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Non-state actors in tertiary education: a shared vision for quality and affordability?

Non-state provision accounts for more than one third of tertiary education students worldwide, a considerably higher share than in primary or secondary education. Providers are diverse, respond to a variety of needs, and often blur the line between the state and non-state sectors. Non-state actors are also important players in the financing of tertiary education through households, market mechanisms and public–private partnerships. As a result, these actors play a significant role in influencing regulations and policymaking, and in shaping the tertiary system as a whole. Governments must ensure quality and equity, the key dimensions of Sustainable Development Goal target 4.3, regardless of how state and non-state actors share responsibilities.

The Education 2030 Framework for Action, which is the roadmap for achievement of the fourth Sustainable Development Goal (SDG 4), highlights the crucial role of non-state actors in education. The framework states that the ambitious education goal cannot be achieved by governments alone. This understanding tends to be better established at non-compulsory levels of education. Nearly all countries ensure tertiary education through a combination of state and non-state actors, and the debate at this level is usually one of degree.

Target 4.3 of SDG 4 calls on countries to 'ensure equal access for all women and men to affordable quality technical, vocational and tertiary education, including university'. But the participation of non-state actors raises questions and poses challenges regarding achievement of the target's key dimensions: quality and affordability, and, ultimately, equity and inclusion.

At the system level, non-state providers' focus on particular skills to respond to labour market needs may blunt innovation. Academic staff of non-state institutions are less likely to be full-time professors and to engage in research. And non-state providers tend to target those who can afford to pay for tertiary education, even if some target groups at risk of exclusion.

There are regulations aimed at ensuring minimum standards of quality and accessibility, but their enforcement depends on capacity and resources that are often lacking. Moreover, equity-promoting regulations are not common. Financing modalities of non-state institutions, such as their access to public funding and the degree to which they depend on fees, also have quality and equity implications. Households are taking on a larger share of tertiary education funding, sometimes with support from loans, scholarships and income share agreements.

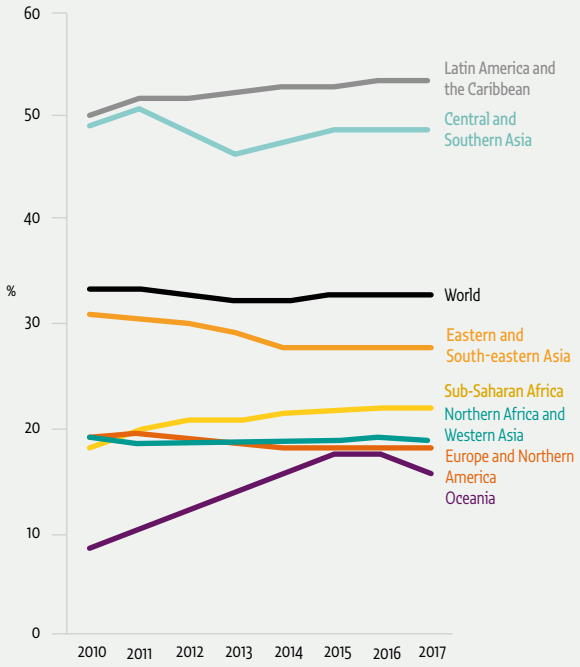
This policy paper, based on the 2021/2 *Global Education Monitoring Report*, examines the role of non-state actors in providing, financing and influencing tertiary education. It offers policy recommendations to help governments ensure quality, equity and inclusion in tertiary systems, regardless of how the state and non-state sectors share responsibility.

MORE THAN ONE IN THREE TERTIARY STUDENTS ATTEND NON-STATE INSTITUTIONS

Measuring the extent to which non-state actors are involved in provision of tertiary education is challenging. The diversity of institutions means the distinction between state and non-state provision is blurry. The UNESCO Institute for Statistics (UIS) defines private institutions as those controlled and managed by a non-governmental organization (NGO) or whose governing board consists mostly of members not selected by a public agency. By this definition, about 33% of students are enrolled in private institutions globally. The highest shares are in Central and Southern Asia (49%) and Latin America and the Caribbean (54%) (**Figure 1a**). But regional averages mask large differences between countries.

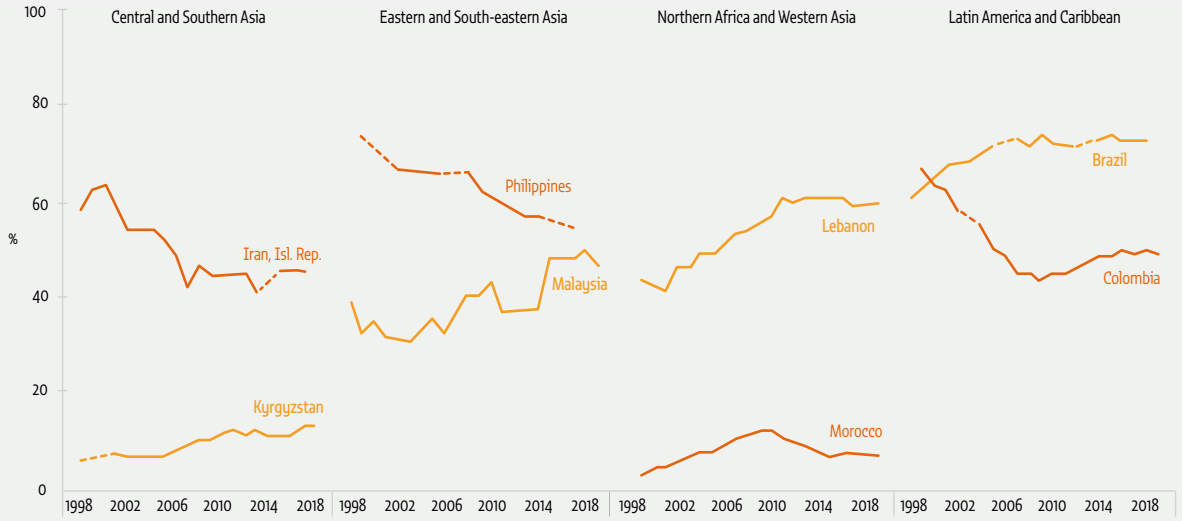
FIGURE 1:
Regional trends in the share of private enrolment in tertiary education mask divergent national trends
Percentage of enrolment in tertiary education in private institutions

a. By region, 2010–17



Source: Buckner (2021), based on data from UIS and PROPHE.

b. Selected countries, 1998–2019



Source: UIS database.

Although there are insufficient comparable data to establish a long-term trend, the private share appears to have remained relatively stable in the 2010s. It is increasing in some countries and decreasing in others. Policies in some countries have focused on expanding public provision of tertiary education, which has reduced the size of the non-state sector. In Colombia and the Philippines, expansion of public provision through establishment of new public institutions led to a decrease in the share of students enrolled in non-state education, even if the absolute number continued to rise (Levy, 2015b) (**Figure 1b**).

Bangladesh began allowing non-state tertiary institutions to operate in 1992 (Ahmed, 2015). After their initial growth, their share of tertiary enrolment almost halved, from 64% in 2001 to 35% in 2016, while the tertiary education gross enrolment ratio rose from 7% to 18%. The government has absorbed much of the demand growth by increasing the number of public institutions – particularly professional and technical institutions, which in the non-state sector have declined – and by charging considerably lower fees than non-state institutions (Bangladesh University Grants Commission, 2018; BRAC, 2021). In Poland, the share of non-state institutions in tertiary enrolment fell from 33% in 2008 to 27% in 2018, largely because of a demographic shift (Kwiek, 2016; Kwiek, 2018). Overall tertiary enrolment declined by 31% in that period, i.e. the 2008 public sector would have accommodated nearly all of current tertiary demand.

Where the number of non-state providers is growing, the common explanation is that it is in response to demand for 'different', 'better' or 'more' tertiary education. It is accordingly associated, respectively, with three main types of non-state institutions: religious-cultural, elite and demand-absorbing, a term commonly used to describe the mass of smaller, non-denominational institutions (Levy, 2006; Pachuashvili, 2009).

RELIGION- OR CULTURE-ORIENTED INSTITUTIONS ARE LINKED TO HISTORY AND TRADITION

Religiously affiliated institutions have a long history, in some cases going back to the very origin of universities in Europe and Asia (Altbach et al., 2021). Today, they are still prominent in many countries. In South-eastern Asia, where religiously affiliated institutions are common, there are Islamic tertiary education institutions in Indonesia, Catholic institutions in the Philippines and Buddhist institutions in Thailand (Asian Development Bank, 2012; Welch, 2021). Religious organizations have historically been important non-state providers of tertiary education in Latin America and sub-Saharan Africa, with the latter considered a hotspot for the expansion of Christian tertiary education today (Carpenter, 2017; Durham and Sampaio, 2000; Levy and Tamrat, 2021).

A population's ethnic and linguistic heterogeneity can also influence governments' disposition towards non-state education. In Malaysia, the establishment of ethnic quotas for public institutions after independence restricted access to non-Bumiputra (ethnic Malay), thus pushing ethnic Chinese and Indian Malaysians into the non-state sector (Jie, 2018; Welch, 2021). Some estimates indicate 85% of students in public institutions are Bumiputra and over 90% of those in non-state institutions are non-Bumiputra (Welch, 2021). After regime change in the Baltic countries in 1989, language laws prohibited public sector instruction in languages other than the national language. Hence, most demand for non-state provision in those countries came from Russian-language providers (Pachuashvili, 2011).

LIMITED BUDGETS AND MARKET-FRIENDLY POLICIES ENCOURAGE MASSIFICATION

The proliferation of non-state institutions that are neither elite nor religiously or culturally affiliated, often referred to as demand-absorbing institutions, is a relatively recent, fast-growing phenomenon that emerged in response to rising demand and in the context of tight public budgets (Levy, 2013; Welch, 2021). In many low- and middle-income countries, policies promoting non-state involvement in tertiary education became popular in the 1990s, often with the encouragement of international financial institutions (Task Force on Higher Education and Society, 2000).

In Latin America, higher education expansion since the 1960s has been marked by small non-state institutions aimed at absorbing excess demand (Durham and Sampaio, 2000; Levy, 1986). Two factors contributed to this development. First, governments increased the non-state sector's flexibility to create institutions or programmes quickly. Second, in an adverse fiscal context, the International Monetary Fund and World Bank recommended reducing public funding for tertiary education (Corbucci et al., 2016; Ferreyra et al., 2017).

A similar pattern has been observed in sub-Saharan Africa, especially in anglophone countries (Levy, 2007; Varghese, 2016). After the post-independence nationalization of tertiary education, smaller, non-elite and non-religious institutions have accounted for most of the surge in tertiary enrolment (Irene and Hussain, 2020). Such

institutions have also been at the forefront of expansion of the non-state sector in Central and Eastern Europe since the transition in the 1990s, in part because of a market-friendly shift in policies (Kwiek, 2016).

Such institutions have also grown in contexts of crisis or major disruptions in public services. In Côte d'Ivoire, the political crisis of 2010/11 effectively shut down many public institutions for infrastructure repairs, which fuelled non-state enrolment (World Bank, 2017). Lebanon's civil war led to major disruptions in the public tertiary education system, leading to the national university's dismemberment in 1974 and the rise of commercial and religious non-state institutions (Buckner, 2011).

DEMAND FROM PRIVILEGED GROUPS SOMETIMES LEADS TO ELITE NON-STATE INSTITUTIONS

Non-state elite institutions may arise in response to perceived decline in quality of public universities, a concern sometimes expressed by the most affluent segments of society, for example, in Latin America in the mid-20th century (Durham and Sampaio, 2000; Levy, 2006). In South Africa, the expansion of the non-state sector in the mid-1990s has also been partly attributed to demand from the white population for 'better education' (Tamrat, 2017).

Non-state elite institutions are the rarest type of non-state institution. In most countries, public universities enjoy the highest prestige. Some countries, however, have top-tier non-state universities, such as the Ivy League institutions in the United States and Catholic universities in Latin America (Altbach et al., 2021). In countries with a long tradition of religious tertiary education, it is common for institutions to be both religiously affiliated and elite. In the Democratic Republic of the Congo, for example, the most prestigious institutions are, and have historically been, religious (Gérard, 2020).

Countries' attempts to increase the prestige of their tertiary education system through non-state institutions is a more recent phenomenon. India's government introduced a plan to select 20 institutions to become world class, half of them non-state (Chattopadhyay, 2019). In 2014, the Japanese government began the Top Global University Project to boost the global status of selected universities. Among the 37 institutions selected, 14 are non-state (Japan MEXT, 2014). In Morocco, the non-state tertiary education sector, originally composed of small vocation-oriented institutions, has been incentivized by the government to cater for national elites, the Moroccan diaspora and international students (Buckner, 2018). One recent type of elite institution is the international campus, facilitated by the 1995 General Agreement on Trade in Services, which recognized tertiary education as a tradable service and encouraged a wide range of cross-border non-state provision (Altbach et al., 2021).

LINES BETWEEN STATE AND NON-STATE TERTIARY EDUCATION ARE OFTEN BLURRED

Diverse ownership, control and governance arrangements in tertiary education often blur the lines between state and non-state providers. A well-known example is the United Kingdom, where most universities are regarded as public and receive significant government funding but are controlled by non-state actors and therefore considered private in international statistics (Knight, 2006). The University of Nairobi, the oldest and biggest public university in Kenya, receives the majority of its funds from private sources and applies a business approach to governance, focused on income generation and increasing the institution's entrepreneurial practices (Provini, 2019). The International Islamic University Malaysia is a public institution by law but governed by the Companies Act, with a board of governors that includes five members from Muslim countries and a representative of the Organisation of Islamic Cooperation (Welch, 2021).

Within the non-state sector, it is hard to distinguish for-profit from non-profit institutions. In Chile, a large for-profit multinational company, Laureate Education, owned universities until 2020, even though the country does not allow for-profit universities (Bernasconi, 2013). A 2018 decision clarified that universities could be owned and controlled by a for-profit company but could not be operated as for-profit institutions (Educación 2020, 2018; Hurtado, 2020). In Malaysia, a for-profit company held by a non-profit entity owns two institutions (Welch, 2021). Even within the for-profit sector, ambiguity over what is legally considered a tertiary education institution, rather than a business providing training, hampers regulation, as the former may come under education law and the latter under business law (Levy, 2015a).

The rise in cross-border provision of tertiary education further complicates the lines of ownership and regulation. Branch campuses of public tertiary education institutions in Australia, the United Kingdom and the United States are deemed private institutions in Malaysia. In Viet Nam,

RMIT University (Australia) and British University Vietnam, operated by public institutions, are considered private universities, while the Vietnamese-German University and the University of Science and Technology of Hanoi, also known as the Vietnam-France University, are listed as public (Welch, 2021).

THE EMERGENCE OF NON-STATE INSTITUTIONS HAS IMPLICATIONS FOR SYSTEM QUALITY

As with other levels of education, a common argument for non-state actors is that they can increase competition and improve system quality. However, competition in tertiary education is imperfect, as entry costs are high and services are highly differentiated in terms of location, programme type, student ability, fields of study and rigour (Ferreyra et al., 2017). For these and other system-level reasons, the potential for improvement may not be fulfilled.

THE IMPACT OF PROFIT ORIENTATION ON QUALITY IS A SUBJECT OF INTENSE DEBATE

Supporters of for-profit institutions argue that the need to attract students creates competition and incentives to improve quality. Opponents say this mechanism does not work in a market as imperfect as that of tertiary education (Altbach et al., 2021). Decisions to pursue tertiary studies are determined by short-term financial constraints as well as by information constraints – which also usually work at the expense of disadvantaged students – and not by long-term academic objectives and potential returns (Knobel and Verhine, 2017).

But not all for-profits are the same. Different types of providers have different levels of profit-maximizing incentives. For example, individuals, families and privately held companies may set up for-profit tertiary education institutions with socially responsible or corporate visions that are compatible with prioritizing quality and student outcomes over maximizing profit (Tamrat, 2018). By contrast, publicly traded and private equity-owned firms have incentives to maximize profit in order to pay shareholders and investors (Eaton et al., 2018). In the United States, where the tertiary sector is highly subsidized (around 90% of for-profit institutions' revenue comes from federal grants and federally guaranteed loans), student outcomes deteriorate as the incentive for profit maximization increases (Eaton et al., 2018).

Non-state institutions tend to focus on labour market needs Students in fee-charging institutions may need to recuperate the cost of their studies after graduation by learning skills that are rewarded in the labour market. This can be observed in the fields of study offered and the focus on employability as a marketing strategy and source of legitimacy. Graduate employability is an indicator used in South-eastern Asia to rank institutions (Welch, 2021). In Viet Nam, state universities offer medicine, engineering or biotechnology, leaving other fields to private universities, which are mostly smaller and more vocation-oriented (Altbach et al., 2021; Levy et al., 2020).

Non-state institutions in the Global South may be the main providers of teacher training. In India, public and government-aided colleges generally provide general education, whereas private colleges provide professional courses. About 40% of private colleges offer only one field of study, mostly education (Muzammil, 2019); 67% of teacher training colleges are private (Henry et al., 2020) (**Box 1**). In Indonesia, two thirds of total enrolment in non-state institutions is in education, social sciences or business (Welch, 2021).

ACADEMIC STAFF OF NON-STATE INSTITUTIONS ARE LESS LIKELY TO BE FULL-TIME PROFESSORS

Non-state tertiary education providers tend to rely more than public universities on part-time academic staff (Levy and Tamrat, 2021; Salto, 2018; Welch, 2021). In Senegal, less than 20% of teachers at non-state institutions have full-time permanent contracts (Dia and Goudiaby, 2020). In the United States, non-state institutions have higher shares of part-time faculty, on average, and the share grows the more institutions rely on fees (Liu and Zhang, 2013). Reliance on part-time staff may reflect these institutions' stronger link with the labour market, as the emphasis on practical learning can lead them to hire working professionals as lecturers. It can also be a cost-saving strategy (Teixeira et al., 2016).

Working multiple jobs, or moonlighting, is a factor in high shares of part-time contracts. It allows newer and smaller non-state institutions to gain legitimacy by employing respected public university professors. In Malaysia, the share of moonlighting professors at non-state universities ranges from 20% to over 80% in smaller and newer institutions (Welch, 2021); the same practice is observed in Nigeria (Amini-Philip, 2019). In Poland, employing public institution faculty helped the non-state sector expand quickly in the 1990s; it has been estimated that if professors could only hold one full-time position, non-state institutions would lose at least half their faculty (Jablecka, 2007).

BOX 1:

Teachers in the Global South are often trained in non-state tertiary education institutions

Non-state actors play an increasingly important role in teacher education in the Global South. For instance, non-state teacher training institutions operate in at least 22 sub-Saharan African, 17 Latin American and 7 South Asian countries. Non-state actors have made an important contribution to teacher education programmes in conflict-affected countries. In Afghanistan, non-state teacher training colleges were established in each province, along with rural college satellites to facilitate access for those in remote areas. In Angola and Mozambique, DAPP, a non-governmental organization (NGO), has played a key role in teacher training, in collaboration with the governments. In Somalia, where the main public institutions for teacher education were destroyed during the civil war, non-state actors have trained most teachers since 2002.

Teacher training programmes tend to be government regulated: State and non-state providers largely follow a centralized curriculum or qualification framework. In India, the government regulates minimum qualifications for trainers in both sectors, as well as the level of fees. In Mozambique, state and non-state institutions follow the same criteria and conditions for admission. In recent years, non-state teacher training institutions have been closed in Chile, Colombia and Ecuador for failing to meet minimum quality standards. In Costa Rica, poorly regulated non-state institutions offer programmes from which students graduate in considerably less time than required by public programmes.

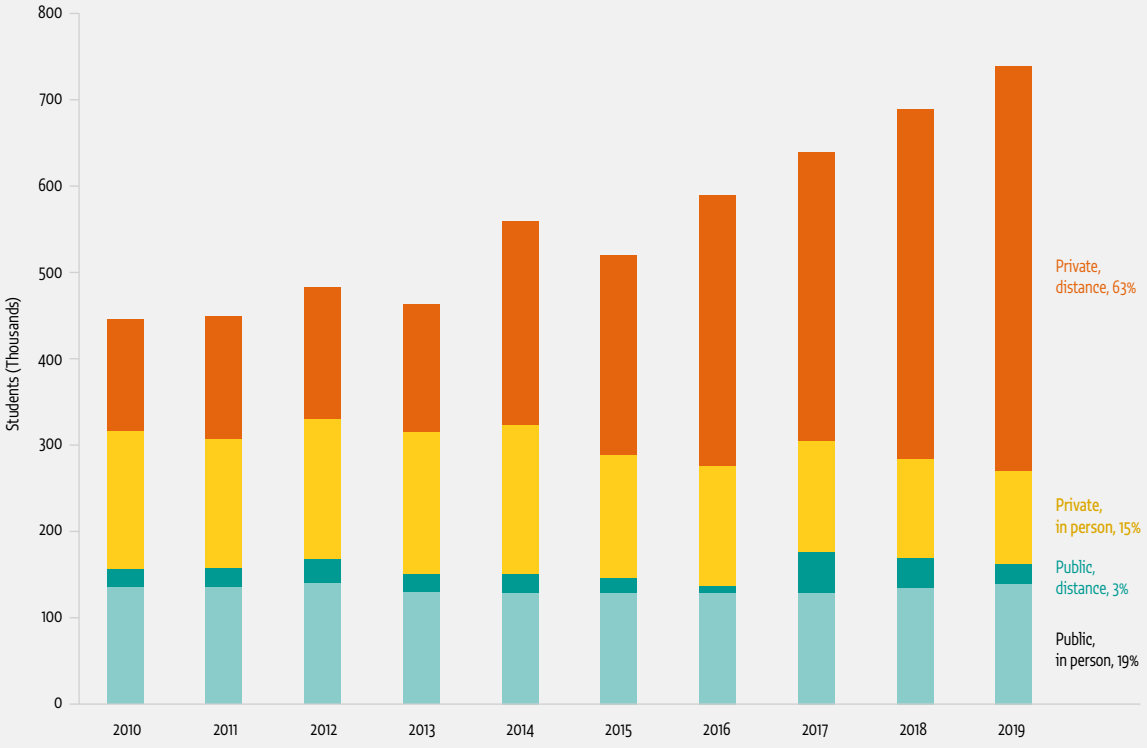
Non-state teacher training programmes are increasingly available by distance, which raises concern about the lack of a practical component. In response, some countries, including Chile and Mexico, have banned such programmes. In Brazil, where the law gives preference to teacher education conducted in person, 67% of entrants in initial teacher education enrolled in distance courses; of those, over 95% were at non-state institutions (**Figure 2**). In Botswana, difficulties in regulating the large number of online programmes offered by non-state institutions leave many unaccredited and likely substandard. Pakistan developed national standards in 2016 to accredit distance teacher education programmes and thus increase regulatory oversight over them.

Source: Sirois et al. (2021).

FIGURE 2:

Most teachers in Brazil are trained in non-state distance education programmes

Number of entrants to initial teacher training courses in Brazil by sector and type of programme, 2010–19



Sources: For 2010–17, Todos Pela Educação (2019); for 2018–19, GEM Report team calculations based on INEP tertiary education census data.

Moonlighting can have negative effects on institutional capacity, education quality and student support (Amde et al., 2018). In 2015, Mozambique's government outlawed it, requiring professors to be registered and teach at only one university (Makoni, 2015). Professors contested the measure as it threatened their income (Júnior, 2015). As implementation of the regulation has been incomplete, the practice reportedly continues (Amde et al., 2018; Club of Mozambique, 2018). Moonlighting can lead to excess workloads for professors and be detrimental to their well-being (Elder and Kring, 2016; Mulokozi, 2015). Professors in Kenya, where moonlighting is common, admitted that the resulting fatigue reduced their work quality (Wesangula, 2015). However, there are also positive effects on job satisfaction, as moonlighting increases professors' income and enables more collaboration and networking opportunities (Amini-Philip, 2019; Elder and Kring, 2016; Sakyi and Agomor, 2020).

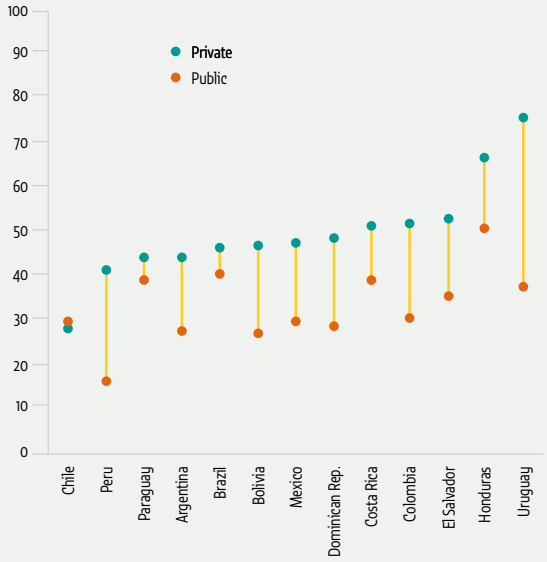
The stronger labour market focus and higher share of part-time professors at non-state institutions are also reflected in a greater focus on programmes that do not award research degrees (Seeber, 2016). In Brazil, academic research is almost entirely conducted at public institutions, which account for about one quarter of students (Moura, 2019). Between 2013 and 2018, the 15 tertiary education institutions with the largest research output were public; they accounted for over 60% of articles published in international journals (Web of Science Group, 2019). In Malaysia, where one quarter of non-state institutions have fewer than 1,000 students (Welch, 2021), a proposed law requested non-state universities to conduct research as well as teaching (Kean and Soe, 2018).

NON-STATE PROVIDERS TARGET THOSE WHO CAN AFFORD TO PAY FOR TERTIARY EDUCATION

Non-state providers tend to reserve access for those who can afford to pay. In some contexts, some may try to increase access for those who had been excluded. But in both cases, there is a risk of segregation in the tertiary education system.

The wealth gap in access to tertiary education is high in much of the world. Analysis of data from the World Inequality Database on Education shows the median gap in tertiary attendance between the richest and poorest quintiles to be 21 percentage points. Non-state providers exacerbate such gaps. In Latin America, students from the richest households make up a considerably higher share of enrolment in non-state institutions than in public ones (**Figure 3**). Over the past 15 years, the largest participation increases among the richest quintiles have been in the countries where the share of students in non-state tertiary education has increased the most, including Honduras, Paraguay, Peru and Uruguay (SEDLAC, 2018).

FIGURE 3:
Rich students make up a large share of enrolment in non-state tertiary education institutions in Latin America
Percentage of students from the richest 20% of the population, selected Latin American countries, 2018



Source: GEM Report team calculations based on SEDLAC (2018).

This pattern is also observed in other regions. In China and Viet Nam, non-state tertiary education institutions have widened access mostly to wealthier students of lower ability, contributing little to social mobility (Henaff et al., 2020; Welch, 2021; Zha, 2006, 2011). In India, among students enrolled in tertiary institutions in 2014, about 25% from the two poorest quintiles, but 42% from the richest quintile, attended independent private institutions. The vast majority of students from Scheduled Tribes and Scheduled Castes attended government institutions or government-dependent private institutions (Henry et al., 2020). India's non-state sector appears to have increased access for the most privileged groups first, then extended it to the most privileged within each group benefiting from affirmative action in the government-aided institutions, such as Scheduled Tribes and Scheduled Castes (Gérard, 2020).

An analysis of the relationship between non-state provision and overall participation in tertiary education around the world, conducted for the 2021/2 *Global Education Monitoring Report*, shows that the relationship varies by country income. A greater share of non-state actors in total enrolment is associated with lower inequality in attendance rates in high-income countries where enrolment levels are already high, but with greater inequality in upper-middle-income countries where participation among the richest is still not universal. No relationship emerged in low- and lower-middle-income countries, where enrolment levels are very low and where over three quarters of inequality can be explained by differences in secondary completion rates between the poorest and richest (Buckner, 2021).

Inequality in tertiary education can also manifest in access to education services, conditions for learning and graduating, and labour market outcomes. In many countries, non-state actors establish and reinforce tiers of institutions, e.g. through fee differentiation, as in Mexico (Gérard et al., 2020). A vicious cycle of reinforcing quality differences is created as most institutions targeting poorer students rely almost entirely on student fees, while elite institutions can count on additional sources of revenue, including donations and public funds. In the Democratic Republic of the Congo, small non-state institutions charge US$150 in annual tuition, while bigger, mostly religion-affiliated universities charge US$1,000. In Senegal, fees range from US$330 outside Dakar to US$4,500 in Dakar (Gérard, 2020). Non-state institutions outside Dakar tend to have academic staff who are less qualified and receive lower, less regular pay (Dia and Goudiaby, 2020).

Non-state provision tends to be concentrated in urban centres, as can be observed in many countries of sub-Saharan Africa, Latin America, South and South-eastern Asia, and Western Europe (Gérard, 2020; Muzammil, 2019; Onsongo, 2007; SEDLAC, 2018; Teixeira et al., 2016; Welch, 2021). In Senegal, two thirds of non-state institutions are in Dakar (Dia and Goudiaby, 2020). In India's North Eastern Region, private unsubsidized institutions took in 10% of students in rural areas and 18% of students in urban areas in 2014 (Muzammil, 2019). In Colombia, the share of students enrolled in non-state institutions was 17 percentage points higher in urban areas than in rural areas in 2018; in Peru, the difference was 23 percentage points (SEDLAC, 2018). Richer households that can afford the higher cost of tertiary education tend to live in urban areas and students can more easily find work there while studying or after graduation (Ahmad and Shah, 2016).

SOME NON-STATE PROVIDERS TARGET GROUPS AT RISK OF EXCLUSION

Despite an overall tendency to favour more privileged students, some non-state institutions provide access to groups that are otherwise discriminated against or excluded from tertiary education because of gender, race, religion, poverty, displacement or remoteness. In Kenya, rapid expansion of non-state tertiary education since the 1990s has been associated with increased opportunities for female participation, due partly to perceptions that such institutions are safer and provide more discipline and partly to a focus on the humanities and social sciences, which are popular among female students (Onsongo, 2007; Tamrat, 2017). In Saudi Arabia, non-state institutions have helped expand access for women by offering female-only courses not available in the public system (Jamjoom, 2016). In South Africa, a social entrepreneur founded CIDA City Campus, a low-cost university targeting poor black students, while Tsiba Education, a non-profit institution financed by corporate sponsors, offers business programmes to financially and educationally disadvantaged students (Salmi and Sursock, 2018).

In Colombia, UNIMINUTO, a faith-based university enrolling about 100,000 students, provides access to students in informal settlements, small cities and rural areas (Casanova et al., 2015; UNIMINUTO, 2020). Building on this initiative, the government encouraged the creation of over 200 regional centres called CERES, which are partnerships between tertiary education institutions, local government and private companies (Salmi, 2020). A collaborative global partnership, Jesuit Worldwide Learning: Higher Education at the Margins, offers an online programme that allows refugees in camps in Kenya to attend tertiary education (Salmi, 2020). Kiron Open Higher Education, a German non-profit organization, offers refugees a two-year online programme that helps them complete their studies at a host-country institution (Unangst, 2017).

Non-state providers also help reach groups that would otherwise be excluded by providing increased flexibility. In Brazil, 68% of students at non-state universities take evening classes – which allow them to work during the day – compared with 36% at public institutions. Similarly, 56% of non-state institution enrolment is in distance education, compared with 14% for public institutions (INEP, 2020). In Argentina, institutions are distinguished by offering flexible hours and distance education (Altbach et al., 2021).

Despite short-term positive effects of increasing access to tertiary education, creating separate institutions

for different groups can jeopardize the development of social cohesion. In Indonesia, Malaysia and Thailand, concerns have emerged about the rise of extremism in some religion-affiliated non-state tertiary institutions despite government countermeasures (Welch, 2021).

NON-STATE TERTIARY EDUCATION REGULATION VARIES

Tertiary education regulatory frameworks reflect government views of the sector and of non-state actors. Countries form a continuum from those where the government supervises and centrally coordinates non-state providers, assigning them variable roles within an overarching national strategy, to those allowing competition, choice and autonomy for non-state providers, as in Chile, Colombia, Japan, Malaysia, the Philippines and the Republic of Korea (Ferreyra et al., 2017; Welch, 2021).

As country views of non-state actors change over time, this is reflected in their regulatory frameworks. In Viet Nam, rapidly changing but ambiguous regulations have reflected a gradual embrace of privatization since the launch of the Doi Moi market-oriented economic reforms (Altbach et al., 2021; Chau et al., 2020). In Egypt, the first non-state institutions were viewed as a low-quality last resort for those who could not get into public institutions. In 1970, the legal framework required state approval of institutions' fee structure, subjects, course content, student cohort size and faculty hires. With time, openness to more elite non-state universities has been matched by an adapted legal framework allowing more flexibility and autonomy (Altbach et al., 2021).

QUALITY ASSURANCE MECHANISMS AIM TO ENSURE MINIMUM STANDARDS

Most countries have regulatory frameworks for the establishment, operation and closure of non-state tertiary education institutions, aimed at ensuring minimum quality standards. In some countries, this development is recent. Bangladesh had no accreditation framework to assess whether universities or programmes met a minimum quality standard until 2017 (Bangladesh University Grants Commission, 2018). Quality standards for non-state institutions are often different than for public institutions (Asian Development Bank, 2012; Ferreyra et al., 2017).

Once in operation, quality control tends to be input- and output-based, focusing on infrastructure, student numbers and academic staff qualifications. Outcome-based quality assurance, focusing on student assessment, student surveys or research results, is not common and can be controversial. A proposal by the Organisation for Economic Co-operation and Development (OECD) for an international higher education student assessment faced strong opposition (Altbach, 2015; Van Damme, 2015). But in Brazil, a mandatory student exit exam is used to monitor institutions' quality and allows the government to assign a grade to each programme (Pereira et al., 2018).

Outcome-based quality assurance is also more common when it is linked to public funding. In the United States, the 2016 Gainful Employment Rule introduced graduate employment and student loan repayment rates as part of the criteria for non-state institutions' eligibility for federal student loans, thus adding a layer of oversight and leading to closures of several for-profit institutions of poor quality (Jakiel, 2016; Kreighbaum, 2019). In Poland, the government began focusing evaluations and funding on variables such as research productivity, partly because non-state institutions were becoming too teaching-oriented and focused only on attracting students (Tarlea, 2017).

Some regulatory frameworks increase institutional autonomy in an effort to improve quality. In India, the government approved a plan in 2018 that rewards regulation-compliant state and non-state institutions with more autonomy to create new courses, collaborate with international institutions and enter research collaborations with industry (Chattopadhyay, 2019; Henry et al., 2020). In the Philippines, where the non-state tertiary education sector enrols over half of students, institutions that demonstrate continued adherence to high standards of scholarship, research and instruction are granted special regulatory treatment and autonomy, including financial autonomy in fee setting, through progressive deregulation and reduced government monitoring and evaluation, except where violations or complaints are reported (PEER country profiles, 2021).

For-profit institutions may require specific regulations to guard against a misalignment between profit maximization and students' and taxpayers' interests (Eaton et al., 2018). Some countries, including Argentina, Chile and India, outlaw for-profit universities altogether (Educación 2020, 2018; Gérard, 2020; Mohanty, 2020). However, once for-profit provision is established, it becomes difficult to eliminate. In Peru, an initial version of the 2014 tertiary education law proposed outlawing for-profit institutions but was overturned (Gérard, 2020). Profit-making can lower institutional quality through insufficient investment in core services in exchange for higher investor return (Eaton et al.,

2018). In the Philippines, the Commission on Higher Education stipulates that 70% of revenue from fees must be allocated to payment of staff salaries and 20% to infrastructure improvement, meaning no more than 10% is to be allocated to return on investment (PEER country profiles, 2021).

For-profit institutions may resort to deceptive business practices, including predatory recruitment and fraudulent marketing strategies. In the United States, 7 of the 10 biggest for-profit companies in the sector have been investigated on allegations (Halperin, 2016) and found to have indulged in such practices. In Nigeria, the National University Commission helped close many of the country's illegitimate institutions (Varghese, 2016). In Viet Nam, several university officials were recently prosecuted on charges of selling diplomas or other types of corruption and wrongdoing (Tho, 2021).

The expansion of non-state tertiary education institutions in Central and Eastern Europe after 1989 was rapid and often took place in the absence of a legal framework. In Albania, after an investigation, 18 non-state institutions suspected of delivering fake or dubious diplomas were closed in 2014 (Erebara, 2014). In Romania, one quarter of tertiary education enrolment was in non-state institutions by 1995 (Slantcheva and Levy, 2007). The legal framework for accrediting institutions and recognizing diplomas only came into effect in 1996 (Nicolescu, 2007; Vîiu and Miroiu, 2015). Later, quality assurance mechanisms which allowed non-state institutions to compete for public funds led to the closure of several substandard non-state institutions (Korka and Nicolescu, 2007; Vîiu and Miroiu, 2015). Yet cases of fraud continued to taint the sector. In 2009, over 100,000 graduates of Spiru Haret University, the largest non-state institution, had their diplomas annulled and labelled as illegally granted after irregularities were exposed (UWN, 2009). In 2019, a Spiru Haret pro-rector was arrested as part of an investigation on fraudulent examinations (Romania Insider, 2019). The share of students enrolled in non-state institutions declined from its peak of 42% in 2009 to 13% in 2018.

Quality assurance regulations also need to tackle the rise in fake, unregistered for-profit institutions that often enrol marginalized people. In 2017, Pakistan's Higher Education Commission issued a public notice with a list of 153 illegal universities and degree-awarding institutions (Khan, 2017). In South Africa, the number of fake and unregistered institutions led the government to launch an awareness campaign and, in 2019, promulgate the National Qualifications Framework Amendment Act, making it a crime to claim or hold a fraudulent qualification (de Wet, 2019; TimesLIVE, 2018).

Market concentration is another regulatory challenge presented by for-profit institutions that can have major implications for system quality. In Brazil, where for-profit institutions account for about half of tertiary education enrolment, the 10 largest companies, many of which are international, made up 30% of total tertiary education enrolment and over 60% of enrolment in for-profit institutions (Cunha, 2018; INEP, 2020). That year, the competition regulation authority blocked the acquisition of the second-largest company by the largest, which would have increased market concentration above 30% (Martello, 2017).

IMPLEMENTATION OF QUALITY ASSURANCE MECHANISMS IS CHALLENGING

Resources to accredit and monitor non-state institutions are often lacking (Levy, 2013). About 90% of Indonesia's 4,500 tertiary education institutions are non-state, enrolling 59% of students as of 2018. A national accreditation board formed in the mid-1990s to accredit only non-state institutions has since assumed responsibility for all programmes. In 2009, there were 3,000 academic programmes to be evaluated; by 2013, some 20% of accreditation decisions were late. Emergency measures allowed some institutions to operate without accreditation. In 2017, less than 2% of tertiary education institutions had the highest level of accreditation. Some had no accredited programmes. In late 2018, to try to control the growing quality problems in the non-state sector, the government announced that it would revoke the permits of around 1,000 non-state tertiary institutions (Dilas et al., 2019).

Inadequate capacity of regulatory agencies poses similar challenges in other countries. In the Democratic Republic of the Congo and Mexico, some institutions operate while accreditation is pending or with varying degrees of temporary accreditation (Gérard, 2020). In Libya, a rapid increase in unaccredited non-state institutions led the government to close 20 non-state universities and colleges failing to meet quality standards in 2021, a decision with important implications for their students and academic staff (El-Galil, 2021).

Often, unaccredited institutions tend to be the ones attended by disadvantaged populations, raising equity concerns. In Peru, of the 32 non-state institutions attended by relatively less well-off students, most were for-profit and had not obtained accreditation by

mid-2019 (Benavides and Hagg Watanabe, 2020). In India and Mexico, government accreditation of non-state institutions is voluntary (Gérard et al., 2020; Ravi et al., 2019). In Guatemala, the main public university is in charge of granting licences and overseeing non-state institutions (Ferreyra et al., 2017), raising questions of conflict of interest.

Some countries outsource accreditation to non-state actors. In Mexico, where accreditation is not mandatory, non-state institutions seek accreditation from an association of private tertiary education institutions or accrediting agencies in the United States (Gérard et al., 2020). The Philippines has several non-state accrediting agencies, including two church-based agencies (Tanhueco-Tumapon, 2020). In the United States, quality assurance has been undertaken by non-state associations since the 19th century (Xiaoying and Abbott, 2016). The American Bar Association (ABA) does its own accreditation for law schools. In most states, only graduates of an ABA-accredited school are allowed to sit the bar exam (The Princeton Review, 2021). Some argue that competition between accrediting agencies may encourage innovation and efficiency, while others point to the advantages of a government-owned quality assurance structure, including harmonization of standards and reduced transaction costs (Xiaoying and Abbott, 2016).

EQUITY-PROMOTING REGULATIONS ARE NOT COMMONLY APPLIED

In addition to helping ensure minimum quality standards, regulations can help promote equitable access. Many countries have quotas or special admission criteria to improve disadvantaged groups' access to tertiary education. However, the criteria are not always extended to non-state providers. Brazil's affirmative action policy, which guarantees 50% of posts to disadvantaged students, applies only to public institutions, which enrol just about one quarter of students (Brazil Ministry of Education and Culture, 2021). In Indonesia and Viet Nam, public universities must provide financial aid grants to at least 20% of their student population and scholarships to at least 10% (Salmi, 2020). Romania's government reserves fee-free places only in public universities for students from rural secondary schools and Roma students (Altbach et al., 2021).

Where regulations do apply to non-state institutions, they are usually enforced only for non-state providers that receive public funding. In India, quotas reserved for students from Scheduled Castes and Scheduled Tribes apply only to public institutions and non-state institutions that receive government funding (Henry et al., 2020; UNESCO, 2017). Supported by the Constitution, however, some regions have also applied the quota system to independent non-state institutions. The Bihar state government enforces quotas for women in non-state institutions in addition to categories determined by law (Henry et al., 2020).

Some countries apply admission policies to all non-state tertiary education providers. In the Plurinational State of Bolivia and Ecuador, non-state tertiary institutions are required by law to provide scholarships to 10% of students (Ferreyra et al., 2017). Non-state universities in Mexico must provide grants or scholarships to at least 5% of students. In England (United Kingdom), institutions must commit to spend a fixed proportion of fee income on scholarships and bursaries (Salmi, 2020).

Another equity-related regulation is the capping of fees to keep institutions affordable and accessible to a larger share of the population. This is common for public universities but can also apply in non-state institutions. In India, several states have fee regulatory committees that oversee non-state institutions' fees to stop them from charging exorbitant amounts (Muzammil, 2019); the same is true in Azerbaijan (Salmi, 2020). In Kenya, the regulator rejected a recent request by public and non-state universities for a fee increase because it could restrict access to students from poor families (Nganga, 2019). Governments may indirectly regulate fee levels, as in Chile and Côte d'Ivoire, by establishing a reference price that is used to calculate scholarship amounts for poor students in non-state institutions (Salmi, 2020).

FINANCING MODALITIES HAVE QUALITY AND EQUITY IMPLICATIONS

There is heated debate over the degree to which governments and households should share the financing of tertiary education. In most countries, wealthier groups enjoy disproportional access to tertiary education; public financing of tertiary education therefore risks exacerbating inequality. In terms of allocating the education budget, a case can be made for prioritizing pre-tertiary education on equity grounds, letting those who benefit more from tertiary education be responsible, at least in part, for financing it. Opponents of such cost sharing believe public provision is the best way to guarantee that access to tertiary education does not depend on ability to pay. The debate is usually one of degree – it is rare to find advocates of a system financed entirely by the government or entirely by households (Altbach et al., 2021).

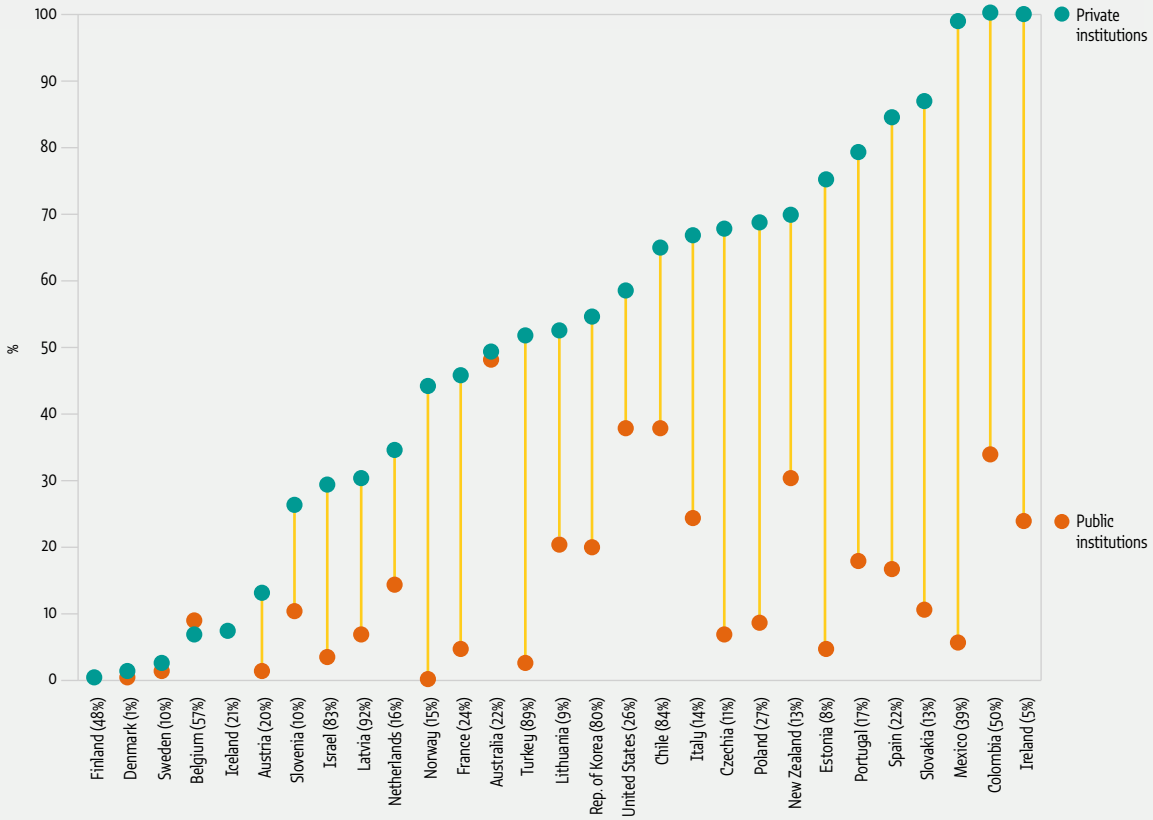
Most non-state institutions, especially those that are smaller and non-elite, rely on fees for their funding. Non-state institutions in some countries, including Colombia and Mexico, rely exclusively on households (**Figure 4**). In a survey of 109 countries, non-state institutions described over-reliance on household funding as a financial risk during the COVID-19 crisis (Marinoni et al., 2020). In Ethiopia, where nearly all non-state institutions rely almost exclusively on fees, COVID-19 has caused a serious financial blow. Pressured by students, non-state institutions agreed to a 25% reduction in fees and many cut employee salaries by over 50% (Tamrat, 2021). In Ghana, about 50% of non-state institutions' students left campus with unpaid fees. In Uganda, non-state universities reported difficulties paying bills and teacher salaries (Levy et al., 2020; Tamrat, 2021). In addition to a drop in fee revenue, household spending on room and board declined. In the United States, most higher education institutions with on-campus housing receive between 10% and 25% of their revenue from such auxiliary sources (Kelchen, 2020).

The degree to which institutions rely on fees is at least partly related to their access to government funding. In some countries, non-state institutions receive at most minimal public funding. In Argentina, non-state universities cannot receive any public funding, direct or indirect (Altbach et al., 2021). In most countries, however, non-state institutions have at least some access to public funds. In Western and Northern Europe, it is common for tertiary education institutions that are privately controlled to receive at least 50% of their funding from public sources. In Finland, Iceland and the United Kingdom, all privately controlled institutions

FIGURE 4:

Non-state institutions in middle- and high-income countries rely far more on household funding than state institutions

Share of tertiary education institutions' revenue that comes from households, by sector, selected countries, 2017



Note: Percentages in parentheses represent the share of students enrolled in private institutions. Private institutions include both completely independent and government-dependent private institutions.

Source: GEM Report team calculations based on OECD (2020).

receive at least 50% of their funding from the public sector (OECD, 2020).

Governments finance non-state institutions directly, through tax breaks and research grants, or indirectly, through students, in the form of scholarships and loans. In Australia, the government is the initial source of 55% of total spending on tertiary education institutions, with nearly one third of this transferred to households in the form of financial aid (OECD, 2020). In Indonesia, where most students are enrolled in non-state institutions, the government subsidizes a small share of the academic staff as civil servants and allows institutions to compete for public funds. In Malaysia, students enrolled in non-state institutions are eligible for the public student loan programme, which covers about half of these institutions' income. Thailand's government has a fund specifically dedicated to non-state tertiary education institutions to help them improve facilities and human resource development (Welch, 2021).

The degree of public funding may also depend on the type of institution. In Belgium, the government subsidizes church-based institutions, which enrol over half of all students. In some Latin American countries, including Chile, the Dominican Republic and Nicaragua, the state provides the same level of funding to the oldest non-state universities as to public universities (Salmi, 2020). In Japan and the Republic of Korea, prestigious non-state universities receive substantial government funding (Welch, 2021).

Access to public funds can help improve the quality of non-state provision. An important example is eligibility for public research grants, which increases the likelihood of non-state institutions engaging in research and, in turn, their ability to attract better-qualified professors (Teixeira et al., 2016). Moves towards competitive neutrality have been made by countries including Indonesia and Thailand (Welch, 2021). Governments may also target or condition funds to foster a specific agenda. The University Grants Commission in India (India University Grants Commission, 2021) and the Fund for Students with Disabilities in Ireland (Ireland Higher Education Authority, 2021; Salmi, 2020) fund both public and non-state institutions to provide services aimed at students with disabilities.

HOUSEHOLDS ARE SUPPORTED IN TAKING ON A LARGER SHARE OF TERTIARY EDUCATION FUNDING

Household funding of tertiary education is increasing for both public and private institutions. Yet shifting tertiary education costs to households does not necessarily mean all households ultimately pay, or pay equally. Student financial support systems, whether financed and supported by the government or non-state actors, have major implications for equity (Chapman, 2016).

Institutions can be funded directly through fee subsidies, although such aid to students who attend non-state institutions tends to be limited. This usually happens in countries with larger non-state sectors, where the government provides targeted fee subsidies to students of both state and non-state institutions. In Brazil and Chile, where over 70% of students are in non-state institutions, governments offer such subsidies to low-income students attending selected non-state institutions (Ferreyra et al., 2017; Salmi, 2020).

Some countries, again mainly those with a large non-state sector, channel public funds directly to students of state and non-state institutions through scholarships, grants and loans. In Côte d'Ivoire, the government offers scholarships for students taking the short professional course towards the Brevet de Technicien Supérieur diploma in non-state institutions (Salmi, 2020). In Colombia, the government student loan agency, ICETEX, administers scholarships for underserved groups to attend state and non-state tertiary institutions. The Álvaro Ulcué Chocué Fund, for instance, supports indigenous groups (ICETEX, 2020).

Over 70 countries operate student loan programmes, most of them government subsidized (Salmi, 2020; Ziderman, 2017). Loans are often available to students of state and non-state institutions, although borrowing limits can deter enrolment in those that are more expensive. In Viet Nam, low-income students from both state and non-state institutions have access to public student loans, although the maximum amount is relatively low, covering about 84% of the education cost in public institutions and 52% in non-state institutions (Doan et al., 2020). Loans' ability to increase equitable access to education is mixed. Moreover, increased availability of student loans may lead to fee hikes, as in Brazil (de Mello and Duarte, 2020) and the United States (Eaton et al., 2018; Goldin and Cellini, 2014).

Non-state actors can help cover tertiary education costs through scholarships paid for by companies,

foundations, NGOs, philanthropists and non-state tertiary education institutions themselves. The Strategic Plan for Higher Education in Bangladesh: 2018–2030 establishes that non-state institutions must earmark 2% to 5% of their revenue for scholarships or grants (Bangladesh University Grants Commission, 2018). Non-state tertiary institutions provide scholarships to up to 30% of their students in Uruguay (Ferreyra et al., 2017). In the United States, non-state non-profit institutions have been increasing the share of fee revenue used for financial aid, which reached 46% in 2018 (NACUBO, 2019).

Non-state actors also grant student loans. Commercial banks, for instance, often disburse and collect loans (Chapman, 2016; Ziderman, 2017). An example of an entirely non-state alternative to financing tertiary education is the nascent development of platforms for peer-to-peer loans, where students borrow directly from an individual without going through a financial institution (Assomull et al., 2015). Another example is financing education through equity instead of debt, or income-share agreements. Investors fund students' tertiary education in exchange for a fixed share of their future income for a defined number of years (Salmon, 2020). Although many income-share projects have an equity focus, such as those from the non-profit CHANCEN International, there are concerns that such agreements restrict opportunities to students and programmes deemed economically valuable (CHANCEN, 2020; Salmon, 2020).

NON-STATE ACTORS INFLUENCE TERTIARY EDUCATION THROUGH MULTIPLE MECHANISMS

Non-state actors influence tertiary education in many ways. There is concern that commercial private actors can influence non-state tertiary institutions towards their interests, such as research priorities or enrolment expansion rather than education quality. Yet other non-state actors can strengthen equity or the sector overall.

In recent years, many governments have boosted incentives for closer relationships between non-state actors and research. In Bangladesh, the government encourages state and non-state universities to collaborate with industry through collaborative research, contract research and consultancy (Bangladesh University Grants Commission, 2018; World Bank, 2019). In France, the 2020 PACTE law, aiming to facilitate private sector access to public research, allows public university researchers to devote 50% of their time to work for a private company and to own up to 32% of its capital (Caulier, 2020). However, non-state funding of tertiary education research is not without controversy. In clinical research sponsored by pharmaceutical or medical device companies, there is an increased likelihood of finding positive results (Lundh et al., 2018). Critics have also argued that allowing private companies to contract research on specific topics undermines institutional autonomy (Oliveira, 2015).

Non-state actors lobby for their own operation and expansion. The Brazilian association of non-state tertiary education providers is pressuring government to change the accreditation process so that its members can be accredited by a non-state agency (O Sul, 2019). A strategic aim of the International Federation of Catholic Universities, which has over 200 members, is to engage with international bodies such as the OECD, UNESCO and the World Economic Forum to increase public support for Catholic universities (FIUC, 2021). The influence of non-state actors can also be exerted through discussion; staff of scholarship programmes, for example, may develop long-term relationships and engagement with partner universities and influence practice, priorities or curricula (Campbell, 2021).

The for-profit sector has seen the emergence of powerful publicly traded tertiary education conglomerates with strong lobbying powers. In the United States, where for-profit enrolment accounts for about 5% of the tertiary education student body (NCES, 2019), most top donors lobbying on behalf of for-profit education are owners of for-profit tertiary institutions. Politicians have received generous donations from for-profit tertiary education companies (Arke, 2020; Halperin, 2016). Since 2010, the shrinking for-profit market has pushed many companies to establish tertiary education institutions in developing countries (Green, 2018; Knobel and Verhine, 2017). At its peak, when it made an initial public offering, the biggest tertiary education company in the world, Laureate, based in the United States, had 95% of its one million students enrolled abroad (Debter, 2017). It has since downsized, having closed or sold foreign units in several countries, including India and Turkey, and is selling remaining units in Brazil and the United States: As of mid-2021, 184,000 students were enrolled in Laureate institutions; Laureate planned to maintain just four universities in Mexico and Peru (Laureate, 2021).

Brazil has been an important destination for such companies (Knobel and Verhine, 2017). Its for-profit sector accounts for over half of its tertiary education enrolment (INEP, 2020). Tertiary education companies

are thought to exert substantial influence over politicians in Brazil. Before taking office, the finance minister had considerable investment in private education companies, many of which had been investigated under corruption and fraud allegations, while his sister has been vice president of the National Association of Private Universities (Chiaverini, 2018; Guasco Peixoto, 2018). The media has questioned donations by leaders in the for-profit tertiary sector to candidates who helped increase public student loan availability, which in turn helped institutions increase enrolment (Pompeu et al., 2016).

Governance reforms in several countries reflect a shift towards more businesslike processes and a management style that borrows from the private sector, including in the composition of institutions' governing boards. As early as 1992, the United Kingdom had reformed the composition of tertiary education governing boards by requiring the majority of members to be independent, with 'demonstrated capacity in industrial, commercial or employment matters of a given profession' (Bennett, 2002). The Canadian Association of University Teachers has expressed concern about the shift towards corporate-like management of universities through the growing presence of board members from the for-profit corporate sector (CAUT, 2018).

Civil society actors have been important advocates for tertiary education reform. The Romanian Coalition for Clean Universities, for example, has played an important role in monitoring the integrity and transparency of tertiary education institutions and has issued an integrity ranking to increase awareness and accountability (Mungiu-Pippidi and Dusu, 2011). Non-state actors head several equity-related advocacy initiatives in tertiary education. In 2016, the UNIMED network of 141 universities in 23 countries, together with the University of Rome La Sapienza, the University of Barcelona, Campus France, the European University Association and the United Nations High Commissioner for Refugees, established inHERE, a consortium and project to strengthen knowledge and communication on refugees and displaced students (Salmi, 2020).

CONCLUSION

Non-state actors play important roles in the provision, financing and management of tertiary education. In most cases, their roles are so intertwined and interdependent with those of government that the distinction between the two types of actor is blurred. This raises both challenges and opportunities. The following recommendations, which echo those of the 2021/2 *Global Education Monitoring Report*, aim to harness non-state actors' contributions without sacrificing standards or accessibility. They call on governments to ensure that, regardless of how state and non-state actors share responsibility, the tertiary education system continues to strive for more quality and equity.

- *Design laws, policies and programmes from an equity and inclusion perspective.* Ensure that tertiary education financing does not favour some learners and exclude others. Increased cost sharing with households must be met with strong student financial support systems. Any attempts to diversify provision should be designed in a way that ensures equity.

- *Establish quality standards that apply to all state and non-state education institutions.* Countries need stronger quality assurance processes. For-profit universities have come under scrutiny for offering lower-quality education and engaging in malpractice.

- *Establish common monitoring and support processes that apply to all state and non-state education institutions.* Regulations need to be simple, transparent and efficient. Lack of monitoring capacity has led to corruption in cases involving non-state actors in tertiary education, with issues such as illegal admissions, aggressive marketing, unfair treatment of staff and embezzlement of subsidies.

- *Maintain the transparency and integrity of the public education policy process to block vested interests.* Policymakers need to take into account insights and perspectives from all stakeholders, not just the powerful. Governments need to maintain trust in public policy processes through measures that promote transparency, including safeguarding against lobbying and revolving door practices.

References for this paper can be found online at the following link: Bit.ly/nsa-higher-ed-references

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