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Similar Examinations, Different Tests: A Comparative Description of the SAT and *Juken* Systems

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Abstract: *This paper compares the SAT and juken. It does this at three levels of analysis: structure, function, and participant communications. While the prior two rely on publicly available information and established theories, the latter is based on the analysis of data collected from social media. The findings of this paper are that, while the two examinations are structurally and functionally similar enough to appear ready points of comparison, their differences are profound enough to make such comparisons misleading. Among the consequential differences discussed are that, as opposed to the SAT, the juken is a longer, more consequential process that is more likely to impose dependency upon its participants. In combination, these differences result in a higher-pressure process that challenges its participants not only intellectually, but socio-culturally, and characterologically. As a result, this paper suggests that, whereas the SAT serves a functional role in determining university admissions in the US, the juken is a central facet of Japan's institutionalized education and socialization process.*

Keywords: *entrance examinations, jukensei, educational systems, university admissions, SAT*

Introduction

Around the world, variations on university entrance examinations are used during or following the final year of secondary education as summative assessments of students' academic abilities. The various examinations are structured in different ways, but their core function is to serve as sorting mechanisms identifying which tertiary institutions students have a chance of entering, and which students those institutions should be considering. Given their consequence, then, it is unsurprising that the preparations undertaken for examinations of this kind are more expensive, intensive, and extensive than those associated with any examinations encountered earlier in the schooling process.

The Scholastic Aptitude Test (SAT) and *juken* are both examples of such pre-tertiary sorting examinations—consequential standardized tests taken by students seeking to attend university in the United States and Japan respectively. The SAT is the most common such instrument in the US, though others such as the ACT (not an acronym) are also widely used. *Juken*, which translates to 'entrance examination', is the collective name for any of the examinations used in determining school eligibility. This includes examinations required by schools ranging from the primary to tertiary levels. But, the capstone of this entrance examination system is the university *juken* which, again, is a term that encapsulates any number of different examinations used to determine university eligibility. It is this iteration of the *juken* with which this paper concerns itself and to which the term *juken* will hereafter refer.

While the SAT and *juken* share elements of structure and function—both are university gatekeeping, standardized assessments of academic ability—they also differ in both dimensions.

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And, this paper argues, neither can be properly understood without a third dimension: how those participating in the examinations communicate about their related experiences.

This paper provides structural and functional comparisons of these e before investigating how the experience of preparing for them translates into a spontaneous, peer-to-peer conversation conducted over social media. The questions it seeks to answer are

1) How are the two examinations structurally and functionally similar and different in ways that are likely to impact the experiences of those preparing to take them?
2) In what ways does this population communicate amongst itself about their shared preparation experiences?
3) How closely aligned are these structural-functional elements and the intra-group communications they produce and what does this suggest about the experience of preparing for either?

Three Lenses: Structure, Function, and Communication

The analytical method employed here is an assessment of the examinations through three lenses, each intended to reveal a particular layer of operations. This method was adapted from Banathy (1995). These lenses will be referred to as structure, function, and communication. The structure lens asks the questions, "What is there and how is it organized?". The function lens asks, "What services does it perform? What are its inputs and outputs?". The communications lens asks, "What do those participating in the system communicate to one another about that system?". In combination, these lenses produce a thorough description of these examinations.

Structural Comparison: The First Lens Similarities

Both the SAT and *juken* are first taken during a student's final year of high school in order to satisfy university entrance requirements. While taking the SAT post-high school is entirely permissible and not unheard of, it is also not as institutionalized an option as the post-high school *juken*. Undoubtedly this is because, whereas the SAT was offered seven times during the 2018-2019 academic year (CollegeBoard, 2019), the *juken* was offered a single time: it is an annual event. The differences in frequency are interdependent with differences in how pre-examination testing is conducted. For the SAT, students are likely to take informal practice tests often timing and correcting for themselves or having their SAT teacher/tutor perform these duties. *Jukensei*, or students preparing for the *juken*, also do these things. But, in their case, mock examinations are conducted by cram schools and universities throughout the year leading up to the examination. These are highly formal, all-day affairs, nearly indistinguishable from the real *juken*. Participants are provided with detailed score reports and their national ranking for each subject they took.

The SAT consists of three required sections: reading, writing and language, and mathematics, which contains no-calculator and calculator-permitted sub-sections. There is also an optional essay component which, when taken, lengthens by fifty minutes the normally three-hour long test (Compare SAT Specifications, n.d.). By contrast the Center Test—the first round of the *juken* that is honored by a majority of universities—is spread out over two days, takes up to eleven hours, and requires participants to take anywhere from six to nine different examinations in subjects ranging from world history, to classical Japanese, to Physics, to a foreign language (NCUEE, 2015). Examination-takers choose the subjects they take but, often, their choices are dictated by the university departments they are attempting to enter.

This relates to another major difference between the two examinations. While they are both examinations employed in common by a range of universities, the SAT experience does not vary depending on which university a person is attempting to enter. The Center Test portion of the *juken* as taken by two different people may cover very different subjects. Whereas SAT scores are often used by students to calibrate the level of university they should be applying to, takers of the Center Test must have already identified a limited collection of university departments that they both believe they can qualify for and that share testing requirements. A student who does not qualify for their chosen departments may be left with only the options of trying again a year later or of entering a lower-level university that does not require entrance examination scores. The need to have already calibrated which departments are within reach is only functional thanks to the prevalence of the mock examination system.

Assuming a *jukensei* does well enough on the Center Test, he or she may have to then take an institution-proprietary, department-specific examination. For such students, the *juken* is essentially an examinaiton tournament in which a sub-par performance at any stage is disqualifying (Takeuchi, 1997).

The cost involved in preparing for and taking the respective examinations is also a point of dissimilarity. The cost of the SAT with the essay portion is under seventy dollars. Other costs include those associated with SAT prep courses or tutoring which, though optional, are commonly employed by those who can afford them. Since 2015, the CollegeBoard and Khan Academy have collectively offered a free, online SAT prep (CollegeBoard, 2016). Preparing for the *juken* almost always requires attending some manner of cram school, often for a year or more. Most of the mock examinations are organized by these private institutions and cost as much as the SAT (Kawaijuku, 2019). And the examinations that comprise the *juken*, particularly the institution-specific ones, are significantly more expensive. Though the newest version of the SAT is designed to reflect the Common Core curriculum, spending money on extra preparation is warranted for those who can afford it because neither country's standard high school curriculum fulfills the demands of its entrance examination (Mori, 2002; Mulvey, 2001). As a result, success on either examination requires targeted, often expensive, preparation.

The SAT is meant to serve as one among several consequential factors used in determining university acceptance. With over 1,000 US universities—prestigious institutions among them—having dropped standardized testing as an admission requirement, however, this is no longer a given (FairTest, 2019). High school transcripts have traditionally received equal consideration, and research suggests high school grade point average (GPA) predicts both first-year and fourth-year-cumulative university GPA as well as the latest version of the SAT (Montoya and Camara, 2012). Extracurricular activities, particularly athletics, are considered and, in the case of certain universities and certain applicants, can be the determining factor. Even the application itself, with its essays, letters of recommendation, and attendant interview, can be enough to identify an applicant as qualified for entrance.

Efforts have begun to more seriously consider the non-*juken* qualifications of those applying to Japanese universities. But, they are either in their infancy—as in the case of International Baccalaureate (IB) recipients (Yamamoto, Ishikura and Saito, 2016)—or, since most Japanese institutions "…essentially live a hand-to-mouth existence covering current operating expenses and capital expenditures primarily from student fees" (Kinmouth, 2005, p. 108), are best understood as maneuvers intended to support healthy enrollment numbers rather than evaluative integrity (McCrostie, 2017; Mori 2002). Essentially, the *juken* is still considered the most reliable path into Japan's selective institutions of higher education (Aspinall, 2003; Zeng, 1999).

While the *juken* consists, for many students, of multiple rounds including institution-specific examinations, the first of these rounds is often the Center Test which is similar to the SAT in that it is a common examination employed by many institutions. The former is designed and administered by an Independent Administrative Institution tied to the government while the latter is a product of an non-profit organization named the College Board.

Table 1: Summary of Structural Comparison

	SAT	*Juken*
Timing	Prior to entering tertiary education	Prior to entering tertiary education
Style	Standardized, largely multiple choice	Standardized, largely multiple choice
Subjects covered	Reading, writing and language, mathematics, and optional essay	Japanese, Physics, Foreign languages, Geography, Japanese History, World History, etc. (Students take a selection based on requirements of desired university's and departments
Frequency	Offered seven times a year	Offered once a year
Preparation	Preparation involves informal practice tests	Preparation involves informal practice tests and formal mock examinations
Cost	Under 70 US dollars USD) with a waiver program for low income students; often supplemented with prep classes and/or tutoring	Taking three or more subjects on the Center Test costs 18,000 Japanese Yen (JPY) (approximately 180 USD), while two subjects costs 12,000 (120 USD); University specific examinations cost extra (35,000 JPY for Tokyo City University) as do each round of Mock Examinations (between 5,000 and 7,000 JPY)
Weight in university admissions	One of several weighty factors	Nearly the only determining factor

Function: The Second Lens

Both examinations function as sorting mechanisms, ranking students by score according to their demonstrated academic ability. While what exactly constitutes 'academic ability' is itself a contentious issue, the examinations share a focus on knowledge retention and retrieval, on problem solving through the application of concepts, on reading and writing proficiency, on conscientiousness as a character trait, and on the ability to perform in prolonged, intellectually demanding, high-pressure situations. Less explicitly, the examinations also sort for resourcefulness and for the power and reliability of a student's support network.

Though these aspects of academic ability are targeted by both examinations, among the most consequential differences in function between them is simply the extent to which they challenge students to perform in these dimensions. Many of the elements contributing to the challenge—the length of the preparation period, the length and difficulty of the examinations, the associated costs, and the weight of those examinations in determining university eligibility—were covered in the previous section. But, seeing that it is as much a functional aspect of the examinations as a structural one, the final of these deserves more extensive exploration here.

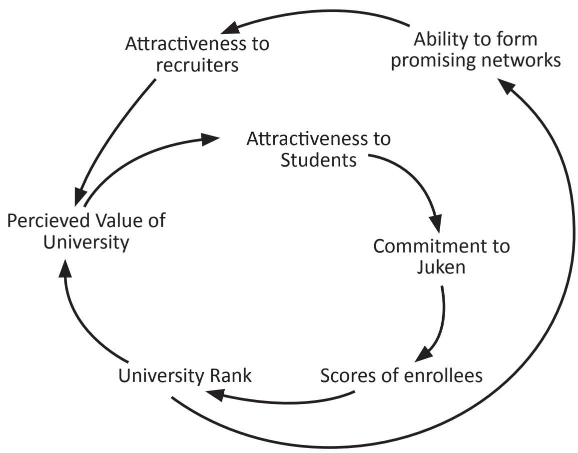
Both examinations perform a sorting function, identifying appropriate matches in a way that serves both students and institutions of tertiary education. But, whereas the function of the SAT is to contribute to that sorting, the *juken* essentially determines it. A proper understanding of why this is the case requires tying together the institutional diversity and rigor exhibited by universities with the recruiting methods employed by businesses.

While there are academic leaders among US universities, many institutions that are less than outstanding overall are nevertheless recognized as outstanding in certain disciplines. The diversity of strengths and institutional character among US universities contribute to higher education in that country functioning as a market with a comparatively wide variety of both supply and demand. The lack of a similar diversity among Japanese universities, however, disproportionately strengthens the position of the top institutions to select from among the highest scoring applicants. This is true to the extent that students commonly choose to attend the highest ranked university that accepts them, without regard for the department in which this will place them (Mori, 2002). This has contributed to a weakening of the positions of many less selective institutions to the point that some have collapsed and many more are on the verge of doing so (McNeill, 2008).

Central to this dynamic is Japan's national university rankings being based on the *juken* performances of the students they enroll. The result is a reinforcing loop wherein a university's attractiveness to students—its ranking—is determined by its ability to attract those students. The motive power behind university rankings is more than merely the prestige they promise. A second reinforcing loop exists in which a university's name and ranking attract students who are then able to form reciprocal networks with one another that will be of relied upon post-university when the members are likely to find employment in a variety of organizations. While orthogonal to the quality of education on offer, the networking possibilities implied by a university's rank provide justification for the value it purports to deliver, further feeding into the institution's name value and the validity of the entire ranking system (Murphy, 2014). Each time an organization hires without concern for what an applicant studied, instead basing their decisions on the rank of his or her university and the networks he or she is assumed to have cultivated, the nascent importance of those university networks and of the score and rank focused decisions of students and universities is further validated (Takeuchi, 1997).

Further enforcing the importance of the *juken* and standardization of universities are the implicit limitations on academic rigor that they must accept. For a US university, rigor is an adjustable dimension of the institution's character. Largely owing to the need to ensure sufficient enrollment, failing poorly performing students is not a common practice for Japanese universities. Securing entrance is largely viewed as the difficult part of university; after this, students can rely on the, "… unspoken rule that, by accepting students, an institution has a duty to graduate them," (Goodman 2003, p. 23). As a result, for universities to maintain the strength of their reputations as based upon the graduates they produce, the initial hurdle—the *juken*—must be made the most challenging one (Zeng, 1999).

Figure 1: The *Juken* Feedback Loops



Each actor is acting rationally—students choose the university that offers the most promising future, universities choose the students that will best impact their rankings, buffering their financial solubility by easing the path to graduation, and recruiters hire the graduates most likely to arrive with a beneficial network in tow. The result is a series of reinforcing dynamics driving the system to recognize *juken* scores as the sole variable determining a causal chain that extends far beyond being admitted to university. The effects of this on the concerned actors are that the consequences associated with the *juken* become extreme (Tsukada, 1991) and the diversity present in the higher education ecosystem is purged. Therefore, while US universities display a variety of profiles, the products on offer in the Japanese higher education market are diverse in reputation, mixed in quality, and standardized in kind. In contrast to the US "mountain range" style system, the Minister of Education, Culture, Sports, Science, and Technology described Japan's higher education landscape as a "Mt. Fuji system" with the University of Tokyo residing at the summit (FPCJ, 2018).

With respect to those taking the examinations, and on account of the factors just explored, the systems perform deeply different functions. It is possible to do well on the SAT despite an underwhelming academic record. And it is possible to subsequently excel in a respectable university to the point of revivifying one's future possibilities. With the SAT acting as a gatekeeper, university in the US is a kind of institutionalized reset beyond which what came before ceases to be pertinent. The *juken*, the educational system it serves, and the culture that informs them, are more grounded. The determination of an individual's future probabilities begins from the earliest stages of education (Arai, 2016). The *juken* is the culmination of years of formal and informal schooling, of family and economic background, of friendships, and of the entire preceding education and socialization process. It is where the adolescent demonstrates his or her fitness according to the relevant cultural demarcations. "…the competition in the entrance examination is their competition for increased self-esteem to prove their potential or worth…" (Tsukada 1991, p. 102) In this way, the distinction between SAT and *juken* preparation can be summarized as follows: whereas contending with the SAT is one of the pre-requisites for engaging in the initiatory rite of passage that is university in the US (Puglia, 2016), contending with the *juken* is the entirety of Japan's initiatory rite of passage (McVeigh, 2000; Zeng, 1999, Tsuda, 1993).

Considering the *juken* as performing the socio-cultural and psychological functions of an initiatory rite of passage leads to the question of what outcomes are associated with the examination understood in this way. The first of these is the reinforcement of the *ganbaru* ethic which is characterized as persistent, maximal effort and endurance despite hardships. Given the extent to which the rest of Japan's education system seems designed to instill a *ganbaru* mentality (Murphy, 2014; Sheftall, 2011; Zeng, 1999; DeVos, 1973), it is predictable that the final, cumulative challenge of that system rewards extreme capacity in this regard (Aspinall, 2005).

A second clear socializing function of the *juken* process is the reinforcing of ties of obligation, particularly those connected to family members. The *ganbaru* mentality's centrality in Japanese culture is rivaled by that of dependency on others and the webs of obligation it produces. These are at the root of Murphy's observation that, "…ordinary Japanese people take their responsibilities seriously" (2014, p. 254). As opposed to the Western concept of original sin, the core motivating concept of the Japanese religio-cultural system is something akin to original debt: "The conviction that one has already received blessings, benefits, and favors from one's superiors… is the *terminus a quo* of moral feeling, the basic presupposition of ethical discourse and conduct" (Davis 1992, p. 19).

The demands of the *juken* foist upon the participant a significant, additional chunk of such debt. And those unwilling or not in a position to take on such debt are unlikely to succeed, at least to the degree of entering a highly selective university. With regard to the *ganbaru* mentality, the same combination of ability and willingness is required. Those who do not fulfill any single combination present on the resulting matrix—able/willing to *ganbaru*/be dependent—are thereby filtered out of the traditional leadership track, and those who remain are more thoroughly socialized to enact precisely these patterns of persistent self-application and human network-dependency (Zeng 1999, p. 2).

The final point to be made in this regard is the degree to which *jukensei* seem to accept the system and its processes. In combination with the rigidly rank-ordered hierarchy of the universities, the power of the *juken* itself functions as a socializing instrument for, unlike in the US, university hopefuls desirous of entry into a selective institution have little recourse but to accept the orthodoxy. By so doing, they both individually submit to being further socialized in accord with its demands and re-legitimize it as a social institution (Tsukada, 1991). As a result, the students themselves, beyond the complaints and minor rebellions that intensive and extensive examination preparation may inspire, often accept the system at a deep level (Tsukada, 1991). As an instrument, the *juken* is well-suited to its context—its requirements are merely those of its containing socio-cultural system magnified. To summarize, the *juken* understood as an initiatory rite of passage rewards the ability and willingness to *ganbaru*, to take on obligation, and to accept the *status quo* thereby strengthening committed self-application as a character trait, reinforcing the individual's social ties through feelings of indebtedness, and ensuring his or her suitability as a soon-to-be member of society.

Before setting aside the function lens, a final differentiating point must be addressed. That point is the role played by the examinations as mechanisms of the university entrance system with respect to the larger system in which it is embedded. The multi-factor admission process in the US takes into account consequential interviews, admission essays, and the consideration of potentially impactful extra-curricular resumes—all of which require interpretive evaluation on the part of admission boards. This ensures that the process is self-evidently subjective. Applicants to US universities do not assume their admission will be determined entirely by algorithm. Central to the *juken*'s purported utility, however, and to public tolerance for it despite its associated costs, is its perceived ability to function as an objective instrument (Guest, 2006; Zeng, 1999; Tsukada, 1991). The consequences of university admissions are serious enough, and the tendency of the society towards particularism strong enough, that an objective means of apportioning university spots provides a necessary counterbalance (Aspinall, 2005; Zeng, 1999; Rohlen, 1983). Public acceptance of the *juken*'s objectivity, despite evidence to the contrary, is a lynchpin that holds together the education system's veneer of meritocracy (Zeng, 1999). Thus, it functions symbolically and pragmatically both at the level of individual experience and of public perception.

Communication: The Third Lens

The daily experience of contending with these examinations is no less a product of interactions between those contending than of the relevant structures and functions. The third lens will focus on this aspect of the process.

Materials and Methods

The data used in this section comes from the social media platforms of Twitter and Instagram. Data such as this provides several advantages beyond its quantity and public availability. Most pertinent for the purposes of this paper are that it is spontaneously produced and not elicited in any way by the researcher making it, in this way, more authentic than data collected through contrived means.

As a data source, social media posts are still relatively new. Nevertheless, they have been recognized as useful for both quantitative and qualitative research being, in the case of the latter, compared with person-to-person surveys (Social Media Research Group, 2016). This report goes on to identify thematic analysis as an appropriate methodology for dealing with social media data. It cautions that, on account of the performativity associated with the medium "…both positive and negative feelings are over-stated…" (Social Media Research Group 2016, p. 14).

Examples of researchers who have used posts such as those employed here include Turkle (2011), Shanahan, Brennan, and House (2019), and Ozawa-de Silva (2008). Shanahan, Brennan, and House (2019) collected posts related to self-harm from Twitter, Instagram, and Tumblr, drawing conclusions based solely on analyses of the images they contained. My own prior research suggests that the sentiments expressed in social media posts align closely with those expressed during interviews (Roth, 2019). And, perhaps the most consequential point justifying social media posts as a data source is that even in the edge case of every post being somehow disingenuous, online communications are fundamentally of consequence as they affect those exposed to them. Research conducted by Hogue and Mills, for example, suggests that exposure to "…attractive peers' appearance-based social media resulted in worsened body image…" (2018, p. 3). Thus, it can be extrapolated that how students engage with the examinations in question here could be similarly influenced by their exposure to examination preparation-related posts. These examinations are no less collective experiences than they are individual ones. Understood as a system, one's peers are just as much elements of these examinations as are the materials used to study or the examinations themselves. The difference, of course, is that peers are purposeful elements and social media provides a means of studying their purpose-driven behaviors

Data Collection

In the case of the *juken*, posts made on these services by *jukensei* were collected daily throughout the month of November, 2017. In the end, over 700 posts were collected. Similarly, English-language posts related to preparing for the SAT that were made on either of these services over the last five years were collected. This yielded approximately 70 posts.

Given the nature of the platforms, such collection efforts can never be provably exhaustive. In both cases, the most common tags used to characterize posts as related to either the *juken* or the SAT were identified and searched for. These tags were ＃浪人生＃受験生, ＃浪人生ライフ, ＃受験生と繋がりたい, ＃ろうにんせいと繋がりたい (respectively translated as #*roninsei*[1], #*jukensei*, #*roninseilife*, #wanttoconnectwith*jukensei*, and #wanttoconnectwith*roninsei* for the *juken* and #SAT, and #SATprep for the SAT. All posts made and so tagged within the designated time period were collected. These tags were chosen because they were the most frequently used tags that could reasonably be assumed to identify posts related to the research topic. Collecting every post related to the topics in question would have been impossible, but the tag search-based collection method allowed a representative sample of what each group said regarding the preparation process to be assembled.

Data Treatment

The collected posts were then subjected to a three stage, thematically-focused Hermeneutic Content Analysis (HCA-T) following a slightly modified version of the process detailed by Vieira and de Queiroz (2017, p. 12-14). Once the research topic and data to be used had been identified process, this consisted of constructing a coding framework with defined thematic categories, of testing that framework with sample sets drawn randomly from the complete data sets, of evaluating and modifying the coding framework, and of conducting the main coding. This process was performed for each data set.

In order to ensure the coding process was sufficiently reliable, I re-coded approximately twenty percent of the data from the *jukensei* set and one hundred percent of the SAT group data following a two-week period during which I had no exposure to the data. The two sets of coding were then compared with the following results.

Table 2: Comparison of Original Coding and Re-coding

Data Set	Themes Coded During Initial Coding	Themes Missed During Re-coding	Percentage of Themes Missed	Themes Added During Re-coding	Percentage of Themes Added
Jukensei	180	11	6.1%	21	12.4%
SAT	147	10	6.8%	18	12.2%

These results suggest that the coding categories were defined with sufficient clarity. They also suggest that the initial coding process was more likely to have underestimated rather than overestimated the thematic complexity of the data. Thus, the coding results appear to be reliable if not exhaustive. In the service of transparency, the results section contains numerous examples of how utterances were coded.

The modifications made to Vieira and de Queiroz's process were that, due to the quantity of data and broad range of themes represented therein, the coding frameworks went through several iterations before they become completely serviceable. Data such as images were also coded, though only according to what was objectively present (e.g. study materials, food). In that this was a comparative analysis, the exhaustive coding of each data set was followed by a cross-data set comparison that focused on identifying points of convergence and divergence, and gaps. In order to close the hermeneutic circle, the broad and comparative analyses of the data sets were followed by a delving into of each theme that had been identified in order to extract discrete examples of how these themes manifested themselves. The goal was to identify the utterances which provided the most direct access to the essence of each theme. Many of these are presented in the results section.

Results

This section will present the results of the coding before examining those themes identified as consequential by the comparative analysis. To support claims made about these themes, social media posts made by individuals preparing for the SAT or *juken* will be quoted. The associated examination is indicated prior to each of these quotes and the codes assigned to them are presented in brackets following them. Quotes about the *juken* have been translated from Japanese by the author. The findings will be presented in three parts: themes that converge, themes that diverge, and themes with only unilateral representation, referred to as gaps.

Coding Results

The *jukensei* data was broken into sections of approximately 30 posts. Thus, the corresponding table (see Appendix A) includes data about the rate of appearance of themes in sections as opposed to in the entire data set. This should be understood to be the percentage chance that the theme in question appears at least once in a random selection of 30 or so posts. This information can be used to identify how widespread a theme was as opposed to how densely expressed. The SAT group data (see Appendix B) includes the rate of appearance for each theme in the entire data set.

Convergent Themes

The first convergent theme is an overwhelming focus on the negatively-valenced experiences associated with preparation. This is not to suggest that the process is represented as entirely unpleasant, but that both the quantity and potency of negative experiences are portrayed as outstripping those of positive experiences.

> [SAT] this is the "super tired" face of mine #lifesohard #SaturdayMorning #endofsemester #holiday #SAT #SATPractice all bullshit [Valence-Negative; Complaint; Schedule]

> [*Juken*] I don't know what I've been doing this whole time [....] when I finished calculating my score I was honestly dumbfounded. On the way home, I saw some people who looked like university students. They had such happy expressions on their faces. I asked myself what it is that I am even doing, and I felt sad. [Valence-Negative; Progress-Results; Being *Jukensei*-Characterizations]

Among *jukensei*, negative opinions were voiced more strongly and approximately twice as often as positive ones. Among the SAT students, however, the ratio was close to three to one negative to positive and, with rare exception, the positive utterances related to peripheral elements of the SAT experience such as friends. More specifically, much of the convergent negativity expressed related to feelings of disappointment regarding perceived progress and anxiety about the upcoming examinations.

> [SAT] Another day, another practice test but yet my Reading and Writing and Language score stays within the same range [Valence-Negative; Ability]

> [*Juken*] I only feel anxious. It's bad. What can I do to pass the Center Test…? Compared with last year, I understand more things but, for some reason, my scores aren't going up. [Valence-Negative; Examinations-Center; Progress-Ability and Difficulty; Progress-Results]

At the same time, both groups also expressed anticipation for the break they would enjoy once finished with the examinations.

> [SAT] Looking foward [sic] to spring break, much needed rest [Valence-Positive; Break]

> [*Juken*] Recently, as the examinations get closer, I feel more and more scared. Sometimes I'm not able to sleep. But, today I thought about how, once I have passed, I can go out to eat and do lots of other fun things with my friends. I realized that now is my only opportunity

to challenge myself and I need to work hard. [Valence-Positive/Negative; Examinations-Post; Progress-Motivation; Leisure]

Social media provided an avenue for both groups to behave boastfully and humbly with respect to their abilities.

[SAT] I never opened this thing [SAT Prep book], but I got a really high score on my English portion of the SAT (: [Valence-Positive; Ability; Materials]

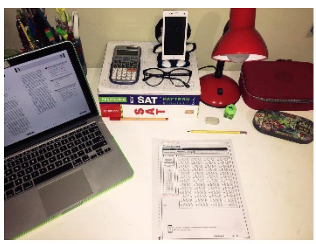
[*Juken*] My Center test scores this time were so good. I wonder if other people are making this much progress. They went up so much I don't completely believe they are correct. [Valence-Positive; Examinations-Center; Progress-Results]

[SAT] in math i use this thing called the guess and hope method [Ability]

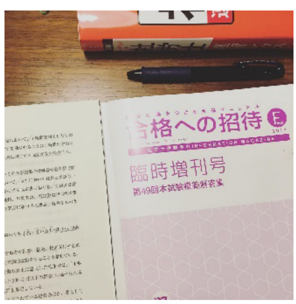
[*Juken*] My Japanese ability is very bad. I answered some questions yesterday for the first time in a month and I couldn't answer them at all. [Valence-Negative; Progress-Ability and Difficulty]

It was common for both groups to post the results of their mock or practice examinations. But, whereas the SAT group typically posted scores as a single picture containing one percentile rating accompanied by a short reaction, the *jukensei* posted multiple detailed score sheets and often went on at length comparing each of those scores to their previous performances.

Both groups recognized the primacy of conscientious action in achieving their examination goals. They posted similar pictures of organized desks accompanied by proactive utterances.



[SAT] [Materials]
Practice! Practice! Practice! [Effort-Intention]



[*Juken*] [Materials]
Just get it done! [Effort- Intention]

[SAT] Welp, I'm officially back to the grind.... I've been studying for the SAT all morning and figuring out college admissions! 😩 Already missing Christmas!! 😭 [Valence-Negative; Effort-Prior]

[*Juken*] My reflection on this week: I studied for 55 hours. Recently, I haven't been able to plan when I'll have time to study[…] I sometimes can't even find three hours to study. [Valence-Negative; Preparation-Time Studying; Effort-Prior]

The number of posts focused on time spent was offset by a smaller number acknowledging that hours put in did not necessitate progress made—that the productive quality of that time was also a necessary consideration.

[SAT] So not focused tonight :/ ugh [Valence-Negative; Effort-Prior]

[*Juken*] During this 8 hours and 40 minutes, I only studied for two hours. I can't even remember how I spent the rest of the time. Ahhhh… what a waste. I spent six or seven hours by myself just thinking about random things. [Valence-Negative; Preparation-Time studying; Condition-Mental; Effort-Lack]

The social media services were also used as means to request and offer support. The nature of this support varied, from preparation material related to strategic and psychological in nature.

[SAT] guys does anybody have any of the previous Official SAT full tests Pdf, I need them urgently. [Support; Materials]

[*Juken*] Knowledge Grade-Up Seminar is of a different quality than the other lectures I have used. It's more stimulating […] it will help you connect principles and application in the way you think. [Being *jukensei*-Advice about; Preparation-Materials]

[SAT] Legit upset at how un Marvelous my grade is. #SATprep #Tutor? One that will take their time with me to translate how to solve the problems and tips to solve them. So I can maybe master this. 🙏 [Valence-Negative; Ability; Support]

[*Juken*] My heart feels like it's going to break, but looking at everyone's posts I feel like I can keep trying as well. I'm not just saying that. I feel like I can do it. [Valence-Negative; Support-Followers; Progress-Ability and Difficulty]

A final point of thematic convergence is portrayal of food and drink as sources of both support and reward that could be integrated into the preparation efforts.

[SAT] Milked coffee + Kaplan + Music = the best mood for studying =)) [Valence-Positive; Food and Drink]

[*Juken*] These are Lamune [a candy] that my mom gave me before. They were hiding in my bag. So I`m going to eat them. When you are tired… Sugar! And Chocolate! [Valence-Positive; Food and Drink; Condition]

[*Juken*] I rewarded myself for my hard work with this new Starbucks dessert. [Valence-Positive; Food and Drink]

Divergent Themes

The themes to be discussed in this section will be those that are present in some form in both data sets. Whereas the convergent themes were those that contained consistent sentiments expressed about similar aspects of the preparation experience, the divergent themes are those that, while portraying similar experiential aspects, proved inconsistent across sets.

Both groups posted pictures of themselves but, whereas the SAT group did so seemingly without concern, the pictures from the *juken* group almost never included any unobscured faces. Posters would often take the extra step of positioning a sticker or blurry spot in order to obfuscate their faces.

Also with respect to how social media was used, there is a staggering disparity in the level of engagement demonstrated by the two groups. Data collection for this study turned up approximately 70 posts made over the last five years by SAT students about the examination and preparation for it. Over 700 posts were made by *jukensei* in a single month. Considering the relative sizes of the SAT student and *jukensei* populations, this disparity in engagement is even greater than it appears.

There is also divergence in how the SAT and *juken* groups deride their respective examinations and complain, or refrain from complaining, about the preparation that it requires.

> [SAT] Dear @CollegeBoard I hate you more than I hate Eggplant Thank you :) [Valence-Negative; Complaint]
>
> [SAT] Literally never felt less like Friday in my life [Valence-Negative; Complaint; Schedule]
>
> [SAT] Why wake up early to study when im [sic] already in summer.[sic] [Valence-Negative; Complaint; Schedule]
>
> [*Juken*] The time we have to deal with any remaining problem questions from the Center Test has gone from 60 days to 50 days. I know that from now I must go turbo speed. I really need to treat each and every day as important. [Examinations-Time left before; Preparation-Time studying; Examinations-Center]
>
> [*Juken*] Why do I need to do this? Even if I do it, how will it be useful in the future? Math? Will I use it? History? What's the point? Classical Japanese? Am I going to use that? I feel like laughing about it. But, you can't only do the things you want to do. Do what you want when you can, but also do what you must even when you don't want to. The worst thing is to not act. Those who don't act never have a chance to succeed. They won't have the life they want. So, when you run into a wall and are uncertain the only thing to do is face yourself, get over it, and take confident action. [Being *jukensei*-Advice; Reflection-Last Year or Earlier]

These quotes demonstrate two points of difference in how the groups portray their experiences. First, members of the SAT group appeal to a sense of unfairness about the examination, suggesting grudging acknowledgement that preparation is necessary by studying despite the burden they claim it is placing on their lives. In comparison, *jukensei* refrain from maligning the examination (the above quotation was the closest thing to a complaint in the entire data set). Rather, they express recognition that such negativity would harm only them, that the burden is of-their-own-choosing, and that resolute self-application is the only reliable way to forestall future regrets.

The second distinction on display in the above quotes is how the groups portrayed their preparation time. The SAT students suggested this time was akin to an unfortunate casualty or a nearly unwilling sacrifice. *Jukensei*, however, portrayed their preparation time as a scarce and valuable resource. The overall impression is that, whereas members of the SAT group suggested a feeling of deprivation associated with forfeiting to preparation what could have been an enjoyable night or a lazy morning, the *jukensei* bemoaned never having enough such nights or mornings to so invest. They represented examination preparation as a race against time rather than as an imposition on it.

Consistent with this are the divergent ways in which the two groups express their feelings about time spent studying. For the SAT group, the clearest sentiment expressed was annoyance at the time required to prepare. For the *jukensei,* it was pride and regret. They regularly boasted about the amount of time they had spent studying, posting pictures of timers showing the number of hours they had studied that day. There were also instances of *jukensei* self-organizing to create accountability measures. One cohort competed based on hours studied, reporting the top five for each week. Here is an example of one of these posts with the usernames changed:

> [*Juken*] To begin with, I have collected last week's data. Here are the results:
>
> First- @fdhao_fios 92h33m
>
> Second- @yydduu 92h28m
>
> Third- @_____bbb___78h
>
> Fourth- @PO_yu 72h53m
>
> Fifth- @suim___64h [Support-Followers; Preparation-Time Studying/Routines and Systems]

Regret was expressed when posters felt as though they had not been able to dedicate enough time to studying. In such cases, a sense of having missed an opportunity or of falling behind was typically expressed.

Thematic Gaps

The following themes are those which were present in one of the data sets, but for which a converging or diverging correlate could not be found in the other data set.

> *Jukensei* represented their test preparation experience in a way the SAT did not: as one fundamentally characterized by a process of self-overcoming.
>
> [*Juken*] Even though I can say without hesitation that I know more than I did last year, my score hasn't changed. It's because I am weak. When I'm not concentrating, I blame it on all sorts of things. That is why I probably won't develop. I'm scared. Really. But, I won't fail. Because I must pass. Because I want to pass more than anything. […] What happens around me isn't important. It's myself that I can't lose to. [Valence-Negative; Reflection-Last year or earlier; Progress-Results/Goals; Effort-Lack]

Considering the relationship to time that *jukensei* develop, it is unsurprising that they also described struggles with health issues in a way that the SAT students did not. *Jukensei* commiserated over headaches and sleeplessness; they offered and reported heeding advice about dealing with sickness.

> [*Juken*] I don't know how long this has been going on, but I haven't been getting good sleep. I close my eyes and just can't fall asleep. It's so bad that, when I saw my mom on Sunday, she said my eyes seemed lifeless. What do I need to do to get to sleep? Is this because I've accumulated a lot of stress? It's already November, so I'm just going to attack with everything and give up on any kind of withdrawal. [Valence-Negative; Condition-Mental/Physical; Effort-Intention]

> [*Juken*] I feel like there are a lot who think they can just go on being more and more sleep deprived until they take the exam, but that is totally not true. Making your body weak during winter, when you have all this stress, living an unhealthy lifestyle, not getting enough exercise—these things add up and will beat you. You don't want your physical health to ruin all this hard work you've done. [Being *jukensei*-Advice about; Condition-Physical]

The *jukensei* also spoke about the upcoming examinations in much starker, more evocative terms than did the SAT group. Many of them portrayed the *juken* as a life-defining challenge—as something to be approached in a thoroughly resolved manner or not at all.

> [*Juken*] The battle is won or lost starting now. The problems I face will not control my future. Those who honestly face their problems and keep working even while crying are also able to find enjoyment in the toughest of times!! I choose to do what I should do. [Effort-Intention]

> [*Juken*] To think that such a wonderful, idyllic, respected university is waiting for me […] If I need to, I will give my last breath for that. I will not give up until the very end! [University-Life/Of interest; Progress-Goals; Effort-Intention]

> [*Juken*] With regard to what is most serious: so that spring will see the blooming of cherry blossoms, in the face of difficulties you must stand up and walk forward. [Effort-Intention; Being *jukensei*- Characterizations]

These posters balance tragic language with powerfully positive words and symbols. Such descriptions suggest that the *jukensei* experience is one characterized by an existential gravity. No such language was employed anywhere in the SAT data group. Rather, the experience was portrayed as being inconvenient but necessary, annoying though temporary and, overall, as an unfortunate event.

The themes of obligation and gratitude constituted another gap. While SAT preparation courses and tutors may cost money, they are more likely to be employed for a short duration and can be supplemented or even substituted with free options. *Jukensei*, however, are likely to have attended cram schools dedicated to examination preparation for years prior to taking the *juken*. Combining the tuition of these cram schools with the fees charged to take mock examinations, the Center Test, and university specific examinations, the cost to be well-prepared and go through with the *juken* a single time defies comparison to that of taking that SAT even multiple times. Many *jukensei* go on to become *roninsei*—a student who does not enter university on his or her first attempt and spends a minimum of one year preparing and retrying. For the parents of *roninsei*, costs are often more than doubled as it typically means a full-time *juku* schedule. It is understandable, then, that *jukensei* express a sense of obligation and gratitude towards their parents.

> [*Juken*] Both of my parents have spent a lot of money to support me. They're my parents and I'm their child so they're supporting me. But, I see myself beginning to think that this is just natural. I take lots of examinations and each one costs money. The winter semester will be even more expensive. I want to be able to pay them back for these things. That thought is present in my mind every day. [Support-Family; Progress-Goals]

Such expressions of obligation and gratitude are not only aimed at parents or limited in scope to financial support.

> [*Juken*] I know I need to stay dedicated, but doing it is just so tough. There are so many people who have sent me heartfelt messages saying they're hoping I'll pass. I even got handwritten letters from some people. It makes me very happy. I want to meet their expectations […] You mustn't betray people's hopes for you. I will show them their hopes were well placed. [Valence-Positive/Negative; Support; Progress-Goals]

> [*Juken*] When I think about the people who are rooting for me, I deeply feel that I no longer have the option of retreating. [Support]

The sense of obligation and gratitude expressed here is of a different sort. The posters express feelings of gratitude and an owing of something to others, but they suggest that, should they be unable to repay what is owed, it would constitute a betrayal rather than a mere failure—it would have implications for their character rather than just for their capabilities.

Other social media users were also identified in expressions of gratitude. Posters spoke about relying on the support they received through the platforms, and about struggling to communicate with others who were not engaged in *juken* preparation. There were also, however, times when *jukensei* communicated that they needed to withdraw from social media for extended periods because they felt the need to focus entirely on examination preparation.

> *Jukensei* also regularly identified the avoidance of future regrets as a source of motivation. Similar sentiments were not communicated by the SAT students.

> [*Juken*] Whether I laugh or cry, I have 22 days. I have to work hard until the end. The only thing I do not want is to have regrets. [Progress-Goals; Examinations-Time left before]

Discussion

This section will largely seek to address the third question identified in the introduction of this paper, that being: How closely aligned are the structural-functional elements of the examinations and the intra-group communications they produce and what does this suggest about the experience of preparing for either?

Among the most apparent answers to this question is that both groups communicated their displeasure with the process. Posts with negative valence outnumbered those with positive by two to one for *jukensei* and by nearly three to one for the SAT group. While unsurprising, this imbalance cannot be entirely attributed to the nature of the process given that one of the most robust findings from social psychology and behavioral economics is the general human bias towards negativity (Hanson, 2014; Vaish, Grossmann and Woodward, 2008; Rozin and Royzman, 2001; Taylor, 1991). This, however, only further supports the likelihood that the process is largely experienced as unpleasant.

It is noteworthy that *jukensei* expressed a lower ratio of negative sentiments despite the objectively more demanding process in which they are engaged. Part of the explanation for this almost certainly lies in differences between the schooling and socialization undergone by the two groups. But, the possibility that *jukensei* communicate negative sentiments to one another at a lower rate precisely because they are collectively faced with a more difficult challenge must also be considered. They tended to offer advice and expressions of support in a way the SAT group did not. Perhaps, then, they perceive themselves as accountable for how they individually shape the collective experience of struggle in which they are engaged.

This is in keeping with the fundamentally instrumental, 'in order to' orientation of Western cultures and, in contrast, with the obligatory, 'because' motivations that characterize Japanese cultural pscyhology (Davis, 1992). Rather than harboring a desire to change the world to suit them, *jukensei* express more thorough acceptance of their need to change themselves in response to what is.

Combined with the unpleasantness of preparing, the prolonged nature of the process inspired both groups to express feelings of mounting anxiety and to speak longingly of a time when the examinations would be over. This combination of unpleasantness and prolonged-ness also likely explains the support-focused communications of both groups. This support was variably portrayed as coming from food and drink, friends, teachers, family members, faith, and social media followers, but its necessity was consistently communicated.

The *juken* produced more intense support-focused posts, and a greater variety of them. This can clearly be connected to the major ways in which the *juken* differs structurally from the SAT: its greater consequence, its lower frequency, and its higher costs. *Jukensei* expressed more of a need for support, more appreciation for the support they received, and more concern over how they could fulfill the obligations entailed by that support. They communicated these messages both with their words and with the nature of their social media use.

One example of the latter is how *jukensei* not only engaged with social media at a rate dwarfing that of the SAT group but, with rare exception, did so anonymously. It might be suggested that this is merely how macro-level cultural differences (e.g. the tailoring of self-presentation according to the inner- or outer-ness of the audience) manifests vis á vis social media usage, but it is hardly difficult to find Japanese posters elsewhere on the services who readily show their faces. *Jukensei* as a group, however, are not so disposed. If their communications are taken as genuine, and given the content of those communications there appears little reason not to do so, they appear to use social media in an anonymously intimate manner seemingly motivated to divulge the details of their experiences in an authentic, vulnerable way while deigning to share much related to their identities. They post exhaustive mock examination score reports in their entirety. They talk about grudges they are harboring, moments of tragedy and despair they have experienced, and issues of mental illness they have kept secret even from their closest family members. And the networks they tend to form through social media, while more often composed of strangers than those of SAT students, appear to be no less reliable and far more task-oriented sources of support. Whereas in most contexts anonymity facilitates anti-social behaviors by undermining the human connection (Zimbardo, 2007), in this case it may be their anonymity acting in concert with the knowledge that the anonymous other is struggling with similar difficulties that allows *jukensei* to feel free enough to seek and be amenable to authentic connections.

The comparatively higher rate of support-focused posts also aligns with the higher economic burden imposed by the *juken*. This burden is severe enough to make practically infeasible the notion of a school-aged individual managing it without some sort of support network. The financial costs are high even considering only the cost of mock and real examinations. But the costs in time impose no less of a demand, making the everyday support activities performed by families—such as food preparation—much more valuable. The *jukensei* posts suggest a daily schedule arranged around eight to ten hours of studying, and this is the same range reported in interviews with former *roninsei* (Roth, 2019). Thus, straight lines can be drawn from the financial and temporal costs of *juken* preparation to the expressions of gratitude and indebtedness posted by *jukensei*.

The standardized nature of the examinations aligns well with the focus on results evidenced in both groups by the common practice of reporting and discussing scores. Proper preparation for examinations such as these affords little time to engage in magical thinking—answers are right or wrong and, if one intends to do well, the results of pre-tests can only be taken as accurate measures of one's current ability. While the score-focused posts made by the SAT group only addressed the poster's own performance, the *jukensei* often portrayed higher achievement as zero-sum, casting *jukensei* who were not their friends or supporters, and sometimes even these, as rivals. This is likely evidence of how several structural factors coalesce. The first, discussed earlier, is the Mt. Fuji-rather-than-market character of higher education in Japan as it encourages students to participate in a king-of-the-hill (or mountain) dynamic rather than to seek institutions of best fit. The second is the mock examination system which provides *jukensei*, throughout the course of the preparation process, with ordinal representations of their success. And, whereas it is easy to believe that SAT small score differentials can be offset by other factors, the weightiness of the *juken* means that *jukensei* can succeed or fail based on a single incorrect answer. Each of these factors contributes to *juken* preparation being collectively represented as a competition in ways that SAT preparation is not. While awareness of the competitive nature of the process may have existed on the periphery for SAT group, among *jukensei* it treated as a centerpiece.

If *juken* preparation is a contest, it is most certainly a race run against one's peers and the clock. The passing of time was a consistent theme in the communications produced by *jukensei*. The SAT group never expressed concerns over remaining preparation time, and this suggests that the frequency with which the SAT is offered effectively removes this concern from the intra-group conservation. The *jukensei*, posted about time with near obsession—whether they had spent enough of it studying, whether enough of it remained, and how to best make use of what there was. Having only one chance a year at the examination seems, for this group, to have paradoxically cast time as both treasured friend and feared enemy.

And this brings the discussion to the seriousness disparity apparent between the data sets. As opposed to the language of inconvenience used by the SAT group, the dire language used by *jukensei* suggests that the more determinative function and farther-reaching consequences of the *juken* produce more and stronger expressions of concern, giving the conversation at times either a more hysteric or resigned quality. The SAT group brought up the examination during the course of what appeared normal banter. Given what loomed in their collective future, the *jukensei* struggled to engage in normal banter and, in some cases, foreswore it altogether.

Limitations

This study is limited in the nature of the data it employed. While the quantity of data dealt with in this paper—well over 10,000 lines of text and approximately 1,000 images—is certainly large enough to have conducted a robust thematic analysis, other data sources would be expected to augment the findings here presented with additional layers of complexity.

It must also be acknowledged that inequality plays a role in the experience and outcomes of these examinations. While analysis of the data uncovered themes of economic anxiety and difficulty, the study was unable to comment in a deep way on how various levels of inequality affect the posting behavior. The fact that economic insecurity prevents many from engaging with these examinations at all must also be acknowledged.

Other limitations include the study failing to address elements of engagement such as likes and replies that might have elucidated the nature and range of effects associated with these posts.

Conclusion

While the reliability of social media posts as a window onto the genuine experiences of populations such as these has not yet been firmly established, their posting habits undoubtedly serve some perceived need. They also describe, highlight, and reflect aspects of a shared experience and, thereby, contribute to the formation of a collective one. Given the conspicuous structural and functional similarities of the examinations in question—their consequence, lengthiness, standardization, standing outside of compulsory curriculum, and roles as gatekeepers for tertiary education—the shared public expressions of these groups are as expected. They generally claim to be unhappy with the demands imposed by these examinations, but they also communicate the importance of industriousness and a results-based appraisal of their abilities. Given the structural and functional differences between these examinations—frequent as opposed to yearly, relatively shorter and less preparation intensive as opposed to longer and more intensive, relatively cheap as opposed to dependency-inducing, and one element as opposed to *the* element—the intra-group communications they produce are perhaps less predictable. *Jukensei* post more about being engaged in a process of self-overcoming. They seek and provide more support, often by interacting anonymously with individuals they only know through social media. They post more and much more frequently. They openly address the competitive aspects of the preparation process, cultivating supportive rivalries. They are more likely to describe their upcoming examination in dire terms and to express feelings of gratitude and indebtedness directed at those supporting their preparation efforts.

These examinations exhibit sufficient structural and functional similarity to make them convenient points of comparison. As tests in the broader sense, however, they are unique manifestations of the socio-cultural systems in which they are co-determinatively embedded, and of the individual stories and collective character of the populations that undergo them.

Notes

[1]*roninsei* is a student who does not enter university on his or her first attempt and spends a minimum of one year preparing and retrying

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Appendix A

Jukensei Coding Results

Theme	Appearances	Rate of Appearance in Sections
Being *jukensei*	141	100%
-Advice about	42	61.5%
-Characterizations	61	96.2%
-Experience of time	34	72%
-Number of years	4	11.5%
Condition	120	84.6%
-Environmental	34	73.1%
-Mental	29	46.2%
-Physical	57	76.9%
Effort	272	100%
-Intention	222	100%
-Lack	25	53.8%
-Prior	25	53.8%
Examinations	379	100%
-Center	26	57.7%
-Post-	14	34.6%
-Practice and Pre	156	100%
-Time left before	170	100%
-University specific	13	30.8%
Food and Drink	79	76.9%
Leisure	32	50%
Part-time Job	17	38.5%
Preparation	723	100%
-Plans	155	96.2%
-Religious	18	42.3%
-Routines and Systems	19	50%
-School and Home	42	80.8%
-Self	6	15.4%
-Time studying	117	92.3%
-Materials	366	100%
Progress	427	100%
-Ability and Difficulty	124	100%
-Goals	107	96.2%
-Motivation	62	69.2%
-Position	20	42.3%

-Results	114	92.3%
Reflection	57	88.5%
-Earlier this year	5	11.5%
-Last year or earlier	52	88.5%
Support	239	100%
-Family	48	84.6%
-Followers (SNS)	83	92.3%
--SNS use	29	65.4%
-Friends	27	84.6%
-Teachers	54	80.8%
University	71	80.8%
-Life	11	26.9%
-Of interest	60	76.9%
Valence	145	100%
-Negative	95	100%
-Positive	50	84.6%

Appendix B

SAT Group Coding Results

Theme	Total Appearances	Rate of Appearance
Valence	45	67.2%
-Positive	13	19.4%
-Negative	32	47.8%
Complaint	17	25.4%
Schedule	10	14.9%
Ability	10	14.9%
Support	13	19.4%
Materials	10	14.9%
Effort	8	11.9%
-Intended	2	3.0%
-Prior	6	8.9%
Procrastination	5	7.5%
Anxiety	4	6.0%
Food/Drink	6	8.9%
College	1	1.5%
Religion	3	4.5%
Break	5	7.5%
Goal	1	1.5%

Policies and practices governing disability in Malaysia's higher education: A comparison with England and Australia

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Abstract: *Throughout the last decade in Malaysia, participation of students with disabilities in higher education has seen minimal growth. This paper investigates the policies and practices regulating disability in Malaysia's higher education. Three aspects — legislation, funding, and governance — are analysed. To reveal the gaps in policy and practice, comparison is carried out with the cases of England and Australia. The research involved examining government documents such as disability acts, action plans, and research and statistics reports, combined with interviewing university administrators. It was found that Malaysian legislation requires more supporting details and that disability funding for universities should be considered. For governance, systematic legislation review and specific university monitoring are recommended. Establishing an independent national entity to conciliate grievances is proposed to address the inadequate redress mechanism available for students with disabilities. Overall, the government and universities could ensure that disability information is available in the public domain, especially online. Such practice would enhance disability awareness and knowledge for all. Although this paper mainly takes on the perspective of a developing nation, it attains an international orientation as it also depicts the workings of the developed world in governing disability in higher education.*

Keywords: *higher education participation, student with disabilities, legislation, funding, governance, review, monitoring, redress, complaints, United Nations Convention on the Rights of Persons with Disabilities (CRPD)*

Introduction

People with disabilities are among the most overlooked and neglected in the world (World Health Organization, 2013). In his study, Kamarulzaman (2007) opined that among the underserved factions in Malaysia, people with disabilities are indeed the nation's most vulnerable cohort. They are defined to be those with "long term physical, mental, intellectual or sensory impairments" (Persons with Disabilities Act [PwDA], 2008, pg. 9). One of the main factors that perpetuate people with disabilities in social exclusion and poverty is their inaccessibility to education, specifically, higher education. Especially in Asia, a higher education qualification is a prerequisite for most employment.

The Organization for Economic Co-operation and Development (OECD, 2011) reported that access of students with disabilities in higher education — albeit improving — is still a major concern. The enrolment numbers of students with disabilities at Malaysian public universities reflect as much (Table 1). Student enrolment in the public sector increased by over 30,000 students in the five-year period of 2011 to 2015. However, no similar magnitude of upward trend was observed in the enrolment of students with disabilities at these institutions. Their enrolment rose by just a little

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over 700 students for the same time period; their percentage of total enrolment increased by barely 0.15%. Hence, despite the constant discourse on higher education access and equity in Malaysia, it seems that the participation of students with disabilities has scarcely improved.

Table 1. Enrolment at Malaysian Public Higher Education Institutions, 2011–2015

Enrolment	Year				
	2011	2012	2013	2014	2015
Enrolment of students with disabilities	1,221	1,372	1,572	1,742	1,930
Total enrolment	508,256	521,793	560,359	563,186	540,638
% of enrolment of students with disabilities	0.24%	0.26%	0.28%	0.31%	0.36%

Source: Ministry of Higher Education (MoHE; 2013; 2015b; 2016b)

The Social Model of Disability underlines that disability issues do not stem from the shortcomings of those with disabilities but from disabling environments and cultures (Barnes, 2007). One of the dominant factors that steers a societal environment and culture is the policies and practices that regulates the society's constitution. This paper aims to examine the policies and practices that regulate disability in Malaysia's higher education. Comparison is made with that of two other countries: England and Australia. Discussion is centred on three key aspects of disability policy and practice: legislation, funding, and governance.

Approach

The United Nations Educational, Scientific and Cultural Organization's (UNESCO) *Education 2030 Incheon Declaration and Framework for Action* is the implementation plan for the 4th Sustainable Development Goal (SDG4) of quality education. The 5th target of SDG4 addresses gender equality and inclusion, which includes matters concerning persons with disabilities (United Nations, 2017b). In achieving that 5th target, the Framework sets out to, among others, ensure that education policy and budgeting protect against any discrimination (UNESCO, 2016). Disability legislation and policies regulating cost allocation and reasonable accommodation provision are important elements in tertiary education access for students with disabilities (Committee on the Rights of Persons with Disabilities, 2009, 2016).

UNESCO's Framework and reporting for the United Nations Convention on the Rights of Persons with Disabilities (CRPD) essentially require member countries to monitor, follow up, and review their education legislation, policies, and systems. According to the legal framework for protecting human rights by UNESCO (2014), besides common indicators such as 'laws', 'available remedies' in the event of rights violation is also a significant factor. Hence, *legislation*, *funding*, and *governance* form the core of this paper on policy and practice governing disability in higher education. Governance covers review, monitoring, and redress.

Due to the British colonisation of Australia and Malaysia, the legal system of both countries is essentially derived from English laws (Australian Law Reform Commission, 2017; Castles, 1963; Shaikh Mohamed & Supramaniam, 2016). The legal framework between the three countries, therefore, holds many parallels (and relatable distinctions). Also, as England and Australia are developed nations, a study on their disability regulation in higher education is apt in drawing feasible milestones for Malaysia (a developing country). To this end, in this paper, the policies and practices for each country are presented on the three aspects mentioned.[1] Nevertheless, authors in the field have highlighted issues on postcolonial conditions and adopting disability practices of previous colonial powers (Grech, 2011; Meekosha, 2011). Thus, analyses are conducted on the Malaysian policies and practices in comparison with those of the other two countries to elicit recommendations suitable to Malaysia's context and aspirations.

The bulk of the research was carried out through analysing official secondary data from the governments of Malaysia, England, and Australia. Acts, policy documents, action plans, research reports, and statistics were among the many items examined. Primary data were collected from interviews with four administrators of Malaysian and Australian universities towards the end of 2016. The next section provides an overview of the current context of disability in Malaysia's higher education. This is followed by the three-aspect analyses, including the respective implications and recommendations for Malaysia. Challenges of the study and possible future research conclude the paper.

Disability Context in Malaysia's Higher Education

The legislation that protects people with disabilities in Malaysia is the Persons with Disabilities Act (PwDA; 2008). People with disabilities are mainly under the purview of the Department of Social Welfare (DSW); Ministry of Women, Family and Community Development (MWFCD; DSW, 2017b). The National Council for Persons with Disabilities (NCPD), established under the PwDA, is tasked with implementing the provisions of the said Act (PwDA, 2008). To this end, the Council, among others, oversees and carries out the nation's formal policy for persons with disabilities and its action plan.

Complete participation of people with disabilities in society forms the core of Malaysia's National Policy for Persons with Disabilities 2007 (MWFCD, 2007). The action plan — currently the People with Disabilities Action Plan 2016–2022 — is envisioned to execute the said policies. Malaysia agreed to take on the Incheon Strategy (United Nations Economic and Social Commission for Asia and the Pacific, 2012). As such, the core strategies of the 2016–2022 Action Plan are in alignment with Incheon Strategy's 10 disability development goals. The 3rd core strategy is centred on improving access at all education levels (MWFCD, 2016).

Special education in Malaysia receives insufficient attention in general, and in research, there is a dearth of related literature (Lee & Low, 2014). The issue is heightened at the higher education level. Though the Malaysia Education Blueprint 2013–2025 devotes considerable focus to special education at the primary and secondary level, the Higher Education Blueprint 2015–2025 barely touches disability (Ministry of Education [MoE], 2013, 2015). Lee and Low (2014) also underlined three pertinent inadequacies rampant among developing nations: 1) facilities and training, 2) funding framework, and 3) viable legislation. Thus, a study on the disability policies and practices in Malaysian higher education is most appropriate.

Legislation

In Britain, the Equality Act (2010) protects, among others, students with disabilities against discrimination, harassment, and victimisation by higher education institutions. Student exclusion or denial of opportunities due to any such conduct is unlawful. Institutions have a duty to make reasonable adjustments to accommodate their students with disabilities. These adjustments are to be anticipatory and ongoing, and consist three aspects: 1) provision, criterion, and practice; 2) physical feature; and 3) auxiliary aid and service (Equality and Human Rights Commission [EHRC], 2014a). Public universities have to ensure compliance with the Public Sector Equality Duty — both general and specific — extended by the Equality Act (2010).

As for Australia, Section 22 of the Disability Discrimination Act (DDA, 1992) makes it unlawful for universities to discriminate against students with disabilities in regards to admission, benefits, and course provision; Section 37 prohibits the harassment of such students. To underline the requirements of education institutions, the Disability Standards for Education (DSE, 2005) was established. The Standards mandates that students with disabilities be provided education opportunities on the *same basis* as those without disabilities. To this end, universities are to provide reasonable adjustments (DSE, 2005). As Australia is a federation, each state has its own jurisdiction and laws (e.g., the South Australia's Equal Opportunity Act, 1984). The stipulations of the DDA (1992) and the DSE (2005) operate within the pertinent state-based legislations.

For the case of Malaysia, as mentioned, the PwDA (2008) provides for the protection of people with disabilities. Exclusion of, among others, higher education students with disabilities by government and private education providers is prohibited. Reasonable accommodation is to be provided to meet their needs at universities. Table 2 summarises the respective legislations governing Britain, Australia, and Malaysia as well as the status of each country's international participation with the United Nations CRPD and the Convention's Optional Protocol (United Nations, 2017a, 2017c). The significance of such participation will be addressed in the Governance section.

Table 2. Legislation and International Participation of Britain, Australia, and Malaysia

	Britain	**Australia**	**Malaysia**
Act	Equality Act 2010	Disability Discrimination Act 1992 *supporting legislation: Disability Standards for Education 2005	Persons with Disabilities Act 2008
United Nations Convention on the Rights of Persons with Disabilities	Signatory (under the United Kingdom)	Signatory	Signatory
Convention's Optional Protocol	Signatory (under the United Kingdom)	Signatory	Nonsignatory

It is clear that all three nations do, indeed, have disability laws. The defining distinction is in the manner and amount of legislation support and guidance. Besides their main disability acts, the British and Australian governments supply ample supporting documents and information that provide universities with concrete elaborations, interpretations, and examples. Some documents are easy-to-read guides while others, legally enforceable. For example, in Britain, though the *Technical Guidance on Further and Higher Education* is nonstatutory in nature, it may be employed as evidence in court and tribunals (EHRC, 2014a). *What Equality Law means for you as an Education Provider — Further and Higher Education* (EHRC, 2014b), on the other hand, is among the many practical guides catered for the layman.

Specific supporting laws are stronger in Australia. The DSE (2005) is subordinate legislation under the DDA thus, legally enforceable; its stipulations are binding for universities. In addition, there is the Guidance Notes that further clarifies the 2005 Standards. As for easy-to-read guides, the Australian Government has provided substantial material such as factsheets, websites, and even systematic resource guides (Department of Education and Training [DET], 2016a; University of Canberra, 2014).

Malaysian legislation, on the other hand, does not receive any supporting guidance. The DSW (2017a) does provide the list of facilities and privileges extended by the different government ministries, including the Ministry of Higher Education (MoHE), to people with disabilities. This document, however, does not explain the requirements of the institutions or aid students and others in their expectations. The PwDA (2008) provides broad stipulations to include students with disabilities and extend reasonable accommodation but no specifics on what those entail. Details are crucial for effective implementation. Giving proper support limits subjective interpretation; it not only protects the student with disabilities but also all parties involved.

The understanding and specifics of concepts such as *disproportionate and undue burden* in disability legislation are of notable importance (Committee on the Rights of Persons with Disabilities, 2009). The laws of all three countries provide for instances where it is not unlawful for institutions to not make adjustments or accommodation. The difference is while Britain and Australia have explicit legislation addressing this issue, Malaysia's PwDA has the implications embedded in its definition of *reasonable adjustment* (PwDA 2008, p. 9). The concepts of *proportionate means of achieving a legitimate aim* in Britain and of *unjustifiable hardship* in Australia receive considerable focus in both the respective Acts and their guidance material. In Malaysia, the issue remains ambiguous as there is no further information found in the PwDA and no supporting documents providing clarification.

Implications and Recommendations for Malaysia

As certain concepts are underdeveloped and official supporting details, limited, Malaysian disability laws are opened to an institution's own discretion and interpretation. Such settings perpetuate the culture where "society will give as and when it chooses" (Sinnasamy, 2010). People with disabilities in the county are still mostly seen as cases of charity and welfare (United Nations Children's Fund [UNICEF] Malaysia's, 2014).

Hence, instead of providing the necessary accommodation, the university's resource availability determines if a student with disabilities is admitted (UNICEF Malaysia, 2014). As most Malaysian universities have no disability policy or statement, incorporation of any practice is piecemeal at best; laws are subjectively embedded into the different constitutions governing the institution. The authors examined the websites of 15 public universities and found that merely four had any disability information. Students with disabilities are still mostly an overlooked population in Malaysian higher education.

In view of the above, more substantial guidance from the NCPD is called for. Supporting legally-enforceable legislation and easy-to-read guidelines to the PwDA are imperative. Although examples from the developed nations can be used as a genesis, ultimately, the guidelines must be drawn from the Malaysian context of disability. Specific to higher education, the elements that constitute reasonable accommodation at the university should be outlined and readily found on the website of the DSW and the MoHE. Granted that Perren. Roberts, Stafford, and Hirsch (2012b) is a British review, this study revealed that the government website is the most common of sources in pertinent information seeking.

As for the universities, they are encouraged to have at least a disability element visible on their webpage such as a tab leading to information on disability facilities. Beyond that, institutions should also have a disability policy, one that students can easily access from the university's website. Although there is a risk of the policy becoming just another document invoking no real action (a concern brought up by respondent during interview in a Malaysian university), policy establishment is still highly recommended if for nothing else than to be the ignition of disability awareness. Perren et al. (2012a, 2012b) associated good organisation practice and equality awareness with having a written policy.

Funding

This section examines the funding practice of the government specific towards the higher education student with disabilities and towards the university specifically to cover disability costs. Undoubtedly, other funding options such as university loans for the student and business investments for the institution are available. This study, however, focuses on government provision. Funding level analysis is beyond the scope of the paper.

In England, the main government funding scheme for higher education students with disabilities is the Disabled Students' Allowance (DSA; Government of the United Kingdom [GUK], 2017a). Those funded by the National Health Service (NHS) Student Bursaries (e.g., students studying to be doctors and dentists) are eligible to a similar disability allowance but under their bursary (GUK, 2017b). Starting for years 2017–18, to recruit and support students with disabilities, publicly funded universities receive the Disabled Students' Premium from the Higher Education Funding Council for England (HEFCE[2]; HEFCE, 2017). The premium follows an institutional weighting method (with a floor minimum in allocation). The amount is calculated according to the proportion of students who receive the DSA and who self-declare a disability at a weightage of 2 and 1 respectively.

As for Australia, higher education students with disabilities in receipt of certain financial support from the Department of Human Services (DHS) are entitled to the extra Pensioner Education Supplement, a small fortnightly payment designed to help with study costs (DHS, 2017). Universities, on the other hand, receive disability funding primarily through the Higher Education Disability Support Program (DSP, Table 3) from the Department of Education and Training (DET).

Table 3. Components of the Higher Education Disability Support Program in Australia

No.	Component	Description
(1)	Additional Support for Students with Disabilities (ASSD)	• provided to universities to aid them in availing equipment and education support to students with disabilities • this component reimburses the institution a portion of the said disability expenditure (50%-60% of education support expenditure and 100% of equipment cost)
(2)	Australian Disability Clearinghouse on Education and Training (ADCET)	• provided to the university hosting the ADCET website — currently, the University of Tasmania • the ADCET website provides information and resources on higher education inclusive practices
(3)	Performance-Based Disability Support Funding	• provided to universities in spurring them to carry out strategies in attracting and providing for students with disabilities

Source: Commonwealth of Australia (2012); DET (2015a)

In Malaysia, higher education students with disabilities may receive a monthly pocket stipend and a set course fee subsidy from the Malaysian government (DSW, 2017a). To champion equity and lifelong learning, Open University Malaysia offers a 75% fee waiver to those with disabilities and senior citizens. As for government funding to the universities, there is no allocation provided (MoE, personal communication). Any accommodation or scholarships extended to students with disabilities is financed on the institution's own initiative. Table 4 depicts the respective government provision practice for the three nations in regards to disability in higher education.

Table 4. Government Funding Provision Practice for Disability in Higher Education in England, Australia, and Malaysia

	Government to student with disabilities	Government to university
England	✓	✓
Australia	✓	✓
Malaysia	✓	×

Institutions in England and Australia receive government disability financial provision, which holds base-level and performance-based elements. Malaysian universities, on the other hand, receive no government disability allocation. The Malaysian government, however, does fund special disability institutions, some of which extend education, vocational and industrial training, and job placement services to people with disabilities (DSW, 2017a). Electric, electronics, information technology, fashion design, and *batik* production are among the many training areas offered (Singh, 2014).

Implications and Recommendations for Malaysia

The disability allocation by the English and Australian governments to their universities indicates that provision for students with disabilities by regular higher education institutions is an important agenda for them. Undeniably, the Malaysian government does provide for the education and welfare of students with disabilities. Nonetheless, missing in its funding practice is the cue to its universities on the significance of the disability cause in the nation's higher education. In Australia, DET (2015a) found that the DSP aided in increasing the university's awareness on disability support and inclusive practices.

Although the Malaysian institutions can subscribe to other sources of funding, provision from the government is essential in disability accommodation (see analysis of the Centre for Disability Studies and School of Sociology and Social Policy, 2009, on the importance of HEFCE monies in this regard). Hence, the Malaysian government should consider providing a disability allocation in their annual funding to the universities. Due to the current low volume of these students, a feasible start could be a capped reimbursement procedure. Institutions could perhaps claim, up to a ceiling level, for their disability expenses of the previous year (a practice adapted from part of the Australian mechanism).

When the volume increases in future, a small allocation (to be revised after a set duration) could be provided to individual universities based on each institution's number of students with disabilities. The essential factor at this stage is not so much the level of funding but the existence of the fund itself; it underlines the disability priority for Malaysian institutions. Nonetheless, establishing provision, usage, reporting, and publication policies for the Ministry and the university must accompany the disability allocation.

As for the universities, the shrinking budgets provided by the government have caused major cuts in funds for every aspect of their operations. Allotting even a small sum (from the current budget) for disability would be a challenge. Thus, universities could perhaps focus on forming good relations with notable donors in Malaysia and abroad to draw in endowments, gifts, and collaborations specifically to support disability.

For example, the University of South Australia (UNISA) receives funds from benevolent private organisations to form grants that are provided to students with disabilities (interview respondent, Australian university). It is therefore recommended that every Malaysian university have a disability funding strategy planned out and put into place. Incidentally, the Malaysian government could also form partnerships with national and international organisations for disability funding (UNESCO, 2017a).

Governance

Here, governance of disability policies and practices in higher education is examined in terms of review, monitoring (top-down mechanism), and redress (bottom-up mechanism). Review and monitoring in this paper refers to official government-initiated efforts. While *review* covers evaluating legislation and its effectiveness, *monitoring* refers to overseeing the progress of institutions in their disability policy implementation.

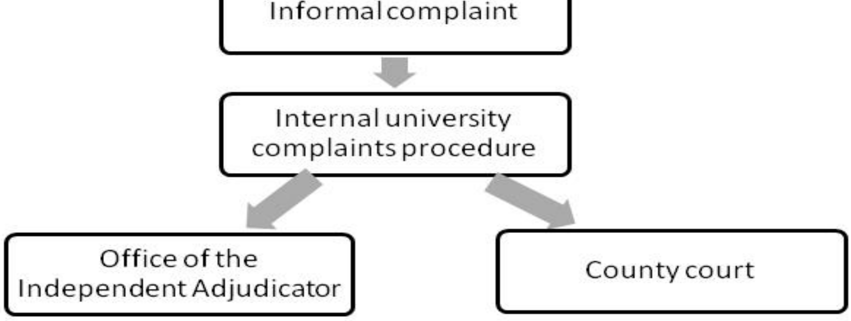
In England, various government bodies carry out reviews on the nation's disability policies. One prominent review was the survey ending January 2012 by the Government Equalities Office on the impact of the Equality Act on the workplace (Perren et al., 2012a, 2012b; Perren, Roberts, Stafford, Hirsch, & Padley, 2012). More recently, the House of Lords (2016) examined the impact of the Act on people with disabilities. Periodically though, the Equality and Human Rights Commission (EHRC), being the regulator of the Equality Act (2010) and the Public Sector Equality Duty (EHRC, 2016, 2017b), produces statutory reviews on the progress of equality and human rights (higher education included; EHRC, 2015, 2017a). Specific to higher education, the *Equality in Higher Education: Statistical Report* is prepared annually by the Equality Challenge Unit (ECU), highlighting areas for action in improving inclusiveness (e.g., ECU, 2014, 2015, 2016).

As for monitoring, the following are examples of the public entities that oversee disability in higher education in England. The Higher Education Statistics Agency (HESA) monitors and publishes the figures of students with disabilities in the United Kingdom annually (HESA, 2017). Besides that, assessments on the compliance progress of public bodies, which include universities, have been carried out by the EHRC (EHRC, 2012, 2013). HEFCE, on the other hand, regulates the universities through two modes (HEFCE, 2012): 1) visiting them and discussing related matters and 2) requiring the individual universities to submit the yearly monitoring statement, which contains a query into the equality progress of the institution.

As for redress in England, should discrimination, harassment, or victimisation ensue at a university, students with disabilities can take action against the organisation (Chapter 2 of Part 9 [Enforcement] of the Equality Act, 2010). The student should first try to settle the issue informally with the institution (Disability Rights UK, 2017). Only after employing all internal university avenues should students turn to external options: the Office of the Independent Adjudicator (OIA) and/or the county court (EHRC, 2014c).

The OIA is an independent organisation that reviews student grievances against higher education institutions (OIA, 2017a). As for international recourse, because the United Kingdom is a member of the CRPD's Optional Protocol[3] (as indicated in Table 2), English students can lodge a complaint with the Committee on the Rights of Persons with Disabilities (Office of the United Nations High Commissioner for Human Rights [OHCHR], 2017b). Nevertheless, one should first undergo the country's internal procedures (Figure 1).

Figure 1. England's Redress Mechanism for Higher Education Students with Disabilities



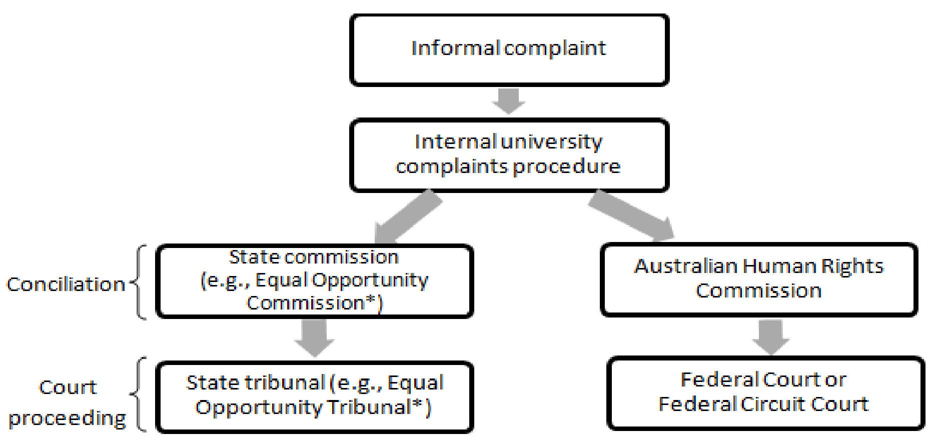
In Australia, there is periodic evaluation and review of disability legislation and strategy. For example, progress of the National Disability Strategy 2010–2020 is tracked and reported biennially (Commonwealth of Australia, 2011; see Department of Social Services, 2015, for the first progress report). Specific to higher education though is the review of the DSE (2005) every five years mandated by the Standards itself (see Urbis, 2015, for the final report of the latest review). Besides the above, the National Centre for Student Equity in Higher Education (NCSEHE), funded by the DET, undertakes equity-related research (NCSEHE, 2017b) thus, produces relevant statistics and reports (Koshy, 2016; NCSEHE, 2017a).

For monitoring, the DET does collect equity performance statistics, which include disability data, from the universities such as participation and success rates (DET, 2014, 2015b, 2016b). This practice, however, is mostly for budgeting purposes (interview respondent, Australian university). Agencies such as the Tertiary Education Quality and Standards Agency (TEQSA) are also more centred on overseeing the institution's standard and quality assurance. There is no actual mechanism in place to monitor the implementation of disability legislation, especially in relation to reasonable adjustment provision. Any such monitoring is entrusted to the universities themselves (interview respondent, Australian university). Redress mostly comes from student complaints and grievances.

Similar to England's redress practice, in Australia, external avenues are available to the student with disabilities only after internal university procedures have been exhausted (Figure 2). Students will then have to decide between conciliation using either their own state's mechanism or that of the Commonwealth (interview respondent, Australian university). This stage does not yet involve any court or legal proceedings. Opting for the Commonwealth route, students may bring their complaints to the Australian Human Rights Commission (AHRC Act, 1986).

The AHRC will then carry out an inquiry into the case that will result in either conciliation for all parties or complaint termination (DSE, 2005). Should termination ensue, students may then apply to the Federal Court or the Federal Circuit Court. Either court can make a finding and reach a verdict in which the student and the respondents to the case must respectively accept and comply with. For international aid, students may bring their grievances to the Committee on the Rights of Persons with Disabilities (after utilising the country's internal mechanism) as Australia is a member of the CRPD's Optional Protocol (refer to Table 2).

Figure 2. Australia's Redress Mechanism for Higher Education Students with Disabilities



Note: *The Equal Opportunity Commission and the Equal Opportunity Tribunal are specific to state of South Australia (Equal Opportunity Commission, 2013). Other states have their own commission and tribunal.

As for the Malaysian case, currently, no disability legislation reviews are found in the public domain. UNICEF Malaysia (2014) voiced that there was no progress evaluation of the first National Action Plan for Persons with Disabilities (2008–2012). For monitoring, Section 17 of the PwDA (2008) stipulates that the NCPD may require complete progress reports from public bodies on their implementation efforts in subscription to the Act. Nevertheless, the extent to which this section is carried out is not verifiable because the reports are not publicly available. In higher education, the MoHE does annually collect statistics of students and graduates with disabilities from higher education institutions (MoHE, 2016a, 2016b). Certain enrolment, graduate, and employment figures are published.

In terms of bottom-up enforcement, there is no legal complaints system or procedure invoked by the PwDA (2008) or any supporting document. In addition, Malaysia is not a member of CRPD's Optional Protocol (refer to Table 2). International avenue for grievances is, therefore, not available. Hence, the only accessible redress for students with disabilities in Malaysia would be the university's grievance procedure available for all individual complaints. Table 5 summarises the governance aspect for the three countries.

Table 5. Governance of Disability in Higher Education in England, Australia, and Malaysia

	Review	Monitoring	Redress Mechanism (provided by legislation)
England	✓	✓	✓
Australia	✓	✓ (partially*)	✓
Malaysia	Undetermined	✓ (partially*)	×

Note: *partially because there is monitoring of disability statistics (e.g., enrolment & graduate numbers) but no monitoring of policy implementation and progress at universities

For review and monitoring, one distinction between the advanced nations and Malaysia is the availability of online reports. Most reports are readily accessible at the relevant government websites for England and Australia; such is not the case for Malaysia. In terms of redress, for England and Australia, there is a clear path from internal university to national and international routes. Both countries have judicial and quasi-judicial mechanisms in place (the Committee on the Rights of Persons with Disabilities is an international quasi-judicial body). Malaysia, on the other hand, provides no external university avenues (confirmed by respondent during interview, Malaysian university). Similar to Malaysia, Australia has instated legislation protecting the government against civil action (Section 126 of the DDA and Section 41 of the PwDA). However, Australian laws have gone on to preserve court rights for people with disabilities.

Implications and Recommendations for Malaysia

Singh (2014) underlined the issue of inadequate implementation by the authorities with regards to disability in Malaysia. The above analysis provides support for such a claim. However, the absence of evident review and certain monitoring factors, along with crucial redress elements, indicates a lack of commitment to enforcement by not only the government but the legislation itself. Lee and Low (2014) expressed that Malaysia's legislation hardly invokes compliance of organisations.

It must be noted though that the yearly tracer study prepared by the MoHE does devote an entire chapter to the facts and figures of graduates with disabilities (MoE, 2014; MoHE, 2015a, 2016a). Thus, disability in higher education does receive some monitoring priority. As for the matter of redress, it is on the agenda of the 2016-2022 Action Plan to review the need to accede to the CRPD's Optional Protocol (MWFCD, 2016). However, missing redress components currently remains an issue as external university redress is essential in ensuring that the concerns of students with disabilities are heard. Rezaul Islam (2015) surmised that the voices of people with disabilities in Malaysia are often overlooked in decisions concerning them.

Thus, Malaysia can learn from Australia's practice that calls for feedback from all stakeholders (including students with disabilities and their carers) in the 5-yearly review of the 2005 DSE. An official review on the effectiveness of the PwDA can be carried out every 5–7 years by the NCPD in collaboration with the DSW. Such a review practice is in line with the core strategies found in the 2016–2022 Action Plan. Similar to England and Australia, they can commission a research institute or a university to conduct the study. Specific to higher education, the NCPD can work with the MoHE to conduct a review on the impact of the PwDA and the national policy and action plan on the universities so far. Malaysian higher education institutions can also do their part by approaching the Ministry to initiate official government studies.

In terms of monitoring, a reporting framework could be set up by the MoHE, requiring universities to submit information on disability or equality performance indicators, progress, milestones, and plans every 2–3 years. For both review and monitoring. the reports ought to be available on the Ministry's website. This practice is congruent with the first strategy of the 8th Core Strategy found in the 2016–2022 Action Plan to widely distribute research findings. Public information on the review and monitoring systems, methods, conclusions, and recommendations will also encourage more research to be done on disability in higher education. Perren et al. (2012a) concluded *external regulatory pressure* to be the component that most compels organisations to champion the equality agenda (as compared with *internal organisational factors* such as staff). The government would be a good external regulator for universities in such matters.

As for redress, it is recommended that a national grievance system for students with disabilities be developed by the NCPD. As a first step, a local quasi-judicial mechanism could be inserted. The Council could set up an independent national body that conciliates the complaints of students with disabilities such as that of the OIA in England and the AHRC, Australia (though the AHRC also applies to the broader community). This independent entity would be tasked with investigating grievances and making recommendations. Nonetheless, introducing court options to the redress system should be the long-term goal. Domestic legislation ought to provide for judicial mechanisms in the event of disability rights violation (UNESCO, 2017b; United Nations, 1993) for the right to education should be justiciable (Singh, 2013).

In the meantime, to safeguard redress opportunity at the institutional level, universities ought to ensure that students with disabilities are aware of the internal complaints mechanism. During orientation, all students — with or without disabilities — should be introduced to the process and procedure (e.g., what happens after a complaint, duration of process, what can be expected). Furthermore, the information should be posted on the institution's website at the disability section. Perren et al. (2012) found that some organisations in their study did in fact adjust their practices and procedures after discrimination disputes were worked out. Thus, instating an effective redress system is essential.

Challenges of the Study

Document analysis was sometimes challenged by missing disability data and information in the public domain. In the case of Malaysia, data collection was especially difficult as there is a lack of an integrated system and comprehensive data on people and students with disabilities. Different ministries and departments hold various aspects of the disability data with no streamlining mechanism by a main body.

Further Research

Besides the sector's policies and practices, there are other elements that influence the participation of students with disabilities in higher education. Examples would be the policies and practices that govern disability at the lower education levels and the major geographical elements (rural vs. urban). Furthermore, certain issues presented in this paper are related to the country's organisation as a whole, not just the higher education sector. For instance, in Malaysia, the lack of a redress system for higher education students with disabilities stems from the general lack of a redress mechanism for people with disabilities (cf., in Australia, the CRPD's Optional Protocol or the AHRC is open to all Australians with disabilities, not just students). Future studies could look into such factors.

Other than that, another key area for further research would be the development of the national redress system in Malaysia. Research is needed in establishing the mechanism of the above-recommended conciliation entity. Some methods that work in England and Australia (the advanced nations) may not be as effective in Malaysia, especially when the workings involve issues like disability awareness. Though inadequate disability awareness plagues all three countries, each nation is at a different point of the awareness scale.

For instance, in England and Australia, the concern for 'image' among its public is a major driver for an establishment's compliance to disability legislation (Perren et al., 2012a; interview respondent, Australian university). At present, this factor is not applicable in Malaysia. For image to be an adequate driver, disability awareness and priority in society would have to be at a level higher than that which currently prevails in the country.

In relation to conciliation, for example in England, the OIA may hold no legal powers to impose penalties. The universities, however, would most likely heed the Office's recommendations or risk being highlighted to the Office's Board and in its annual report (OIA, 2017b). Again, this approach requires a certain level of disability awareness among the public to be effective. Hence, the said Malaysian entity may not be able to outright adopt this practice. Adaptation has to be considered. Thus, further research is necessary in developing the workings of this entity to operate effectively within the Malaysian context.

Conclusion

Undoubtedly, Malaysia does have legislation, funding, and governance policies and practices for disability in higher education. However, these policies and practices have to be further developed. Reflecting upon Malaysia's mechanisms against those of England and Australia to make recommendations did not imply that the systems of the advanced nations are infallible. It did, however, signal that progress in certain disability aspects in Malaysia is due. This study was carried out to give overall direction and to identify the next step of incremental growth suited to the local context.

Developing supporting guidelines to legislation, which in future could also hold redress guidance, will aid all involved with disability in higher education to better understand their rights and roles. Arranging for essential data to be in the public domain, especially online, is key to not only that understanding but to greater research quality. Ease of access to information should also be considered by universities. Planning for visibility of disability information in their public spaces will draw in more students with disabilities. Essentially, this research is largely aimed at improving the participation of these students, a cause very much in line with the education agenda of Malaysia's 2016–2022 Action Plan.

Notes

[1] This paper covers the policies and practices of England, not the entire United Kingdom. The Legislation section is the only part that covers Britain because the Equality Act 2010 applies to the whole of Britain.

[2] HEFCE, which stopped operating on 1 April 2018, was replaced by 1) UK Research and Innovation, and 2) Office for Students. Disability funding falls under the Office for Students. HEFCE is quoted throughout this paper because this research was conducted in 2016/2017.

[3] The Optional Protocol institutes a redress mechanism for when rights have been infringed at the member states of the CRPD (OHCHR, 2017a). To this end, the Committee on the Rights of Persons with Disabilities is charged with two agenda: 1) review individual complaints, and 2) inquire into evidence-substantiated violations of the Convention. Convention participation does not imply automatic membership with the Optional Protocol. For the said redress procedure to take effect, however, the state in question must be a member of the Optional Protocol.

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Academic Governance and Leadership in Vietnam: Trends and Challenges

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Abstract: *This paper provides a review of academic governance and leadership in Vietnam at both the national and institutional levels, focusing more on the public sector. It also provides an analysis of new policy developments aimed at achieving higher education reform. There have been significant changes over the last three decades regarding governance structures and mechanisms in higher education Vietnam. These changes have been in response to the need for more decentralization and greater consistency with international practices. Increased autonomy for public higher education institutions has been one major achievement. More attention is needed, though, regarding accountability mechanisms. The role of the academic community in higher education leadership also needs to be strengthened by providing more fully for participation by academic staff members in university decision-making process. The privatization of higher education has contributed substantially to higher education development in Vietnam, but the private sector continues to be a focus for ongoing debate because of a perceived need for more improvements.*

Keywords*: Vietnam, governance, higher education reforms, privatization, autonomy, academic freedom*

Introduction

After two decades of rapid expansion, Vietnam's higher education landscape has changed significantly. The numbers of students, institutions and faculty members have increased remarkably, and the emergence of a private sector has been a further aspect of the system's evolution. These changes have contributed greatly to economic growth and social development. Change in the system's governance structures and leadership modes have, however, occurred more slowly, which is presenting some pressing challenges for the system's future.

Appropriate governance has been identified by Salmi (2009) to be of major importance to the effective functioning of higher education institutions (HEIs). This article sets out, therefore, to analyze how governance arrangements and processes have evolved in Vietnam's higher education system over the past two decades. It reviews the structures, processes and activities that are involved in the planning and direction of the system. This task involves looking at system-wide governance and stewardship, as well as examining at an institutional level the governance structures and processes that determine the degree of autonomy that HEIs enjoy and the mechanisms of accountability to which they are subject. After providing a description of the Vietnamese higher education landscape, the article explores in succession the main features of system-wide governance, how institutional autonomy has evolved, and the main external factors that explain this evolution.

By way of background, it is of note that Vietnam has been following a course of market-oriented economic reform since the mid-1980s. This reform path has enabled the economy to break free of absolute poverty and to achieve significant and sustained economic growth. Vietnam's GDP per capita

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in 2018 was 2,563 US Dollars (USD), and the proportion of its population of 90.7 million living below the national poverty line is rapidly declining. Youth literacy rates are relatively high, compared with most other ASEAN member states, as are net enrolment rates in primary and secondary education. Most Vietnamese (86%) are ethnically Kinh. There are, however, 53 other ethnic nationalities in Vietnam, most living in the more remote parts of the country (ASEAN, 2018, p.29, p.10).

The National Higher Education Setting

In 2018, there were 454 HEIs in Vietnam, including 95 private universities and colleges, and there were 2.2 million higher education students (MOET, 2019). The latest statistic on the gross enrolment ratio for tertiary education was calculated in 2016, at which time the ratio stood at approximately 28% of the relevant age group– a vast improvement on the situation in 1993 when the gross enrolment rate was no more than about 2% (World Bank, 2019).

In school year 2017-2018, there were 74,991 faculty members in all universities and colleges, of whom 20,198 (26.90%) held a doctoral qualification (MOET, 2019). Faculty members in public HEIs very often also hold concurrent part-time teaching positions in private HEIs. They accept these positions for the purposes of augmenting their relatively low salaries from the public sector – the official monthly salary for faculty members in public HEIs ranges between 150 and 500 USD (Viet Nam Government, 2018). No more than a small proportion of faculty members at public HEIs engage seriously with research. Many of these institutions label themselves as research universities, but, in fact, their research performance is far from reflecting such an orientation (Pham, 2010; Nguyen & Pham 2011; Vuong et. al. 2017). The Government also identified criteria for distinguishing between research and teaching HEIs, but to date no public university has been officially designated as a research university, including the two national universities. The reasons could be that no institution has yet satisfied the Government's criteria, including that research expenditure should account for at least 20% of total institutional expenditure per annum, that permanent faculty members have a 50% workload allocation for research, and that at least 80% of faculty members are achieving at least one publication annually in a national or international peer reviewed journal (Viet Nam Government, 2015)

Vietnam's higher education system continues to reflect some of the distinctive features of the Soviet model of higher education. One of these is the prevalence of mono-disciplinary HEIs (Hayden & Lam, 2010). Since the mid-1990s, the system has been trying to move away from this model, but it remains the case that very many HEIs, especially in the public sector, are narrowly based in terms of the disciplines taught. Examples are the University of Economics and Finance, the University of Fire Fighting and Prevention, and the University of the People's Police. Another feature that reflects the Soviet influence is the separation of research from teaching. In general, universities in Vietnam are focused on teaching. Only a small proportion of universities have much engagement with research. Indeed, by 2016, there were only 59 universities granted permission to conduct doctoral training programs. Recently some private universities have also been permitted to deliver doctoral programs. Research activities generally and PhD education in particular are still undertaken mainly in research institutes, which are entirely separate from universities. There were 71 of these institutes that in 2015 had permission to offer PhD programs (Pham & Hayden, 2015, p. 146). These institutes are now officially regarded as forming part of the higher education system (Viet Nam National Congress, 2018).

It is important to note the strong growth in graduate program enrolments over the past decade. Between 2000 to 2008, master-degree enrolments quadrupled to reach 47,000 students by 2008, and PhD enrolments doubled, to reach 5,900 candidates by 2008 (Nguyen & Nguyen, 2013). Since then, further rapid growth has occurred. By 2016, there were 105,801 master-degree students and 15,112 PhD candidates in Vietnam.

Another important development over the past two decades has been the emergence of a private higher education sector. These institutions were either ‘semi-public’, that is, owned by the State but entirely dependent upon tuition fees for their operation, or ‘people-founded’, that is, established by social organizations and entirely dependent upon tuition fees for their operation (Viet Nam Government, 2000). After 2006, all ‘non-public’ HEIs were expected to become ‘fully-private’ institutions, with private shareholders and corporate forms of governance . By 2018, there were 95 of these institutions and they accounted for 14% of all higher education enrolments . Though there continues to be an official expectation that the private sector should grow to account for 40% of all higher education enrolments by 2020 , this expectation is now impossible to achieve. Over the years, the sector has struggled with a policy environment characterized by delayed decision-making by the Government, which itself has experienced a certain ideological discomfort about the notion of profit- making by private higher education providers (Pham& Briller, 2015).

System-Level Governance

There are two dimensions to higher education governance: a system-wide dimension and an institutional dimension (Fielden, 2008). Leadership is a separate matter, referring to a practical skill in being able to achieve compliance in pursuing an individual, team-based or organizational policy direction.

Legislative Bodies and Governance Structure

As provided for in Article 4 of Vietnam’s Constitution, the highest authority in Vietnam is the Central Committee of the Communist Party of Vietnam (referred to hereafter as the Party). Based on its leadership, legislation is developed and implemented by the Government. In 2012, the National Assembly approved for the first time a Higher Education Law (subsequently amended in 2018). Prior to its approval, higher education’s legislative foundations rested upon an Education Law, first approved in 1998, and then revised in 2005 and 2009 (and again in 2019). Based on the Higher Education Law, the Government issues decrees for the higher education system, and the Prime Minister and other relevant Ministers issue decisions, circulars and other forms of direction.

As pointed out by Pham& Hayden, (2015, p. 148), Vietnam does not have a single body responsible for the whole of the higher education and research system. Instead, at least in the public sector, it has a large number of line-management authorities with responsibility for different groups of universities and colleges. The two national universities (which are themselves comprised of multiple specialized universities) are directly managed by the Cabinet; 54 other public universities and colleges are directly managed by Ministry of Education and Training (MOET); another 260 or so public universities and colleges are directly managed by at least 15 other ministries and by over 60 state departments and provincial governments. Private universities and colleges are accountable to MOET regarding academic issues and to local government regarding the appointment of top administrators (Hayden et al. 2012). Management of the system as a whole has become even more complex over recent years following a decision in 2016 to place all two-year colleges under direct line management by the Ministry of Labor, Invalids and Social Affairs (MOLISA). The appointment of the governing boards of public higher education institutions, and of their rectors, is ultimately subject to approval by the relevant line-management authority.

MOET exercises system-wide control of curriculum structures, enrolment quotas and approvals for new academic programs. It is also responsible for the implementation of a national quality assurance system. It is the ministry with the widest range of responsibilities for the higher education system, but its influence is severely constrained by the fact that it is often unable to enforce compliance with its regulations. An example of this situation is that although all HEIs are required under the "three Disclosures" policy (MOET, 2009) to report publicly on a wide range of performance-related indicators, a sizable proportion of public HEIs do not yet do so, as is evident from their websites, and there is no mechanism for holding them to account in this regard.

The Ministry of Science and Technology (MOST) provides research funds and defines research strategies for the public sector of the higher education system. MOST also provides funds in support of the many public research institutes.

As noted earlier, the management authority responsible for two-year colleges is now MOLISA. MOLISA is responsible for vocational training, which is provided by specialized/mono-disciplinary colleges, including 171 colleges (*cao dang nghe*) and 991 vocational training centres (*trung tam day nghe*). In addition, there are 301 vocational schools/professional high schools (*trung cap nghe/trung hoc chuyen nghiep*) that are managed by various ministries or by provincial authorities (Pompa, 2013).

In summary, the governance of the higher education system in Vietnam is highly fragmented. Attempts to remove the line-management role of ministries and other state instrumentalities for public HEIs have met with great resistance. Furthermore, some line-management agencies have shown little interest in assisting with the establishment of governing councils within public HEIs. Even where they are established, they are regarded as "the fifth wheel of the vehicle" (Lam, 2013a, p.408), that is, unnecessary because of the control already exercised by line-management agencies.

In recent years greater attention has been given to the need for public HEIs to having increased institutional autonomy. The amended Higher Education Law dated Nov 19, 2018, and the Regulations on Organizing and Performing of the University of 2014, state that the governing councils of public universities (known as university councils) should have more authority, including the authority to evaluate the rector's performance (Viet Nam Government, 2014). Further movement in this direction would greatly increase the importance of university councils within the public higher education system.

Funding

By international standards, Vietnam spends heavily on education, but lightly on higher education. More than 18% of the national budget is allocated by the Government to the education system as a whole (The World Bank, 2013), but in 2013, when the most recent data were available, 15.01% of public expenditure on the education system was being spent on public HEIs (UNESCO, 2018). This level of expenditure on public higher education is low, having regard to the fact that in a great many countries public expenditure on higher education accounts for more than one-quarter of all public spending on the education system (Chirot & Wilkinson, 2010, p.56). Public HEIs in Vietnam function, therefore, under severe resource constraints.

Funds for public HEIs are derived from a range of sources. Ministries and other state instrumentalities with line-management responsibilities for public universities and colleges contribute up to one-half of their operational costs. The Ministry of Planning and Investment (MPI) contributes to their capital costs by providing for campus construction. MOST contributes to their approved research costs. The balance of their funds comes from students and their families in the form of tuition fees.

Tuition fees for public higher education were introduced in 1994, within a framework of 'cost-sharing' with the Government. For many years, they were set at a very low level. In 2009, public HEIs were given permission to increase tuition fee levels, resulting in a steady increase in these levels ever since. By 2015, tuition fees had risen to between 27 and 40 USD per month, depending on the program in which a student enrolled (Pham & Hayden, 2015). It is also allowed for HEIs to charge tuition fees up to 70 USD per month by 2020 (Viet Nam Government, 2015a). To date, as many as 23 self-financed public universities have been approved to set their own rate of tuition fees. In those institutions, tuition fees could be as much as triple the normal rates. The importance of tuition fee income as a proportion of all income received varies remarkably between public HEIs and across disciplines, ranging from only 20% in the fine arts, to 26% in education, to 30% medicine, and to 56% economics and law (Dang & Nguyen, 2014, p.118) .

Private HEIs rely entirely on tuition fees. There is no limit on the level of the fees they can charge, however the Higher Education Law of 2012 required that 25% of their profits should be reinvested in their redevelopment . Tuition fees charged by private HEIs range from 1,000 to 30,000 USD for full undergraduate degree programs (Viet Nam National Congress, 2012). According to Pham & Dam (2014), there are four types of private HEIs in Vietnam. First, there are several international universities, RMIT Vietnam and the British University of Vietnam, both of which offer high-fee programs. Second, there are five domestic universities that offer an international curriculum and provide better-than-average facilities for students at their campuses. These institutions also charge high tuition fees. Third, there is a much larger group of institutions that charge tuition fees of between 1,000 and 2,500 USD for their entire programs, and that are, therefore, more likely to be in price competition with public HEIs. Fourth, there are niche institutions that charge low tuition fees, of less than 1,000 USD for a complete program and that operate very cheaply. The quality of these institutions is often under a cloud (Hayden & Dao, 2010; Trines, 2017).

Quality Assurance

Quality issues have been of great concern to the higher education system in Vietnam over recent years (Nguyen. et al., 2017, p. 159). In 2002, MOET established a new division, the General Directory for Educational Testing and Accreditation (GDETA), to assume responsibility for, among other things, the management of quality assurance across the higher education system. With support from international donors (The World Bank's Higher Education Project 1; and the Dutch Government's ProQuim Project), a pilot external evaluation program with 20 universities involved was conducted in 2008. Based on the results, GDETA then developed a set of criteria for institutional evaluations that have become the official requirement for accreditation (MOET, 2007). It was amended in 2017 based on ASEAN University Network Quality Assurance (AUN-QA) criteria and to be seen closer to international norms. Since then, quality assurance has gained more attention from officials and university administrators, as well as from the general public. Many HEIs now have their own quality assurance units (MOET, 2017).

There is, however, no independent quality accreditation agency for the higher education system in Vietnam. The establishment in 2014 of a center for educational accreditation at each of the two national universities may be seen a first step towards creating a capacity for independent quality accreditation. These agencies are providing training for quality assurance auditors, and also a consulting service, thereby promoting quality assurance and supporting its implementation at an institutional level. However, quality accreditation has not become a formal requirement nationwide, and these two agencies function under a licensing arrangement with MOET. MOET also controls the issuing of certificates to quality auditors (Nguyen et al., 2017, p. 156). There is now an Education Quality Management Agency within the Ministry, which has responsibility for managing five centres for higher education accreditation, including one with specific responsibility for auditing self-assessment reports produced by private higher education institutions.

Institutional Governance and Leadership

Public HEIs Governance and Leadership

Since 1975, public HEIs in Vietnam have been governed according to a centralized model in which decision-making authority at the institutional level has been almost entirely controlled by the State (Dang & Nguyen, 2014, p.106). The exceptions were the two national universities (one established 1993 in Ha Noi and the other established in 1997 in Ho Chi Minh City), which were permitted to have more autonomy because they were held accountable to the Prime Minister and Cabinet, and the fact that they were funded by the Ministry of Finance (MOF) and the Ministry of Planning and Investment (MPI). Even for these universities, however, MOET initially controlled matters relating to enrolment quotas, tuition fees rates, programs and curriculum frameworks (Viet Nam Government, 2001).

Recent reforms in the Vietnamese economy have been accompanied by a shift in higher education governance towards increased levels of autonomy for public HEIs (Hayden & Lam, 2017). The concept of a university council was introduced for the first time in the University Charter in 2003, then again in the 2005 Education Law, and became more specific in the amendments to the University Charter in 2010 and 2014. The Higher Education Law of 2012 declared that each public HEI should have a governance body with membership that included the rector and vice-rectors, the Party Secretary, a labor union representative, elected faculty representatives and representatives of line-management agencies (for example, MOET, line-ministries, or provincial People Committees, and so on). Membership was also to include people from industry and the professions – to comprise at least 20% of the total members). The president of a university council was to be appointed by the state then elected by its members and recognized by the state (Viet Nam Goverment, 2014; Viet Nam National Congress, 2018; 2012). The rector was required to recommend a list of university council members to the relevant line-management body for approval and the issuing of recognition decisions (Viet Nam Government, 2014).

By law, a university council is now responsible for approving the institutional charter, the strategic development plan and the organizational structures, as well as for supervising the implementation of the strategic plan (Article 16 of Higher Education Law 2012, and as amended in 2018). Even though a university council is designated as representing the owner of the institution, the most important decision—the appointment of the rector—remains with the relevant line-management authority, whether MOET, other ministries, or provincial authorities in the case of local/private HEIs (Viet Nam Government, 2014). That the Amended Higher Education Law of 2018 delegated the power to make this decision to the university council may be seen as a significant change, but in practice government authorities continue to play a critical role because they must give recognition to decisions in this regard by university councils (Viet Nam National Congress, 2018).

Within public universities, therefore, the authority of university councils is weak. University administrators have tended to regard university councils as no more than a form of window dressing (Lam, 2013a, p. 408). That is why public universities have generally been very slow in establishing university councils. Between 2003 and 2010, for example, only 10 public universities had established a university council. However, in February 2015, MOET announced that all the public HEIs should have established a university council.

In theory, the university council is a structure aimed at separating the oversight and execution parts of university management, seeking to ensure a balance between institutional autonomy and accountability. However, in the transition from a centralized economy to a socialist-oriented market economy, university councils have been caught in the power struggle between line-ministries and Party cells, which have sought to maintain an institutional leadership role within universities. A common practice to emerge has been to combine the roles of the university council and of the rectorate board (comprised of the rector and vice-rectors), thereby undermining the functions of a university council as the institutional governing body. The latest legislation, University Charter 2014, and the Amendment of Higher Education Law 2018, requires that rectors and vice-rectors should not act as chairs of university councils, but in practice there is considerable overlap between the roles performed by university councils and rectorate boards. A contributing factor is that university employees still tend to dominate the membership of university councils. That is why the Amendment of Higher Education Law 2018 has requested that the number of members outside the university must be at least 30% of the total university council members, and faculty member representatives must be accounted for 25% of the total (Viet Nam Government, 2014; Viet Nam National Congress, 2018).

Decision-making processes within public HEIs remain hierarchical and top-down. There is a lack of effective mechanisms to ensure a diversity of stakeholder perspectives, such as might be provided by employers, academics and students. Scientific councils (*Hoi dong Khoa hoc*), or academic boards (*Hoi dong Dao tao*), serve as advisory bodies, not as decision-making bodies. Within each institution, the Party cell continues to play an important role in determining personnel appointments at the top levels, even though, officially, the Party cell does not have a formal role. Generally speaking, there is little room for university leaders in public HEIs to exercise leadership in an autonomous fashion. They serve the institution as administrators or managers.

At the same time, there is a dearth of effective accountability mechanisms (Hoang, 2017; Lam 2018). Of 21,502 words of the University Charter of 2014, only 110 words referred to the issue of accountability. The main accountability responsibility is to comply with MOET regulations. As one expert recently commented, "the decision-making power of the rector at the institutional level is stronger than in any other institution across the world" (Lam, 2013a, p. 408). As long as the rector adheres to MOET instructions, or to the instructions given by other relevant line-management authorities, he or she can make decisions with little regard to the wishes of other stakeholders. Aware of this shortcoming, MOET now requests that all HEIs should disclose publicly on a website details regarding their infrastructure, staffing and finance. Few public universities fully comply with these requirements, however, and MOET appears limited in terms of its capacity to force compliance.

In general, there is a *quid pro quo* relationship between rectors of public universities and their line-management authorities. Provided the rectors adhere to specific instructions considered by their line-management authority to be important, they are left to manage their institutions without much constraint.

Private HEIs Governance and Leadership

Institutional governance and leadership structures in private HEIs are regulated by the State. The development of governance and leadership mechanisms for private institutions has undergone two decades of evolution since 1993. Non-public HEIs, when first sanctioned in 1993, were either 'semi-public' or 'people-founded' institutions (Communist Party of Viet Nam, 1993). Their decision-making bodies were similar to their public counterparts. Over time, and particularly since 2005, their governance structures have shifted towards a fully corporate model. In 2006, and subsequently, the Government has preferred to refer to them as 'fully-private' institutions, accountable to their shareholders through an annual shareholder meeting. The shareholders were given responsibility for appointing the governing boards of these institutions, and the governing boards then for appointing electing rectors (subject to approval by provincial authorities).

Compared with public HEIs, private HEIs have more financial autonomy and more control over the appointment of all faculty members, including rectors and vice-rectors. Private HEIs also have more freedom in terms of developing institutional policies and procedures, approving salary determinations and academic promotions, and for the establishment of relationships with stakeholders. As in the case with public HEIs, however, they must attend to MOET's regulations regarding curriculum structures and content, assessment requirements and conditions for the granting of degrees. Many private HEIs generally appear to mimic the public HEIs rather than take advantage of the greater freedom available to them to decide various matters independently. Similarities between the public and private sectors of higher education in Vietnam are, therefore, more pronounced than the differences.

In general, concepts of institutional autonomy and institutional accountability are not well understood within Vietnam's higher education system. Institutional autonomy is often regarded as referring only to autonomy in the management of resources (Dao & Hayden, 2012, p. 135). Both public and private HEIs have limited freedom to make decisions in academic matters. In Vietnam, accountability has mostly been translated into Vietnamese as '*tu chiu trach nhiem'* (self-responsibility) or *'trach nhiem xa hoi'* (social responsibility). It has taken more than a decade for the word "accountability" to be translated into Vietnamese correctly as *'trach nhiem giai trinh'* (Pham, 2012a, p. 57), though this translation continues often to be overlooked. This latest term is finally being used in the most recent legislation document in higher education, that is, the Amendment of the Higher Education Law 2018.

In terms of institutional autonomy, the three important decision-making entities are the governing council (or board in the case of private HEIs), the Party cell and the rector. For public HEIs, the power of the governing council is weak, as noted earlier. In private HEIs, the governing board is a more powerful body because it can recommend the appointment or dismissal of a rector. Before 2014, in both public and private HEIs, however, there was no restriction on individuals concurrently holding positions as rector, member chair of the governing board, and officials within secretary of the Party cell. Rectors' executives often perform, therefore, without proper supervision . Although they must abide by MOET's regulations on academic matters, they remain well able to exercise considerable personal power in terms of resource allocation and personnel decisions.

Leadership by the Academic Community

A traditional aspect of leadership in universities is the importance of the role played by academic leaders, especially by the professoriate, in maintaining academic standards and in developing research and training programs as the core business of the university. Almost all Vietnamese public universities allow for the existence of an academic council (*Hoi dong Khoa hoc va Dao tao*) in their organizational structures. This body is established by the rector to serve in an advisory capacity on academic matters. Article 19 of the Higher Education Law of 2012 provides guidance about the role of this council, stating, for example, that it should: develop regulations on research and training activities; develop employment criteria for faculty members; make plans for staff development; recommend on the establishment or removal of academic programs; develop research plans; and develop plans for the assignment of academic workloads (Viet Nam National Congress, 2012).

The membership of the council normally includes the rector, the vice-rectors in charge of training and research, heads of relevant divisions, some faculty deans, and faculty representatives who are members of the professoriate or have doctoral qualifications. Academic councils may also include respected scientists and scholars in scholarly fields related to the work of the university, even though these persons may not be employees of the institution concerned. The president of an academic council is usually elected by the council, and resolutions passed by an academic council are considered to be valid when agreed by more than 50% of the members of a meeting at which more than two-thirds of all members are present (Viet Nam Government, 2014, Article 13).

Notwithstanding the scope provided by the Higher Education Law of 2012 for academic councils to exert leadership across a wide range of academic matters, most of their influence tends to be confined to screening research proposals and to providing recommendations on the allocation of the university research funds. Their capacity to exert a wider influence is constrained by the fact that MOET's prescriptions regarding academic programs leave little scope for maneuver. In addition, academic councils are not decision-making bodies, and they cannot act independently of the university leadership. Indeed, their authority is so limited that it is rare for there to be any tension between academic councils and rectors. Many private HEIs don't bother to establish an academic council (Pham, 2017) .

At the departmental level, the role of the Dean and scientific councils appears generally to be more effective (Nguyen & Meek, 2016, p. 61). Faculty members at a departmental level share academic interests in common, which motivates them to participate more fully in decision-making processes.

Local, Regional and Global Drivers

Vietnam's higher education system over the past two decades has been dominated by a need to expand for the purpose of satisfying the aspirations of a nation with a strong appetite for more educational opportunities. The system has made remarkable progress in this regard, but its progress in terms of quality improvement is much less evident. Among the various reasons why the quality of the system has been slow to improve is a failure to develop an effective and appropriate governance and leadership model for the system. This matter is now addressed.

The Evolution of University Autonomy and Academic Freedom

As noted above, line-management control of public HEIs by ministries and other state instrumentalities remains a distinctive feature of the current governance and leadership model for the higher education system. The State provides a little over 50% of the total revenue of the public HEIs (Nguyen et al. 2012, p. 258), but it maintains relatively tight control on most of the important decisions affecting the system. Public HEIs have been permitted to keep earnings from the provision of 'non-formal' teaching programs, for which they may set the tuition fees at whatever level they consider the market can bear, and this income has provided institutional leaders with more autonomy in terms of being able to pay teaching staff, fund capital improvements and develop infrastructure, such as library support. Indeed, these 'non-formal' programs are being seen as the 'rice-cookers' of the public HEIs. That is, they have become a vital source of support for the public higher education system, helping to ensure its viability. The problem, though, is that these programs are undermining the academic standards of public universities because they function on the basis of there being less stringent admission requirements and conditions of teaching and learning that would be unacceptable for the 'regular' programs (Chirot & Wilkinson, 2010; Lam, 2013b).

There were few other opportunities for public HEIs to exercise institutional autonomy regarding matters of significance to academic life. The curriculum frameworks issued by MOET are highly prescriptive. Though individual HEIs may vary content up to a certain percentage within an academic program, they are not permitted to restructure academic programs, nor are they permitted to introduce new academic programs without obtaining permission from MOET. Not surprisingly, therefore, curriculum renewal was extremely slow- moving. However, the Amendment of Higher Education Law 2018 states that HEIs which meet certain requirements for institutional autonomy and for criteria of particular programs are permitted to establish them (Viet Nam National Congress, 2018).

In general, there is a view from high levels within the higher education system, including government high ranked officials and some senior scholars, that institutional autonomy should be bestowed upon public HEIs as a favor rather than a right exercised by national and global centers of advanced learning. The Higher Education Law of 2012 and the Amendment in 2018 present the promise of more institutional autonomy for public HEIs, but its extent is made conditional on institutional capabilities and the results of rankings/accreditation. Furthermore, it is viewed from a perspective of making selected public HEIs more financially autonomous so that they can relieve the financial burden on the State. To date, 23 public HEIs have been granted far greater levels of institutional autonomy by a mechanism entitled "self-financed". They have been permitted to increase their tuition fee levels well beyond the ceiling set for tuition fees in the public sector, and they are being expected to manage their own expenditure, with no funds available from the State (Viet Nam Government, 2014a).

In fairness, public HEIs have not in the past made as much use of the levels of autonomy that have been given to them by the State. Decree 46/ND-CP, for example, explicitly permitted rectors of public HEIs to pay higher salaries to faculty members (up to 2.5 times greater than is prescribed in the public service compensation scheme), but none of them ever elected to exercise this right (Pham, 2012, p.305; Viet Nam Government, 2006). They might aware of these possibilities but the payment level still remained modest due to their institutional limited incomes, or due to the priorities they set for expenses.

Academic freedom remains a sensitive issue in Vietnam's higher education system. Compared with the 1980s or 1990s, however, far greater openness is now evident, as may be seen from the extent to which English language institutes now operate all over Vietnam and two foreign-owned universities are free to teach programs in ways that are familiar to them in their home countries. There has also been a mushrooming of international partnership programs. Self-censorship remains widespread, but the interaction with the global world is making limitations on academic freedom less meaningful and less effective.

Privatization and Emergence of the Private Sector

Vietnam has followed the path of most other East Asian countries by allowing a private higher education sector to develop as an integral part of the national higher education system (Levy, 2010). As reported earlier, Vietnam sanctioned the first idea for establishment of the 'non-public' higher education institutions in 1993. The popularity of these institutions during the early 2000s came possibly as a surprise, but there were also instances of corrupt practices. The growth of the sector was then contained up until 2005-06, when a private 'for-profit' sector became fully recognized. Since then, the Government has expressed highly ambitious goals for the sector, expecting, for example, that it might account for 40% of all higher education enrolments by 2020 (Hayden & Dao, 2010, p. 215). It has, at the same time, done little to support the development of the sector, leaving it to survive and grow as best it can. The sector appears now to have stopped growing in terms of quantity, and the prospect of it ever accounting for 40% of all higher education enrolments seems to have become remote.

Internationalization and the Blossoming of Partnership Programs

Integration with the global economy requires Vietnam to have higher quality higher education system to strengthen its global competitiveness. Employers in Vietnam currently complain about graduates lacking communication skills, teamwork and problem-solving capabilities. As pointed out in a World Bank report (2014, p. 18), Vietnam's skill development system today is not as responsive as it needs to be and is suffering from disconnects among employers, students, and universities. HEIs are offering programs and producing graduates with skills that do not fully reflect the needs of the labor market.

Reforms aimed at more effective governance and better leadership performance in the Vietnamese higher education system have been slow-moving. As a result, curriculum and teaching methodologies have changed little over the years and there is a low level of trust in the quality of domestic programs. This situation explains the mushrooming of international partnership programs, delivered in various forms, including 2+2 (two years in Vietnam, and another two years in an international partnership institution), or three years in Vietnam plus one year abroad, or one year in Vietnam plus one year abroad for master-degree programs. It is reported that by 2016 there were as many as 475 academic programs from across the system that involved foreign partners.

These programs add a new style of teaching and learning to the higher education system in Vietnam. They bring a new environment for students and they expose them to higher education programs in a global world setting. They also contribute to fluency in English or other foreign languages. However, the extent to which the academic standards of the international partners are maintained remains an unanswered question because the increasing need perceived by young people to have a 'foreign degree' has also generated a 'foreign degree market', which attracts poor quality partnership programs as well as many that are quite sound.

RMIT-Vietnam can be seen as a success case in terms of establishing an international environment for Vietnamese students. It meets the needs of a growing middle-class wishing to have a better education for its young people but not yet able to afford the expense of studying abroad. RMIT-Vietnam was established as a foreign business under a license of the MPI. It has made a positive impact on the higher education system by providing alternative options and stimulating the internationalization of domestic institutions (Pham, 2014).

An important consequence of internationalization is increased recognition of the importance of quality assurance and accreditation, as can be seen in the cases of three leading HEIs in Vietnam: the Vietnam National University in Hanoi (VNU-HN), the Vietnam National University in Ho Chi Minh City (VNU-HCMC), and Can Tho University (CTU). The two national universities joined the ASEAN University Network (AUN) in 1999, and CTU joined the Network in 2013. These achievements are important for the higher education system more broadly because they serve notice to all universities and colleges that an alignment with international norms and standards is essential for the development of quality and the attainment of regional recognition.

Rankings

Rankings of universities are now a global phenomenon. As has happened elsewhere in Southeast Asia, Vietnam has set its sights on having a number of universities recognized as being 'world-class'. In typical fashion, the Government has ambitiously declared that at least one public university should be recognized 'world-class' by 2020. There has been debate, however, about the appropriate strategy for achieving this outcome. In particular, is it better to reform and upgrade existing universities, or to establish new ones? The Government has decided to follow both strategies. Since 2008, it has been pursuing the development of three 'new model' universities, one in collaboration with Germany, one in collaboration with France, and one in collaboration with Japan. Special governance arrangements, including high levels of institutional autonomy, innovative curricula and contemporary global personnel management practices, are being permitted at these institutions. Some of those institutions were funded by the World Bank under a project aimed at developing an autonomous research-based university to demonstrate a new policy framework on governance, financing, and quality in Vietnam's higher education system. To date, however, the success of these projects has been modest (World Bank, 2017). Meanwhile, as noted earlier, the Government has granted 23 universities far greater levels of financial autonomy. This is the case, in particular, for the two national universities and some public self-financed institutions such as the Foreign Trade University in Hanoi and Ton Duc Thang University.

The Higher Education Law of 2012 introduced the notion of a national ranking system for HEIs in Vietnam as a basis for awarding privileges, including priority funding and increased institutional autonomy. The Law stated that: "Based on rankings results, government authorities decide investment planning priorities, delegating responsibilities and special regulating mechanisms (…). Based on rankings results, MOET in conjunction with local government support private HEIs by land use, capital loan, and human resource development" (Viet Nam National Congress 2012, Article 9). Ranks were to be determined on the basis of criteria that included: the position and role of the institution within the system; the number of programs and level of degrees granted; the structure and development of research activities; scientific performance and outputs; and accreditation results. The process for implementing this national ranking system has, to date, been slow- moving. The 73/2015-ND-CP Decree on stratification and rankings has not brought about any noticeable change in reality. Most recently, the Amended HE Law of 2018 has indicated that ranking results will not be regarded as a basis for resource allocation decisions (Viet Nam National Congress, 2018). The logic behind this decision could be that such a policy might trigger unhealthy approaches to achieving high ranks.

Conclusion

Transforming the higher education system in Vietnam is an ongoing process. Vietnam's need to integrate with the global economy has placed it under significant pressure to improve the quality of its higher education system, and hence the quality of the governance and leadership of the system. As Dao and Hayden (2012, p. 129) pointed out, however, how the higher education system is governed and led needs to be seen in the context of how Vietnam itself is governed and led. Vietnam's political system retains many aspects of the top-down management style that was characteristic of the Soviet period of influence, and views on how the public higher education system should be managed will inevitably be influenced by this tradition.

Several factors have influenced its transformation, not just the political setting. First, the quality of higher education directly affects economic growth, the national competitiveness, and therefore the stability of the nation. Second, the constraints of public resources have stimulated the development of private higher education and increased cost sharing in public HEIs. Third, as a consequence, the open-door policy in the economy has led to increased participation of the private sector and international businesses, including in the higher education arena. This gives people more choices and alternative paths. Public HEIs are no longer the only source of knowledge and degrees needed for the labor market. Finally, the advance of communication technology facilitates the interactions between Vietnam's HEIs and their international counterparts, and between the Vietnamese academic community and their international colleagues.

Government initiatives also play a key role in this process, through the programs aimed at strengthening the quality of faculty staff members, such as the 911 Project (to produce 20,000 PhD holders at home and abroad, by 2020). More and more people who have been trained abroad are returning to Vietnam and taking important positions within the system. The current governing model in Vietnam's higher education system, at both national and institutional levels, seems too restrictive in a rapidly changing system. The pressure to reform is therefore strong, but resistance is also strong among those rectors who take advantage of the *quid pro quo* system that allows the power holders to protect their independence at the expense of improving quality.

The three decades of revolution in the transformation of the governance and leadership model since *Doi Moi* have witnessed a trend towards greater autonomy and openness, less state control and more marketization. This trend is consistent with the corporatization of the governing model that has taken place in public HEIs in countries such as Singapore or Japan.

The evolution towards the development of private higher education and the marketization of higher education will certainly bring about further governance reforms in the direction of greater institutional autonomy and strengthened accountability. The consolidation of quality assurance and accreditation bodies will allow them to play a more active role as professional organizations. This will help unleash the potential of Vietnam's higher education so that it can contribute better to the development of the country. The process is slow, but irreversible.

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An Evaluation of Refugees' Access To Higher Education: Case of Turkey and Istanbul University

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Abstract: *This article underlines the challenges refugees experience in accessing higher education in both first-asylum and resettlement countries. It focuses specifically on Turkey's higher education system, and the policies and practices in place to respond to the educational requirements of Syrian refugees. Our analysis reveals that accommodating the influx of Syrian higher education students into the Turkish system presents a huge challenge for policy makers and higher education institutions. The case study conducted at Istanbul University further emphasizes the common barriers that refugees face when trying to access higher education in host countries – financial hardship, language issues, non-recognition of prior learning and a lack of information or guidance. Restrictive regulations and legal precarity, on the other hand, tend to be less of a challenge when it comes to accessing higher education. Our findings support that central regulating body's immediate action and its commitment to provide higher education for refugees are crucial to prevent a short-term crisis. However, we also argue that despite the flexibility introduced for refugees in the legal and regulatory framework, implementation depends on institutional policies and practices that are mainly constrained by their capacity and resources.*

Keywords: *Education, Higher Education, Refugees, Forced Migration*

Introduction

Until recently, access to higher education for asylum seekers and refugees, and research on the subject, had been neglected in the educational provisions of refugees. Most studies tend to focus on providing access to quality and inclusive basic education and often overlook higher education (Zeus, 2011; Dryden-Peterson, 2010). However, access to higher education can be a vital lifeline for refugees as it not only provides internationally recognised skills and qualifications but also prevents isolation, marginalisation and waste of human capital (Morrice, 2013b). In addition to contributing to the success and well-being of an individual, higher education is also the driving force to develop the welfare, stability and security of the society in which they are currently living and the one that they hope to go back to (Milton and Barakat, 2016; Morrice, 2013b; Wright and Plasterer, 2010; Dodds and Inquai, 1983). Higher education does not only directly benefit young people by empowering and making them self-reliant, but it also benefits the wider refugee community as youths often go on to become role models and agents of change for themselves and their community (Zeus, 2011; Wright and Plasterer, 2010; Morlang and Stolte, 2008). This is further backed up by a United Nations Refugee Agency (UNHCR) report on education, which highlights that graduates of its higher education scholarship programme – DAFI also known as the Albert Einstein German Academic

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Refugee Initiative– choose careers as teachers and community workers, and become role models and voices for their communities (UNHCR, 2018b, 2016; Dryden-Peterson, 2011).

Access to HE for refugees was recently included in The New York Declaration for Refugees and Migrants adopted by the United Nations General Assembly on 19 September 2016, thus recognising its importance. Article 82 of the Declaration states that:

> "In conflict and crisis situations, higher education serves as a powerful driver for change, shelters and protects a critical group of young men and women by maintaining their hopes for the future, fosters inclusion and non-discrimination and acts as a catalyst for the recovery and rebuilding of post-conflict countries."

The2016 report on education – *Missing Out: Refugee Education in Crisis* – UNHCR (2016) focuses on higher education programmes; stating their importance as an integral part of its mandate and committing to increase opportunities and access as their priorities. Although in its latest report – *Turn the Tide: Refugee Education in Crisis* – UNHCR continues to attribute great importance to higher education, the demand cannot be met and access to higher education for refugees remains the exception, not the rule. In the last three years, only 1% of the 25 million refugees globally have had access to higher education, compared to an average of 37% of the world's youth (UNHCR, 2018b).

The war in Syria has created the largest refugee crisis in recent times, with over 5.6 million people fleeing to safety in neighbouring countries and beyond (UNHCR, 2018a). As indicated by the Action Document of the European Union Regional Trust Fund in Response to the Syrian Crisis, before the war, an estimated 20% of Syria's young people were enrolled in higher education. As war continues and more people flee the country, Syrian youth face barriers accessing higher education in the countries in which they seek refuge (EU, 2016). While every country has responded to this new wave of refugees within its own political and social contexts, the challenges are enormous even in countries where higher education systems are stronger with higher capacities. Despite the crisis, an obsession with numbers, and restrictive policies and practices still dominate the political response, which in turn also affect the higher education policies for refugees. This is the case in the largest and oldest resettlement countries (Loo, Streitweiser and Jeong, 2018; Jungblut and Pietkiewicz, 2017). The majority of displaced Syrians reside in neighbouring countries within the region such as in Egypt, Iraq, Jordan, Lebanon, and Turkey; while only 10% have sought asylum in Europe or other third countries (World Vision, 2018). This places more pressure on the HE systems of the regional countries to meet the needs of Syrian youth. Since 2015, Turkey has been the largest refugee host country and is currently home to more than 3.6 million of the total 5.6 million Syrian refugees. The inflow of millions of displaced people in a relatively short period has urged Turkey to take legal, regulatory and institutional measures in order to cope with the rising educational needs of refugee children and youth.

This article highlights the challenges refugees face in accessing higher education in this kind of protracted crisis situation in the world, both in first-asylum and resettlement countries. It focuses specifically on Turkey's higher education system, and the policies and practices in place to respond to the educational requirements of Syrian refugees. The aim is threefold: to evaluate the various pathways of Syrian students to higher education in Turkey; discuss the related barriers and opportunities by analysing the measures and practices of the different refugee receiving countries; and define the varied and common issues based on the related literature. An evaluation of existing literature and reports on higher education systems globally and their responses to the influx of refugees is presented first in order to provide an analytical framework based on common challenges. Turkey's higher education policies and provisions for Syrian refugees and their implementation at institutional level are then analysed, with specific reference to Istanbul University which currently has more than 1,200 Syrian students enrolled.

The research shows that the increasing demand of Syrian students on Turkey's higher education system poses a serious challenge for policy makers and higher education institutions (HEIs). Our findings support that central regulating body's immediate action and its commitment to provide higher education for refugees are crucial to prevent a short-term crisis. However, the Turkish case also shows that despite the flexibility introduced for refugees in the legal and regulatory framework, implementation depends on institutional policies and practices that are mainly constrained by institutional capacities and resources.

Research and Methodology

Education for refugees, despite some similarities, is very different from that of international students and therefore warrants more specific research. Refugees have experienced displacement, loss, the feelings of uncertainty and temporariness, and the traumatic transition into a new environment, culture and language. These specific circumstances must be carefully considered when providing basic and higher education. Refugee education therefore requires holistic, intersectional, multi-level research facilitating a comprehensive framework for the wide range of factors (Anderson, Hamilton, Moore, Loewen and Frater-Mathieson, 2004). In order to capture this intersectional and multi-layered environment, a qualitative approach combined with quantitative data has been deployed during the research. A detailed review of document and literature was undertaken in order to map international practices. Furthermore, publicly available documents relating to higher education for refugees in Turkey were analysed to identify national regulations and practices while documentary evidence was collected from first and secondary resources and key experts.

Fieldwork for the research was carried out between August 2017 and July 2018. In total, 16 semi-structured interviews were conducted with administrative staff at the University of Istanbul, who are responsible for student applications and admissions. Two focus group discussions were organised involving Syrian academics and students from the university together with representatives of voluntary organisations working in the field of refugee education. In total, 25 people participated in the focus groups including: 5 Syrian researchers, 10 Syrian students, 2 unemployed Syrian researchers and 8 representatives of voluntary organisations. They brought with them diverse experiences, opinions and insights on the provision of higher education for refugees in Turkey. Questions during the sessions mainly focused on the obstacles and challenges in accessing higher education. A final workshop involving 13 administrative staff responsible for refugee applications and admissions was organised. During this workshop participants had the opportunity to discuss the preliminary findings of the research, which maps the national and institutional framework, and clarify any obstacles to higher education for refugees.

Due to the sensitive nature of this research and to mitigate any risk, ethics approval was obtained from the University's Research Ethics Council together with signed consent forms of those participating. In addition to written consent, all participants were informed of the consent procedures and assured that all data would be anonymous. Permission was also obtained before recording interviews. Participants representing institutions could be slightly biased and therefore to avoid this in the research, data in the form of verbatim transcripts and on-site observations was collected. For example, different faculties were observed during the applications process and informal conversations with students took place in order to cross-check data from multiple sources to search for regularities in the research data (O'Donoghue and Punch, 2003).

Finally, considering the inherently political nature of the refugee context, the potential risk of stigmatisation and the vulnerability of the refugees, researchers were very aware of the sensitive nature of their research. Distinguishing sub-groups among the participants based on class, ethnic and religious identities was deliberately avoided during the interviews. However, this is a shortcoming of the research given the interplay between identity, and power relations in accessing higher education.

Thus, additional voices of refugee youth would have further enhanced the research but was difficult to reach and obtain, particularly those prospective students who could access to higher education. Despite voluntary organisations working with refugees being aware of the challenges, there is an apparent need for future research to draw more on the experiences, aspirations and expectations of refugee youth during access and participation to higher education.

International Context: Main Barriers to Access

Countries hosting large numbers of refugees requiring basic and higher education respond to this demand according to their political and social context, and education systems (Loo et al., 2018). Despite the normative human rights framework and ever-growing consensus on the benefits of higher education, there are still enormous barriers and challenges as documented by a number of first-asylum and resettlement countries (Berg, 2018; El-Ghali and Al-Hawamdeh, 2017; Watenpaugh, Frickle and King, 2014; Zeus, 2001; Joyce, Earnest, De Mori, and Silvagni, 2010; Stevenson and Willott, 2007). Thus, opportunities for refugee youth are still very limited, with huge obstacles and the gap between aspiration and reality is widening (AlAhmad, 2016; Sherab and Kirk, 2016; Watenpaugh, Fricke and Siegel, 2013).

Based on this expanding literature, we have identified the main barriers and obstacles for refugees' access to higher education both in first-asylum and resettlement countries. In order to collate and condense these various barriers and provide an analytical background for our research, we have grouped these obstacles into four distinct themes; restrictive legal and regulatory framework, legal and financial precarity, language barriers, non-recognition of prior learning and lack of information and guidance. These commonalities derived from primary and secondary research, have provided a good starting point for discussions on the Turkish higher education system's response to the increasing demand from prospective Syrian students in the wider international context.

Restrictive Legal and Regulatory Framework

A restrictive legal and regulatory framework in a host country can have a direct effect on a refugee's access to higher education. This is especially true in first-asylum countries where capacity and quality are a concern or where restricted quotas prioritise nationals over refugees thereby limiting their access (Dryden-Peterson, 2010). Quota restrictions do not just happen in first-asylum countries though; they are also used in developed countries, which have highly competitive application and admissions requirements for international students (Berg, 2018; Steinhardt and Eckhardt, 2017; Streitwieser, Brueck, Moody and Taylor, 2017). The hostile political climate, perceived increased burden and general compassion fatigue in host countries can also result in more restrictive policies that curb civil rights and/or provisions including access to higher education (Watenpaugh et al., 2014).

Highly regulated policies on asylum or residential status at different levels of government may also result in repressive and restrictive living conditions. Although there are no legal restrictions to access higher education, asylum seekers and refugees may be challenged by complex and contradictory regulations, and "a multitude of bureaucratic requirements" (Berg, 2018; AIDA, 2017; Perry and Mallozzi, 2011). Encampment policies in first-asylum countries, for example, (Zeus, 2011) and dispersal regulations restricting mobility in resettlement countries can further hinder access to higher education (Berg, 2018; Steinhardt and Eckhardt, 2017; Morris-Lange and Brands, 2016; Stevenson and Willott, 2007). Different provisions and entitlements attached to a different status can further complicate access and even be abused (Houghton and Morrice, 2008). Student support, preparatory or language classes, for example, that are crucial for access to HEIs can be subject to an accepted refugee status or limited to a particular region (AIDA, 2017; Berg, 2018; Steinhardt and Eckhardt, 2017; Morrice 2013a).

Aside from these restrictive or contradictory regulations, the regulatory framework is not particularly supportive of refugees' access to higher education; a fact that could be attributed to the rise of anti-immigration and asylum policies and discourse in both first-asylum and resettlement countries. For instance, as asylum and immigration policies and public debates become more controversial and restrictive in the US, the highly decentralised higher education system becomes even more fragmented and uncoordinated, therefore lacking a supportive regulatory framework for refugee access. Even in Canada where the government has long been appreciated for its commitment to multi-culturalism and diversity, the efforts of HEIs are mostly scattered and not directly related to higher education access (Loo et al., 2018). In the European Higher Education Area, despite the widening participation in order to mirror the diversity of society, there is no formal national action plan or regulation specific to refugees' access to higher education. No coordinated action, therefore, exists among HEIs (Vukasovic, 2017, p. 23). Initiatives such as the "Integra" programme of the German Academic Exchange Service (DAAD), which is funded by the Federal Ministry of Education and Research for providing support to HEIs to set up support structures for refugees, is a good example of a supportive regulatory framework on a national scale (Berg, 2018).

Legal and Financial Precarity

Recognised refugee status is a prerequisite for enrolling in higher education (Jungblut, 2017; Stevenson and Willott, 2007). Obtaining that status, however, is not easy considering the lengthy bureaucratic procedures, that is without mentioning the uncertainty of the application outcome (Vukasovic, 2017; Morris-Lange and Brands, 2016; Morrice, 2013a; Stevenson and Willott, 2007). Suspension of student visas, restrictive regulations such as residency requirements and the high cost of renewing residency permits are common obstacles in accessing higher education in first-asylum countries (Watenpaugh et al., 2014), and especially in politicised countries or those in turmoil (Berg, 2018). Asylum procedures, uncertain legal status and a precarious financial situation all have a significant impact on a refugee's access to higher education. In the majority of European countries, financial aid is granted on the basis of an accepted refugee status (Berg, 2018; Morris-Lange and Brands, 2016; Steinhardt and Eckhardt, 2017). Temporary status and residency permit renewals also act as barriers to HE due to high costs involved (Bloch, 2007; Stevenson and Willott, 2007). Despite there being no explicit legal barriers for prospective students with different humanitarian statuses, their varying entitlements to fees and funding schemes can prevent their access and participation in higher education (Stevenson and Willott, 2007).

According to a significant number of studies both in third and first-asylum countries, high tuition fees and living costs are the biggest challenges for refugees wanting to attend higher education (El-Ghali and Al-Hawamdeh, 2017; Watenpaugh et al., 2014). Most asylum seekers and refugees lack financial security or family support, and struggle to meet even their basic needs so tuition fees are seen as a luxury (Earnest, Joyce, de Mori and Silvagni, 2010; Joyce et al., 2010; Kanno and Varghese, 2010; Stevenson and Willott, 2007). In many countries even public funded HEIs demand from foreign students fees that are as expensive as those of private institutions (El-Ghali and Al-Hawamdeh, 2017; Watenpaugh et al., 2013; Dryden-Peterson and Giles, 2010). Even when higher education is free and student loans are available, the preparation and application period still incur costs that are financially a burden for many.

Language Barrier

Language proficiency is another key and well-documented challenge in gaining access to higher education, as many courses are in the local language (Berg, 2018; Kanno and Varghese, 2010; Stevenson and Willott, 2007). Despite the awareness and commitment to diversity in higher education, linguistic diversity and multilingual approaches are often neglected (Joyce et al., 2010;

Kanno and Varghese, 2010). Refugees usually lack the necessary proficiency level required for university entrance due to their unpredicted displacement and migration (Berg, 2018, p. 223; Doyle and O'Toole, 2013). Language classes in preparation for entrance to university do exist in many countries but they are generally under-funded and require an accepted refugee status (Matthews, 2008; Stevenson and Willott, 2007).

Language skills and proficiency are very much linked to structural and social aspects of life. While inadequate language skills hinder access to higher education, poor language skills can mean isolation, marginalisation and financial insecurity. A more holistic approach is therefore required to tackle the issue and provide the possibility for language learning (Berg, 2018; Kanno and Varghese, 2010). Support for language learning should also be linked to other aspects of adaptation and cultural awareness (Morrice, 2009).

Non-Recognition of Prior Learning

Refugees qualified to attend university may not only lack official identification documents, but they may also lack the necessary proof of their academic studies such as certified diplomas, transcripts, official attestations, which are often hard to obtain from embassies in host countries (Watenpaugh et al, 2013; Elwyn, Gladwell and Lyall, 2012). Despite the expanding legal framework such as Lisbon Recognition Convention, recognition of prior learning is still one of the main challenges for refugees trying to access higher education and employment. Failing to recognise a person's prior learning can result in 'de-skilling' and downward social mobility (Berg, 2018; Jungblut and Pietkiewicz, 2017; Pietkiewicz, 2017; Andersson and Fejes, 2010; Guo, 2009; Batalova and Fix, 2008).

Despite an increasing demand among refugees to recognise their qualifications, lack of documentation, authenticity, incomplete education or qualifications, lack of knowledge about the education systems in their countries, as well as inefficient, lengthy procedures and staff shortages make the recognition process very difficult (Jungblut and Pietkiewicz, 2017). Assessing foreign credentials is a very complex and time consuming task that requires specialisation and experience, and evaluating qualifications without documents is even harder (Berg, 2018; Steinhardt and Eckhardt, 2017; Streitweiser, Miller-İdrisss and De Wit, 2016). Research carried out in the UK revealed that while only 15% of qualified refugees had gone through a recognition process, only 16% of those had successfully managed to have their qualifications recognised in the UK (Bloch, 2007). The process and possible refusal to recognise can be very frustrating for the applicants (Perry and Mallozzi, 2011; Joyce et al, 2010; Morrice, 2009).To speed up the process and remove the bottlenecks, some countries such as Germany and Jordan for example, are looking at centralising the recognition procedure (Berg, 2018; El-Ghali and Al-Hawamdeh, 2017; Sherab and Kirk, 2016).

Lack of Information, Advice and Guidance

Lack of available information, advice and guidance on the multiple institutions and complex regulations for access to higher education are among the most documented challenges for refugees (Berg, 2018; Jungblut and Pietkiewicz, 2017; Morrice, 2013a, 2009; Stevenson and Willott, 2007). General confusion about admission criteria, recognition of prior qualifications, required documentation cause additional difficulties (Joyce et al., 2010; Morrice, 2009; Stevenson and Willott, 2007). Mixed and conflicting messages or misinformation that results in the wrong choice of HEI or the failure to gain entrance to their chosen university are also common (Morrice, 2009; Stevenson and Willott, 2007).

Many young refugees are not aware of their rights and entitlement regarding access to higher education. Having to deal with unfamiliar systems in a language that is not their own and without proper information, advice or guidance can affect their chances of gaining a university place (El-Ghali and Al-Hawamdeh, 2017; Elwyn; Doyle and O'Tolle, 2013; et al., 2012; Joyce et al., 2010).

Asylum seekers and refugees tend to rely on personal interactions and community connections to gather information and advice rather than formal communication tools such as university websites, regulations and guides (Baker, Ramsay, Irwin and Miles, 2018; Berg, 2018; Earnest et al., 2010; Joyce et al., 2010; Kanno and Varghese, 2010). This limits their chances as they often do not receive the support they need, given that their families and friends are also unfamiliar with the system with very few role models around (Joyce et al., 2010; Stevenson and Willott, 2007). Navigating an unfamiliar system can be both challenging and frustrating so access to clear information and support services are highly appreciated. Discussions, networking opportunities, mentors, peer support and visiting speakers are also valued by asylum seekers and refugees (Morrice, 2009).

Refugee's Access to Higher Education in Turkey

Since the outbreak of war in Syria the total number of refugees seeking asylum in Turkey has reached 3.6 million. As of 2019, the number of Syrian youth aged between 19-24 under temporary protection in Turkey stands at 544,310 (DGMM, 2019). Add this number to the 15-18-year olds (271,009) and we begin to see the large number whose education has been interrupted by Syrian civil war and who are directly impacted by higher education policy. Of those Syrian students under temporary protection, 20,701 were enrolled in 153 of Turkey's 206 HEIs for the 2017-18 academic year. The majority of them (87%) attended 104 public HEIs while the remaining students were enrolled in private ones (YÖK, 2019). The increasing number of Syrian youths with higher education aspirations is mirrored in the gradual increase in enrolment rates starting in the first years of the displacement. The academic year 2013-2014 marks an important turning point both in terms of regulatory decisions and enrolment rates as discussed below.

Legal and Regulatory Framework

The Turkish higher education system has witnessed a rapid expansion in international students in the past decade as the policy focuses on internationalisation. A new dimension, however, has been added to that internationalisation policy – namely the large and unforeseen influx of Syrian refugees. The legal status of Syrians in Turkey is not straightforward. They are not eligible for refugee status, as Turkey signed the 1951 UN Convention on the Status of Refugees with "geographic limitation", which legally grants refugee status only to Europeans in Turkey t. Syrians are granted a legal temporary protection status, which is based on the "Law on Foreigners and International Protection (LFIP)" and the "Temporary Protection Regulation (TPR)" issued by the authorities in 2014 in direct response to the onset of the refugee crisis. The Law and Regulation include – along with other basic human rights – the right to education.

The Council of Higher Education (CoHE), a central government agency, is responsible for higher education administration, standards and planning policy; it also oversees the policy on refugee students. According to the TPR, Article 28, Section 2, authorises the CoHE to determine principles and procedures for associate, undergraduate, Masters and Doctorate degrees for Syrian people under temporary protection. In setting the regulatory and institutional framework, the CoHE coordinates all efforts to improve access and participation for refugee students, researchers and scholars (YÖK, 2017).

Higher education is often neglected in emergency situations but in this case the CoHE was quick to respond to the influx of Syrian refugees. In the early stages of the crisis, the CoHE promulgated a series of Circulars and Decisions to facilitate and speed up access and participation for Syrian youth in Turkey's HEIs. The first major Decision passed on 3 September 2012 allowed students, even those without academic or identification documents, to enrol as "special students" for the academic year of 2012-2013 at seven HEIs on Turkey's southern border. Since "special student" refers to a student who is able to continue their education in another HEI who is enrolled and reserved to keep their registration in another HEI, credit and diplomas for these students were only available after regular admission and registration, which also required official documentation. The Decision attracted negative public attention and was not only criticised for its inconsistent application (Seydi, 2013), but also for the misinformation concerning the stipulated unlimited and unconditional access of Syrians to higher education. The rationale behind the Decision was to protect Syrian higher education students and enable them to continue their studies in Turkey and to allow them to return to their country without their education having been interrupted.

On the 21 September 2013, the CoHE passed an Amendment to the existing Regulation concerning transfer between HEIs to further define the special conditions for the transfer process to Turkish HEIs. According to the Amendment, students coming from countries where education is interrupted due to war or humanitarian crisis can apply to transfer to a Turkish HEI. In addition, the Amendment stipulated a maximum 10% quota, subject to the relevant HEI's decision, and allowed students without documentation to be enrolled as "special students" until they could provide the necessary documents. Originally promulgated for the 2013-2014 academic year, the scope of the Circular was later extended to include subsequent academic years and other countries. On 9 October 2013, the CoHE ruled that these procedures be followed for students who started higher education in Syria and Egypt before the academic year 2013-14. While regulating the transfer procedures for refugee students, the CoHE leaves the implementation and admissions criteria to the HEIs. Recognition of qualifications and skills of the required documents are assessed and evaluated by ad-hoc Recognition Committees established by the HEIs within the various faculties.

A subsequent Decision in 2013 introduced free tuition for Syrian undergraduate students who are admitted to Turkish public universities (YÖK, 2013). Tuition fees of all Syrian students are now financed by the YTB (Presidency for Turks Abroad and Related Communities) who is responsible for coordinating and improving the scholarship efforts for international students studying in Turkey, on behalf of the Turkish Government. In addition to the education fees, Turkish Scholarships Programme implemented by the YTB offer supplementary support covering, accommodation, food and the cost of Turkish language courses for students entitled to study at public universities. The Decision aims to reduce some of the financial burden on students who have already enrolled for higher education.

As discussed in the previous section, a restrictive legal and regulatory framework is one of the main obstacles to accessing higher education in both first-asylum and third countries. In that regard, the revised Regulations and Decisions, support Syrian students' access and inclusion to higher education system and institutions in Turkey. The new framework introduced a considerable degree of flexibility and convenience to ease accessibility to higher education for refugees. During the various interviews conducted, participants rarely took issue with any bureaucratic challenges or restrictive regulations concerning higher education admissions procedures. On the contrary, the rules taken to improve access were highly appreciated. Only the equivalency procedure for high school diplomas, under the jurisdiction of Ministry of National Education, was sometimes mentioned as being too lengthy but then students pointed out that in the end issues were resolved and they received the relevant papers for registration.

According to CoHE data dating back to the academic year 2013-2014, the impact of this regulatory framework has resulted in an upward trend in higher education enrolments. Between the years 2013-2018, enrolments of Syrian students in higher education have increased from 0.8% to 3.8%. Although 3.8% is above the global average 1% of the refugees globally (UNHCR, 2018b), it is still very low and requires a further boost. Moreover, it has not all been plain sailing and it would be misleading to assume that political debate and media coverage of the Regulation and its implementation have been without issue. While increased efforts aimed at providing basic education are widely accepted, Regulations on access to higher education for Syrians have come under public scrutiny in which concerns have been raised over security, financial burden on the State and transparency of the admission procedures (Kahvecioğlu, 2012; TBMM, 2012-2014). Since places for higher education are highly competitive in Turkey, this new trend and the increasing demand for places from eligible local students puts additional pressure on an already strained higher education system. Although public debate and media coverage on the matter have thus far not caused any tensions between locals and Syrians, it nevertheless came up on a few occasions during the interviews and focus group discussions. Students generally felt uncomfortable talking about it and moreover were reluctant to complain. Some administrative staff who were interviewed, on the other hand, raised their concern with some stating: "…we are very much aware of the situation, we understand the importance of these children having access to a university education. But our system is heavily oversubscribed. We already have a lot of students and not enough staff, and we are afraid that may cause a problem". These findings point to a need for greater transparency, additional support, better communication, more research and advocacy for increased access and participation in higher education for Syrian youth.

The findings also require a better understanding of the institutional framework for Syrian students' access to higher education. Despite a centralised test-based admissions procedure for Turkish students, admissions for international students is decentralised. Under the coordination of the CoHE, each HEI decides on its criteria for international students' application and admission procedures which are announced on the HEIs' websites. These requirements may include "Foreign Student Exams" (YOS), language proficiency examination results, national or international Baccalaureate results, diplomas, transcripts, passports and/or residency documents. Although the regulatory framework seems effective in supporting their access and participation, the implementation of the Regulations strictly depends on the institutional policies, decisions and practices. In that regard, this paper continues with an analysis of the current system, its problems, responses and implementation based on a case study at Istanbul University, which is among the biggest refugee receiving HEIs in Turkey.

The Case of Istanbul University: Institutional Challenges and Responses

Istanbul is home to 546,326 registered Syrian refugees, making it Turkey's largest refugee host city. Besides being the country's biggest city, Istanbul is also the capital of higher education with over 10 State-funded and 44 privately funded universities. There are some 35,725 international students, among which 4,343 are Syrians, and over a quarter of these attend Istanbul University in the academic year 2017-2018. Of the total 7,448 international students at Istanbul University, 1, 241 are Syrians, making the university second biggest HEI hosting Syrian students after Gaziantep University which is located in the border region (YÖK, 2019).

For international students, including Syrians, admission to Istanbul University is through an institution-wide "Foreign Student Exam" (IUYOS). After an online application, eligible candidates must submit the required documentation only during registration. The examination is available in Turkish, English and Arabic, which removes the language barrier for students with inadequate language skills. Apart from first year students, in accordance with the CoHE decision, Istanbul University has accepted a 10% quota for the transfer of students already enrolled to HEIs in Syria, Egypt and Yemen before the 2013-2014 academic year. Finally, in coordination with the CoHE and YTB, Istanbul University also offers places to students awarded Turkey scholarships.

The majority (62%) of Syrian students enrolled at Istanbul University came via the "transfer in special circumstances" procedures, while only very few (53 students) hold the "special student" status, which is proof of the system's flexibility. The "transfer in special circumstances" which was specifically set up for Syrian and other refugee-like students, is a novelty in institutional application and admissions procedures. According to available data, the number of transferal students from Syria has risen gradually each year but should decrease from now on due to the enrolment deadline at the start of the 2013-14 academic year. On the other hand, first year admissions through IUYOS is very low (20%). Although the CoHE accepts an increased quota up to 10% for transfer students, first year students are still subject to the international quota, which means they must compete with other international students for a limited number of places. Considering the heightened numbers of Syrian students in Turkey, this means greater competition. A more flexible quota system for Syrian students entering first year should be discussed, otherwise, as the number of transfer student declines so too will the numbers of Syrian students in higher education decrease or remain constant. Furthermore, almost half of the first year students admitted through IUYOS are placed on Open and Distance Learning courses as these require lower attainment scores compared to regular day-time courses. The situation raises questions about the quality of basic education provided for Syrians in Turkey and further reflects the need to increase the quota of Syrian students among the international students.

Considering the application and admission procedures while IUYOS is an automated online system, which is simple and easy to use, transfer procedures are more complicated which require application through an online system and delivery of documents to the officers for control and assessment. The Department of Student Affairs is responsible for planning and coordination of the transfer procedures, while faculty offices manage the applications, assessment, admissions and placement procedures after admission. During our interviews, this lengthy and complex process emerges as an obstacle both for applicants and admissions officers as it involves assessing and evaluating documents in another language and from another higher education system. One of the admission officers who experienced most of the challenges of the transfer process summarised the situation as follows:

> "In accordance with the CoHE Decision, Istanbul University agreed to apply the maximum 10% quota for Syrian students allowed. We were then faced with a huge number of applications. We were not equipped to deal with that; we don't have Arabic speaking personnel. Unfortunately, student numbers are increasing but not the personnel. This, of course, affects the service provided both for Syrian and local students but also hampers the management of the application and admissions process"

Assessing and Evaluating Foreign Credentials

Although qualifications of first-year applicants are assessed by the centralised test-based system IUYOS, assessment for students transferring under special circumstances is carried out by admissions officers through document evaluation. Since the majority of Syrian students at Istanbul University came via transfer procedures, evaluation and authentication issues emerge as the greatest challenge expressed by administrative staff especially in the faculties which receive a vast number of applications. Firstly, there is the issue of suspected fraud concerning submitted documents. The authenticity of transcripts and student certificates, which are assessed by faculty admissions staff, requires specialist training and expertise - which in this case - the staff lacks. As expressed by one of the admissions officers during the interview, the process can be very challenging:

> "Sometimes, it gets really weird, same university, same faculty but official documents can be very different. But since we do not have any way to confirm we have to accept as it is…"

Apart from authentication issues, the calendar for evaluation is very short and documents can be very complicated:

> "We have to finish the documents within two weeks only, it is a very hard task especially in another language. Although we request translations, not all of them can afford the cost, it is very expensive you know…. Thus we have to control them, organise them accordingly, identify the missing ones…"

It is also accepted by the admissions personnel that there is a degree of flexibility accepted while assessing documents:

> "First of all there is the problem of translation of documents… we know that legally translated documents can be very costly for students, so we try to be flexible about it, if the most important translations and notarizations are not missing we accept the documents but request that they are complete within registration"

Issues regarding documents were not among the problems expressed during application and admissions procedure by the transfer students themselves. The main obstacles for them were the evaluation and credit transfer procedures after admissions. According to the students, the incompatibility between education systems and transferability of previous credits were more of a challenge. In some faculties, for example, the Faculty of Law, which has a completely different curriculum, students expressed frustration at having to start from scratch. As one student explained:

> "I studied three years in Damascus. I came here, I really appreciate it… but three years of study means nothing here… zero, I now have to start in the first year again…"

Lack of Information, Advice and Guidance

Our research at Istanbul University reveals a need for clear information, advice and guidance during the application and admissions process. The admissions procedure for international students is already complicated due to the decentralised structure of the Turkish higher education system. The multitude of complex application procedures and paperwork can be quite confusing for students, especially those with poor language skills. According to the students and representatives of voluntary organisations who participated in our focus groups, even accessing information on the internet could be a challenge, since most websites and application guidelines were available only in Turkish and English. They also had to navigate through several HEI websites as the criteria and procedures are different for each one.

As one voluntary organisation representative, who supports and advises refugee students explained:

> "Each higher education institution has a different system, varying procedures which I find very confusing. I, as a native speaker, am having difficulties in accessing information on web. In some cases, the necessary information is like hidden in the pages"

And another representative complained more about the lack of guidance during the procedure:

> "There is no one to ask for guidance, every time a different procedure. It is even impossible to reach someone via phone, and even if you do, you cannot find the right person to answer your questions. I am a native speaker but I cannot find anyone to contact to help and advice my counselee. It shouldn't be that hard…"

Furthermore, during the workshop it became clear that while university faculties with high Syrian student numbers were very experienced and informed about the current regulations and procedures regarding Syrian students, admissions personnel from other faculties did not have a sound grasp of the issue. This also raises questions about the service and guidance they offer during the application procedure.

Language Barrier

The language barrier accompanying these administrative and procedural issues further aggravates the situation both for administration and students. At Istanbul University, only first-year applicants who apply via IUYOS, have guidelines, a specific website and announcements in English and Arabic. Transfer guidelines and announcements, on the other hand, are placed on the main page of the student affairs official website and are only available in Turkish. Language is therefore a serious obstacle especially for transfer students during the application process. Apart from some announcements and guidelines, the online system through which students have to register for transfer application is also only available in Turkish. Some students mentioned issues with the registration system during the focus group. It is not clear, however, if the problems were due to language or a more systematic failure so more investigation is required. Additionally, there is an online support service available, which most students in the focus groups were not even aware of. Furthermore after online application, students applying for transfer must submit the required documents before the deadline to the relevant faculty office which rarely has staff who speak Arabic or English.

Ad hoc solutions have, however, often been found to overcome any language barrier during the admissions process and students rarely complained about that. Staff and students interviewed indicated that those applying often attend the process together with an experienced friend or family member, and in faculties where staff speak Arabic the process goes smoothly. However earlier applicants who have entered university between 2012-2014 admit that it was very hard, they felt alone and helpless during the process, especially in faculties where staff did not speak any foreign languages:

> "I came in 2013. It was very hard in the beginning, we had to find the right place and people to explain our situation. It was very new, no one knew about the transfer and the procedures. I was not very good at Turkish, I really didn't feel comfortable while speaking to the university staff. But I learnt a lot, I mean staff and us students have learnt a lot. Now I help others, I know the procedure, and the required papers. I know who can help, who can speak Arabic. We kind of know who can help it is not always about the language ….".

Another student emphasized the support from experienced peers:

> "Our friends tell me that it was very hard in the beginning. I didn't have any problems, it was a smooth process. I also came with a friend and even filled out the online application form with my friend. He knew how to do it because he had done it before."

It is also inspiring that some students have already established networks on social media and online communication groups to help newcomers. Earlier applicants who experienced the language obstacles and lack of advice the most, have now created local guidance groups to assist prospective Syrian students:

> "Now we have our Facebook and WhatsApp groups, we try to help each other, if anyone faces a problem, we try to find a solution together."

One of the Facebook groups created by Syrian students at Istanbul University, for instance, has more than 1,100 members and specifically supports Syrian applicants during the application and admissions process for Istanbul University.

It is interesting to note that language is more often a barrier for administrative staff during the application process than for students, thus underlining the extra support needed for staff. Although most staff have now gained much experience and knowledge on transfer procedures and evaluation of foreign credentials, they are not trained nor equipped with such skills. Therefore the language barrier is even more pressing in their case since they have to assess documents in another language and from another education system during a short time period.

In addition to the challenges arising from the lack of language proficiency during admission, the biggest challenge comes once the course begins. The majority of courses at Istanbul University are in Turkish however language proficiency is not required for students to be eligible to apply as preparation classes are available after registration. These preparation classes, which are free of charge, offer an important means for Syrian students with limited Turkish to acquire the necessary language proficiency. However, as expressed by some students, preparation classes alone are not enough to follow the courses. Although most of the students in the focus group had a very high level of Turkish proficiency and expressed themselves very well, all of them stated that they had problems in the lectures either in taking notes, following the course materials or in reading comprehension. And according to these students, this is the main reason for the low success rates of Syrian students. As one student from Faculty of Law stated, this affects both their motivation and attendance:

> "I cannot understand anything so I come to class and sit… but nothing else. That is why I have started working, now I cannot come to school but at least I get to earn some money. I work in a call centre in Arabic and I like my job"

Legal and Financial Precarity

Low attendance rates due to working, also brings us to the problem of the precarious legal and financial situations of refugees. According to our interviews and focus groups, legal difficulties were not considered an obstacle in accessing higher education. The precarious legal nature of their temporary status was not among their worries. Some were even considering applying for Turkish citizenship, although there is no constant scheme and procedure for applying. Some scholars and students mentioned that they had been contacted by the DGMM regarding Turkish citizenship. It is even more surprising that they were hesitant in applying for Turkish citizenship. Since they would be evaluated according to the same academic criteria for recruitment and tenure in Turkish higher education system, that means an increased competition with locals. Another issue highlighted by both academics and students was concerning their status and the difficulties they faced in making financial transactions at the banks. Since the majority had problems presenting up-to-date passports and opening bank accounts, making financial transactions were very difficult and only allowed by a few banks, which added to challenges faced by them.

Financial precarity during access to and participation to higher education was not specifically mentioned by participants perhaps because they were already at Istanbul University. As a public university, education is free of charge and application fees for Syrian students who apply through the IUYOS are low and for those applying via the transfer in special circumstances route it is free. However, this does not reduce the cost of higher education completely so most students interviewed either work or were looking for jobs. Our research further revealed that low attendance can often be attributed to low academic language proficiency combined with financial struggles.

> "Before coming here my father was doing well in business, I was studying at university. Now it is hard for him to find a job, he cannot speak Turkish like we do. I have four siblings and except for one we are all continuing our education here. I have been accepted to the Faculty of Law and have studied a year on the Turkish preparation class and passed but courses are very hard… Everything is so different …. my Turkish is not good enough to follow the classes…I have tried to explain it to the professor, but you know… I tried but couldn't make it. So I'm now working. It's easier for young people to find jobs. Most of my friends work, my other sister, who has also been accepted to Faculty of Law, also works as a translator for instance. I work as a sales representative for Arabic speaking people"

While scholarships exist, they are limited in scope and numbers. For instance, by the 2016-2017 academic year the number of students under YTB scholarship programs have reached 13,873. Although the "Turkey Scholarship Programme" is attractive for talented and motivated Syrian students, our research at Istanbul University revealed that only 32 held such scholarships, which represents only 3% of the total number of Syrian students. Although there are other initiatives providing scholarships to Syrian students, the schemes seem scattered and the exact figures were not available.

Concluding Remarks

Our research on refugees' access to higher education in Turkey based on the vast experience of staff and students at Istanbul University found that in line with the literature review, financial precarity, language barriers, non-recognition of prior learning, and lack of information and guidance were the key barriers to accessing higher education. A restrictive legal and regulatory framework, and a legally precarious status on the other hand were less of a concern.

Despite these detected obstacles, enrolment rates of Syrian students have dramatically increased and will continue to do so considering the increasing number of refugees. In contrast with the restrictive framework identified in the literature review, as the main decision maker and regulator in higher education policy, the CoHE's commitment to increasing the access and participation of Syrian students in higher education has been instrumental in this upward trend. One could argue that, revising the Regulations to make it easier for students fleeing worn-torn countries and humanitarian crisis to transfer their education and gain access to higher education has been influential. Despite the regulatory framework and responsive policies, we argue that their implementation at institutional level is determinant and requires further attention. Istanbul University offers some valuable insights regarding higher education policy and implementation at institutional level. By deciding to use the 10% quota for transferring students, the university has taken an affirmative action and increased the enrolment rates accordingly. However, its implementation has not been problem free, considering the lack of financial funds and human resources. Our research also reveals that despite this assertive framework, there is still the risk of perceived increased burden and compassion fatigue discussed in the literature review. While the administrative staff is overburdened with increasing applications amid limited resources, the students are very much aware of the public discussion and media coverage surrounding the already burdened and very competitive higher education system of Turkey.

Concerning the legal and financial problems derived from the literature review, while the precarity of the temporary status has not been an issue, the financial burden on the other hand continues to be among greatest challenges for Syrian students and their participation in higher education in Turkey. With the aim of decreasing financial burden of higher education, the decision to waive tuition fees for Syrian students at public universities was an effective way of easing the financial burden of the costs of higher education for Syrian students, and the scholarships provide additional support during their studies. Although education is free in Istanbul University, this does not necessarily reduce the high living costs discussed earlier. Our research uncovers that low attendance and participation can be attributed to the financial struggles and necessity to work which is very much the case in other countries. Additional scholarship programmes could go some way in relieving this burden.

In other respects, the flexibility introduced for prospective students in translating and submitting the required documents has been effective in facilitating the application procedure and recognition of prior learning. Despite the foreigner students' examination which is fairly simple in assessing prior learning, transfer procedures still require improvement. Assessing foreign documents and qualifications which requires very specific knowledge and expertise, has been a challenge for admissions staff who lack the necessary skillset discussed earlier. The short deadlines for applications and evaluations add to the burden on administrative and academic staff. Nevertheless, the country quotas for first-year students need further attention, as enrolment rates for higher education will continue to rise in line with the ever-increasing youth population. A further point is the attainment levels of Syrian students in examinations, which raises concerns about the quality of basic education for Syrian students in Turkey.

In line with the literature and experiences of refugee receiving countries, the lack of language support, information, advice and guidance are among the key challenges both in terms of access to and participation in higher education in Turkey. Istanbul University's language preparation classes, which are free of charge, present an important opportunity for Syrian students, particularly considering that other such courses are usually very expensive. According to our research, however, the content of these classes does require some adjustments in order to fully prepare students in academic language and boost their engagement in their studies.

As identified in most of the refugee receiving countries, support mechanisms are also lacking for Syrian students both in accessing higher education and during their studies in Turkey. The decentralised admission system for international students was among the biggest problems that both students and representatives of voluntary organisations who are to provide information and guidance to prospective students expressed during the research. To breach these gaps and to overcome the barriers (language, lack of information and guidance) Syrian students have set up informal support schemes by themselves. In accordance with the literature review, Syrian students receive information and guidance from experienced peers and friends rather than formal communication tools. What is new is the informal communication tools such as social media networks and online communication groups that Syrian students have specifically developed to offer support to other students. Research in that regard reveals the determination, strength and resourcefulness of Syrian youths in higher education. Faced with various obstacles, they have managed to find and develop ad hoc solutions and ways around the barriers that try to prevent their access to higher education. In that regard, their agency should not be neglected in institutional mechanisms and research. Finding ways to integrate and support such schemes into the formal structures of HEIs should be discussed.

Finally, all the detected obstacles are very much intertwined with each other and are directly linked to regulatory frameworks, structural and social aspects of life, and institutional practices which require a more holistic approach as suggested. Despite a supportive regulatory framework and institutional policies, HEIs could still improve their response to the issues facing Syrian students. HEIs have a responsibility to their students to help them overcome any challenges and contribute to their empowerment, wellbeing and inclusion. This, however, requires a well-equipped, coordinated approach both from decision makers and HEI academic, administrative staff and students.

Notes

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Book Review

Education in Thailand: An Old Elephant in Search of a New Mahout. By Gerald W. Fry (Ed) (2018), 744pp. ISBN: 9789811078552, Singapore: Springer.

Many books have been written about Thai education but this book, *"Education in Thailand: An Old Elephant in Search of a New Mahout"*, truly gives comprehensive information about the educational system of this country in almost all aspects. The editor starts the book by making certain that the readers will understand "Thainess" and how this unique background in the past five decades has continued to shape the present Thai educational system.

This book consists of six parts beginning with Part I: the Thai context and its uniqueness in terms of historical, social, cultural, political and economic backgrounds. These diverse perspectives and theoretical frameworks give a fruitful picture of the development of Thai education. Besides the foreword chapter by Her Royal Highness Princess Maha Chakri Sirindhorn, the most interesting chapter in this book is found in Chapter 3 in which Gerald Fry analyzed the religion foundation of Thai education. The author pointed out the topic of religion and education as a neglected one. With his experience as a Buddhist monk, he has been able to highlight this chapter as one of the most insightful discussions of the impact of Buddhism and other religions on the development of Thai education, and why Thailand emphasizes "happiness education" and "education for optimal living" as core values of education.

Part II provides a description of contemporary Thai educational system. It covers every levels and types of education from preschool to higher and vocational/technical education as well as non-formal and informal education. Separate chapters were also alloted to topics of autonomous universities and the internationalization of Thai higher education, which are two of the most important policies that have both promising and challenging impacts for the Thai. It is also interesting to read about 'shadow education' which has become somewhat a 'tradition' for Thai students, and the topic of 'alternative education' which also has strong influence in Thai education which are discussed in the first two chapters of Part VI of the book.

Parts III, IV and V deal with the issues of inclusiveness, quality, and accountability of education. As a result of educational massification, Thailand has now faced many quality problems at all levels. The four chapters in Part III provide a critical analysis of the issue of inequalities and disparities, especially Chapter 12 in which Her Royal Highness Princess Maha Chakri Sirindhorn discussed inequalities in 15 groups, among others, people in disadvantaged remote areas; people with inadequate funds to study; people with physical or mental disabilities; child laborers, soldiers, and sex workers. Other chapters in Part III deal with educational disparities among regions, educational attainment and the issue of multilingual education. The editor devoted Part IV to the issue of quality in relation to research and development, STEM education and an interesting chapter on the redesigning of teacher education- which is one of the priorities in the ongoing education reform of the country. Part V focuses on educational policy and planning with an emphasis on educational reforms. In this section, past reforms are critically discussed.

The final chapter of Part VI gives an impressive touch for the book with the analysis of paradoxes, trends, challenges, and opportunities of Thai education. As a foreigner who has had a long experience in Thailand and Thai education, the editor has given thoughtful recommendations relating to financing, management and policy, curriculum and instruction, educational assessment and quality assurance, and 'education beyond government' which he hopes will enable Thailand to escape the middle income trap and, enhance the quality of its education to ensure its long-term developmental success

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I find this book to be comprehensive and insightful. It is impressive that Her Royal Highness Princess Maha Chakri Sirindhorn has contributed two chapters in the book. The other 24 Thai and 8 international contributors are all well-known academics and practitioners. It is important to note though that at this moment, Thailand is undergoing another educational reform, but the situation is uncertain due to the recent change of government, where the Ministry of Education was reformed and a new Ministry of Higher Education, Science, Research and Innovation was established. Moreover, a new national educational law has been drafted and many new policies and processes are awaiting to be implemented. It will be interesting to see how this book will relate new educational reforms in Thailand.

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