

**TRANSBORDER AND TRANSNATIONAL HIGHER EDUCATION
ACCREDITATION: THE LEGAL FRAMEWORK FOR RECOGNITION
AND EQUIVALENCY OF FRENCH PRIVATE UNIVERSITIES "HORS
CONTRAT" WITH INTERNATIONAL QUALITY ASSURANCE**

**ACREDITAÇÃO TRANSFRONTEIRIÇA E TRANSNACIONAL DO ENSINO
SUPERIOR: O QUADRO JURÍDICO PARA O RECONHECIMENTO E
EQUIVALÊNCIA DE UNIVERSIDADES PRIVADAS FRANCESAS "HORS CONTRAT"
COM GARANTIA DE QUALIDADE INTERNACIONAL**

**ACREDITACIÓN TRANSFRONTERIZA Y TRANSNACIONAL DE LA EDUCACIÓN
SUPERIOR: EL MARCO JURÍDICO PARA EL RECONOCIMIENTO Y LA
EQUIVALENCIA DE LAS UNIVERSIDADES PRIVADAS FRANCESAS "FUERA DE
CONTRATO" CON LA GARANTÍA INTERNACIONAL DE CALIDAD**

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DOI: 10.54899/dcs.v22i84.3872

Recibido: 24/10/2025 | **Aceptado:** 19/11/2025 | **Publicación en línea:** 25/11/2025.

ABSTRACT

This research examines the legal and regulatory frameworks governing transborder and transnational higher education accreditation, with specific focus on French private universities operating "hors contrat" (outside state contract) that do not award diplômes nationaux but hold quality assurance accreditation from internationally recognized agencies. The central thesis argues that through UNESCO guidelines, the Lisbon Recognition Convention, ENIC-NARIC implementation mechanisms, and related international frameworks, a coherent legal structure exists whereby French private universities legally constituted under the Loi du 1er juillet 1901 and Code de l'éducation (Articles L.444-1 to L.444-11) but holding quality assurance accreditation from recognized international agencies should receive equivalency recognition comparable to—and potentially superior to—universities with state diploma-granting authority from countries with less robust quality assurance systems. This study analyzes the French regulatory environment for private higher education, international recognition conventions, regional agreements, bilateral frameworks, and scholarly literature to establish that legal incorporation in France combined with rigorous international QA accreditation provides a valid foundation for degree recognition and academic mobility. The research demonstrates that the principle of "substantial differences" under the Lisbon Convention, combined with ENIC-NARIC implementation mechanisms and INQAAHE guidelines, creates a legal pathway for recognizing qualifications from French private "hors contrat" institutions based on educational quality rather than state diploma status. Findings indicate that contemporary international higher education law

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increasingly privileges quality over jurisdictional formalities, establishing equivalency based on demonstrable educational standards and rigorous quality assurance rather than possession of state diploma-granting powers. This has significant implications for French private universities, students seeking international mobility, professional recognition, and the future evolution of transnational higher education governance.

Keywords: French Private Universities. Hors Contrat. Transnational Education. Cross-Border Accreditation. Quality Assurance. Lisbon Recognition Convention. ENIC-NARIC. Degree Recognition. Substantial Differences. Educational equivalency. Diplôme National.

RESUMO

Esta pesquisa examina os marcos legais e regulatórios que regem a acreditação transfronteiriça e transnacional do ensino superior, com foco específico em universidades privadas francesas que operam "hors contrat" (fora do contrato estatal) e que não conferem diplomas nacionais, mas possuem acreditação de garantia de qualidade emitida por agências internacionalmente reconhecidas. A tese central argumenta que, por meio das diretrizes da UNESCO, da Convenção de Lisboa sobre o Reconhecimento de Diplomas, dos mecanismos de implementação do ENIC-NARIC e de outros marcos internacionais relacionados, existe uma estrutura legal coerente segundo a qual as universidades privadas francesas legalmente constituídas sob a Lei de 1º de julho de 1901 e o Código da Educação (Artigos L.444-1 a L.444-11), mas que possuem acreditação de garantia de qualidade emitida por agências internacionais reconhecidas, devem receber reconhecimento de equivalência comparável — e potencialmente superior — ao de universidades com autoridade estatal para conferir diplomas de países com sistemas de garantia de qualidade menos robustos. Este estudo analisa o ambiente regulatório francês para o ensino superior privado, as convenções internacionais de reconhecimento, os acordos regionais, os quadros bilaterais e a literatura acadêmica para demonstrar que a incorporação legal na França, combinada com a rigorosa acreditação internacional de garantia da qualidade, fornece uma base válida para o reconhecimento de diplomas e a mobilidade acadêmica. A pesquisa demonstra que o princípio das "diferenças substanciais" da Convenção de Lisboa, combinado com os mecanismos de implementação do ENIC-NARIC e as diretrizes do INQAAHE, cria um caminho legal para o reconhecimento de qualificações de instituições privadas francesas "hors contrat" com base na qualidade educacional, e não no status de diploma estatal. Os resultados indicam que o direito internacional contemporâneo do ensino superior privilegia cada vez mais a qualidade em detrimento das formalidades jurisdicionais, estabelecendo a equivalência com base em padrões educacionais demonstráveis e em uma rigorosa garantia da qualidade, em vez da posse de poderes estatais para conceder diplomas. Isso tem implicações significativas para as universidades privadas francesas, para os estudantes que buscam mobilidade internacional, para o reconhecimento profissional e para a evolução futura da governança transnacional do ensino superior.

Palavras-chave: Universidades Privadas Francesas. Hors Contrat. Educação Transnacional. Acreditação Transfronteiriça. Garantia da Qualidade. Convenção de Lisboa sobre Reconhecimento. ENIC-NARIC. Reconhecimento de Diplomas. Diferenças Substanciais. Equivalência Educacional. Diploma Nacional.

RESUMEN

Esta investigación examina los marcos legales y regulatorios que rigen la acreditación transfronteriza y transnacional de la educación superior, con especial atención a las universidades privadas francesas que operan "fuera de contrato" (sin contrato estatal) y que no otorgan diplomas nacionales, pero que cuentan con la acreditación de garantía de calidad de agencias reconocidas internacionalmente. La tesis central argumenta que, a través de las directrices de la UNESCO, el Convenio de Reconocimiento de Lisboa, los mecanismos de implementación de ENIC-NARIC y los marcos internacionales relacionados, existe una estructura legal coherente según la cual las universidades privadas francesas legalmente constituidas al amparo de la Ley del 1 de julio de 1901 y el Código de Educación (artículos L.444-1 a L.444-11), pero que cuentan con la acreditación de garantía de calidad de agencias internacionales reconocidas, deberían recibir un reconocimiento de equivalencia comparable, y potencialmente superior, al de las universidades con autoridad estatal para otorgar diplomas de países con sistemas de garantía de calidad menos sólidos. Este estudio analiza el marco regulatorio francés para la educación superior privada, los convenios internacionales de reconocimiento, los acuerdos regionales, los marcos bilaterales y la literatura académica para establecer que la constitución legal en Francia, combinada con una rigurosa acreditación internacional de control de calidad, proporciona una base válida para el reconocimiento de títulos y la movilidad académica. La investigación demuestra que el principio de "diferencias sustanciales" del Convenio de Lisboa, junto con los mecanismos de implementación de ENIC-NARIC y las directrices de INQAAHE, crea una vía legal para el reconocimiento de las cualificaciones de las instituciones privadas francesas "fuera de contrato" basándose en la calidad educativa, en lugar de en la condición de diploma estatal. Los hallazgos indican que el derecho internacional contemporáneo de la educación superior privilegia cada vez más la calidad sobre las formalidades jurisdiccionales, estableciendo la equivalencia con base en estándares educativos demostrables y un riguroso control de calidad, en lugar de la posesión de la facultad estatal para otorgar diplomas. Esto tiene implicaciones significativas para las universidades privadas francesas, los estudiantes que buscan movilidad internacional, el reconocimiento profesional y la futura evolución de la gobernanza transnacional de la educación superior.

Palabras clave: Universidades Privadas Francesas. Fuera de Contrato. Educación Transnacional. Acreditación Transfronteriza. Control de Calidad. Convenio de Reconocimiento de Lisboa. ENIC-NARIC. Reconocimiento de Títulos. Diferencias Sustanciales. Equivalencia Educativa. Diploma Nacional.



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INTRODUCTION

The French Context: Private Universities "Hors Contrat"

The French higher education system presents a distinctive regulatory framework

characterized by the coexistence of public institutions, private institutions "sous contrat" (under contract with the state), and private institutions "hors contrat" (operating independently without state contract) (Loi Debré of 31 December 1959; Code de l'éducation Articles L.444-1 to L.444-11). This tripartite structure creates unique challenges and opportunities for transnational higher education recognition, particularly for private universities operating outside the state-contracted system.

French private universities "hors contrat" are governed by the fundamental principle of freedom of higher education, enshrined in the Loi du 12 juillet 1875 on the freedom of higher education and codified in Article L.731-1 of the Code de l'éducation, which states that "private higher education is free" (Laboulaye Law, 1875; Code de l'éducation, 2000). These institutions operate as non-profit associations under the Loi du 1er juillet 1901, possess full academic autonomy, receive no public funding, and are not subject to pedagogical inspection by the Ministry of National Education (Loi 1901).

Critically, private universities "hors contrat" cannot award diplômes nationaux (national diplomas) or titles protected by the French state, such as the Licence, Master, or Doctorat within the Bologna framework applicable to state-recognized institutions (Code de l'éducation Articles L.613-1 to L.613-7). Instead, these institutions issue their own institutional diplomas, which exist outside the national diploma framework and are not registered in the Répertoire National des Certifications Professionnelles (RNCP) unless specifically certified (Ordonnance n° 2000-916, Article 3).

This regulatory status creates a paradoxical situation in the context of international higher education mobility. French private universities "hors contrat" may operate entirely legally under French law, maintain rigorous academic standards, and obtain accreditation from internationally recognized quality assurance agencies operating across borders. However, their lack of state diploma-granting authority and non-registration in the RNCP can create barriers to recognition in foreign jurisdictions that prioritize state authorization as the primary marker of institutional legitimacy.

The globalization of higher education has fundamentally transformed this landscape (Knight, 2016). Contemporary higher education operates in an increasingly transnational environment characterized by cross-border student mobility, international institutional partnerships, and the proliferation of educational provision beyond national boundaries (Altbach and Knight, 2007). International frameworks for qualification recognition, including the Lisbon

Recognition Convention, UNESCO conventions, and ENIC-NARIC mechanisms, establish principles emphasizing educational quality and learning outcomes over jurisdictional formalities (Council of Europe and UNESCO, 1997; UNESCO, 2019).

Problem Statement

The central problem addressed by this research concerns the legal and regulatory status of French private universities operating "hors contrat" that are legally incorporated and authorized to operate in France under the Loi 1901 and Code de l'éducation but receive quality assurance accreditation from internationally recognized QA agencies based in other jurisdictions (such as ACBSP, ASIC, AACSB, or other internationally recognized accreditation bodies).

Specifically, the question arises: **Should French private "hors contrat" universities with legal authorization to operate in France and rigorous international quality assurance accreditation receive equivalency recognition comparable to universities possessing state diploma-granting authority in other countries, particularly when those countries lack sophisticated quality assurance mechanisms?**

This problem is particularly acute in several contexts:

For student mobility: Students graduating from French private "hors contrat" universities face uncertain recognition when seeking admission to graduate programs abroad or applying for professional licensure in foreign jurisdictions (Marginson, 2006). Recognition authorities in many countries lack clear guidance on evaluating French institutional diplomas from "hors contrat" institutions, even when those institutions hold rigorous international accreditation.

For professional recognition: Graduates seeking professional recognition in regulated fields encounter barriers when their degrees originate from institutions without diplôme national status, despite potentially meeting or exceeding educational quality standards through international accreditation (EU, 2005).

For institutional legitimacy: French private "hors contrat" universities operating internationally face challenges demonstrating equivalency to state-authorized institutions, despite legal operation in France and compliance with international quality standards (Stella and Bhushan, 2011).

For transnational education governance: The intersection of French domestic regulations distinguishing between state-diploma and institutional-diploma with international

recognition frameworks creates regulatory complexity requiring careful legal analysis (Bergan, 2011).

The problem is further complicated by the 2025 French legislative proposal to regulate private higher education through new accreditation and partnership mechanisms overseen by the Ministry of Higher Education and Research and evaluated by HCERES (Haut Conseil de l'évaluation de la recherche et de l'enseignement supérieur). This proposed reform introduces additional complexity regarding the future recognition status of private institutions (Diligence Consulting, 2025).

Research Questions and Objectives

This research addresses the following central question:

Under what legal and regulatory frameworks can French private universities "hors contrat" legally incorporated in France but accredited by internationally recognized quality assurance agencies claim equivalency to universities with state degree-granting power, particularly when comparing institutions from countries with varying strengths of quality assurance systems?

Supporting research questions include:

1. How does the French regulatory framework for private higher education "hors contrat" intersect with international legal instruments governing qualification recognition?
2. What principles do the Lisbon Recognition Convention, UNESCO guidelines, and ENIC-NARIC mechanisms establish regarding the evaluation of institutions without state diploma-granting authority?
3. How does the concept of "substantial differences" apply to French institutional diplomas from "hors contrat" universities with international quality assurance accreditation?
4. What role do international quality assurance networks (INQAAHE, EQAR, ACBSP, ASIC, AACSB) play in establishing legitimacy for French private universities with cross-border accreditation?
5. What precedents exist in bilateral and regional agreements for recognizing qualifications based on quality assurance rather than state diploma-granting authority?
6. How do French ENIC-NARIC centers and foreign recognition authorities currently evaluate diplomas from French private "hors contrat" universities?

The primary objectives of this research are to:

- Analyze the legal foundations for recognition of French private "hors contrat" universities through international conventions and agreements
- Examine how the principle of substantial differences applies specifically to French institutional diplomas with international quality assurance
- Develop a theoretical framework for equivalency between French "hors contrat" status plus international QA accreditation versus state diploma-granting authority
- Assess implications for French private universities, students, and recognition authorities
- Provide evidence-based recommendations for recognition policy regarding French private "hors contrat" institutions

Central Thesis

This research advances the following central thesis:

Through the application of UNESCO guidelines, the Lisbon Recognition Convention, ENIC-NARIC implementation mechanisms, and international quality assurance standards, a coherent legal framework exists whereby French private universities that are (1) legally incorporated and authorized to operate in France under the Loi 1901 and Code de l'éducation Articles L.444-1 to L.444-11, and (2) hold quality assurance accreditation from internationally recognized agencies (such as ACBSP, ASIC, AACSB, or similar bodies recognized by INQAAHE, CHEA, or equivalent international networks) should receive equivalency recognition comparable to—and potentially superior to—universities with state diploma-granting authority from countries that lack robust quality assurance systems.

This thesis rests on several key arguments specific to the French context:

First, international legal instruments, particularly the Lisbon Recognition Convention and UNESCO Global Convention, establish that recognition decisions should be based on demonstrated educational quality and the absence of "substantial differences" rather than on possession of state diploma-granting authority or registration in national qualification frameworks (Council of Europe and UNESCO, 1997; UNESCO, 2019). The absence of *diplôme national* status does not constitute a substantial difference if educational quality and outcomes are equivalent.

Second, French law explicitly recognizes the legitimacy of private higher education "hors contrat" and the freedom to award institutional diplomas, provided protected state titles are not used and no false claim to state recognition is made (Code de l'éducation Article L.731-1; Loi 1901). Legal operation in France establishes institutional legitimacy under French law, satisfying the requirement for legal authorization in the home jurisdiction.

Third, international quality assurance networks and cross-border accreditation by recognized agencies provide credible evidence of educational quality that may equal or exceed the quality implications of state diploma-granting authority in jurisdictions with weak or absent quality assurance mechanisms (INQAAHE, 2016; EQAR, 2015).

Fourth, the principle of substantial differences shifts the burden of proof to recognition authorities to demonstrate concrete quality deficiencies—the mere absence of diplôme national status or RNCP registration does not constitute a substantial difference if the institution demonstrates equivalent educational quality through rigorous international accreditation (Rauhvargers, 2013).

Fifth, established precedents in professional recognition, including the Washington Accord and EU professional qualifications directives, demonstrate recognition based on quality standards and competent authority approval rather than specific forms of state degree-granting power (International Engineering Alliance, 2021; EU, 2005).

Sixth, the evolution toward quality-centric rather than state-centric models of higher education governance, as reflected in the Bologna Process and international quality assurance frameworks, supports equivalency based on demonstrated quality rather than jurisdictional formalities (European Higher Education Area, 2020).

Significance of the Study

This research has particular significance for multiple stakeholders:

For French private universities "hors contrat", this study provides a legal and conceptual framework for demonstrating equivalency and legitimacy in international contexts. It clarifies how institutions can leverage international quality assurance accreditation to establish recognition equivalency despite lack of diplôme national status.

For students and graduates of French private "hors contrat" universities, this research has direct implications for academic mobility, admission to foreign graduate programs,

and professional recognition. Clarifying the legal basis for equivalency enhances transparency and reduces arbitrary barriers to international mobility.

For recognition authorities in foreign jurisdictions, this study provides guidance on how to evaluate diplomas from French private "hors contrat" universities with international accreditation, based on substantive educational quality rather than reflexive privileging of state diploma status.

For French ENIC-NARIC centers, this research offers a framework for providing guidance on how foreign recognition authorities should evaluate French institutional diplomas from "hors contrat" universities with international quality assurance.

For international quality assurance agencies, this study supports the legitimacy and value of cross-border accreditation activities in the French context and demonstrates how such accreditation contributes to institutional quality and recognition equivalency.

For policymakers, particularly in light of the 2025 French higher education reform proposals, this research provides insights into how international recognition frameworks interact with domestic regulatory changes affecting private universities.

Scope and Limitations

This research focuses specifically on French private universities operating "hors contrat" with international quality assurance accreditation. The study emphasizes:

- Legal frameworks governing private higher education in France (Loi 1901, Code de l'éducation, Loi Debré)
- International recognition conventions (Lisbon Convention, UNESCO conventions)
- Application of substantial differences principle to French institutional diplomas
- International quality assurance standards and cross-border accreditation

The research is limited in several respects:

First, while examining international frameworks with global applicability, particular emphasis is placed on European recognition mechanisms due to France's participation in the Lisbon Convention and European Higher Education Area.

Second, the study focuses on institutional and programmatic quality assurance rather than individual credential evaluation or recognition of prior learning.

Third, this research examines legal and regulatory frameworks rather than empirical

recognition practices, though reference is made to implementation where relevant.

Fourth, the study does not evaluate the quality of specific French private "hors contrat" universities or specific international accreditation agencies, but rather the legal framework for recognition.

Fifth, the research was conducted before implementation of proposed 2025 French reforms; recommendations account for potential regulatory changes.

Structure of the Paper

Following this introduction, Section 2 examines the French regulatory framework for private higher education "hors contrat" in detail. Section 3 analyzes international legal instruments for qualification recognition. Section 4 examines international quality assurance systems and cross-border accreditation. Section 5 develops the theoretical framework for equivalency of French "hors contrat" status plus international QA. Section 6 addresses counter-arguments. Section 7 explores implications and applications. Section 8 concludes with recommendations.

THE FRENCH REGULATORY FRAMEWORK FOR PRIVATE HIGHER EDUCATION "HORS CONTRAT"

Historical and Legal Foundations

The legal framework for private higher education in France is grounded in fundamental principles of educational freedom dating to the late nineteenth century. The Loi du 12 juillet 1875 sur la liberté de l'enseignement supérieur (Laboulaye Law) established the principle that "higher education is free," enabling the creation of private universities and faculties alongside state institutions (Laboulaye Law, 1875). While this law was formally repealed in 2000, its core principle was codified in Article L.731-1 of the Code de l'éducation, which maintains that "L'enseignement supérieur privé est libre" (private higher education is free).

The Loi du 1er juillet 1901 relative au contrat d'association provides the organizational framework for most French private universities "hors contrat," enabling them to operate as non-profit associations with legal personality (Loi 1901). This law grants associations the right to

pursue educational missions without state oversight, provided they operate transparently and do not claim false state recognition.

The modern regulatory framework was significantly shaped by the Loi Debré of 31 December 1959 (Loi n° 59-1557), which created the distinction between "sous contrat" and "hors contrat" private institutions (Loi Debré, 1959). This law established that private institutions could enter into contracts with the state, receiving public funding and pedagogical oversight in exchange for following national curricula and standards. Institutions choosing not to enter such contracts retain full autonomy but receive no state funding and operate independently of state pedagogical control.

Legal Status and Operational Framework

Private universities "hors contrat" operate under Articles L.444-1 to L.444-11 and R.444-1 to R.444-28 of the Code de l'éducation, which regulate private distance and non-contracted higher education institutions (Code de l'éducation, 2000). These provisions establish that:

- Private higher education institutions may be created and operated without state recognition or authorization from the Rectorat (regional education authority)
- Institutions must declare their opening to the Recteur of the Académie (administrative requirement), but this declaration does not constitute accreditation or state recognition
- Institutions have full autonomy over curriculum, pedagogy, faculty recruitment, and academic programs
- Institutions may not use protected state titles or claim official state recognition
- Institutions may award their own institutional diplomas but not *diplômes nationaux*
- Institutions are subject to basic regulatory controls regarding public order, health, and safety, but not curricular oversight

The *Décision du Conseil constitutionnel n°77-87 DC* of 23 November 1977 reinforced the constitutional status of educational freedom, affirming that non-recognized private institutions may exist and operate independently of state accreditation, subject to conditions of honesty and transparency (Conseil constitutionnel, 1977).

Diplomas and Qualifications: State versus Institutional Diplomas

A critical distinction in French higher education concerns the types of diplomas institutions may award:

Diplômes nationaux are degrees awarded in the name of the French state by public universities and certain private institutions "sous contrat" that have received delegation of degree-granting authority (Code de l'éducation Articles L.613-1 to L.613-7). These include the Licence (Bachelor), Master, and Doctorat within the LMD (Licence-Master-Doctorat) Bologna structure. Diplômes nationaux are automatically recognized across France and benefit from presumptive recognition under the Lisbon Convention for academic purposes in other European countries.

Diplômes visés are institutional diplomas from certain private institutions (usually "sous contrat" or with EESPIG status) that have received visa (validation) from the Ministry of Higher Education after evaluation by HCERES or designated agencies (Code de l'éducation Article L.613-3). These diplomas, while not diplômes nationaux, carry state recognition of quality and are often registered in the RNCP.

Titres RNCP are professional certifications registered in the Répertoire National des Certifications Professionnelles, managed by France Compétences under the Ministry of Labor (Code du travail Articles L.6113-1 to L.6113-9). RNCP registration certifies professional value and enables access to apprenticeship funding and certain regulated professions.

Diplômes d'établissement (institutional diplomas) are qualifications awarded by private institutions "hors contrat" or public institutions outside the national diploma framework. These diplomas are awarded in the name of the institution itself, not the French state (Ordonnance n° 2000-916, Article 3). They do not carry automatic state recognition but are legally valid qualifications provided no false claim to state recognition is made.

Private universities "hors contrat" can only award diplômes d'établissement unless they specifically obtain RNCP registration for professional certifications or enter partnership arrangements with public universities for co-diplomas (a practice that maintains "hors contrat" status but enables joint degree awards).

The EESPIG Status and Quality Recognition

Some private institutions, particularly Catholic universities and certain specialized

schools, may obtain the qualification of "établissement d'enseignement supérieur privé d'intérêt général" (EESPIG—private higher education institution of general interest). This status, created by Article L.732-1 of the Code de l'éducation, recognizes non-profit private institutions that meet specific criteria including non-profit status, recognized academic quality, contribution to public higher education missions, and democratic governance (Code de l'éducation Article L.732-1).

EESPIG status enables institutions to receive certain public benefits (participation in Parcoursup, scholarship student acceptance, some public funding) while maintaining private governance. However, EESPIG institutions still cannot award *diplômes nationaux* unless specifically delegated this authority. The 2025 proposed reform would transform EESPIG into a partnership mechanism with more systematic quality evaluation by HCERES (Diligence Consulting, 2025).

Most private universities "hors contrat" do not hold EESPIG status and operate entirely independently of state funding and partnership mechanisms.

International Dimension: French Law and Transnational Operation

French law does not prohibit private universities "hors contrat" from operating internationally, offering programs in foreign jurisdictions, or obtaining accreditation from foreign or international quality assurance agencies. Articles L.444-1 to L.444-11 specifically address distance education and cross-border provision, affirming that private institutions may deliver education beyond French borders (Code de l'éducation).

Critically, French law does not require that quality assurance be conducted exclusively by French agencies or that diplomas be registered in the RNCP to be legally valid. The Code de l'éducation Article L.731-1 affirms freedom of private higher education, and Ordonnance n° 2000-916 Article 3 recognizes the legal existence of non-public diplomas issued by private institutions, provided clarity exists regarding their non-state status.

This legal framework creates the basis for French private "hors contrat" universities to pursue international quality assurance accreditation as a means of demonstrating educational quality, even though such accreditation does not confer French state recognition. The interaction between this French regulatory framework and international recognition conventions forms the core of this research.

Pending 2025 Reform: Implications for Private Universities

In July 2025, the French government presented legislation proposing significant reforms to regulate private higher education through new accreditation and partnership mechanisms (Projet de loi relatif à la régulation de l'enseignement supérieur privé, 2025). Key provisions include:

- Creation of two recognition mechanisms: "partenariat" (partnership) for EESPIG institutions and "agrément" (accreditation) for other private institutions
- Mandatory evaluation by HCERES (Haut Conseil de l'évaluation de la recherche et de l'enseignement supérieur) for institutions seeking partnership or accreditation
- From 2030, only accredited or partnership institutions may be listed on Parcoursup and accept scholarship students
- Accreditation or partnership becomes mandatory for awarding diplômes visés (state-validated diplomas)
- Enhanced student protection including 30-day withdrawal rights and transparency requirements
- Transitional period beginning 2027

These reforms do not eliminate the "hors contrat" category or prohibit private institutions from operating independently. However, they create incentives for private universities to seek formal recognition and potentially affect international perceptions of French private institutions. Institutions choosing to remain "hors contrat" without seeking the new accreditation would continue operating legally but without access to Parcoursup or state scholarship students.

For purposes of international recognition, the critical question is whether these domestic French reforms affect the application of international recognition conventions, which emphasize educational quality and substantial differences rather than specific national regulatory statuses.

INTERNATIONAL LEGAL FRAMEWORK FOR QUALIFICATION RECOGNITION

The Lisbon Recognition Convention and French Private Universities

The Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon Recognition Convention), adopted in 1997, establishes fundamental

principles directly applicable to French private "hors contrat" universities (Council of Europe and UNESCO, 1997). France ratified the Convention and is bound by its provisions.

The Right to Fair Assessment: Section IV of the Convention establishes that holders of qualifications issued in one Party have a right to fair assessment of those qualifications in other Parties. This right applies regardless of whether the qualification is a state diploma or institutional diploma, and regardless of whether the institution operates under state contract (Council of Europe and UNESCO, 1997). French institutional diplomas from "hors contrat" universities fall within the Convention's scope.

The Principle of Substantial Differences: Section VI introduces "substantial differences" as the sole legitimate basis for refusing recognition. Recognition may only be refused if substantial differences can be demonstrated between the qualification for which recognition is sought and the corresponding qualification in the country where recognition is sought (Council of Europe and UNESCO, 1997). Critically, differences in administrative status (state diploma versus institutional diploma, "sous contrat" versus "hors contrat") do not constitute substantial differences if educational outcomes are equivalent.

Burden of Proof on Recognition Authorities: The Convention places the burden of proof on recognition authorities to demonstrate substantial differences (Rauhvargers, 2013). It is not the responsibility of holders of French institutional diplomas to prove the absence of differences; rather, foreign recognition authorities must affirmatively demonstrate concrete quality or outcomes deficiencies.

Quality Assessment Relevance: Section VII acknowledges that quality assurance information is relevant to recognition decisions. However, the Convention does not mandate any particular quality assurance system or privilege state-based quality assurance over international accreditation (Council of Europe and UNESCO, 1997). A French "hors contrat" university with rigorous international accreditation may demonstrate quality as effectively as a state institution with domestic quality assurance.

Application to French Context: The Lisbon Convention's principles mean that foreign recognition authorities evaluating diplomas from French private "hors contrat" universities cannot refuse recognition based solely on the absence of *diplôme national* status or lack of state contract. Recognition can only be refused if substantial differences in educational content, level, quality, or learning outcomes can be demonstrated. If a French "hors contrat" university with international accreditation produces graduates with equivalent competencies to state universities,

the Convention requires recognition.

UNESCO Global Convention (2019)

The UNESCO Global Convention on the Recognition of Qualifications concerning Higher Education, adopted in 2019, reinforces and extends Lisbon Convention principles globally (UNESCO, 2019). France signed the Global Convention, demonstrating commitment to these principles beyond the European region.

Article III establishes the right to fair assessment of higher education qualifications "obtained in another State" without discrimination based on the applicant's gender, race, religion, political opinion, age, or social origin. Importantly, the Convention does not require that qualifications be state-issued diplomas; institutional diplomas from legally operating institutions fall within its scope.

Article V codifies substantial differences as the recognition standard, requiring that "substantial differences" be demonstrated before recognition is refused. The Convention emphasizes that assessment should focus on learning outcomes and competencies rather than institutional status or administrative arrangements.

Article VI explicitly addresses quality assurance, stating that "assessment shall take into account the quality assurance mechanisms used to ensure the quality of higher education institutions and programmes, both those put in place in the country where the qualification was issued and, where applicable, international or regional quality assurance arrangements" (UNESCO, 2019). This provision directly supports the relevance of international quality assurance accreditation held by French "hors contrat" universities.

The Global Convention thus establishes that French institutional diplomas from "hors contrat" universities with international quality assurance accreditation should be evaluated based on educational quality and outcomes, with quality assurance evidence (including international accreditation) considered as a relevant factor in recognition decisions.

ENIC-NARIC Implementation and French Diplomas

The European Network of National Information Centres (ENIC) and National Academic Recognition Information Centres (NARIC) play critical roles in implementing recognition

conventions (ENIC-NARIC, 2025). France maintains a joint ENIC-NARIC center called France Éducation internationale (formerly CIEP), which provides recognition advice and information about the French higher education system.

Information provision on French private universities: French ENIC-NARIC is responsible for providing accurate information about French higher education, including the distinction between diplômes nationaux and diplômes d'établissement, and the status of private universities "hors contrat" (France Éducation internationale, 2025). This information assists foreign recognition authorities in understanding the French context.

Guidance on substantial differences: ENIC-NARIC guidance emphasizes that recognition decisions should be based on substantive educational quality rather than administrative status (ENIC-NARIC, 2015). The European Area of Recognition Manual provides that differences in institutional structure or quality assurance mechanisms do not per se constitute substantial differences if learning outcomes are equivalent.

Quality assurance evaluation: ENIC-NARIC centers are instructed to consider quality assurance information when evaluating foreign qualifications, including quality assurance conducted by international agencies (ENIC-NARIC, 2020). For French "hors contrat" universities, this means that international accreditation by recognized agencies (ACBSP, ASIC, AACSB, or agencies recognized by INQAAHE/CHEA) should be considered as relevant quality evidence.

Cross-border education guidance: The ENIC-NARIC networks have developed specific guidance on transnational education and cross-border quality assurance, emphasizing that institutions operating legally in their home country with appropriate international quality assurance can produce qualifications worthy of recognition (ENIC-NARIC, 2020).

Application of "Substantial Differences" to French Institutional Diplomas

The concept of substantial differences, as developed through Lisbon Convention implementation, has specific implications for French "hors contrat" universities:

What constitutes substantial difference: Substantial differences must relate to educational content, level, quality, or learning outcomes that are relevant to the recognition purpose (Rauhvargers, 2013). Concrete examples include:

- Significant gaps in curriculum coverage relative to the field of study

- Lower educational level (e.g., vocational certificate versus Bachelor degree)
- Demonstrably lower quality of teaching, resources, or student support
- Failure to achieve specified learning outcomes or competencies

What does NOT constitute substantial difference: Administrative or institutional arrangements that do not affect educational quality or outcomes (ENIC-NARIC, 2015):

- Operating as "hors contrat" versus "sous contrat"
- Awarding diplôme d'établissement versus diplôme national
- Absence of RNCP registration (if educational quality is demonstrated otherwise)
- Different quality assurance mechanisms (domestic versus international) if both meet rigorous standards
- Private versus public institutional status
- Different governance or funding models

Application to French context: If a French private "hors contrat" university offers a program in business administration leading to a Master's-level institutional diploma, and this program is accredited by ACBSP (Accreditation Council for Business Schools and Programs) or AACSB (Association to Advance Collegiate Schools of Business), a foreign recognition authority cannot refuse recognition based solely on the fact that it is not a diplôme national. The authority must demonstrate concrete, verifiable differences in curriculum content, educational level, quality, or learning outcomes. If the program meets international business education standards through ACBSP/AACSB accreditation, such demonstration becomes extremely difficult.

Burden of proof example: A recognition authority in Country X receives an application for recognition of a Master in Business Administration from a French private "hors contrat" university with ACBSP accreditation. Under the Lisbon Convention, the authority cannot simply state "this is not a diplôme national, therefore we refuse recognition." Instead, the authority must:

1. Examine the actual curriculum, learning outcomes, and competencies
2. Compare these to corresponding Master's programs in Country X
3. Consider the quality assurance evidence (ACBSP accreditation)
4. Demonstrate specific, substantial differences in content, level, quality, or outcomes
5. Provide this demonstration in writing with justification

If the authority cannot demonstrate such substantial differences—particularly when the program holds rigorous international accreditation—recognition must be granted.

INTERNATIONAL QUALITY ASSURANCE SYSTEMS AND FRENCH PRIVATE UNIVERSITIES

Internationally Recognized Quality Assurance Agencies

French private "hors contrat" universities frequently seek accreditation from internationally recognized quality assurance agencies to demonstrate educational quality and enhance recognition prospects. Key agencies relevant to this context include:

ACBSP (Accreditation Council for Business Schools and Programs)

ACBSP is a U.S.-based international accreditation body recognized by the Council for Higher Education Accreditation (CHEA) and specializing in business education accreditation (ACBSP, 2020). ACBSP accreditation involves rigorous evaluation of:

- Learning outcomes and assessment processes
- Curriculum quality and relevance
- Faculty qualifications and scholarly activity
- Student support services
- Institutional resources and governance
- Continuous improvement processes

ACBSP maintains international standards applicable across countries and operates globally, including accreditation of European institutions. ACBSP membership and accreditation provide evidence of adherence to international business education quality standards.

AACSB (Association to Advance Collegiate Schools of Business)

AACSB International is the premier global accreditation body for business schools, recognized worldwide as the gold standard for business education quality (AACSB, 2020). AACSB accreditation is highly selective, with rigorous standards addressing:

- Strategic management and innovation
- Faculty qualifications, development, and scholarly productivity
- Learning and teaching effectiveness

- Academic and professional engagement
- Diversity, equity, and inclusion

AACSB accreditation is recognized internationally and often serves as a presumptive indicator of high quality. For French private "hors contrat" universities, AACSB accreditation provides particularly strong evidence of educational quality.

ASIC (Accreditation Service for International Schools, Colleges and Universities)

ASIC is a U.K.-based international accreditation body that evaluates schools, colleges, and universities globally, with particular focus on international and transnational institutions (ASIC, 2020). ASIC accreditation assesses:

- Educational provision and quality
- Student support and welfare
- Governance and management
- Resources and facilities
- Quality assurance and enhancement processes

ASIC is recognized by the U.K. government for visa purposes and maintains standards aligned with international quality frameworks. For French private universities, ASIC accreditation demonstrates commitment to international quality standards.

Other International Accreditation Bodies

Additional internationally recognized accreditation bodies relevant to French private universities include:

- **IACBE** (International Accreditation Council for Business Education): U.S.-based, CHEA-recognized, outcomes-focused business accreditation
- **FIBAA** (Foundation for International Business Administration Accreditation): European accreditation body, EQAR-registered
- **EQUIS** (EFMD Quality Improvement System): European business school accreditation
- **Professional bodies**: Engineering (Washington Accord signatories), medical education (WFME standards), etc.

Recognition of International QA Agencies

For international accreditation to serve as credible evidence of quality in recognition decisions, the accrediting agencies themselves must possess recognized legitimacy. Several mechanisms establish this:

INQAAHE Recognition: The International Network for Quality Assurance Agencies in Higher Education (INQAAHE) provides Guidelines of Good Practice (GGP) and International Standards and Guidelines (ISG) that establish baseline standards for quality assurance agencies (INQAAHE, 2023). Agencies demonstrating compliance with these standards gain INQAAHE recognition, supporting the credibility of their accreditation activities globally. ACBSP, for example, has been reviewed against INQAAHE standards.

CHEA Recognition: The Council for Higher Education Accreditation (CHEA) in the United States recognizes accrediting agencies that meet rigorous standards for authority, integrity, and effectiveness (CHEA, 2020). CHEA recognition is widely respected internationally. ACBSP, AACSB, and IACBE hold CHEA recognition.

EQAR Registration: For European contexts, registration with the European Quality Assurance Register (EQAR) indicates compliance with the European Standards and Guidelines (ESG) and legitimizes cross-border quality assurance activities within the European Higher Education Area (EQAR, 2015). While most international agencies serving French private universities are not EQAR-registered (as they are not primarily European agencies), European agencies like FIBAA hold EQAR registration.

Government Recognition: Some international agencies hold recognition from their home governments for specific purposes. ASIC, for instance, is recognized by the U.K. Home Office for visa purposes.

Professional Recognition: In professional fields, accreditation bodies may participate in mutual recognition agreements such as the Washington Accord for engineering, creating presumptive recognition across signatory countries (International Engineering Alliance, 2021).

For French private "hors contrat" universities, obtaining accreditation from agencies recognized by INQAAHE, CHEA, or equivalent international networks provides strong evidence of quality that should be considered by recognition authorities under the Lisbon Convention and UNESCO conventions.

Cross-Border Quality Assurance Principles for French Context

The UNESCO/OECD Guidelines for Quality Provision in Cross-Border Higher Education (2005) establish principles directly applicable to French private "hors contrat" universities with international accreditation (OECD, 2005):

Appropriate authority: Quality assurance agencies should have recognized status in their home jurisdiction and/or recognition by international networks. ACBSP (CHEA-recognized), AACSB (CHEA-recognized), and ASIC (U.K. government-recognized) meet this criterion.

Transparency: Cross-border quality assurance arrangements should be transparent, with clear information about standards, procedures, and decision-making processes. International agencies typically publish comprehensive standards, self-study guides, and decision rationales.

Rigor and quality: Quality assurance processes should meet internationally recognized standards. Agencies recognized by INQAAHE or CHEA demonstrate such rigor.

Independence and objectivity: Agencies must maintain independence from evaluated institutions. International agencies operating in France maintain independence from French private universities.

Expertise and competence: Agencies should possess appropriate expertise for evaluating institutions. International business accreditation agencies (ACBSP, AACSB) possess specialized business education expertise.

When French private "hors contrat" universities obtain accreditation from agencies meeting these principles, they demonstrate quality through mechanisms as rigorous as—and potentially more specialized than—French state oversight mechanisms.

Comparative Quality: State Diploma versus International Accreditation

A critical analytical question concerns the relative quality implications of French state diploma-granting authority versus international quality assurance accreditation.

State diploma-granting mechanisms in France: Public French universities and private institutions "sous contrat" authorized to award diplômes nationaux undergo periodic evaluation by HCERES (Haut Conseil de l'évaluation de la recherche et de l'enseignement supérieur). HCERES evaluation assesses institutional strategy, governance, research, teaching quality, and

social policy (HCERES, 2020). However, HCERES evaluation focuses primarily on institutional-level quality assurance and compliance with national standards rather than specialized programmatic standards.

International specialized accreditation: Agencies like ACBSP and AACSB conduct intensive programmatic accreditation specifically focused on business education quality, with standards addressing curriculum content, learning outcomes, faculty qualifications, scholarly productivity, and continuous improvement (ACBSP, 2020; AACSB, 2020). This specialized focus may provide more rigorous evaluation of program quality in specific fields than generalized institutional evaluation.

Quality asymmetries: In the French context, several quality asymmetries may exist:

- A French public university with diplôme national-granting authority but without specialized business accreditation may have less rigorous business program quality assurance than a French private "hors contrat" university with AACSB or ACBSP accreditation
- International accreditation often requires more extensive learning outcomes assessment, faculty scholarly productivity standards, and continuous improvement documentation than French national diploma authorization
- Specialized professional accreditation addresses field-specific competencies more precisely than generalized institutional evaluation

Implication for recognition: Under the principle of substantial differences, recognition authorities must evaluate actual educational quality and outcomes rather than formal status. If a French "hors contrat" university demonstrates superior quality through rigorous international accreditation, while a state university's program lacks specialized accreditation, the "hors contrat" university may actually demonstrate higher quality.

THEORETICAL FRAMEWORK: EQUIVALENCY OF FRENCH "HORS CONTRAT" STATUS PLUS INTERNATIONAL QA

Legal Legitimacy in the French Context

French private universities "hors contrat" possess legal legitimacy under French law through multiple sources:

Constitutional freedom of education: The Conseil constitutionnel has affirmed educational freedom as a constitutional principle, enabling private institutions to operate without state recognition provided they maintain honesty and transparency (Conseil constitutionnel, 1977).

Statutory authorization: The Code de l'éducation Articles L.444-1 to L.444-11 and L.731-1 explicitly authorize private higher education provision, including distance and cross-border delivery (Code de l'éducation, 2000).

Organizational legal status: The Loi 1901 provides legal personality to non-profit associations, enabling them to pursue educational missions (Loi 1901).

Diploma-granting authority: While "hors contrat" universities cannot award diplômes nationaux, they possess legal authority to award diplômes d'établissement under Ordonnance n° 2000-916 Article 3 and Code de l'éducation Article L.731-1, provided protected titles are not used and no false claim to state recognition is made.

This legal framework means that French "hors contrat" universities operate entirely lawfully in France, satisfying the international recognition requirement for legal authorization in the home jurisdiction. The absence of state diploma-granting authority reflects a regulatory choice about diploma terminology, not a legal prohibition on operation or quality deficiency.

The Equivalency Formula: French Context

The central equivalency argument can be formally stated:

French Private University (Hors Contrat) with Legal Authorization + International QA Accreditation \geq Foreign University with State Degree-Granting Authority but Weak/Absent QA

This equivalency rests on the following components:

Component 1: Legal Authorization in France

- Lawful operation under Loi 1901 and Code de l'éducation
- Declaration to Recteur (administrative requirement met)
- Compliance with public order, health, safety regulations
- Legal authority to award diplômes d'établissement

Component 2: Demonstrated Educational Quality

- Accreditation by internationally recognized QA agency (ACBSP, AACSB, ASIC, etc.)
- Agency recognized by INQAAHE, CHEA, or equivalent international network
- Rigorous evaluation of curriculum, learning outcomes, faculty, resources
- Ongoing quality assurance and continuous improvement processes
- Compliance with international quality standards

Component 3: Recognition Framework Support

- Lisbon Convention establishes right to fair assessment regardless of institutional status
- Substantial differences must be demonstrated, not presumed
- Quality assurance evidence (international accreditation) is relevant to recognition
- Burden of proof rests with recognition authorities to show quality deficiencies

Component 4: Quality Superiority Argument

- Specialized international accreditation (e.g., AACSB for business) provides more rigorous program-level quality assurance than generalized state authorization in many countries
- International standards often exceed minimum national standards in countries with weak QA systems
- External, independent evaluation provides greater credibility than self-regulated state systems

Application of Substantial Differences: French Institutional Diplomas

For recognition authorities evaluating a French institutional diploma from a "hors contrat" university with international accreditation:

Step 1: Establish legal status

Verify that the institution operates lawfully in France:

- Registered as Loi 1901 association
- Declared to Recteur (if applicable)
- Operates within Code de l'éducation framework
- Awards diplômes d'établissement (not falsely claiming diplôme national status)

Step 2: Examine quality assurance

Evaluate international accreditation:

- Accrediting agency recognized by INQAAHE, CHEA, or equivalent
- Accreditation scope covers the relevant program/field
- Accreditation is current and in good standing
- Agency standards are rigorous and appropriate

Step 3: Assess educational content and outcomes

Compare curriculum, learning outcomes, and competencies:

- Curriculum coverage relative to the field
- Educational level (Bachelor's, Master's, Doctoral equivalent)
- Learning outcomes and graduate competencies
- Faculty qualifications and scholarly activity
- Student support and resources

Step 4: Apply substantial differences test

Determine if substantial differences exist:

- If educational content, level, quality, and outcomes are equivalent to corresponding state qualifications in the recognition country → NO substantial differences
- The fact that it is a diplôme d'établissement rather than diplôme national does NOT constitute substantial difference

- The "hors contrat" status does NOT constitute substantial difference
- Absence of RNCP registration does NOT constitute substantial difference if quality is demonstrated through international accreditation

Step 5: Decision

- If NO substantial differences demonstrated → RECOGNIZE the qualification
- If substantial differences exist → Provide detailed justification and consider partial recognition or recognition with conditions

Example Application

A recognition authority in Germany receives an application to recognize a "Master of Business Administration" from a French private university "hors contrat" with ACBSP accreditation.

Analysis

1. Institution operates legally in France under Loi 1901 and Code de l'éducation ✓
2. ACBSP is CHEA-recognized and INQAAHE-aligned ✓
3. MBA program meets ACBSP standards for curriculum, faculty, outcomes ✓
4. Educational level: Second cycle (Master's equivalent) ✓
5. Learning outcomes comparable to German MBA programs ✓
6. No substantial differences in content, level, quality, or outcomes ✓

Conclusion: Recognition must be granted under Lisbon Convention, despite absence of diplôme national status. The German authority cannot refuse based on "hors contrat" status or institutional diploma designation.

French "Hors Contrat" versus State Authorization: Comparative Analysis

Table 1

Comparative Recognition Factors

Recognition Factor	French "Hors Contrat" + International QA	State University (Country X) without Strong QA
Legal authorization	Lawful under French law (Loi 1901, Code de l'éducation)	State authorization in Country X
Quality assurance	Rigorous international accreditation (ACBSP, AACSB, etc.)	Minimal or absent QA oversight
Standards rigor	International standards, peer-reviewed	Variable, often minimal
Learning outcomes assessment	Required by international accreditation	Often absent
Faculty qualifications	Specified by international standards	Variable
Continuous improvement	Required by accreditation	Often absent
External evaluation	Independent international agency	Possibly none
International recognition	Agency recognized by INQAAHE/CHEA	Possibly none
Quality evidence	Strong	Weak or absent

This comparative analysis demonstrates that legal authorization combined with rigorous international QA can provide stronger quality evidence than state authorization without robust QA.

The Central Thesis Applied to French Context

Formal Statement

Through the Lisbon Recognition Convention, UNESCO Global Convention, ENIC-NARIC implementation mechanisms, and international quality assurance standards, French private universities operating "hors contrat" that are (1) legally authorized to operate in France under the Loi 1901 and Code de l'éducation Articles L.444-1 to L.444-11, and (2) hold quality assurance accreditation from internationally recognized agencies (ACBSP, AACSB, ASIC, or similar bodies recognized by INQAAHE, CHEA, or equivalent) should receive recognition

equivalency comparable to or superior to universities with state degree-granting authority in countries lacking robust quality assurance systems.

Supporting Arguments

1. International conventions privilege educational quality over formal state diploma status
2. French law grants legal legitimacy to "hors contrat" institutions and diplômes d'établissement
3. Substantial differences must be demonstrated, not presumed based on institutional status
4. International QA accreditation provides credible, rigorous quality evidence
5. Specialized international accreditation often exceeds generalized state authorization in rigor
6. Quality asymmetries favor rigorous QA over absent QA regardless of state diploma status

COUNTER-ARGUMENTS AND RESPONSES

"Hors Contrat Institutions Lack State Recognition"

Counter-argument: Critics might argue that French "hors contrat" institutions lack official state recognition, and therefore their diplomas should not be recognized internationally as equivalent to state diplomas.

Response: This argument conflates legal authorization with quality assurance. Under French law, "hors contrat" institutions operate entirely legally and possess legal authority to award diplômes d'établissement (Code de l'éducation Article L.731-1). The choice to operate "hors contrat" reflects institutional autonomy and independence from state funding, not illegal operation or inherent quality deficiency.

International recognition conventions do not require state diploma-granting authority as a prerequisite for recognition. The Lisbon Convention establishes that qualifications from legally operating institutions should be assessed based on educational quality and substantial differences, not on institutional status (Council of Europe and UNESCO, 1997). If French law permits private universities to operate "hors contrat" and award institutional diplomas, and these institutions demonstrate educational quality through international accreditation, foreign recognition

authorities must evaluate based on quality, not state recognition status.

"Diplômes d'Établissement Are Not in RNCP"

Counter-argument: Critics might argue that diplomas not registered in the RNCP (Répertoire National des Certifications Professionnelles) lack professional certification and should not be recognized internationally.

Response: RNCP registration is a French domestic mechanism for professional certification, primarily relevant for access to French apprenticeship funding and certain regulated professions in France. RNCP registration is not required for a qualification to be legally valid or educationally sound.

Many high-quality French private programs, particularly those with international focus, choose not to pursue RNCP registration because they serve international markets where RNCP status is irrelevant. Instead, they pursue international accreditation (ACBSP, AACSB) that provides broader international recognition.

Under the Lisbon Convention, absence of registration in a domestic national qualification framework does not constitute a substantial difference if the qualification meets international quality standards and produces equivalent learning outcomes (Rauhvargers, 2013). Recognition authorities must evaluate actual educational quality, not domestic administrative registrations.

"International Agencies Lack French Regulatory Authority"

Counter-argument: Critics might argue that international quality assurance agencies like ACBSP or ASIC lack regulatory authority in France and therefore their accreditation should not substitute for French state mechanisms.

Response: This argument misunderstands the nature of cross-border quality assurance. International agencies do not claim regulatory authority in France; rather, they provide independent, external evaluation of educational quality based on international standards (OECD, 2005).

The UNESCO/OECD Guidelines explicitly recognize that quality assurance agencies may operate beyond their home jurisdictions, and that such cross-border QA is legitimate provided agencies maintain appropriate standards and transparency (OECD, 2005). The UNESCO Global

Convention Article VI specifically states that "international or regional quality assurance arrangements" should be considered in recognition decisions (UNESCO, 2019).

French law does not prohibit French universities from obtaining international accreditation. The Code de l'éducation's affirmation of educational freedom (Article L.731-1) and provisions for distance and cross-border education (Articles L.444-1 to L.444-11) implicitly permit international quality assurance arrangements.

For recognition purposes, what matters is whether the quality assurance agency applies rigorous standards recognized internationally (INQAAHE, CHEA recognition), not whether the agency possesses French regulatory authority.

"Risk of Diploma Mills and Quality Shopping"

Counter-argument: Critics might argue that allowing recognition of "hors contrat" institutions with foreign accreditation creates opportunities for diploma mills or quality shopping to avoid rigorous French standards.

Response: This concern is legitimate but addressed through emphasis on internationally recognized, rigorous quality assurance agencies. The argument does not advocate recognition of any foreign accreditation regardless of quality, but specifically recognition of accreditation by agencies meeting international standards (INQAAHE Guidelines, CHEA recognition, EQAR registration for European agencies).

Agencies like AACSB and ACBSP maintain highly selective, rigorous accreditation processes that often exceed French national standards in specialized domains (AACSB, 2020; ACBSP, 2020). AACSB accreditation, for instance, is held by fewer than 5% of business schools globally and requires demonstrated excellence in faculty qualifications, research productivity, curriculum quality, and learning outcomes assessment.

Recognition authorities can and should evaluate whether the accrediting agency is recognized by established international networks (INQAAHE, CHEA). This creates a quality filter preventing recognition of accreditation by questionable agencies while supporting legitimate cross-border QA.

Moreover, the concern about diploma mills is actually mitigated by international accreditation. Fraudulent providers rarely pursue rigorous international accreditation due to the cost, documentation requirements, and external evaluation involved. French "hors contrat"

universities with AACSB or ACBSP accreditation have undergone extensive external review, providing stronger quality assurance than many state-authorized institutions without such accreditation.

"Proposed 2025 Reforms Will Change This Landscape"

Counter-argument: Critics might argue that the proposed 2025 French reforms creating new accreditation and partnership mechanisms will alter the status of "hors contrat" universities, and that international recognition should await these reforms.

Response: The proposed reforms do not eliminate the "hors contrat" category or prohibit private universities from operating independently. Institutions may continue operating "hors contrat" while choosing not to pursue the new French accreditation or partnership status (Diligence Consulting, 2025).

For international recognition purposes, what matters is compliance with international recognition conventions (Lisbon, UNESCO Global), not specific French domestic regulatory statuses. Even after the 2025 reforms, the Lisbon Convention principles apply: recognition must be based on substantial differences in educational quality and outcomes, not on whether an institution chose to pursue specific French domestic recognition mechanisms.

If a French "hors contrat" university continues operating legally under French law and maintains international accreditation meeting rigorous standards, foreign recognition authorities must still evaluate based on quality and substantial differences. Domestic French reforms do not override international legal obligations under recognition conventions.

IMPLICATIONS AND APPLICATIONS

For French Private "Hors Contrat" Universities

Strategic positioning: French private universities should proactively pursue international quality assurance accreditation from recognized agencies (ACBSP, AACSB, ASIC, etc.) to demonstrate educational quality and facilitate international recognition. International accreditation provides:

- Credible external validation of educational quality

- Evidence for recognition authorities evaluating diplomas
- Competitive advantage in international student recruitment
- Alignment with international standards and best practices
- Foundation for arguing equivalency to state-diploma institutions

Transparency and communication: Institutions must clearly communicate their status and accreditation:

- Explicit statement of "hors contrat" status and legal authorization under French law
- Clear indication that diplomas are diplômes d'établissement, not diplômes nationaux
- Detailed information about international accreditation held
- Evidence of accrediting agency recognition (INQAAHE, CHEA)
- Learning outcomes, curriculum, and program quality documentation

Documentation for recognition: When graduates seek recognition abroad, institutions should provide:

- Detailed transcripts showing curriculum coverage
- Program learning outcomes and competency frameworks
- Accreditation status and scope documentation
- Letter explaining French regulatory context ("hors contrat" status, diplôme d'établissement)
- Reference to Lisbon Convention and substantial differences principle
- Evidence of international accreditation standards and rigor

Quality enhancement focus: International accreditation should be pursued as a means of genuine quality enhancement, not merely as a credential. Engagement with accreditation standards should drive continuous improvement in curriculum, teaching, learning outcomes assessment, and institutional effectiveness.

For Students and Graduates

Informed decision-making: Students considering French private "hors contrat" universities should:

- Verify the institution operates legally in France (Loi 1901 registration, Code de l'éducation compliance)
- Confirm international accreditation status and scope

- Verify accrediting agency recognition (INQAAHE, CHEA websites)
 - Understand diploma will be *diplôme d'établissement*, not *diplôme national*
 - Research recognition precedents in intended destination countries
 - Contact recognition authorities in advance if planning further study abroad
- Recognition strategy:** Graduates seeking recognition abroad should:
- Proactively contact ENIC-NARIC centers or recognition authorities early
 - Provide comprehensive documentation of program quality and accreditation
 - Reference Lisbon Convention and substantial differences principle
 - Emphasize international accreditation and quality assurance evidence
 - Demonstrate learning outcomes and competencies achieved
 - If recognition is refused, request written justification showing substantial differences
 - Appeal refusals citing failure to demonstrate substantial differences

Professional recognition: For graduates seeking professional licensure:

- Research specific professional recognition requirements in destination country
- Identify whether mutual recognition agreements exist (e.g., Washington Accord for engineering)
- Emphasize specialized programmatic accreditation (AACSB for business, etc.)
- Provide evidence that competencies meet professional standards
- Consider additional certification or bridging programs if required

For Recognition Authorities

Policy development: National recognition authorities should develop explicit policies for evaluating French institutional diplomas from "hors contrat" universities:

- Acknowledge legal legitimacy of "hors contrat" status under French law
- Establish that absence of *diplôme national* status does not per se constitute substantial difference
- Specify criteria for accepting international quality assurance evidence
- List internationally recognized QA agencies (agencies recognized by INQAAHE, CHEA, EQAR)
- Provide guidance on evaluating specialized programmatic accreditation
- Train staff on applying substantial differences principle to French institutional diplomas

Evaluation procedures: When evaluating French "hors contrat" diplomas:

1. Verify legal operation in France (Loi 1901, Code de l'éducation compliance)
2. Examine international accreditation status and scope
3. Verify accrediting agency recognition (INQAAHE, CHEA lists)
4. Review curriculum, learning outcomes, and program documentation
5. Compare to corresponding qualifications in home country
6. Assess whether substantial differences exist in content, level, quality, or outcomes
7. If NO substantial differences → RECOGNIZE
8. If substantial differences exist → Document specific differences and provide written justification
9. Consider quality evidence: international accreditation may indicate higher quality than state authorization without QA

Application of burden of proof: Recognition authorities must affirmatively demonstrate substantial differences; it is not the applicant's burden to prove equivalence. Simple assertions that the diploma is not a diplôme national are insufficient. Authorities must show concrete quality or outcomes deficiencies.

Use of international resources: Recognition authorities should consult:

- French ENIC-NARIC (France Éducation international) for information on French system
- International QA agency websites for accreditation standards and processes
- INQAAHE and CHEA for information on agency recognition
- European Area of Recognition Manual for guidance on substantial differences
- ENIC-NARIC guidance on cross-border quality assurance

For French ENIC-NARIC

Information provision: France Éducation international (French ENIC-NARIC) should provide clear, comprehensive information on:

- The distinction between "sous contrat" and "hors contrat" private universities
- The legal framework for "hors contrat" operation (Loi 1901, Code de l'éducation)
- The difference between diplôme national and diplôme d'établissement
- The legitimacy of diplômes d'établissement under French law
- The role and relevance of international quality assurance for "hors contrat" universities

- How foreign recognition authorities should evaluate French institutional diplomas

Guidance to foreign authorities: French ENIC-NARIC should actively educate foreign recognition authorities on:

- Legal legitimacy of "hors contrat" institutions in French law
- Inappropriateness of refusing recognition based solely on "hors contrat" status
- Application of substantial differences principle to institutional diplomas
- Relevance of international accreditation as quality evidence
- Compliance with Lisbon Convention obligations

Advisory services: When providing recognition advice on foreign qualifications for use in France, French ENIC-NARIC should apply consistent principles:

- Evaluate based on educational quality and substantial differences
- Consider international quality assurance evidence
- Do not reflexively privilege state-diploma over institutional-diploma if quality is equivalent
- Model best practices in recognition that can inform foreign authorities' treatment of French diplomas

For International Quality Assurance Agencies

Transparency and standards: Agencies accrediting French "hors contrat" universities should:

- Ensure compliance with INQAAHE Guidelines and/or CHEA standards
- Publish clear, rigorous accreditation standards
- Maintain transparent decision-making processes
- Demonstrate appropriate expertise for French context
- Include contextual understanding while maintaining international standards
- Provide detailed public information on accreditation status and scope

Documentation support: Agencies should assist institutions and students by:

- Providing verification letters confirming accreditation status
- Explaining accreditation standards and rigor
- Documenting agency recognition (INQAAHE, CHEA)

- Supporting institutions in recognition processes
- Educating recognition authorities on international accreditation

Quality assurance of QA: Agencies should:

- Undergo external review against INQAAHE Guidelines or CHEA standards
- Seek recognition from established international networks
- Maintain accountability mechanisms
- Engage in continuous improvement of accreditation processes
- Participate in international QA community dialogue

CONCLUSION

Summary of Findings

This research has examined the legal and regulatory frameworks governing recognition of qualifications from French private universities operating "hors contrat" with international quality assurance accreditation. Several key findings emerge:

First, French private universities "hors contrat" operate entirely legally under French law, grounded in constitutional freedom of education, the Loi du 1er juillet 1901, and the Code de l'éducation (Articles L.444-1 to L.444-11, L.731-1). These institutions possess legal authority to award diplômes d'établissement and operate with full academic autonomy. The "hors contrat" status reflects institutional independence and absence of state funding, not illegal operation or quality deficiency.

Second, international recognition conventions establish principles that support recognition of French institutional diplomas from "hors contrat" universities based on educational quality rather than state diploma status. The Lisbon Recognition Convention, UNESCO Global Convention, and ENIC-NARIC implementation mechanisms emphasize substantial differences in educational content, level, quality, and outcomes as the sole basis for refusing recognition (Council of Europe and UNESCO, 1997; UNESCO, 2019).

Third, international quality assurance accreditation by recognized agencies (ACBSP, AACSB, ASIC, agencies recognized by INQAAHE or CHEA) provides credible, rigorous evidence of educational quality that satisfies recognition criteria under international conventions (INQAAHE, 2023; CHEA, 2020; ACBSP, 2020; AACSB, 2020).

Fourth, the principle of substantial differences requires recognition authorities to demonstrate concrete quality deficiencies before refusing recognition of French institutional diplomas. The absence of diplôme national status, "hors contrat" designation, or RNCP registration does not constitute substantial difference if educational quality and outcomes are equivalent (Rauhvargers, 2013; ENIC-NARIC, 2015).

Fifth, specialized international accreditation often provides more rigorous quality assurance than generalized state authorization in many countries, particularly in professional fields like business education where agencies like AACSB and ACBSP apply highly selective standards (AACSB, 2020; ACBSP, 2020).

Validation of Central Thesis

The central thesis is validated through analysis of French law and international recognition frameworks:

French private universities "hors contrat" that are legally authorized to operate in France and hold quality assurance accreditation from internationally recognized agencies should receive recognition equivalency comparable to or superior to universities with state degree-granting authority in countries lacking robust quality assurance systems.

This thesis is supported by:

- Legal legitimacy of "hors contrat" operation under French law (Loi 1901, Code de l'éducation)
- International conventions privileging quality over state diploma status (Lisbon, UNESCO Global)
- Substantial differences principle requiring demonstration of actual quality deficiencies (Rauhvargers, 2013)
- International QA recognition frameworks establishing credibility of agencies (INQAAHE, CHEA)
- Quality asymmetries favoring rigorous specialized accreditation over weak state authorization
- Precedents in professional recognition supporting quality-based equivalency (Washington Accord, EU directives)

Recognition authorities applying international legal instruments correctly should evaluate

French "hors contrat" diplomas with international accreditation based on substantive educational quality, not dismiss them based on institutional status.

Recommendations

Based on this research, specific recommendations are offered:

For French private "hors contrat" universities:

1. Pursue rigorous international quality assurance accreditation from agencies recognized by INQAAHE, CHEA, or equivalent networks
2. Maintain transparent communication about institutional status, legal authorization, and diploma type
3. Provide comprehensive documentation for graduates seeking recognition abroad
4. Engage meaningfully with international accreditation for quality enhancement
5. Proactively educate recognition authorities on French regulatory context and Lisbon Convention principles

For recognition authorities:

1. Develop explicit policies for evaluating French institutional diplomas from "hors contrat" universities
2. Apply substantial differences principle requiring demonstration of actual quality deficiencies
3. Consider international accreditation as credible quality evidence equivalent to or exceeding weak state authorization
4. Provide written justification citing specific quality deficiencies if refusing recognition
5. Train staff on French higher education regulatory framework and "hors contrat" legitimacy

For students and graduates:

1. Verify institutional legal status and international accreditation before enrollment
2. Proactively contact recognition authorities early in recognition process
3. Provide comprehensive quality documentation and reference Lisbon Convention
4. Appeal recognition refusals that fail to demonstrate substantial differences
5. Research recognition precedents in intended destination countries

For French ENIC-NARIC:

1. Provide clear, comprehensive information on "hors contrat" status and diplôme d'établissement legitimacy
2. Actively educate foreign recognition authorities on French regulatory framework
3. Emphasize inappropriateness of refusing recognition based solely on institutional status
4. Model best practices in applying substantial differences principle

For international quality assurance agencies:

1. Ensure compliance with INQAAHE Guidelines and/or CHEA standards
2. Maintain transparency about standards, processes, and decision-making
3. Support institutions and students in recognition processes
4. Seek recognition from established international networks
5. Engage in continuous improvement of quality assurance practices

Implications for French Higher Education Policy

The 2025 proposed reforms to French private higher education regulation raise important considerations:

If reforms are implemented, creating new accreditation and partnership mechanisms evaluated by HCERES:

- "Hors contrat" universities may choose whether to pursue new French accreditation
- Choice not to pursue French accreditation does not eliminate legal operation rights
- International recognition obligations under Lisbon Convention continue regardless of French domestic status
- Recognition authorities must still apply substantial differences principle to "hors contrat" diplomas with international QA
- International accreditation may provide alternative quality pathway to new French mechanisms

Recommendation for French policymakers:

- Ensure proposed reforms explicitly acknowledge legitimacy of international quality assurance
- Consider recognizing international accreditation by INQAAHE/CHEA-recognized agencies as alternative quality pathway

- Avoid creating false impression that absence of new French accreditation implies quality deficiency for institutions with rigorous international QA
- Maintain compatibility with international recognition obligations under Lisbon Convention

Areas for Future Research

Several areas merit further investigation:

1. **Empirical studies of recognition decisions:** Research examining how recognition authorities actually treat French "hors contrat" diplomas would illuminate gaps between legal principles and practice
2. **Comparative quality analysis:** Systematic comparison of quality outcomes at French "hors contrat" universities with international accreditation versus state universities with minimal QA would provide empirical quality evidence
3. **Student mobility tracking:** Research following graduates of French "hors contrat" universities through international recognition processes would document practical challenges and successes
4. **Impact of 2025 reforms:** Once implemented, research on how reforms affect "hors contrat" institutions and their international recognition
5. **International accreditation effectiveness:** Studies examining whether international accreditation actually improves recognition outcomes for "hors contrat" universities
6. **Professional recognition pathways:** Research on professional licensure recognition for graduates of "hors contrat" programs with specialized international accreditation
7. **French ENIC-NARIC guidance evolution:** Analysis of how French recognition authority guidance on "hors contrat" diplomas evolves in response to international frameworks

CONCLUDING STATEMENT

French private universities operating "hors contrat" occupy a distinctive position in international higher education. Operating legally and legitimately under French law while existing outside the state diploma framework, these institutions challenge traditional recognition

paradigms that privilege state authorization over demonstrated educational quality.

This research has demonstrated that through international recognition conventions—particularly the Lisbon Recognition Convention and UNESCO Global Convention—a coherent legal framework exists for evaluating French institutional diplomas from "hors contrat" universities based on substantive educational quality rather than formal state diploma status. The principle of substantial differences requires recognition authorities to demonstrate concrete quality deficiencies rather than reflexively privileging state diplomas.

When French "hors contrat" universities combine legal authorization under French law with rigorous international quality assurance accreditation by agencies recognized through INQAAHE, CHEA, or equivalent networks, they satisfy the fundamental criteria for recognition: legal operation and demonstrated quality. In many cases, specialized international accreditation provides more rigorous program-level quality assurance than generalized state authorization in countries with weak quality assurance systems.

The challenge for all stakeholders is implementation. French "hors contrat" universities must pursue and maintain rigorous international accreditation while providing transparency about their status. Recognition authorities must apply international legal obligations fairly, evaluating based on quality rather than institutional status. Students must make informed decisions and advocate effectively for recognition. French ENIC-NARIC must educate internationally about the legitimacy of "hors contrat" operation. International quality assurance agencies must maintain standards and support recognition processes.

As higher education continues globalizing and as France potentially implements regulatory reforms affecting private universities, the principles established in this research become increasingly important. Recognition based on demonstrated educational quality, validated through rigorous quality assurance meeting international standards, represents an evolution toward quality-centered governance appropriate to interconnected global higher education. French "hors contrat" universities with international accreditation exemplify this evolution, demonstrating that institutional legitimacy and educational quality can be established through multiple pathways, not solely through state diploma-granting authority.

The future of transnational higher education recognition lies in quality rather than formality, in outcomes rather than status, and in substance rather than administrative arrangements. International recognition conventions provide the legal framework; rigorous international quality assurance provides the quality evidence; French "hors contrat" universities

with international accreditation demonstrate the practical application. Recognition authorities must now implement these principles faithfully, ensuring that educational quality—not jurisdictional formality—determines recognition decisions.

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