

Education Sector Hotline

May 11, 2022

UGC'S ACADEMIC COLLABORATION REGULATIONS ARE HERE!

KEY HIGHLIGHTS

The University Grants Commission ("UGC") (Academic Collaboration between Indian and Foreign Higher Educational Institutions to offer Twinning, Joint Degree and Dual Degree Programmes) Regulations, 2022 ("Regulations") are:

- Effective as of May 2, 2022
- Applicable to Twinning, Joint Degree, Dual Degree programs between Indian and Foreign Higher Educational Institutions, as well as for post graduate and doctoral programmes
- Not applicable to under graduate diploma or certification programmes
- Not permitted for programmes offered in online and/or open and distance learning mode

I. INTRODUCTION:

Although news about these Regulations first broke on April 19, 2022,¹ the University Grants Commission ("UGC") released the much-awaited fine print of the Regulations on its website on May 5, 2022.² The Regulations have been made effective as of May 2, 2022.

In summary, these Regulations lay down minimum standards for academic collaboration between Indian Higher Educational Institutions ("HEIs") and foreign Higher Educational Institutions ("FEIs"). These Regulations will govern twinning, joint and dual degree programmes going forward. The Regulations supersede the UGC (Promotion & Maintenance of Standards of Academic Collaboration between Indian and Foreign Educational Institutions) Regulations, 2016 ("2016 Regulations").³

II. SUMMARY OF KEY PROVISIONS OF THE REGULATIONS

a. Collaboration:

The Regulations define "Academic Collaborations" to mean academic partnership between an HEI and an FEI, put in place through a written agreement for the purposes of:

- Twinning Programme⁴** - This is defined in the Regulations to mean a collaborative arrangement whereby students enrolled with an HEI may undertake their programme of study partly in India, complying with relevant UGC regulations, and partly in the FEI.
- Joint degree programme⁵** - This is defined in the Regulations to mean a collaborative arrangement wherein the curriculum is designed in collaboration between the HEI and FEI. Upon completion of the programme, the degree is awarded by the HEI and FEI with a single certificate.
- Dual degree programme⁶** - This is defined in the Regulations to mean a programme jointly designed and offered by an HEI and an FEI in the same discipline/subject areas and in the same level. In this case, the student must meet the admission requirements at both HEIs and must apply and be admitted to them separately. The degree for such programme is conferred by the HEI and FEI, separately and simultaneously, upon completion of degree requirements of both the institutions.

We have summarised the similarities and differences between these collaborations in the following table:

	Twinning Programme (Reg. 3.1)	Joint degree programme (Reg. 3.2)	Dual degree programme (Reg. 3.3)
Degree	Degree may be awarded only by the HEI. ⁷	Degree awarded by both institutions in a single certificate. ⁸	Separate degrees conferred simultaneously from the HEI and FEI upon completion of their degree requirements. ⁹ These degrees should not be construed as two degree programmes in separate

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			disciplines/subject areas and/or levels being pursued simultaneously.
Credits	<p>Credits earned from the FEI should not exceed 30% of the total programme.</p> <p>Credits earned by the student at the FEI should count towards their credit requirements at HEI.</p> <p>HEI to ensure that credits earned at FEI should not be from an overlapping course content.</p>	<p>Student must earn at least 30% of the total credits from each of the HEI and FEI.</p> <p>Credits earned for the course in the HEI and FEI should count towards the degrees jointly awarded by both the HEI and FEI.</p> <p>Credits earned at both institutions must not be from overlapping course contents.</p>	<p>At least 30% of the credits should be earned from the HEI.</p> <p>Credit earned for the courses in an institution should count towards degrees to be awarded by both institutions.</p> <p>Same as joint degree programme.</p>
Mode of earning Credits	Credits to be earned by the Indian students from the FEI and credits earned by the foreign students from HEI should be obtained through conventional mode. ¹⁰	Same as twinning programme	Same as twinning programme
Evaluation process	N/A	Only one evaluation process for the student in each of the courses by the institutions in which they have registered.	Same as joint degree programme.
Doctoral programme	N/A	Student should spend a minimum of one semester in each of the collaborating institution during the programme. Student should have a supervisor at each institution but must submit only one thesis.	Same as joint degree programme.
Tuition fees	<p>Tuition fee for the entire duration of the programme has to be made public at the time of admission.</p> <p>Tuition fee should be reasonable so as to make quality higher education accessible and affordable to all sections of society.</p>	Same as twinning programme	Same as twinning programme
Transcript	Transcript should be issued by the institutions for their respective courses with a remark noting that the student has taken courses at the partner FEI.	Same as twinning programme	Same as twinning programme
Exit pathway	An exit pathway to be made available to students who are unable to complete the programme having clear specification for future acceptance of credit earned by student.	Same as twinning programme	Same as twinning programme

b. Other Provisions

■ Eligibility

The Regulations lay down the following eligibility criteria for HEIs and FEIs to enter into collaboration arrangements.

i. HEI

- Must be accredited by the NAAC (National Assessment and Accreditation Council) or any other agency authorised on its behalf, with a minimum score of 3.01 on a 4-point scale; or
- Must figure in the top 1000 of Times Higher Education or QS World University ranking at the time of application; or

- Must figure in the top 100 in University Category of National Institutional Ranking Framework at the time of application.

ii. FEI

Must figure in the top 1000 of Times Higher Education or QS World University ranking at the time of application

- **MOU:** The HEI and FEI are required to enter into a written Memorandum of Understanding (“**MoU**”) for collaboration specifying the purpose of collaboration, and provisions relating to student obligations, tuition fees and other financial arrangements, intellectual property rights, student’s attendance patterns, duration of stay for the study programme in both the institutions, joint supervision arrangements, language of thesis and examinations, admission and evaluation process and graduation procedures.
- **Approvals required:** There is no requirement of a UGC approval. The HEI needs to obtain approval of its appropriate authority (such as Board of Governors/ Executive Council, etc.) for academic collaboration. In case of professional programmes, the HEI is required to seek prior approval as necessary from relevant statutory councils/bodies as well.¹¹
- **Disclosure:** The HEI and FEI are required to disclose academic requirements and any other details of the collaborative programme being offered on their websites before commencing such programme.
- **Equivalence of degree:** The degree awarded under these Regulations will be equivalent to any corresponding degree awarded by other HEIs and hence, there will be no further requirement of seeking equivalence from any authority.
- **Collaboration only in conventional mode:** The programmes offered under the Regulations are not allowed in online and Open and Distance Learning (ODL) mode.
- **Disputes and grievances:** Disputes relating to the collaboration will be subject to Indian law. Further, the HEI is responsible for addressing student grievances including legal matters relating to collaboration.
- **Office for International Affairs:** The Indian HEI must have an office for international affairs which will be responsible for and serve as a single point of contact for all collaborative activities such as liaising with regulatory/statutory bodies, maintaining records and disseminating information related to international collaborations, addressing grievances of Indian and foreign students who take admission in programmes offered under the Regulations, etc.
- **Consequences of violation:** If the HEI is found to be violating the Regulations, the UGC may take actions such as withholding grants to such HEI¹² and notifying on its website and through media that the programme is not in conformity with the Regulations.

III. TAKEAWAY

The Regulations have liberalised the law for collaboration arrangements. They are also light-touch in their approach, and in line with the National Education Policy, 2020. The Regulations provide a lot of flexibility to HEIs to conduct such collaboration programmes. Illustratively:

- **Relaxed eligibility criteria:** The eligibility criteria for HEIs and FEIs to enter into collaboration arrangements has been relaxed vis-a-vis the 2016 Regulations. In addition to removing accreditation requirements for the FEI, the Regulations have also removed the requirement for the HEI to have at least six years of experience, or two batches of graduating students prior to such collaboration.
- **No approval procedure:** The 2016 Regulations provided for an approval procedure from the UGC prior to an HEI entering into a collaboration arrangement. This was also reflected in the draft version of the Regulations released in February, 2021 (“**Draft Regulations**”)¹³. The approval process entailed a subjective administrative procedure. UGC’s approval requirement has thankfully been done away with. Accordingly, it should be easier for HEIs to enter into such arrangements both in terms of compliance and timelines. The eligibility criteria for HEIs and FEIs, however, continues to refer to the required score or rank “at the time of application”. Since there is no application process, this should be changed to “at the time of commencement of the programme” to avoid confusion.
- **Joint degrees and dual degrees permitted:** The 2016 Regulations expressly prohibited joint degree programmes and required the degree to be issued in India by an HEI only. However, the government has taken a forward-looking approach now, instead of a prohibitory approach. This is a welcome move and is bound to provide much-needed flexibility to (i) students to determine the kind of programmes that would be most beneficial, and (ii) to HEIs to cater to such needs.
- **Automatic equivalence:** The express equivalence granted to all degrees obtained through collaboration arrangements under the Regulations is a significant move and provides much-needed certainty with respect to such arrangements. It will also bolster student trust in such programmes and ensure that such degrees are at par with any other degree granted by an HEI individually.
- **Diplomas:** Diplomas are not regulated under the Regulations, as was proposed under the Draft Regulations. This should provide flexibility with respect to both diploma and certificate programmes which are offered in collaboration between HEIs and FEIs.

Having said this, there are a few provisions which need to be addressed such as:

- **Prohibition on online and ODL mode:** The exclusion of online and ODL programmes at a time when the world has lived online for the past two years is not clear. Many HEIs whose programmes were purely in online mode may have collaborated with FEIs for curriculum and other learning support services since they have the flexibility to do so under the UGC (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020¹⁴ (“**Online and ODL Regulations**”). The Online and ODL Regulations enable HEIs to source up to 40% of their e-learning material from external sources. Moreover, numerous EdTech platforms in India already offer courses by reputed FEIs, and many of these are in high demand. The draft amendments to the Online and ODL Regulations

published by the UGC also enable HEIs to outsource up to 40% of their course content in online mode from Massive Open Online Courses (MOOCs) and other such modes. Most significantly, permitting collaboration in online / ODL mode will cut costs for students considerably. Attending physical classes outside India tends to be expensive and most students are unable to afford such education. Therefore, the UGC should consider putting in place a mechanism for online collaborative arrangements as well.

- **Exclusive jurisdiction to Indian courts:** The Regulations provide that any legal dispute with respect to collaboration between the HEI and FEI would necessarily be subject to Indian law. In effect, this is likely to mean that the MoU itself will be subject to Indian law. Parties should have the freedom and flexibility to choose a governing law of their liking. In many cases where two parties hail from different jurisdictions, parties tend to agree on a neutral jurisdiction and applicable law to ensure fairness to both. Hence, the requirement of Indian law being applicable to collaboration arrangements may not be acceptable to many FEI counterparties. Therefore, the merits of having this requirement should be revisited.
- **Disclosure:** HEIs and FEIs are required to publish the academic requirements and other details of the programme(s) of study to be offered under collaborative arrangements on their websites. It is unclear what these "other details" would be. Further, it should be ensured that confidential and sensitive provisions of the MoU are not required to be disclosed. Therefore, these disclosures should be limited to such points which are critical for public awareness.

While these are some issues with the Regulations, these can be easily reconsidered and addressed. Since the Regulations are already in effect, the HEIs should revisit their agreements with FEIs to ensure that their arrangement is in compliance with these Regulations.

Overall, the Regulations are very progressive, and are bound to create interest among reputed FEIs to explore the Indian higher education sector. Various other forms of collaborative arrangements with HEIs has been on the rise, and holds a lot of potential from a future perspective as well. The clarity by way of light touch, guidance-based regulations will be really helpful in encouraging cross-border collaborations.

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You can direct your queries or comments to the authors

¹ For e.g., see <https://www.timesnownews.com/education/ugc-announces-revised-regulations-for-collaboration-between-indian-and-foreign-universities-article-90941642> (Last visited on May 11, 2022).

² Available at: https://www.ugc.ac.in/pdfnews/4555806_UCG-Acad-Collab-Regulations.pdf (Last visited on May 10, 2022).

³ Available at: [https://www.ugc.ac.in/pdfnews/5003871_Foreign-Collaboration-Regulations-2016-\(1\).pdf](https://www.ugc.ac.in/pdfnews/5003871_Foreign-Collaboration-Regulations-2016-(1).pdf) (Last visited on May 10, 2022). Our analysis of the earlier regulations is available at:

<https://www.nishithdesai.com/SectionCategory/33/Research-and-Articles/12/42/SEZHotline/4849/1.html>.

⁴ Regulation 3.1.1 of the Regulations.

⁵ Regulation 3.2.1 of the Regulations.

⁶ Regulation 3.3.1 of the Regulations.

⁷ Degree to conform to the provisions of section 22(3) of the UGC Act, 1956 and should also be in conformity with the norms, standards and requirement for award of such degree, as laid down by the statutory authority concerned.

⁸ Degree programme to conform to nomenclature and duration of the degrees as per section 22(3) of UGC Act, 1956 and also to minimum eligibility and other norms and standards to offer such degree programme.

⁹ Degree by HEI to conform to nomenclature and duration of the degrees as per section 22(3) of UGC Act, 1956 and also to minimum eligibility and other norms and standards to offer such degree programme.

¹⁰ Regulation 2.6 defines "Conventional mode" to mean "a mode of providing learning opportunities through face-to-face interaction between the teacher and learner in regular class room environment but does not exclude supplementary instructions if any for the learner through use of online".

¹¹ The All India Council for Technical Education's Approval Process Handbook 2022-23 (Chapter III) contains the procedure for approval for Collaboration and Twinning Programme Between Indian and Foreign University/ Institution or Between two Indian Institutions in the field of Technical Education, Research and Training. This has not been superseded yet. (Available at: <https://www.aicte-india.org/sites/default/files/approval/2022-23/Approval%20Process%20Handbook2022-23.pdf>) (Last visited on May 10, 2022).

¹² As per their powers under Section 14, UGC Act, 1956.

¹³ Available at: https://www.ugc.ac.in/pdfnews/4258186_Draft-UGC-Academic-Collaboration-with-Foreign-HEIs-Regulations-2021.pdf (Last visited on May 10, 2022).

¹⁴ Available at: <https://www.ugc.ac.in/pdfnews/221580.pdf> (Last visited on May 10, 2022).

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