tertiary education portrait and TNE context

In Ghana, post-secondary education sector until the 1990s consisted of only universities offering undergraduate and post-graduate degree programmes, and the sector fitted at least a theoretical description of tertiary education. However, in the 1990s, polytechnics in the country were elevated to a tertiary status to train middle level manpower for accelerated economic growth and development because the universities were focused on producing top level managerial and academic staff and researchers but not middle level technical staff. Since then, other institutions have been elevated to tertiary status, and therefore, tertiary education in Ghana today is the umbrella term for all forms of post-secondary education. As a result, Ghana runs a binary tertiary education system made up of universities and non-university institutions [9]. The universities, hitherto, constituted the tertiary education component of the tertiary education sector in Ghana because they were the only institutions that had the mandate to offer and award post-graduate degree programmes. This has changed because currently eight out of the 10 polytechnics in the country have been re-designated as technical universities which enables them to offer and award post-graduate degree programmes just like the traditional universities. Instructively therefore, tertiary education (and by extension tertiary education vis-à-vis international tertiary education) provision in Ghana is for Ghanaian citizens and is intended arguably for their prosperity and increased productivity.

Presently, the Ghana Tertiary Education Commission (GTEC) puts the number of duly accredited tertiary institutions at 298, comprising 151 Private Tertiary Education Institutions, 141 Public Tertiary Education Institutions, One Regionally-Owned (West Africa) Tertiary Institutionand Five Registered Foreign Institutions [10]. In fact, until the year 2000, less than seven public and three private institutions were accredited as tertiary education institutions. It is evident the most of the tertiary education institutions were accredited as such during the millennia.

Currently, signs of TNE partnerships are quite visible within the Ghanaian tertiary education system. Ghana has, for the past two decades, positioned herself as one of the major providers of quality tertiary education (HE) in sub-Saharan Africa. During this period, Ghana's tertiary education institutions (TEIs) have opened their doors to students and faculty of countries within the sub-region, notably: Nigeria, Cameroon, Guinea and some East African Countries. This trend has seen Ghanaian tertiary educational institutions (TEIs) develop as regional hubs of education. Current international enrolment stands at 3,207 students for public funded tertiary institutions and 11,978 for privately funded tertiary institutions [11]. In fact, the official website of the National Accreditation Board (NAB) lists the institutions that are in some form of TNE partnership with TEIs across the country. These include: Business University of Costa Rica, (Kumasi); IPE Management School, France (Accra); Edinburgh Business School (EBS), Harriot Watt University (Accra); University of Sunderland, UK (Accra); Swiss Management Centre (Accra); Lancaster University College (Accra); and Webster University College (Accra).

Whilst these provide some promise of the birth of TNE partnerships in the country, the preponderance of educational research evidence available points paradoxically to the state of TNE partnerships in the Ghanaian tertiary education (HE) as shrouded in obscurity. To put this rather succinctly and bluntly, the wheel of tertiary education policy development in the country to govern and regulate the sector generally grinds very slowly [11]. This has caused (and still

continues to encourage) dissensions among participants, employers and stakeholders of tertiary education regarding issues of quality assurance, governance, regulation and adherence to international best practices.

It is against the backdrop of these issues, particularly the lack of policy and research to govern and regulate TE, and the dearth of information relating generally to the state of TNE partnerships in the Ghanaian context, that the research study on which this chapter is based was commissioned. The intention fundamentally was to 'awaken' the Ghanaian TE system through research to get the right things done to bring Ghana into the comity of nations involved in the 'tertiary education as business' philosophy [1] to accrue the needed benefits for itself and its citizens. In this regard, the research on which this chapter is based has investigated the public policy environment of TNE in TEIs in Ghana, looking specifically at international education partnerships.

3. Study methods

To help generate evidence-informed findings to address the research questions posed for the original research on which this chapter is based, a multiphase mixed-method research design, informed by exploratory and explanatory sequential designs was used to explore and understand in-depth existing TNE partnerships in Ghanaian TEIs [8]. The exploratory sequential segment of this design was characterised by an initial qualitative phase of data collection and analysis (mainly through document analysis and literature reviews to provide context for TNE partnership in Ghanaian HEIs/TEIs and to guide the development of data collection instruments). This was followed by a phase of quantitative data collection and analysis, with a final phase of integration or linking of data from the two separate strands [12–14]. The explanatory sequential segment of the multiphase mixed-method research design, on the other hand, consisted of first collecting quantitative data and then collecting qualitative data thereafter to help explain or elaborate on the quantitative results [14]. The justification for this design lies in the fact that the quantitative data and results provide a general picture of the research problem; but that more analysis specifically through qualitative data collection is needed to refine, extend or explain the general picture (Creswell & Plano Clark, 2011). The use of multiphase mixed-method research design helped, first of all, to collect and analyse qualitative data (in the form of document analysis and literature reviews) and then based on the qualitative findings, to develop the quantitative aspect (i.e. survey) of the study. This process then led to the collection and analysis of quantitative data, which was then followed by the collection and analysis of qualitative case study data from multiple sites, and finally, the overall integration, interpretation and reporting of the findings of the study.

The sample for the research project on which this chapter reports comprised Ghanaian TEIs and regulatory bodies involved in tertiary education (TE) administration in Ghana. In selecting the sample, census, purposeful random and criterion sampling techniques were employed. First, census sampling technique was employed to study the entire population of TEIs to profile them. Second, purposeful random sampling technique was used to sample one hundred and two (102) TEIs for a quantitative survey. Third, the criterion sampling strategy (with the help of 'screening questionnaires' employed as the first phase of the survey) was used to select twenty-eight (28) TEIs involved in TNE partnerships for a second phase of quantitative survey regarding the nature and scope of their existing partnerships. Fourth, the purposeful sampling technique was used to select 17 TE actors/officials for multi-site case study interviews regarding their respective institutions' experiences and roles

in TNE partnerships. Thus, the various sampling techniques used enabled key actors and institutions with rich information about TNE partnerships within the TE sector in Ghana to be sampled for in-depth study and analysis.

Owing to the composite data collection intent embedded within the variant of the mixed-methods approach adopted for the study, data was collected using document review guide, self-administered questionnaires and open-ended semi-structured interview guide. The document review guide, consisting mainly of a checklist, was designed and used to identify and select relevant documents (e.g. policy documents and regulations, institutional reports, data files, journals on tertiary education and other written artefacts) needed for initial scoping and literature review for the purposes of the study. Two sets of questionnaires were used to collect data from participating institutions. The first set of the questionnaire was used to screen 102 participating institutions regarding their involvement or otherwise in TNE partnerships. The second set of the questionnaire was used as a follow-up activity for the 28 TEIs that indicated they were in some form of TNE partnerships regarding the nature and scope of their existing partnerships. The semi-structured open-ended interview guide, on its part, was used to collect relevant qualitative data through face-to-face interviews with 17 actors/officials (e.g. representatives of regulatory bodies, International Relations' Offices/Registrar's Offices and Heads of Departments of TEIs) involved in HE administration in Ghana.

Data collection procedures relating to access to the TEIs across the country was facilitated by the British Council, Ghana prior to the research team going to the field for data collection. This took the form of emails and letters sent by the British Council, Ghana to all the institutions to be involved in the study two clear weeks before the research team embarked upon data collection. In addition, personal introductory letters were given to the field officers to be delivered to the institutions to enable them to grant them access to the TEIs for the purposes of data collection. In all, the country was divided into zones for data collection purposes, and research data was collected in three phases. Phase one involved desk review of relevant policy documents, empirical literature and technical and institutional reports to provide the context and theoretical support for the research. Phase two constituted a cross-sectional survey involving the collection and analysis of quantitative data from 102 TEIs about their involvement (or otherwise) in TNE partnerships with reasons. Phase three, which was sub-divided into two stages, comprised a follow-up survey conducted with 28 TEIs, and in-depth multi-site case study interviews conducted with 17 officials selected regarding the nature and scope of their TNE partnerships.

The analysis of data collected was undertaken based on the three phases of data collection outlined. First, the textual data collected through document and literature reviews were analysed thematically through processes of skimming (superficial examination), reading (thorough examination), and interpretation. Second, the survey data collected was organised and analysed using Mean Scores to measure participants' agreements and disagreements with existing national tertiary education policies' influence on TNE partnership arrangements in the institutions. Third, the analysis of interview transcripts generated through the multi-site case study interviews was analysed manually using a thematic approach to qualitative data analysis [15]. Thus, the thematic analysis used in this study involved a careful, more focused re-reading and review of the data, which involved taking a closer look at the selected data and coding and categorising the data based on the data's characteristics. The thematic analysis facilitated a more nuanced comparison within and across cases using to uncover themes pertinent to regulatory policy framework on TNE partnerships in TEIs in Ghana.

4. Findings

In this chapter, research findings relating to existing TNE partnerships and policy regulatory frameworks in Ghana's tertiary education system and how the policy regulatory frameworks have impacted the TNE partnerships are presented around two research questions. The first of the two research questions map the existing TNE partnerships TEI and policy regulatory frameworks in Ghana. The second research question examines participants' views regarding how the Government of Ghana's education policy regulatory frameworks have influenced, and still continues to influence the development of TNE partnerships in the country. The findings to both of these questions are presented below and they are subsequently discussed in Section 4.

4.1 Existing TNE partnerships in TEIs in Ghana

The first research question sought to identify TNE partnerships that exist in the Ghanaian tertiary education institutions. **Figure 1** presents TEIs in Ghana that are engaged in TNE partnerships disaggregated by public and private TEIs.

Figure 1 indicates as at 2019 when this study was conducted, 28 TEIs were found to be engaged in TNE partnerships and majority (71%) of them are private TEIs.

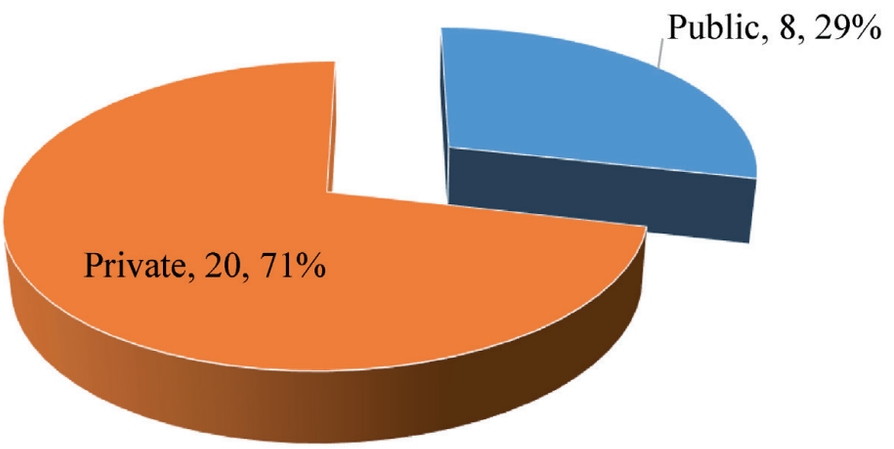


Figure 1.
TEIs with TNE partnerships.

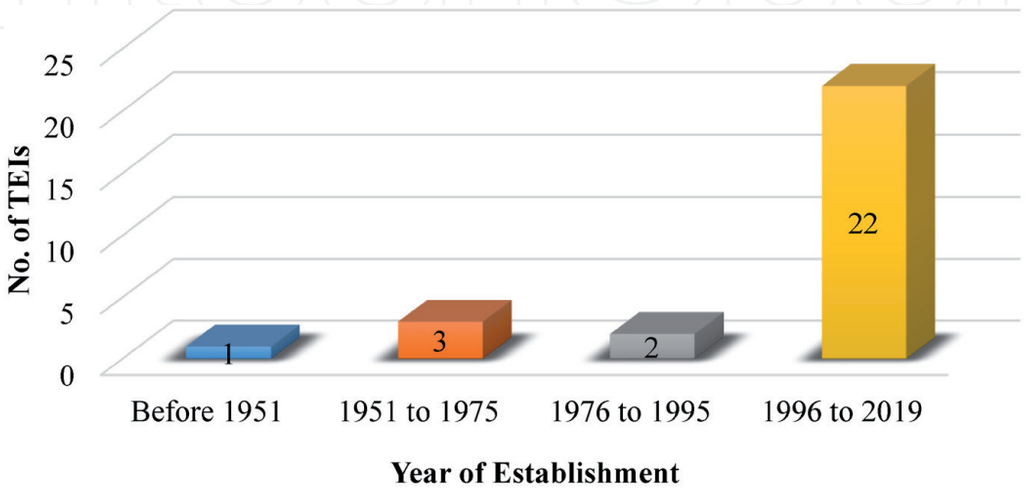


Figure 2.
Year of establishment of TEIs with TNE partnership(s).

From **Figure 2**, six of the TEIs engaged in TNE partnerships were established and accredited as such before 1996. 22 of the TEIs with TNE partnership arrangements were established and accredited from 1996 to 2019.

4.2 Existing policy regulatory environment of tertiary education in Ghana

The mapping of post-independence policy environment of the Ghanaian tertiary education system yielded a number of policies and regulations that directly and indirectly regulate the sector. These policies and regulations emanate from national and international levels. **Table 1** presents these policies and regulations.

Table 1 shows that the study identified 13 tertiary education relevant policy regulatory frameworks have existed from 1951 to 2019 to guide tertiary education delivery in the country. 10 of these policy frameworks have been produced at the national level whilst three of three of them were identified at the international or global level.

4.3 Policy and regulatory influence on TNE partnerships

This study also examined the level of influence of policy and regulatory frameworks on TNE partnerships in TEIs in Ghana to ignite a national discourse on TNE regulation. The second research question examined broadly participants' views regarding how the Government of Ghana's education policy has influenced, and still continues to influence the development of TNE partnerships in the country.

In **Figure 3**, the survey results on whether the identified policy and regulatory frameworks have influenced TNE partnerships of respondents' TEIs are presented. The interpretation of **Figure 3** is also guided by a decision rule. This rule specifies that, Mean Scores from 1.00 to 1.75 and 1.76 to 2.50 indicate that the TEIs *strongly*

S/N	Policy regulatory framework	Emanating from
1	The Accelerated Development Plan of 1951 and Education Act of 1961	national level
2	The 1966 Reforms of the National Liberation Council and higher education policy	national level
3	The 1987 Education Reforms and higher education policy	national level
4	The 1992 Constitution	National level
5	The National Council for Tertiary Education Act 454 of 1993	National level
6	The National Accreditation Board PNDC Law 317 of 1993/Act 744 of 2007	National level
7	National Board for Professional and Technician Examinations Act 492 of 1994	National level
8	Ghana Education Trust Fund (GETFund) ACT 581 of 2000	National level
9	Student Loan Trust Fund Act 820 of 2005	National level
10	The Disability Act, 2006. Act 715	National level
11	The Universal Declaration of Human Rights (UDHR), 1948	international level
12	The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) 1979	international level
13	United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006)	international level

Table 1.
Existing policy regulatory frameworks in Ghanaian TE System: 1948–2019.

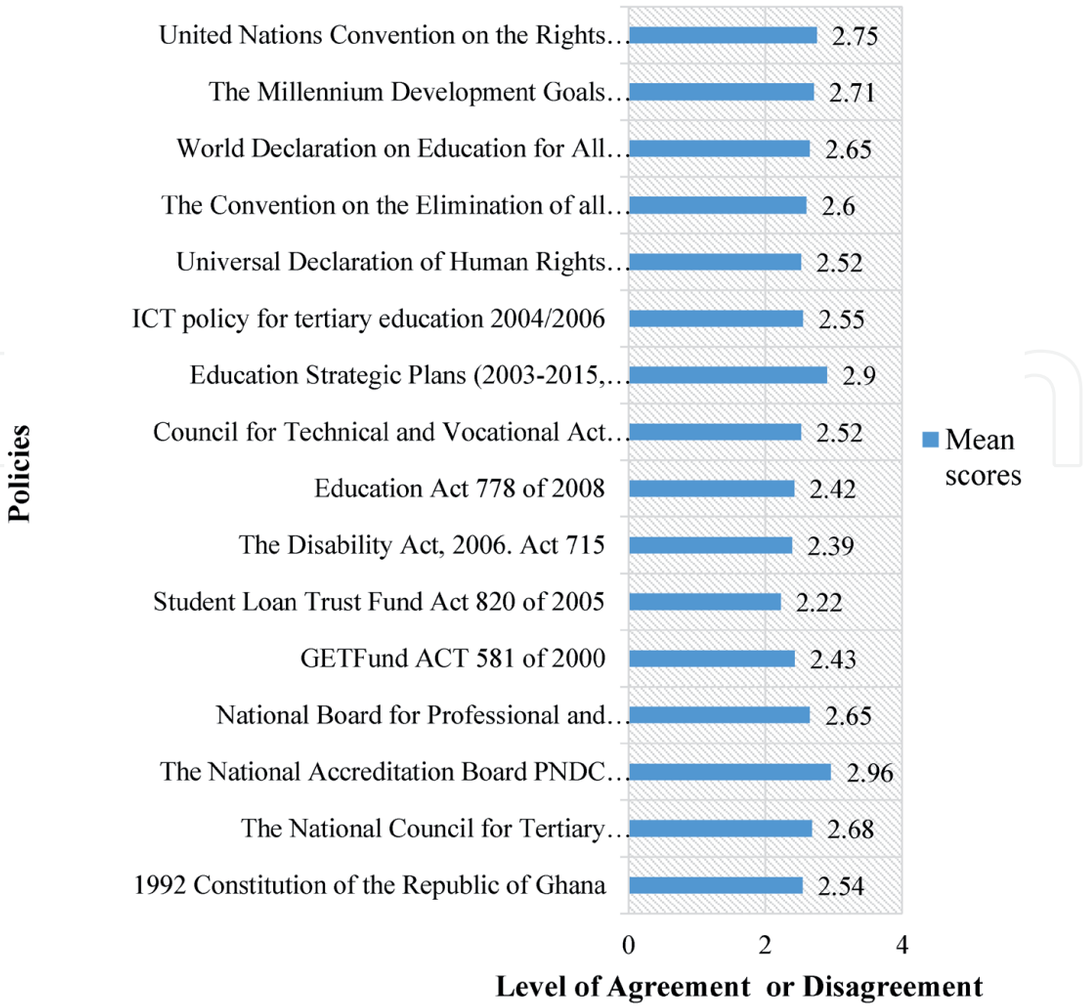


Figure 3.
Respondents' level of agreement or disagreement about policies that influence TNE partnerships.

disagreed and *disagreed* respectively that a particular policy regulatory framework has had any influence on their TNE partnerships. Conversely, Mean Scores from 2.51 to 3.25 and 3.26 to 4.00 show that the TEIs *strongly agreed* and *agreed* respectively that a particular policy or regulatory framework has had any influence on their TNE partnerships respectively.

The survey result from **Figure 3** shows that the policy regulatory framework in the Ghanaian tertiary education sector with the highest influence (Mean Score of 2.96) on TNE partnerships of TEIs in the country is the establishment of the National Accreditation Board (PNDC Law 317 of 1993/Act 744 of 2007). The remaining policies have had none or at best minimal influence on TNE partnerships of the TEIs because the Mean Score is less than 3.25.

The in-depth interviews corroborated the survey findings because most interviewees who indicated some level of policy or regulatory influence on their TNE partnerships mentioned mostly the National Accreditation Board (NAB), and in some few instances, the National Council for Tertiary Education (NCTE), but even that they implied that this level of influence was limited to TNE programme accreditation only. This claim is evidenced by the following excerpts from the in-depth interviews:

> *I think it is an area that I will say the NCTE and NAB have not really delved deep into. We realised that for most of the foreign institutions coming down, hardly do they have something to do with these organisations, which are supposed to be*

> *checking them. At the moment, these foreign institutions have not been given any regulatory framework (Senior Officer of Private TEI 6).*

> *Now, we do not do anything unless we get accreditation from the NAB and the NCTE and the affiliated professional bodies like the Nurses and Midwifery Council, Medical and Dental Council and Public Health and Allied Health Council (Senior Officer of Public HEI 1).*

> *...If an institution and programmes are not properly accredited by the national accreditation law (PNDC Law 317 of 1993) and the subsequent Act of 2007 and we send our students there or allow their students to come, they cannot get our certificates (Senior Officer of Public HEI 3).*

> *NCTE and NAB are aware of what is happening in our institution, and they regulate us in a way (Senior Officer of Public HEI 5).*

> *We are subject to NAB in terms of programme accreditation but normally the ABE is being regulated by institution form UK (Senior Officer of Private HEI 4).*

Many more interviewees of TEIs made similar statements. Others even claimed that no policy regulatory framework, whether national or international, existed to regulate TNE partnerships in their institutions. One of the interviewees representing tertiary education regulatory bodies had this to say,

> *It is not really regulated, we do not have guides and laws; however, we are developing a new TNE policy that has been presented to stakeholders but has not been finalised. For now, the foreign institutions have to register with NAB and the programme has to be accredited (Senior Officer of Regulatory Body 1).*

Another interviewee for one of the premier universities in the country agrees with this view. He/she captures it this way,

> *I do not know if they are working on something, but as I said earlier on, there is no regulatory framework governing us (Senior Officer of Public HEI 2).*

Another interviewee of a regulatory body who did not want to mince words puts it rather bluntly and forcefully:

> *No policy exists for TNE in this country as far as I am concerned (Senior Officer of Regulatory Body 4).*

One representative of a private universities in his/her interview session also adds that:

> *...We only have memoranda of understanding for the establishment of such partnerships; meanwhile, everything should be within the regulatory framework (Senior Officer of Private HEI 3).*

5. Discussion

TNE partnerships in tertiary education are inspired by a business philosophy and an entrepreneurial orientation [2, 3]. In view of this, it is plausible to argue,

based on this finding, that private TEIs in Ghana are more entrepreneurial compared to the public TEIs because over 70% of existing TNE partnerships are private TEIs. This finding confirms Ansah and Swanzy [16] finding in their study that private tertiary education institutions in Ghana are not funded by the state and therefore have high entrepreneurial tendencies. These entrepreneurial tendencies have implications for the quality of tertiary education provision in the country because entrepreneurship carries profit motives that could compromise quality. This is why appropriate policy regulatory frameworks are required to ensure that sanity is maintained around TNE partnership relationships. In another vein, appropriate TNE regulatory policy frameworks for tertiary education in Ghana should be able to encourage public TEIs to increase their TNE partnership portfolios in areas that maximise the benefits of TNE in tertiary education.

Given that, the strongest influence of a policy regulatory framework is a Mean Score of 4.00, it safe to argue that even the National Accreditation Board policy regulatory framework, the only policy with influence, represents a weak influence regarding TNE operations in TEIs in Ghana because its Mean Score of 2.96 is just a little above the minimum influence represented by a Mean Score of 2.56.The findings from the survey and the in-depth interviews have also demonstrated that the environment of TNE in the Ghanaian tertiary education sector looks like what Verbik and Jokivirta [17] describe in regulatory terms as 'liberal regulative', because foreign providers must satisfy certain minimum conditions prior to commencing operations: for example, official recognition in the home country. This is consistent with Ghana's Minister of State responsible for tertiary education, Professor Kojo Yankah's claim that Ghana lacks comprehensive tertiary education policy [18]. The obvious implication for this liberal regulative TNE environment existing in Ghanaian TEIs is that the tertiary education sector could get flooded with TNE partnerships which have the potential to supply quality tertiary education to underserved sections of the Ghanaian society or soil the integrity of the existing quality tertiary education with poor quality provision.

6. Conclusion thoughts

In this chapter, research findings relating to how Ghana's TEI policy and regulatory framework has impacted TNE partnerships have been presented and discussed around two research questions. The first of the two research questions mapped the existence of TNE partnerships and policy frameworks in the Ghanaian tertiary education system. The second research question, on the other hand, examined how the Government of Ghana's education policy has influenced, and still continues to influence the development of TNE partnerships in the country.

The finding to the first research question indicates that the only policy and/or regulatory framework that appears to have some influence on TNE partnerships of TEIs in Ghana is the policy and/or law that established the National Accreditation Board (i.e. PNDC Law 317 of 1993/Act 744 of 2007). Even with this, the finding suggests that this law (and by extension NAB) has or represents a weak influence regarding TNE operations in TEIs because its level of influence was limited to TNE programme accreditation only.

Against this backdrop, this chapter concludes that TNE is an emerging concept in the Ghanaian tertiary education landscape with so much potential to grow and address the deficit in quality tertiary education supply. Essentially, it can be discerned immediately that Ghana stands to benefit from high quality TNE partnerships in its tertiary education sector just as the good reputation can also get eroded by low quality TNE partnership programmes. However, and as the insights from the

study have shown, there is an urgent need to enact appropriate policy regulatory frameworks to regulate TNE partnerships to put future TNE partnerships on a more secure footing to ensure that there are always win-win situations for TNE partnership agreements signed by TEIs in Ghana and their foreign counterparts.

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