INVESTIGATING THE FACTORS AFFECTING COMPLIANCE WITH THE HIGHER EDUCATION REGULATIONS BY PRIVATE HIGHER EDUCATION INSTITUTIONS IN ESWATINI

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DECLARATION

I, Patricia Buyisile Mashaya, do hereby declare that this master's dissertation is the result of my own research and investigation and that this project has not been submitted in part or full anywhere for any degree or for any other degree to any other educational institution.

P. B. MASHAYA

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List of Acronyms

CHE	Council on Higher Education
DHET	Department of Higher Education and Training
ESHEC	Eswatini Higher Education Council
MoET	Ministry of Education and Training
NQF	National Qualifications Framework
PHEIs	Private Higher Education Institutions
SADC	Southern African Development Community
SAQA	South African Qualifications Authority
QA	Quality Assurance
QAS	Quality Assurance System
USA	United States of America

ABSTRACT

Higher education regulations have turned out to be multifaceted and strict in recent years, compelling Private Higher Education Institutions (PHEIs) to allocate substantial resources to ensure compliance with the regulations. Compliance with the regulations is a mandatory requirement for all higher education institutions in Eswatini whether private or public. Using the Octet Quality Theory, and the mixed research approach method, this study sought to establish the effects of higher education regulations on PHEIs compliance with the requirements in Eswatini. Data was collected through the questionnaire and face-to-face interviews. Interpretative analysis was used to process qualitative data while the Statistical Package for Social Sciences (SPSS) version 20 was used to analyse quantitative data. The findings of the study revealed that the PHEIs heeded to the call for registration even though they were confronted by several challenges in fulfilling the minimum requirements in respect of accreditation with the Eswatini Higher Education Council (ESHEC). The registration process was found to be cumbersome, which added to the staff workload and imposed a cost burden on the institutions. The study recommends a development of a higher education policy, review of fees and regulations. The study recommends the development of a higher edcuation policy as this document will guide ESEC on the implememntations of regulatory frame work in a manner that promotes compliance to the regulations by PHEIs. The study recommends relaxation (without compromising quality) of the regulations on infrastructure as this will help PHEIs channel more funds on teaching and learning thus increasing complaince to the regulations. Finally the study recommends that fees are reviewed as this will encourage complaince to the regulations by PHEIs.

Keywords: Higher Education, Regulations, Compliance, Quality Assurance, Private Higher Education Institutions, Registration, Accreditation

CHAPTER 1: BACKGROUND AND OVERVIEW OF THE STUDY

1.1 Introduction

This chapter introduces the study and sets out its central focus. In more precise terms, this study assessed the effects of the higher education regulatory framework, as formulated and implemented by the Eswatini Higher Education Council (ESHEC), on private higher education institutions (PHEIs)'s compliance with the regulations in Eswatini. This chapter starts by giving a background to the study. This is followed by an exploration of the conceptual foundation guiding this research. The chapter goes on to unpack the study's research problem statement, which is followed by a revelation of the study's corresponding research objectives and the research questions. The chapter concludes with a summary of issues that were addressed in the study. Immediately below is the background of the study.

1.2 Background to the study

The presence of PHEIs poses governance and regulatory challenges for administrative structures and legislatures. With the emergence of PHEIs in the higher education sector, quality assurance becomes a major concern. Regulation of higher education institutions in Eswatini started in 2016 mainly in response to an upsurge in the number of private institutions providing post-secondary education. To ensure and safeguard quality and the standardisation of processes and procedures in the delivery of higher education, it became mandatory for institutions of higher education to register with the regulatory agency and to have their programmes accredited. According to Wang (2019), higher education regulations form the cornerstone of education management, and the enactment of higher education laws and regulations can enhance quality of education. The core challenge is the mushrooming of PHEIs which has impacted on education access, quality, and relevance. This has resulted in higher unemployment rates, especially among graduates since the job market cannot absorb most of the graduates produced by local higher education institutions due to a lack of appropriate skills for the job market (ESEAPRC, 2022). Mabizela (2007) adds that the regulation of private institutions has largely been a response to the emergent number of private institutions due to the increasing demand for access to higher education and quality concerns.

In the US, the regulation of higher education institutions is done at the regional and federal levels (Myers, 2011). Although higher education regulations have good intentions as they seek to facilitate the accountability of higher education institutions, the Association of American Universities (AAU) laments that these regulations are not consistent across federal agencies and are inappropriately implemented in higher education institutions or they are out of proportion to the true risks related to the regulated activity (AAU, 2022). Even though regulations ensure accountability, the AAU still argues that the federal government should restructure, harmonise and, where possible, disregard unnecessary regulation of institutions. On the other hand, the results of a study which was conducted to assess the impact of regulations on PHEIs in the US revealed that there was a need for strengthening regulations that are in line with a country's economic development goals (Myers, 2011). The Task Team report (2015) suggested that the regulatory environment adversely affected higher education institutions (HEIs) since it imposes a huge burden on the operations of the institutions. The report further highlights the following effects of regulations on HIEs: the documents covering the regulations are bulky thereby inhibiting compliance; compliance with regulations is expensive; regulations are multifaceted thus making compliance difficult;, regulations hinder innovation and creativity; some of the regulations are unrelated to education; the regulatory agencies do not provide feedback on time; such regulations frustrate organisational efficiency and hinder innovation thus making compliance difficult. Myers (2011) also raises the same issue of additional cost imposed by compliance with regulatory requirements. The author states that HEIs, especially private ones, are over-regulated which poses a heavy financial burden on the institutions and this has a negative effect on their profitability. Higher Education Regulations Task Force Report (2015) supports the assertion that regulations play a significant role in safeguarding institutional accountability. However, the Task Force urges the government to enforce rules and regulations that are smart and not difficult and costly to implement.

The regulation of any sector in a country rests with the government of that country and the regulation of higher education is no exception. Research shows that regulation of HEIs is a common concept within the SADC countries. The regulatory agencies take diverse forms and status because of the different country-specific backgrounds and this is dependent on the autonomy of the primary instruments of higher education governance and management (Chetty, *et al*, 2017). In many cases, most countries incorporate these bodies into government

institutions such as Councils for Higher Education or Authority. According to Ellis and Steyn (2014), these regulatory agencies in countries like South Africa and Mauritius are founded predominantly as professional agencies with some independence from central government even though the level of the autonomy may not be the same, depending on the composition of the governing board or council in question. There are special considerations that are made by governments when constituting the agencies in highly specialized fields like medicine. Westerheijden (2004), states that in such instances, the government mandates professional bodies, mainly from the private sector, to set up regulatory standards for higher education institutions in such highly specialised fields. In SADC member states, such activities and professional licensing and certification are mainly the responsibility of private agencies, although government agencies can still perform the same functions. Finally, in some cases, a third party may be engaged as a regulatory agency as is the case with the South African Qualifications Authority (SAQA) and Council on Higher Education, both in South Africa (Westerheijden 2004).

Extant literature reveals that compliance with the set regulations can impose a challenge for HEIs. According to Ellis and Steyn (2014), compliance with regulatory requirements carries a huge financial burden for HEIs and more work for staff since more time is needed to satisfy the conditions of the regulatory framework. The authors further state that this has an adverse effect on the profitability of the institutions. Franceško, et. al., (2020) support this claim positing that HEIs are overly burdened with regulatory requirements which need additional resources. Manyanga (2008), as cited in Tsevi (2015), urges that meeting regulatory requirements is a costly exercise considering that PHEIs suffer from insufficient funding and shortage of staff to support all the regulatory processes. Notwithstanding the adverse effects mentioned above, the regulation of HEIs plays a major role in promoting the economic development of a country through the provision of appropriately skilled manpower.

The higher education sector in Eswatini had been operating without a regulatory body until 2015 when the Eswatini Higher Education Council (ESHEC) was established (ESHEC, 2021).This has had a positive outcome in terms of the quality assurance of HEIs in the sense that it protects the general public from illegitimate service providers even though the same regulatory environment is believed to be complex which is a concern to PHEIs (ESHEC, 2021). In Eswatini, the higher education and training sector is currently confronted by a few challenges, especially the private institutions. The major challenges facing PHEIs include

issues of governance, inadequate resources (both financial and physical), recruitment and retention of appropriately qualified and experienced academic staff, and programme design and development (World Bank, 2021). The Covid 19 pandemic worsened the situation even more because it presented challenges that overwhelmed the education system in the country, especially inadequate technological infrastructure to support online learning (Dlamini, 2020).

Higher education institutions in Eswatini are required to be approved by the ESHEC before they can start operations (ESHEC, 2021). The ESHEC is responsible for assessing the institutions' suitability for registration and accreditation, as well as providing qualifications verification services. The list of accredited institutions shows that out of 44 HIEs that were assessed by the ESHEC in 2021, only three were fully registered, 37 were provisionally registered, while four were declined registration (ESHEC 2021). The Skills Audit Report (2022) calls upon institutions of higher learning to comply with the ESHEC quality assurance standards to produce high quality graduates. Compliance with the ESHEC regulations is listed as one of the objectives of the higher education policy of 2018.

In Eswatini, the provisions of the Higher Education Act (2013) prescribe three levels of registration status: full registration, provisional registration, and declined registration. Furthermore, Section 22 of the Higher Education Act dictates that the list of all registered institutions shall be published and that institutions that do not appear on that list shall cease to operate as shown in Table 1.

Table 1.1: Registration status of private higher education institutions in Eswatini in 2021 (Source: ESHEC, 2021)

Full registration	**Provisional registration**	**Declined registration**
1. Good Shepard College of Nursing 2. Mananga Centre for Regional Integration and Management Development 3. African Christian College	1. Eastern and Southern African Management Institute (ESAMI 2. Exact Training Consultants 3. Intellectus Campus 4. African Prime Institute for Science and Technology (APIST) 5. Limkokwing University of Creative Technology (LUCT) 6. Botho University (BU) 7. Institute for Development Management (IDM 8. Eswatini Christian Medical University 9. SIMAV SHEQ 10. Ubombo Technical College (U-Tech College) 11. NOSA Eswatini 12. Euro Africa Campus 13. Muna Health life Institute 14. Resource College formerly African American Institute for Development Management 15. Chrysolite Business Trainer 16. Swaziland College of Theology 17. Bradford College 18. Hillside College 19. Corporate Development Training Centre (CDTC) 20. Providence International Training Institute 21. Ngwane Park Youth and Training Centre 22. CITEC College 23. Global University College 24. Birch Cooper Graduate Institute 25. Workers College 26. AMADI University College 27. Centre for International Technology and Consultancy (CIT) 28. Regent Business School 29. Management College of Southern Africa - (MANCOSA) 30. Swaziland Police Academy 31. Bahamas Academy 32. Softtech Swaziland 33. BSA Training Centre 34. Institute of Research Management and Development (IRDM) 35. Emergency Medical Rescue College 36. BOSCO Youth Agricultural Centre (BYAC) 37. Advanced School of Information Technology	1. Management Training and Development Institute (MTDI) 2. WESCO 3. St John Ambulance 4. CFCI Bible College

When assessing HEIs for registration and accreditation, the ESHEC uses the Eswatini Higher Education General Guidelines which have 12 standards as indicated in the ESHEC General Guidelines for Institutional Assessment (ESHEC, 2016). These are: (1) the institution's vision and mission, (2) governance and management of the institution, (3) internal quality assurance, (4) programme design and review, (5) institutional facilities and infrastructure, (6) staffing, (7) student recruitment, selection and administration (8) teaching learning and student assessment, (9) student progression and support (10) financial and administration system (11) research, and (12) management information systems.

The registration process of PHEIs in Eswatini is extremely rigorous. It is a three-stage process which begins with the institution requesting the official application form from ESHEC, the regulatory body or authority (ESHEC 2017). ESHEC then issues the application form to the applying institution to complete. The ESHEC instructs the applicant to return the application form together with a self-assessment report (internal assessment). The ESHEC then scrutinises these application documents and then undertakes an on-site visit (external assessment). Based on the information contained in the internal and external assessments reports, the ESHEC then makes a determination. In essence, there are three likely outcomes of the registration process. For instance, an applying institution that meets all the requisite conditions for registration is awarded full registration. On the other hand, an applying institution that meets most of the requirements with an expressed determination and/or perceived potential to fulfil the rest receives provisional registration. Lastly, declined registration is reserved for an applying institution which falls short of most of the requisite conditions and exhibits no potential to fulfil them within the designated registration period. This study therefore examined the effects of the regulatory environment on the PHEIs' compliance with the regulations in Eswatini.

1.3 Problem statement

The sudden rise of suspicious qualifications, institutions, and incompetent graduates has become a problem for governments the world over. Out of the 44 PHEIs that were assessed for registration by ESHEC in 2021, only three were found to be in full compliance with ESHEC regulations hence obtained full registration; four were declined registration because they did not satisfy the regulations, and 37 were provisionally registered (ESHEC, 2021). This means that 37 PHEIs partially fulfilled ESHEC 2021 regulatory requirements. This information indicates that most institutions in Eswatini are struggling to satisfy the ESHEC regulatory requirements which threaten their existence and survival. The Eswatini National Skills Audit report has described the issue of skills mismatch as a major concern in Eswatini and higher education institutions have been urged to ensure that programmes offered directly address the labour needs of the country (ESERPAC, 2022). The Eswatini Higher Education Council has been called upon to rationalise the current programmes offered by higher education institutions in the county so that programmes offered are aligned with current needs of industry (Eswatini National Skills Audit, 2021). This study therefore sought to assess the factors affecting PHEIs compliance with the regulations and come up with recommendations that will enhance the capacity for PHEIs to meet regulatory requirements of ESHEC.

1.4 Research objectives

The aim of this study was to examine the effects of ESHEC's regulations on PHEIs' compliance with the regulations in Eswatini. The specific objectives of the study were to:

a) Establish the extent to which the cost of fulfilling the regulations constitutes a cost burden to the selected higher education institutions and effects on compliance with the regulations.
b) Explicate the extent to which PHEIs believe that higher education regulations are complex and its effects on compliance with the regulations.
c) Determine the extent to which the PHEIs find the regulation documentation bulky and how it affects compliance with the regulations.
d) Determine the minimum standards required by ESHEC for PHEIs to be accredited and their effects on compliance with the regulations.

1.5 Research questions

The study set out to find empirical answers to the following secondary research questions:

- To what extent does compliance with regulations constitute a cost burden to the selected higher education institutions and what are its effects on compliance with the regulations?
- To what extent do PHEIs believe that the higher education regulations are complex and what are its effects on compliance with the regulations?
- To what extent are the regulations documents bulky and how does this affect compliance with the regulations?
- What are the minimum standards required by ESHEC for PHEIs to be registered and accredited and what are its effects on compliance with the regulations?

1.6 Research hypotheses

In this study the following assumptions have been hypothesised:

H1: There is a significant correlation between the cost of implementation of higher education regulations and compliance with the regulations.

H2: There is a significant relationship between the complexity of the requirements and compliance with the regulations.

H3: There is a significant relationship between the bulkiness of the regulations' documents and compliance with the regulations.

H4: There is a significant relationship between the minimum standards required by ESHEC for PHEIs to be registered and accredited and compliance with the regulations.

1.7 Significance of the study

The concept of regulations in the higher education sector is a relatively new phenomenon in Eswatini since the regulations and accreditation agency was established in 2015 in line with the ESHEC guidelines (Eswatini Higher Education Council, 2015). The beneficiaries of this study include the ESHEC, the relevant ministry (MoET), PHEIs, industry, and post-high school students and their parents as the direct consumers.

The ESHEC, as an organisation, will benefit from this study in the form of feedback on the effectiveness of the regulation instruments and how the regulations are affecting key stakeholders (PHEIs). The feedback can serve as a basis for a subsequent study on the perception of institutional governance and management in the regulatory context of Eswatini.

The study will also support the government in general, through the MoET, as a policymaker since research provides the baseline and directs the development and review of policies. This study will also benefit Botho University (the institution the researcher works for) as the dissertation will be deposited in the library as reference material for both staff and students.

Other PHEIs can also use the study's findings to establish the relevance and necessity for their own programmes. By extension, the research shall also be extremely useful as a prime source of reference to prospective PHEIs' students and their parents while they seek to determine appropriate higher education enrolment for the former.

1.8 Scope/delimitations of the study

The research was conducted in private institutions in two regions in Eswatini: Hhohho and Manzini. These are the regions in which PHEIs are dominant, with a total of 38 PHEIs (ESHEC 2021). The regions are also the nearest to the researcher's place of work. So, it was time and cost efficient to conduct the research in these regions. The study excluded institutional accreditation since most institutions are still at the registration stage of the regulatory framework. Even though the research topic covers both the regulatory council and private institutions, the focus was more on the PHEIs since the study was concerned with establishing the effects of regulations on PHEIs' compliance with the regulations. Finally, the study did not cover the two other regions in Eswatini namely Lubombo and Shiselweni because they are far from the researcher's place of work, and they have a small number of PHEIs.

1.9 Limitations of the study

Out of the 15 PHEIs that were intended to participate in the study, four could not take part because of various reasons including not granting the researcher permission to collect data. Also, one institution is out of Mbabane and due to cost and time factors, the researcher could not include this institution. However, to mitigate the situation, the researcher included two more institutions in Manzini thereby resulting in 13 institutions participating in the study. The

limitations pointed out here have a direct impact on study's findings which cannot be generalised to all PHEIs otherwise not included in the study. Nevertheless, this study's findings are still relatable to similar PHEIs even if they did not form part of the study.

1.10 Definitions of terms

Terminology	**Definitions**
Higher education	Refers to all post-secondary learning programmes that lead to a high qualification (Higher Education Act, 2013)
Private higher education institutions	Private higher education institutions that may include universities and colleges that are registered as businesses and owned by individuals or families or companies that aim to make profits from the operations of the establishment (Myers, 2014)
Quality assurance	All the policies, approaches, activities and measures essential to certify that quality is being retained and improved (Nicholson, 2011)
Regulations	Refers to all the standards set to govern the performance, conduct and operations of higher education institutions (Higher Education Act, 2013)
Compliance	Following relevant case law and accreditation standards (Teelken, 2012)

1.11 Chapter summary

This chapter explored how the ESHEC regulations have impacted the operations of PHEIs in Eswatini. This chapter presented findings of the relevant literature which formed the background of the study. It then revealed the central study issue (also known as the problem statement). This research seeks to explain the factors that affect compliance with ESHEC regulations by PHEIs in Eswatini. The subject of the next chapter is review of literature that is relevant to this study.

Chapter 2 presents the literature review and identifies gaps in the existing literature. It discusses four factors that affect PHEIs compliance with ESHEC regulations in Eswatini.

These factors include, cost of registration, complexity of the regulations, bulkiness's of the documents and the minimum requirements for registration. The chapter ended with a presentation of the conceptual framework that underpins the study. This study adopted The Octet of Education Theory by Zaki and Zaki Rasidi (2013).

Chapter 3 presents the research methodology for this study. This chapter substantiates the used of the mixed methods approach for this study, surveys through questionnaires and semi structures interviews were used to collect data. Convenience sampling was used to select the PHEIs whilst purposive sampling was used to select the respondents and participants. Interpretative analysis was used to process qualitative data whilst SPSS version 20 was used to analyse quantitative data. It concluded by explaining ethical considerations made in this study.

Chapter 4 presents the findings, discusses and interprets the data in relation to the conceptual framework and literature reviewed in the study.

Chapter 5 discusses conclusions by summarising the main findings of the study in an attempt to answer the research questions. Recommendations for policy development, best practice and further research as well as the conclusion are also presented.

References presents list of all the sources cited in this study.

Appendices provides questionnaires, interview guides, permission letter, consent forms and ethical clearance.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

The previous chapter introduced the study by setting out its central focus including its background, the research problem, research objectives, and the corresponding research questions. The significance of the study to various stakeholders, the hypotheses that were tested in the study, the scope and delimitations as well as its limitations were also discussed in the previous chapter. This chapter reviews the literature that is directly relevant to the current study. According to Knopf (2006), a literature review is a comprehensive assessment, evaluation, and summary of the existing literature for any given topic of research. In other words, a literature review summarises and assesses a body of research work about a specific topic. This chapter deliberates on the effects of higher education regulations on PHEIs' compliance. The chapter does this with direct reference to the specific factors that affect compliance or the lack thereof. The specific factors affecting in PHEIs' compliance with ESHEC regulations or lack of it include operating costs, complexity of regulations, bulkiness of documentation, and minimum standards. These are discussed in the next subsection.

This chapter reviews the literature that is directly relevant to the current study. According to Knopf (2006), a literature review is a comprehensive assessment, evaluation, and summary of the existing literature for any given topic of research. In other words, a literature review summarises and assesses a body of research work about a specific topic

2.2 The effects of the regulatory environment on private higher education institutions' compliance with regulations

Higher education regulations have a significant effect on PHEIs and their compliance with the regulations. The regulations concerning the quality of curriculum, institutional as well as programme accreditation, students' admissions, and financial aid policies can significantly affect the way private institutions function and the level of compliance they are able to attain. According to Fuller and Gonveder (2020), regulatory compliance is a multifaceted process that necessitates extensive investment in resources, governance, and risk management and can considerably increase compliance costs for private institutions and thus have a negative impact on profit (Kruss 2004). Private higher education institutions may also be subjected to additional

regulations such as licensing and other professional regulatory requirements which can impact their ability to offer certain programmes in their institutions (Huston, 2017).

Additionally, compliance with higher education regulations can adversely affect PHEIs, particularly smaller ones, which may not have enough resources to comply with the regulations as fully as larger institutions can (Ellis and Steyn, 2014). This can result in amplified consolidation within the higher education sector as smaller institutions struggle to keep up with compliance costs. Nevertheless, some authors argue that guidelines serve an imperative role in ensuring quality and protecting students from unscrupulous institutions (Ellis and Steyn, 2014). Therefore, compliance with regulations can also help PHEIs improve their status and gain legitimacy in the eyes of the general stakeholders including prospective students and employers.

Generally, higher education regulations have a complex and significant effect on PHEIs and their compliance with the regulations. Since the higher education regulatory environment continues to evolve, policymakers will need to carefully consider the costs and benefits of regulations for both private institutions and students. Taking the case of South Africa, higher education regulations have had an impact on private institutions' compliance. According to Matadi and Aleanya (2022), PHEIs are required to comply with the Higher Education Act No. 101 of 1997 and other legislations, which establish minimum standards for the quality of education and accreditation both at institutional and programme level. It is therefore necessary for PHEIs to acquire accreditation status from the regulatory agencies.

The impact of these regulations on PHEIs' compliance is twofold. Firstly, regulations create a set of standards and guidelines that institutions are expected to meet and failure to do so may result in penalties, fines, or even closure. This then puts pressure on PHEIs to allocate significant resources to ensure that they comply with the regulations. This may include investing in infrastructure, systems, and staff training (Matadi and Aleanya, 2022). This compliance may also involve regular reporting to regulatory bodies which can be time-consuming and resource-intensive.

In short, higher education regulations have a complex and multifaceted impact on PHEIs. Even though the standards help to promote academic quality and protect students' rights, they also come with significant costs and can hinder institutional autonomy and innovation. As such, legislators and stakeholders must work to strike an appropriate balance between regulatory oversight and institutional flexibility to ensure that PHEIs are able to thrive and provide excellent education to their students (Stander, 2016). The effects of higher education regulations on PHEIs' compliance with the stipulated requirements manifest through PHEIs operating costs, complexity of the regulations, bulkiness of the ESHEC documentation, and minimum standards set up by the ESHEC for PHEIs to implement. These elements are discussed in the subsequent subsections.

2.2.1 Private higher educations' operating costs and compliance with regulations

According to a study by Phillip (2020), higher education is the most highly regulated sector in the United States of America (USA). This observation is borne out of the fact that in the USA, higher education is regulated first at federal or national level, then at state level and, lastly, at local or district or county level, among others. The Task Force on Federal Regulation of Higher Education (2015) noted that although institutional accountability is an appropriate goal, but it can be accomplished without the costliness and difficulty associated with the current palate of regulatory requirements on higher education. From this report, a case of over-regulation is evident which exacerbates the cost burden on HEIs, especially PHEIs which often receive no state subventions to sustain their operations. It is also noted that blanket regulations apply across the higher education sector which subjects smaller colleges to similar compliance requirements as larger institutions. This is so even though the funding and staffing of smaller PHEIs are far less. Such a scenario creates inequity and needlessly stretches the resources of already financially struggling PHEIs. Franceško, et. al., (2020) supports this claim and submits that PHEIs are too burdened with regulatory work which needs additional resources. Manyanga (2008), as cited in Tsevi (2015), argues that meeting regulatory standards is a very costly exercise since PHEIs do not have enough staff and resources. On the other hand, not being regulated comes at cost too including higher unemployment rates, due to skills mismatch (ESEAPRC, 2022).

A study that was conducted to understand the impact of regulatory compliance on labour at a small PHEI in the Midwest through the lens of implicit cost discovered that the regulatory environment more adversely affected small HEIs since it imposes a huge burden on the

operations of such institutions (Olt Ed, 2020). Research has indicated that regulatory compliance may have numerous negative consequences on higher education, but chief among those concerns has been financial cost **(**Hayden and Van Khanh, (2010), Olt Ed (2020), Ellis and Steyn 2014). In the same study Olt Ed, (2020) also noted that administrative costs associated with compliance take away funds from teaching and scholarship, citing other deleterious effects such as negating autonomy to make decisions on the front lines, driving toward standardisation and moving away from a diversity of institutions to meet the differing needs to students and society, and interfering with the ability of institutions to make their own decisions to compete in the marketplace of ideas. The drive for performance-based accountability in higher education has been described as conflicting with expansive regulation which prescribes uniformity and undermines the ability of institutions to adapt successfully **(**Sörlin, 2007**)**. Certain types of regulations such as the Affordable Care Act of 2010 have made full-time employees significantly more expensive, pushing greater use of adjunct faculty to fulfil instructional needs (Blumenthal and Collins, 2014).

In Higher Education (HE), public institutions enjoy state funding and do not face the funding dilemmas often confronting PHEIs. This situation is akin to inequity and unfair competition thereby adversely affecting PHEIs. According to Fuller and Govender (2020), all programmes offered by PHEIs in South Africa must be accredited by the CHE, recorded on the National Qualifications Framework (NQF) by the South African Qualifications Authority (SAQA), and registered by the Department of Higher Education and Training (DHET). Accredited programmes also have a five-year lifespan and must be re-accredited by the CHE every three to five years. If a programme is not re-accredited or is de-accredited, this has major reputational as well as financial impact for the institution concerned. This is especially so for PHEIs whose financial standing hardly matches that of their public counterparts.

Ellis and Steyn (2014) report that with every submission for accreditation, there is a fee payable, and should the institution be required to submit any additional information related to an application, then an additional fee may apply which constitutes an extra financial burden for PHEIs. The authors further reveal that a CHE site visit may follow an accreditation or re-accreditation application, and this has additional costs all of which are borne by the PHEI. Public universities, on the other hand, are exempted from these fees as they are supported by government (Ellis and Steyn, (2014)

Stander and Herman (2017) observe that in the South African higher education setting, in addition to application fees, there are several material resources and infrastructure that need to be in place including, among others, physical buildings with the required capacity to offer all programmes seeking to be accredited. According to Tamrat and Teferra, (2020) PHEIs incur extreme cost of renting buildings yet they have inadequate finances. These researchers also point out that the required physical infrastructure such as libraries may seem to be unreasonable on the surface. They concede that the world has since gone digital wherein many academic activities are now conducted virtually. This technological advancement has rendered educational resources open and readily accessible. The research also reveals that publicly funded universities have signed memoranda between and among themselves which allow students to access resources freely across colleges and universities. The research then goes on to declare that very few such agreements, if any, exist among PHEIs or between PHEIs and public universities. Thus, PHEIs find themselves having to still resort to the costly traditional route of erecting physical structures instead of capitalising on technological innovations.

Fuller and Govender (2020) are of the view that sourcing the necessary staff with the requisite qualifications and academic work experience can also prove challenging for several valid reasons. For example, it is difficult to find a Business Management specialist with relevant teaching experience who is willing to be employed on a full-time basis at a private higher learning institution since they are easily absorbed by corporates. The challenge is compounded by the fact that public higher education institutions the world over offer, among others, higher remuneration packages and benefits such as sabbatical leave, subsidised medical aid, cost of living adjustment, research incentives, and pension which are not offered by most PHEIs. Thus, the PHEIs must therefore compete on an uneven keel for the same pool of experts with their public counterparts and are often always left to settle for scraps which severely erode their chances for both registration and accreditation.

2.2.2 Complexity of higher education requirements and effects on compliance with regulations

Fielden and LaRocque (2008) aver that PHEIs are subjected to undergo cumbersome and complex regulations which render the process less transparent thus making compliance difficult for institutions since they are left in a position of not knowing what documentation is needed and how it should be sourced. The Association of American Universities (AAU) (2022) and Myers (2011) argue that there are inconstancies regarding regulations across federal agencies, and as such, the regulations are inappropriately implemented in higher education institutions, and this makes the regulations complex and difficult to comply. The AAU, therefore, calls for the restructuring, harmonisation, and elimination of unnecessary regulations to ensure accountability. Task Force Report (2015) contends that complexity with regulations causes ambiguity for PHEIs and even when the regulatory agency offers guidance, institutions end up going beyond the scope of the requirements to avoid negative assessment findings. The report further submits that even though the regulations serve a significant role in safeguarding institutional accountability, however, there is need for government to enforce rules and regulations that are smart and not difficult and costly to implement.

According to Stander and Herman (2017), alongside globalisation and the rise of the knowledge economy, there has been an increase worldwide in demand for higher education (HE). This same demand has occasioned the proliferation of PHEIs. It is the proliferation of PHEIs that has subsequently transformed quality assurance (QA) and the management of the QA processes of these institutions into an increasingly important activity, hence regulation of PHEIs is fundamental.

Stander and Herman's (2017) qualitative study focused on the experiences of PHEIs in South Africa in the management of QA, while at the same time complying with QA and accreditation processes. The study revealed that QA of PHEIs in South Africa is a tough, complex, and highly contested arena. This, the study claimed, was because on the one hand, QA aims at protecting the public from unscrupulous providers while, on the other hand, the complexity of the QA legislative framework has become a major concern to private higher education providers who are increasingly finding compliance with regulations a tall order.

A study on the Octet of Quality in Higher Education by Zaki and Zaki (2013) identified three major out three of the eight categories related to the barriers and challenges that are peculiar to

PHEIs as they engage in the management of QA. These are resources, staffing, and curriculum design. The current study takes place in the research context of Eswatini, and adopts the same Octet of Quality in Higher Education (2013) model. More significantly, the registration of PHEIs and the attendant accreditation of their academic programmes hinge on physical infrastructure or fitting operational premises, the presence of enough adequately qualified personnel, and programme development.

2.2.3 The bulkiness of required documentation and its effects on compliance

Higher education institutions are subjected to disclosure requirements on several issues as part of the regulatory requirements and this makes compliance difficult since the documents come in hundreds of pages (Task Team Report, 2015). According to Imbulgoda (2019), the heavy bureaucratic workload involved in quality assurance systems (QAS) causes internal quality assurance bodies to deviate from improvement, emphasising instead on compliance and accountability.

According to the same study, fears of sanctions, rewards, and loss of image at a stage where costs of changes and the staff resistance are high, HEIs resort to dramaturgical compliance. To this extent, the PHEI staffs demonstrate that standards are being fully adhered to by faking real performance (Task Team Report, 2015). Imbulgoda (2019) further reveals that it is the abstract nature of quality, internal organisational culture and traditions, and external surveillance and control that stimulate this contrived or staged performance.

In addition to this, the study observes that management relationships determined by contractualism, judgmental reviews, and form-filling requests provoke HEIs to engage in partial compliance while mitigating resistance of staff and satisfying QAS by tick-box compliance. Besides, punishment and respect for seniors necessitate game-playing strategies. Fielden and LaRocque (2008) posits that when policies are bounded with fund disbursements and image of the individual or organisation, the implementing staff chooses hierarchical compliance.

Finally, the Task Team Report, (2015) posits that internal management pressure, praise, and desire for inclusion also induce active compliance without wholehearted commitment to

achieve the best of QAS. From such findings one can discern that where compliance is embedded within cumbersome paperwork, there are likely to be faked performances intended to conceal internal inefficiencies and earn undue affirmation.

The ESHEC QAS in Eswatini is currently characterized by bulky and cumbersome paperwork whose completion may hardly reflect authentic practice. That the ESHEC QAS is replete with bulky paperwork and is time-consuming is reinforced by the sheer size of the official digital registration form (ESHEC 2017). Among other things, this form requires heads of department (HoD) to compile their personal information, a roundup of all the material resources available to their departments, the programmes offered within their respective departments, programme duration, the courses (plus their corresponding course codes) offered within the programmes, the academic credits per course, the personnel who offer each course plus their respective qualifications (Rosemin and Sampson-Ovid, 2008) This otherwise full-time administrative task occurs within an institutional mileu in which the HoD also doubles as a full-time lecturer and has no administrative assistant in a bid to remain within an almost non-existent departmental budget. That this situation also occurs in a compressed semesterised college system further compounds the issue of the validity and authenticity of the data that, of necessity, are supplied rather hastily and with less than enough due regard.

Whereas QAS was introduced in HE with clear positive objectives leading to quality improvement, the evidence suggests the contrary. Imbugoda (2019) argues that the exact consequences of compliance to QAS also depend on its mode. Performativity, as Imbulgoda (2019) coin the faked performance, deterioration of research and teaching quality, negative emotions among staff, and cost of compliance are some of the main consequences arising from compliance to QAS.

2.2.4 The minimum standards required by ESHEC for PHEIs to be registered and effects on compliance with regulations

The minimum standards required or set out by ESHEC for the registration of PHEIs and the accreditation of their academic programmes must be viewed within the context of the Regulations on Institutional Assessment. In this connection, the Eswatini Higher Education General Guidelines outline 12 standards that are used for institutional assessment (ESCHEC, 2016). The 12 standards include the following:

1) mission and vision;
2) management structure;
3) internal quality assurance system;
4) programme design, development and review;
5) infrastructure and facilities;
6) staffing recruitment and retention;
7) student recruitment, welfare and administration;
8) teaching and learning;
9) student progression and support;
10) financial and administration system;
11) research activities; and
12) information management system.
(ESHEC, 2017).

These standards are comparable with those of South African Qualifications Authority 2001, as cited in Ellis and Steyn, (2014). The standards include mission, financial resources, human resources, information resources and curriculum (Ellis and Steyn 2014). As has been stated earlier, the provisions of the Higher Education Act (2013) prescribe three levels of registration status. These are full registration, provisional registration, and declined registration. Furthermore, Section 22 of the Higher Education Act (2013) provides that a list of all registered institutions shall be published and that institutions that do not appear on that list shall immediately cease to operate.

From the three-tier registration classification, it would appear that appropriate relevant or fitting infrastructure, adequate appropriate tutorial equipment (facilities), and qualified lecturing staff constitute the bare minimum conditions for determining which PHEIs get

registered and which ones do not. Dougherty and Reddy (2011) revealed that tying funding to outputs had an immediate impact on chances of funding, regarding greater awareness of state priorities, institutional performance, as well as increased status competition among institutions. The authors further aver that due to these immediate effects of performance funding induce intermediate institutional changes in the form of greater use of data in institutional planning and policymaking and in changes in academic and student service policies and practices that seek to promote student achievement. Dougherty and Reddy (2011), however, refute claims that performance funding does indeed increase ultimate outcomes. They point out, instead, that such bold claims are hardly validated by solid data. The authors further revealed that there are obstacles to the optimal functioning of performance funding and that there are also unintended outcomes. Whether there are immediate or intermediate outcomes, however, there is a need to recognise the key factors underlying the successful operation and functioning of a PHEI. These include the absolute minimum requirements for registration and accreditation, that is, standard infrastructure, facilities, and teaching personnel.

A study that was conducted in Trinidad and Tobago in 2008 revealed that all post-secondary institutions operating in the country must be registered. For registration to be granted, a HEI must meet a seven-category criterion as the minimum requirement for registration (Rosemin and Sampson-Ovid, 2008). The registration spans a maximum period of three years, after which the institution must re-apply either to maintain its registration status or lose it. Among the minute or specific minimum requirements is a credible infrastructure in the form of appropriate and secure buildings to house both the academic activities and the staff and students. The study then identified facilities and equipment to be used in facilitating the academic activities. Staffing, already alluded to above, constitutes a key minimum requirement and it includes the executive, lecturers, administrative, support staff, etc. If all these are in place, the institution receives its three-year registration certificate from the relevant authority.

In South Africa, Jansen's (2004) research investigated the changes that took place in higher education between 1994 and 2004. The study sought to explain the reasons for these changes and to examine the future implications of the changes for the higher education sector. The study discovered that among the notable changes was that the number of public institutions shrunk as mergers between institutions occurred. This shrinkage coincided with an immediate rise in the number of PHEIs. According to the new regulatory framework, the requirements for recognition of the statuses of institutions were such that certain higher education institutions

could no longer pass the test as stand-alone colleges, technikons, and universities. According to Jansen (2004), the institutional autonomy that had characterised higher education prior to 2004 suddenly had to be juxtaposed with the need for accountability which mandated the state to impose minimum requirements for institutional registration and programme accreditation. Notably, infrastructure, facilities, and staffing rank among the chief minimum requirements for PHEIs registration. In Eswatini however, an assessment of the extent of PHEIs' compliance with ESHEC's regulatory environment is important in that it assures the nation of the legitimacy of PHEIs as well as the relevance of their academic programmes. In addition, the assessment checked the extent to which local qualifications measure up to continental and global best practices at the higher education level. The underlying need for PHEIs, hence the subsequent requirement to approve and monitor their academic offerings, should be viewed in the context of the incapacity of their public counterparts to absorb all qualifying school leavers for industry-relevant post-high school degrees, diplomas, and certificates. Besides, present notable challenges, which include issues of governance, inadequate resources - both financial and physical, recruitment and retention of academic staff, and programme design and development (World Bank, 2021). The ongoing global Covid-19 pandemic exacerbated the PHEI environment and brought challenges that overwhelmed the sector in the country. Such challenges included inadequate technological infrastructure to support the alternative online learning (Dlamini, 2020). This is not to mention the drastic decline in enrolment numbers, which continues to significantly threaten the very existence of the few surviving PHEIs. Many could not withstand the ensuing pressure, resulting in massive job losses that worsened the country's unemployment epidemic in the process.

In a discussion paper commissioned by the World Bank, Fielden and LaRocque (2008) expose, among others, regulatory barriers to an effective private higher education sector. The state desired to safeguard high quality education, that is, quality curriculum and qualified personnel, plus corresponding investment in standard infrastructure and facilities. These authors observe that governments need to maintain a sustainable balance between governments' entitlement to exert sufficient control to manage private higher education sector growth that is appropriate to the national context and enabling growth of the institutions rather than stifling or frustrating their operations. Fielden and LaRocque (2008) highlighted three criteria that are considered crucial for an institution to be registered: Land (such as buildings, roads, power grids, and water supply), financial stability, and facilities. The authors further state that meeting these basic requirements pose as a regulatory challenge which makes compliance to the standards difficult.

As indicated earlier, whether a PHEI gets full registration, or provisional registration or even declined registration is a question of both their expressed determination to comply and/or their perceived capacity to fulfil the outstanding requirements during the registration window.

2.3 Theoretical framework

This study is guided by the Octet of Quality in Higher Education Theory, as adapted from Zaki and Zaki (2013). The issue of quality and, by extension, quality assurance, sits at the heart of the current study. This is because the crux of this study is the effects on PHEIs of compliance with the regulatory framework imposed by the ESHEC, the substantive regulatory authority for the registration of PHEIs and the accreditation of their academic programmes. The current study's research instruments were thus developed in line with the parameters of the Zaki and Zaki (2013) model.

The same model has also been used in a study which was conducted on the barriers and challenges faced by private institutions in the management of quality assurance, as cited in Stander and Herman (2017). The findings of this study suggested that private institutions faced three challenges namely resources, programme design, and capacity development which have a bearing on compliance with regulations. Since the Octet of Quality in Higher Education Theory has comparable parameters with the Eswatini Higher Education General Assessment Guidelines, it sets minimum requirements that a private institution should fulfil to be accredited (Zaki and Zaki, 2013).

The model identifies eight specific minimum requirements. These are (1) curriculum, (2) resources, (3) student profile, (4) faculty knowledge, skills and abilities, (5) Institutional design and strategy, (6) Institutional leadership, (7) open system thinking and (8) practices and policies. From its conception, all the way to the practical fieldwork, the current study keeps a keen eye on the way compliance with ESHEC regulations and its effects on PHEIs conform to the parameters of the Zaki and Zaki (2013) model. This model, and its application, is discussed below:

Curriculum design

The curriculum plays a vital role in facilitating the quality of education. This is because curriculum is central to the core academic business of PHEIs. For this reason, Olivia (1997, as

cited by Zaki and Rashidi, 2013) underscores the need for a standard curriculum whose development is subjected to a stringent regular quality assurance regime.

Availability of resources

The availability of structural and operational facilities as well as relevant human resources are an essential component of compliance with higher education regulations. It should be noted that financial resources determine the quantity and quality of physical infrastructure, facilities, and resources which exert a significant strain on the PHEIs that are ineligible for public subsidies.

Students' profile

The PHEIs' primary mandate is to empower students with relevant professional competence in order to participate in the growing knowledge economy nationally and internationally (Zaki and Rashidi, 2013).

Faculty knowledge, skills, and abilities

Quality in PHEIs relates to students' profile. This implies that academics should be empowered with all the knowledge, skills, and capacity/abilities. In that regard, what students learn links directly to their instructors' content and pedagogical knowledge (Nemser, 2003; Zaki and Rashidi, 2013). Lecturers' pedagogical knowledge includes alertness to the influence and role that technology imposes on their different instructional responsibilities.

Institutional design and strategy

To achieve quality, PHEIs need to implement credible policies and design potent and efficient strategies. It is argued that the institutions should focus on two broad domains namely structural domains and contextual domains (Zaki and Rashidi, 2013). On the other hand, the contextual domains concern the size, the environment, the technology, and goals of an institution (Zaki and Zaki, 2013). These authors conclude that "an effective design enhances quality and help achieving the desired goals and results.

Institutional leadership

According to Van Schalkwyk (2011), leadership refers to the mobilisation and influencing of people to work towards a common goal which is done through building interpersonal relationships and breaking tradition to achieve an organisation's objectives. However, Smith and Wolverton (2010) suggested that leadership in higher education institutions is different as the HEIs present a unique set of leadership challenges. It is submitted that quality in education will be attained if the leadership of an academic institution provides clear guidance and direction pertaining to policies that are put in place (Zaki and Rashidi, 2013). The leader can maximise resources and motivate staff members within the faculty to derive the best from them (Zaki and Zaki, 2013). Moreover, the leader could perceive challenges and opportunities and have an idea on how to handle them. In most cases, the challenges pertaining to change of curriculum, staff development, faculty training and retaining, performance management are better handled by a pragmatic leader.

Policies and practices

Institutions should have policies and procedures as this will help guide employees as their standard operating manual. It is important that institutional policies and practices are aligned with best practices nationally and across the globe.

Open system thinking

Change is inevitable. It is submitted that institutions should adjust and adapt and keep pace with the changes in the environments in which they operate. Institutional leaders should therefore be visionary and develop new skills sets that are needed to survive the ever changing environment.

2.4 Chapter summary

The purpose of this chapter was to review the existing literature on the topic under investigation, following a thematic analytical approach. The themes are from both the central aim of the study, which creates a framework for aligning standards of higher education in Eswatini, and the study's subsidiary objectives as specified in Chapter One. To this end, the chapter first recapped the study's background, including restating the need to regulate the entire higher education sector in general and PHE in particular. It then established the extent to which compliance with regulations constitutes a cost burden to the selected higher education institutions. It also explicated the extent to which PHEIs believe that higher education regulations are complex and making compliance difficult. Subsequently, it described the bulkiness of the regulations documentation. Finally, the minimum standards required by ESHEC for PHEIs to be accredited and its effects on compliance were highlighted. The next chapter discusses the research methodology employed to generate empirical data to answer the study's research questions and fulfil its objectives.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

The previous chapter was a review of extant literature on the regulatory framework and how it affects higher education institutions' compliance. This chapter highlights the research methodology that was used to collect and analyse empirical data on the topic under investigation. Research methodology refers to the detailed procedures and techniques that are used to collect and analyse data in a study, that is, how to identify and select the data, process it, and further evaluate information about a particular topic under study (Goddard and Melville, 2004). Basically, in a research study, the methodology enables the reader to judgementally appraise a research's validity and reliability. The research methodology thus entails the overall plan or strategy adopted by the researcher to conduct the research fieldwork. This chapter presents the study's selected research design, discusses the chosen methods of data collection, describes the population and sample selected for the study, addresses the validation of the preferred research instruments, explains the reliability of the research instruments, and describes the data collection procedures followed. The chapter also addresses the ethical considerations guiding the study and describes the data analysis and interpretation of results.

3.2 Research Paradigm

This study adopted a pragmatism approach since the study is adopted a mixed methods approach. Pragmatism was deemed fit because it used suitable to the application of both quantitative and qualitative methodology and method. It further allows that the value of an idea should be based on its practical consequences and utility rather than abstract or theoretical considerations (Newton, et.al. 2020). In this study, the pragmatism puts emphases to the practical consequences of regulations. This is to say, rather than enacting higher education rules and regulations for the sake of compliance, the pragmatism encourages a careful consideration of the potential impact of the regulations on various stakeholders. The pragmatism method offer valuable viewpoint that focuses on achieving practical outcomes and addressing real world challenges.

3.3 Research approach

This research adopted a mixed-methods approach which means that both qualitative and quantitative methods were used to gather empirical data during the research fieldwork. In a mixed-methods inquiry, McKim (2017) suggests that every mixed-methods researcher must first ask the important question whether the mixed-methods approach shall add more value than a single method. In other words, the choice of method should follow careful assessment and consideration of the need and effectiveness of the preferred method in bringing out the targeted aspect of the phenomenon under investigation. The choice is thus more a question of relevance and direct applicability than of mere inclination. A casual selection may be both counter-productive and ineffective.

On the positive side, it is important to understand the perceived value of combining two distinct methodologies, especially given the added resources, time, and expertise required to conduct a mixed-methods study. For instance, mixed-methods research requires additional time due to the need to collect and analyse two different types of data (McKim. 2017). Supporting the use of mixed methods in research despite the burden of more resources, Yanow (2014) posits that this method is deal when the researcher wants to observe the respondent's non-verbal language as the participant is interrogated on the subject matter. The method seems to have yielded the desired results since the research was able to pick the frustration institutions went through due to challenges that comes with the ESHEC registration process.

As soon as the strong point of mixed-methods research is acknowledged, however, a countervailing disadvantage emerges. For instance, researchers typically require additional funding for added supplies, extra space to interview participants or administer a survey, and assistance with data collection and data analysis. In addition to that, mixed-methods research requires intensive knowledge of both quantitative and qualitative methodology. Since many researchers rarely have intensive training in both quantitative and qualitative methodology, this can imply finding additional researchers with expertise in a particular area. This requirement may come with unexpected expenditure. Fortunately, in the context of the current small-scale study, the researcher did not need to invest in extensive additional resources and expertise save for the use of statistical analysis packages such as the Statistical Package for Social Science (SPSS).

A mixed methods approach uses both quantitative and qualitative data collection and analysis techniques. Quantitative techniques are those in which the use of numerical quantities or values predominate (Busetto et al., 2020). This view is reinforced by Watson (2015) who opines that quantitative studies rely on numerical or statistical analysis. In quantitative research, it is the figures or numerical values that tell the story instead of wordy explanations or verbal descriptions. For instance, we can at a glance deduce from a comparative statistical table that more patients died of Covid-19 than HIV at given public health facility in Eswatini in 2020. No words are needed to access and obtain this fact as the figures adequately reveal this information. Qualitative methods, on the other hand, use words and/or verbal descriptions to explain the phenomena or interpret the words and actions of research participants, including the motivations that give rise to them in the first instance. Qualitative studies are thus interpretive by nature (Busetto et al., 2020). The current research employs both questionnaires (i.e., Likert scale) which are quantitative research instruments, and interviews, which is a qualitative research instrument.

3.4 Research design

The study followed an explanatory sequential design since quantitative method dominated over the qualitative method. According to Creswell and Clark, (2011), an explanatory research works well when quantitative data is collected first then qualitative and this helps explain or elaborate on the quantitative results. The mixed-methods approach is designed to ensure that the research benefits from the strengths of qualitative and quantitative methods while at the same time minimising the adverse impact of each. In other words, the mixed approach is a means of positioning the quantitative and qualitative methods to complement each other for the ultimate benefit of the quality of the enquiry. Guided by the explanatory sequential design, quantitative data was collected first through questionnaires and then qualitative data was collected which then facilitated the interpretation of data.

3.5 Methods of data collection

Since a mixed methods was used in this study, both a quesionnaire (appendix 1) and interview guide schedule (appendix 2) were developed guided by the literature review which was outlined based on the reserch objectives. The primary technique for collecting the quantitative data was a self-developed questionnaire (Likert scale). For the primary research objectives, questions were containing items of dichotomous answers like “Yes” and “No”, and the four secondary research objectives, the questions had self-assessment items, measured on the 5-point Likert scale, and open-ended questions where respondents were exposed to their own expressions and interpretation. Questions 1-5 were on the demographic data of the respondents whilst questions 6 to 16 were factors influencing compliance with higher education regulations by PHEIs in Eswatini and how they affected compliance. Questions 17 to 24 addressed the extent to which compliance with the regulations constitute a cost burden to PHEIs. The part of the covered questions 25 t o33 which investigated the extent of the bulkiness of the regulations and that affected compliance with the regulations. Questions 34 to 41 focused on the complexity of the regulations and their effect on compliance with the regulations. Finally the last part which covered questions 42 to 45 inspected how minimum requirements for registration affected compliance with the regulations. The questions in this section were to ascertain if indeed infrastructure, qualified staff and curriculum formed part of the minimum requirements for institutional registration.

The same approach was replicated with regards to the face to face interview questions which will be sued to collect qualitative data. All the questions were developed based on the research objectives and the literature. Out of the 10 interview questions, question 1 and 2 were on cost of compliance with the regulations, whilst questions 3 and 4 were focused on the complexity of the regulations. The bulkiness of the regulations were addressed in questions 5,6 and 7. The last research objective which was on the minimum requirements was covered in questions 8,9,10.

Pilot testing was done on both instruments and necessary ammendments were done before data collection. The questionnaires was first administered to five heads of departments, whilst the first interview with the first particpant was used as pilot test and confirmed that the 30 minutes allocated for study was sufficient to complete the interview.

3.6 Population and sample selection

Using convenient sampling, a sample of 15 PHEIs out of the 44 registered with the ESHEC was selected. It later transpired that four PHIEs could not be part of the study and the researcher had to get two additional institutions and that brought the number of PHIEs that participated in the study to 13 as shown in table 3.1. From the 13 PHEIs, a sample of 130 respondents was selected using the purposive sampling technique. The sample represents 30.6% of the population.

Table 3.1 Population Size

Institution	**Number of employees**
Institution 1	14
Institution 2	21
Institution 3	35
Institution 4	40
Institution 5	18
Institution 6	26
Institution 7	32
Institution 8	15
Institution 9	20
Institution 10	43
Institution 11	101
Institution 12	37
Institution 14	23
Total	**425**

For the quantitative data, with the aid of structured questionnaires, primary data was sourced from 109 respondents from 13 private higher education institutions from two regions in Eswatini, that is, Hhohho and Manzini since that is where most private higher education institutions are located. Even though it was challenging to get more respondents during examination times, the sample of 109 respondents is still appropriate since it allows for statistical conducted in this study. According to Kotrlik and Higgins (2001), multiple statistical analysis can be properly conducted in a sample that more than 100. The participants should have been staff that were involved in the ESHEC registration process hence purposive sampling was deemed fit. Leedey (2009), states that purposive sampling is used to make a deliberate selection of specific elements of the population to be part of the sample. As a result, the participants included lecturers, heads of faculties, Quality Assurance (QA) managers, and other

heads of departments or sections as shown in the table 3. 2 below. Statistical analysis of the quantitative results was conducted with the help of the Statistical Package for Social Sciences (SPSS) software, version 20.

Table 3.2 Position Held

Position	Frequency (f)	Percent (%)
Lecturer	47	43.1
Head of faculty	20	18.3
QA Officer	10	9.2
QA Manager	13	11.9
Executive Director	11	10.1
Other	9	8.3
Total	**109**	**100.0**

For the qualitative part, the researcher was only able to have interviews from heads of institutions from 10 institutions. Where the head of institution was not available, the registrar would be interviewed since they are also well versed with issues of QA since their roles are at operational level. All interviews were face to face and were held at the participants' offices. The interviews would last between 30-45 minutes.

Table 3.3 Profile of the Participants

Date of the interview	Participant	Gender	Position
11/04/2023	Participant 3 Participant 8	Male Male	Principal Registrar
13/04/2023	Participant 6	Male	Registrar
17/04/2023	Participant 1	Male	Executive Director
18/04/2023	Participant 10	Male	Executive Director
26/04/2023	Participant 4 Participant 7	Male Male	Registrar Principal
27/04/2023	Participant 9	Male	Principal
03/05/2023	Participant 2 Participant 5	Male Male	Executive Director Executive Director

3.7 Validation of the research instruments

Validation of the research instruments refers to the process of ensuring and confirming that the chosen research instrument accurately measures that which it was designed to measure. One level of validation involves the use of more than one research instrument. This study, for example, uses questionnaires and interviews. This technique is designed to ensure that what one instrument misses is inescapably captured by the other. In the case of face-to-face interviews, for instance, the researcher and the respondent occupy the same physical space, and hence afford the researcher the invaluable opportunity to not only hear the respondent's voice and tone but also note the latter's mannerisms such as gestures and facial expressions. These are nuanced affordances that the questionnaire can never present the researcher. Besides, open-ended interviews also afford the researcher the opportunity to elicit more telling responses through follow-up questions (Roberts et al., 2014). Once more, the questionnaire falls far short of capturing such valuable information (Adams, 2015). When more than one research instrument is used, the researcher is equally afforded the opportunity to fulfil a triangulation function in which the weaknesses of one or more instruments are covered by the strengths of another and vice-versa (Ndanuand Syombua, 2015). Additionally factors analysis was done to elucidate the relationships between the scale items. As mentioned by (Gorsuch, 2013), the factor analysis is used to bring direction of relationships between variables in a scale item.

Table 3.4 Factor Analysis

KMO and Bartlett's Test

Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.644
Bartlett's Test of Sphericity	Approx. Chi-Square	260.451
	Df	55
	Sig.	.000

Table 3.4 above reveals a KMO of 0.644 and the Bartlett's Test of 260.451 with 55 degrees of freedom. The KMO measure is above the threshold of 0.5 and all the factors are significant at 0.01 level. This means that the factors influencing compliance with regulations by PHEIs are valid and reliable for factor analysis.

An instrument's validity can also be tested through the ability of another instrument to replicate its results (Moon, 2019). To achieve construct validity, factor analysis of the Likert type survey items was performed, both after the pilot and the major study. Factor loadings for survey items show a correlation between the item and the overall factor (Tabachnick & Fidell, 2000). Ideally, the analysis should produce a simple structure which is characterised by the following: (1) each factor should have several variables with strong loadings, (2) each variable should have a strong loading for only one factor, and (3) each variable should have a large communality, that is, degree of shared variance (Kim & Mueller, 1978). For the interview guide, triangulation was used to test validity through interviewing different employees in the PHEIs, usage of different sources and using mixed approaches.

3.8 Reliability of the research instruments

A research instrument's reliability is a close relative of its validity. This is often determined by the instrument's ability to collect data that cover the actual area of investigation and to measure precisely what is intended (Moon, 2019). An instrument's reliability is universally measured through the extent to which it can yield the same results over multiple trials (Lakshmi and Mohideen, 2013). Results of the actual survey were compared and correlated with the initial results in the pilot study and expressed by the "Pearson r coefficient" (Instrument reliability, 2001). Using the Cronbach's Alpha reliability test, internal consistency reliability analysis of the items measured on the Likert-type scale was conducted on the results of the study (table3.5)**.** According to Amirrudin, et. al., (2021) the Crobach's Alpha reliability test is the most used method to establish the reliability and internal consistency of the scale.

Table 3.5: Cronbach's Alpha reliability test results

Number	Variable	Cronbach's Alpha
1	Factors affecting compliance with regulations	0.788
2	Regulations constitute cost burden and affect compliance	0.896
3	Complexity of the regulations on compliance	0.825
4	Bulkiness of the regulations on compliance	0.689
5	Tough minimum requirements negatively affect compliance with regulations	0.723

Table 3.5 shows the reliability test from Cronbach, which shows an internal consistency of the instrument that was used to collect data. It shows an internal consistency of the instrument that was used to collect the data was good. Alpha values exceeded the 0.60 threshold since the

minimum value was 0.689 and the maximum being 0.896. According to Metsamuuronen (2022), this provides evidence of the reliability of the research instrument that was used to collect data. Even though most PHEIs were busy with examinations at the time of the survey, out of the 130 questionnaires, 109 were returned and this amounts in a response rate of 83.8%.

3.9 Ethical considerations

Ethical considerations refer to all the mandatory practical measures and precautions undertaken to ensure the overall protection of research participants from all forms of harm during and after the research fieldwork **(**Aguinis and Henle,2004). Ethical issues were addressed at each phase in the study. In compliance with the regulations of Botho University, a research clearance letter was sought (Appendix 5). An application for research permission containing the description of the project and its significance, methods and procedures, participants, and research status was sought from the MoET (Appendix 4). The participants in the interviews were audio recorded and permission to do so was sought first. The researcher considered the topic as one that is not sensitive, thus the study was conducted in the participants offices. An informed consent form was developed and shared with the participants prior to the survey (Appendix 1). The form highlighted the rights the participants had including the fact that they agreed to participate in the study without coercion. The anonymity of the study participants was protected, and the questionnaires were coded when they were returned thus making the responses confidential. When conducting face to face interviews, participants were assigned codes to hide their identity hence the researcher had "Participant 1 to Participant 10" because three other participants were not able to take part in the study. All study data, including the interview audio recorders, transcripts, and the questionnaires were kept safe by locking them in metal file cabinets in the researcher's office and would be destroyed after a reasonable period.

3.10 Data analysis and interpretation of results

Quantitative techniques were used for quantitative data analysis by using person correlation through SPSS Version 20.0 and Microsoft Excel. The answers were transferred to Excel spreadsheets for each type of respondents, and then the data was imported to SPSS to extract statistics. Using descriptive statistics, the demographic profiles of the respondents were analysed. Factor analysis was used before testing hypotheses. To find out if the model was acceptable or not, a reliability test was performed to measure internal consistency. This was done to find out the effects of regulations on PHEIs's compliance with the requirements. Factors which were loaded into the model were used as regression scores to measure the impact

of each and overall model on the dependent variable. Then for comparing the results between three respondents, group one way analysis of variance was performed. Since the researcher used the mixed methods approach, for the qualitative data, interpretative analysis was used.

3.11 Chapter summary

This chapter showed how a sample 130 respondents drawn from the population of 425. The study was directed by pragmatism paradigm and mixed methods approach where both quantitative and qualitative data was collection. Data collection methods were questionnaires and interviews. The quantitative date was analyzed using the SPSS version 20, whilst interpretative analysis for qualitative data. Finally it deliberated on ethical as addressed in the study. The next chapter presents the quantitative and qualitative data analysis and the results of the study.

CHAPTER 4: DATA PRESENTATION, ANALYSIS, DISCUSSION AND PRESENATION

4.1 Introduction

The previous chapter discussed the research design and methodology. This chapter presents the findings of the study in through the visualization and interpretation of the study findings. The combined quantitative and qualitative data constitute the empirical answers to the study's primary research questions. The findings of the study are presented as shown below.

4.2 Demographic data analysis

The demographic characteristics of all the respondents from the PHEIs were collected and recorded. The demographic data include the number of years the respondent had spent in the institution, position he or she held, number of years of work experience, their gender, as well as their highest educational qualification. All these are captured in the following subsections:

4.2.1 The number of years the respondents had spent in the institution

The number of years the respondents had been in their institutions is shown in Table 4.2 below.

Table 4.1: Number of years the respondents have been employed in the institution

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1-5 years	59	54.1	54.1	54.1
	6-10 years	23	21.1	21.1	75.2
	11-15 years	17	15.6	15.6	90.8
	16-20 years	2	1.8	1.8	92.7
	21 years and above	8	7.3	7.3	100.0
	Total	109	100.0	100.0	

Table 4.1 above shows that about 54% of the respondents had spent between 1-5 years in the current institution and 21% had spent between 6-10 years. Only 15.6% had spent between 11-15 years in the institution. Moreover, the respondents who had spent 16-20 years in the current institution were 1.8%, which was the lowest, and this tells us that it is very rare for professionals to stay more than 16 years in the same institution. It also shows that many institutions.

4.2.2 Position held by the respondent

The positions that the respondents held in their institutions are demonstrated in Table 4.3.

Table 4.2 Position held

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Lecturer	60	55.0	55.0	55.0
	Head of Faculty	18	16.5	16.5	71.6
	QA Officer	12	11.0	11.0	82.6
	QA Manager	3	2.8	2.8	85.3
	Executive Director	3	2.8	2.8	88.1
	Other, specify	13	11.9	11.9	100.0
	Total	109	100.0	100.0	

Table 4.2 shows that institutions were dominated by lecturers who represented about 55%, followed by Heads of Faculty (16.5%). Then there were Quality Assurance Officers (11%). The positions that were held by the Executive Director and Quality Assurance Managers showed a tie of 2.8%. This means that PHEIs had more lecturers than those holding other positions. There was a high probability of meeting a lecturer once you entered the premises of each institution than the other position holders.

4.2.3 Work experience of the respondents

The number of years the respondents had spent working in their organisations is shown in Figure 4.1 below.

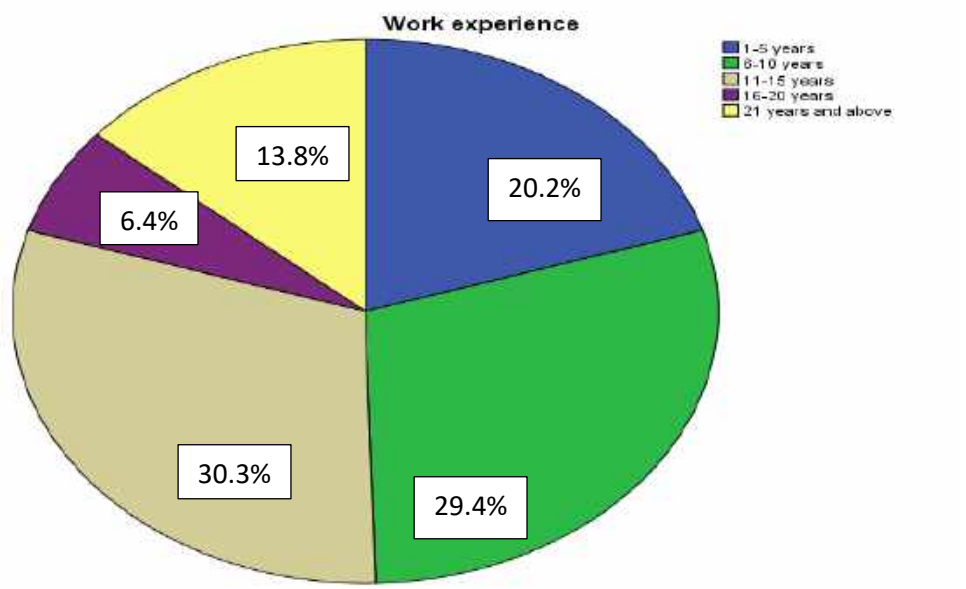

Figure 4.1: Work experience of the respondents

Figure 4.1 shows that most of the respondents had spent between 11-15 years working in their organisation (30.3%), followed by those with 6-10 years (29.4%). Then 20.2% had worked for between 1-5 years, while 6.4% had work experience of between 16-20 years. This means that the PHEIs were dominated by professionals with not more than 15 years of working experience.

4.2.4 Respondents' gender

Figure 4.2 below shows the gender distribution of the respondents in the selected institutions.

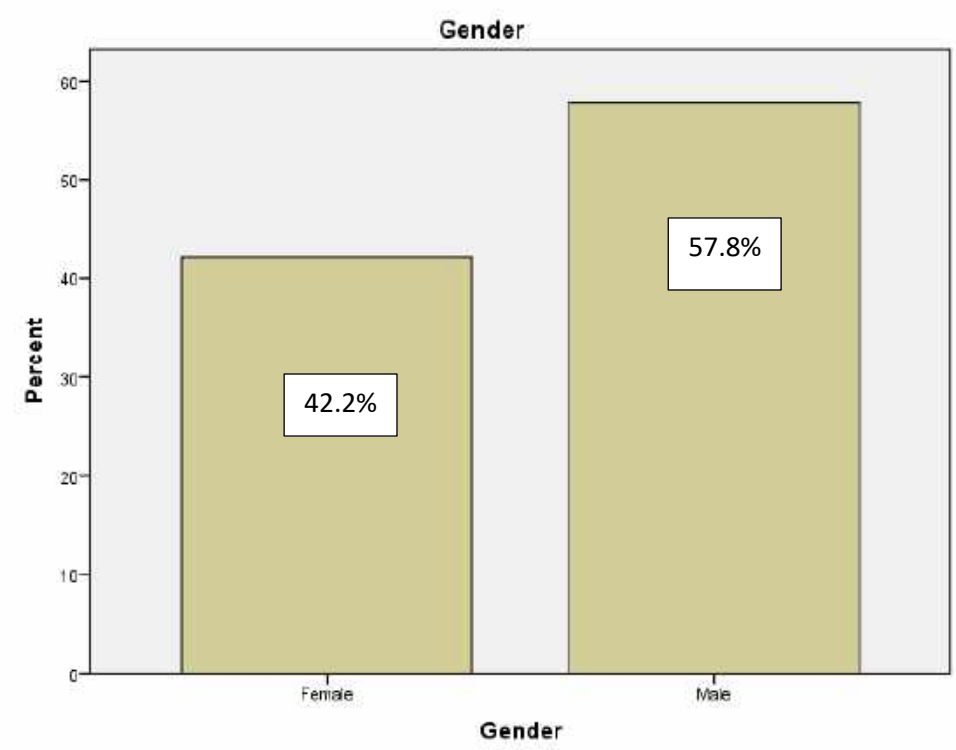

Figure 4.2: Gender distribution of respondents

Figure 4.2 shows that the institutions were dominated by males (57.8%) of the respondents while 42.2% were female. This means that more males are educated compared to women, hence the job market is male dominated. This was shown in table 3.3 which should all participants being males.

4.2.5 Respondents' educational qualifications

Figure 4.3 shows the education levels of the respondents.

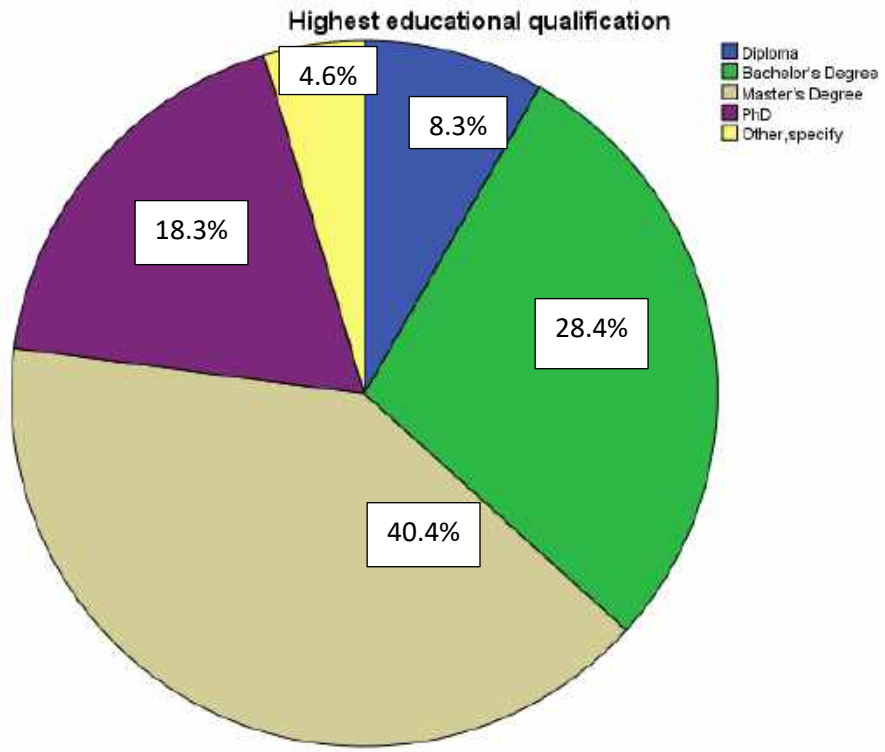

Figure 4.3: Respondents' educational qualifications

Figure 4.3 indicates that about 40% of the respondents had master's degrees; about 28% had bachelor's degrees, and 18.3% had PhDs. However, 8.3% of the respondents had diplomas. This demonstrates that the PHEIs were dominated by staff that is qualified to teach at higher education institutions.

4.3 Presentation and discussion Quantitative and Qualitative Data

This section outlines the responses to the questionnaire first and the interviews second. The combined quantitative and qualitative data constitute the empirical answers to the study's primary research questions. The responses are presented in the subsections that follow in the line with the research objectives, beginning with the primary research objectives and then secondary research objective 1 to 4.

4.3.1 The factors influencing compliance with regulations by Private Higher Education Institutions

This subsection addresses the primary research objective focusing on the elements influencing compliance of PHEIs with regulations and how it affected their compliance. The results are depicted in Table 4.3.

Table 4.3: Effects of regulations on PHEIs' compliance

	KMO	Bartlett test	Mean	Std. Deviation
Statements	0.683	247.016		
There is a significant relationship between PHEIs regulations and institutions compliance with requirements.			1.08	.308
Higher education regulations negatively affect PHEIs compliance with the requirements in Eswatini			1.61	.491
My institution is registered with Eswatini Higher Education Council			1.02	.135
The institution provides training for staff on ESHEC regulations relating to the registration process			3.72	.989
The internal quality assurance system at my institution is in line with ESHEC with standards set by ESHEC			3.75	.795
The institution conducts self-assessments/quality assurance audits			3.84	.748
Staff participation in the institutional assessments by ESHEC is high			3.60	.954
My institution encountered challenges during the ESHEC registration process			3.64	.986
My institution has additional goals at the end of registration process besides gaining the registration status from ESHEC			3.90	.732
The effect of ESHEC regulation on my institutions on my institution have been positive			3.63	.997
What are the challenges your institution encountered whilst implementing the ESHEC regulations			5.26	3.088
Valid N (listwise)				

The results in Table 4.3 above show the mean values of the responses to each of the scale items. The uppermost mean value shows that most institutions have additional goals at the end of the registration process besides being on good terms with the ESHEC (Mean = 3.90). Another high mean indicates that some institutions conduct self-assessment or quality assurance audits (mean = 3.84). This is followed by (mean = 3.75) indicating that institutions have internal quality systems that are in line with ESHEC standard. The results in Table 4.4 demonstrate that PHEIs train their staff on the ESHEC guidelines (mean = 3.72). The effects of ESHEC regulation on institutions being positive have a mean of 3.63. Finally, the respondents refuted that their institutions are on full registration with ESHEC. The KMO is 0.683 which is above the acceptable limit of 0.5 on explaining the factors influencing compliance with regulations by

PHEIs in Eswatini. A Pearson correlation analysis was conducted between the factors influencing compliance and PHEIs' compliance with regulations.

Table 4.4: Correlations analysis

		There is a relationship between regulations and compliance	Regulations negatively affect PHEIs compliance	Institution is registered with ESHEC	Institution provides training on regulations	Institution has internal quality system	Institution conducts self-assessments/quality assurance audits	Staff participate in the institutional assessments	Institution encountered challenges during registration	Institution has additional goals at the after registration	The effects of ESHEC regulation are positive	Challenges encountered whilst implementing regulations
Relationship between regulations and compliance.	Correlation	1	-.150	-.037	-.168	-.105	-.145	.051	-.024	-.004	-.021	-.073
	Sig. (2-tailed)		.120	.704	.081	.279	.134	.595	.806	.969	.828	.456
	N	109	109	109	109	109	109	109	109	109	109	107
Regulations negatively affect compliance	Pearson Correlation	-.150	1	.110	.117	.174	.134	.250**	-.256**	-.086	.439**	-.039
	Sig. (2-tailed)	.120		.253	.224	.070	.166	.009	.007	.374	.000	.688
	N	109	109	109	109	109	109	109	109	109	109	107
Institution is registered with ESHEC	Pearson Correlation	-.037	.110	1	.108	.043	.029	.058	.050	.113	.119	-.034
	Sig. (2-tailed)	.704	.253		.265	.659	.767	.548	.607	.243	.216	.727
	N	109	109	109	109	109	109	109	109	109	109	107
Institution provides training regulations	Pearson Correlation	-.168	.117	.108	1	.477**	.505**	.303**	.022	.409**	.357**	-.022
	Sig. (2-tailed)	.081	.224	.265		.000	.000	.001	.824	.000	.000	.822
	N	109	109	109	109	109	109	109	109	109	109	107
Institution has internal quality assurance system	Pearson Correlation	-.105	.174	.043	.477**	1	.620**	.197*	-.173	.370**	.468**	.004
	Sig. (2-tailed)	.279	.070	.659	.000		.000	.041	.072	.000	.000	.967
	N	109	109	109	109	109	109	109	109	109	109	107
Institution conducts self-assessments/quality assurance audits	Pearson Correlation	-.145	.134	.029	.505**	.620**	1	.249**	-.076	.174	.357**	-.083
	Sig. (2-tailed)	.134	.166	.767	.000	.000		.009	.430	.070	.000	.394
	N	109	109	109	109	109	109	109	109	109	109	107
Staff participation in the assessments is high	Pearson Correlation	.051	.250**	.058	.303**	.197*	.249**	1	.032	.206*	.437**	.288**
	Sig. (2-tailed)	.595	.009	.548	.001	.041	.009		.741	.031	.000	.003
	N	109	109	109	109	109	109	109	109	109	109	107
Challenges during registration	Pearson Correlation	-.024	-.256**	.050	.022	-.173	-.076	.032	1	-.012	-.257**	.041
	Sig. (2-tailed)	.806	.007	.607	.824	.072	.430	.741		.901	.007	.678
	N	109	109	109	109	109	109	109	109	109	109	107
Additional goals at end of registration	Pearson Correlation	-.004	-.086	.113	.409**	.370**	.174	.206*	-.012	1	.444**	-.002
	Sig. (2-tailed)	.969	.374	.243	.000	.000	.070	.031	.901		.000	.987
	N	109	109	109	109	109	109	109	109	109	109	107
ESHEC regulation effects on my institutions	Pearson Correlation	-.021	.439**	.119	.357**	.468**	.357**	.437**	-.257**	.444**	1	-.057
	Sig. (2-tailed)	.828	.000	.216	.000	.000	.000	.000	.007	.000		.561
	N	109	109	109	109	109	109	109	109	109	109	107
Challenges encountered during implementation	Pearson Correlation	-.073	-.039	-.034	-.022	.004	-.083	.288**	.041	-.002	-.057	1
	Sig. (2-tailed)	.456	.688	.727	.822	.967	.394	.003	.678	.987	.561	
	N	107	107	107	107	107	107	107	107	107	107	107

**. Correlation is significant at the 0.01 level (2-tailed).

*. Correlation is significant at the 0.05 level (2-tailed).

Table 4.4 above summarizes the relationship between higher education regulations and PHIEs' compliance with the regulations. The findings show that shows that there is a significant relationship between PHEIs regulations and the extent of the institutions' compliance with the requirements ($r = 0.039$, $p<0.01$), the institutions has internal quality assurance office ($r=0.037$, $p<0.01$, The findings show a negative relationship between dependent variable and regulations negatively affecting PHEIs compliance with the requirements.

Further, to determine the relationship between higher education regulations and PHEIs' compliance with the regulations, a regression analysis was performed. Table 4.5 shows the results. Table 4.5 shows the regression analysis of the factors influencing compliance with regulations by PHEIs.

Table 4.5 regression analysis of the factors influencing compliance with regulations by PHEIs

Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B		Collinearity Statistics	
		B	Std. Error	Beta			Lower Bound	Upper Bound	Tolerance	VIF
1	(Constant)	1.550	.322		4.820	.000	.911	2.188		
	Higher education regulations negatively affect PHEIs compliance	-.141	.070	-.231	-2.023	.046	-.279	-.003	.692	1.445
	My institution is registered with ESHEC	-.062	.213	-.028	-.292	.771	-.484	.360	.958	1.043
	The institution provides training for staff on ESHE	-.011	.038	-.036	-.294	.770	-.087	.065	.590	1.696
	The internal quality assurance system at my institution is in line with ESHEC	-.025	.051	-.067	-.486	.628	-.127	.077	.474	2.110
	The institution conducts self-assessments/quality assurance audits	-.083	.053	-.211	-1.575	.119	-.188	.022	.505	1.981
	Staff participation in the institutional assessments by ESHEC is high	.086	.037	.263	2.310	.023	.012	.159	.697	1.435
	My institution encountered challenges during the ESHEC registration	-.025	.031	-.083	-.811	.420	-.086	.036	.853	1.172
	My institution has additional goals at the end of registration	-.013	.050	-.033	-.268	.789	-.112	.085	.606	1.651
	The effect of ESHEC regulation on my institutions have been positive	.051	.043	.163	1.167	.246	-.035	.137	.463	2.160
	What are the challenges your institution encountered whilst implementing the ESHEC regulations	-.016	.010	-.164	-1.597	.114	-.035	.004	.857	1.167

a. Dependent Variable: There is a significant relationship between PHEIs regulations and institutions compliance with requirements.

Table 4.5 shows that most variables have negative associations and only two are positive. Besides, the results show a less than 1 tolerance value on all independent variables and more than 1 VIF value which demonstrates that there is no violation of multi-collinearity amongst the chosen explanatory variables in the model.

The qualitative findings corroborate these quantitative findings. For instance, one respondent explained:

A participant said:

> ESHEC has engaged institutions on a very helpful exercise. It protects the institution in times of need since it is measuring stick that institutions are meeting standards. However the exercise is very demanding. Our resources are very limited and the financial muscle is very week. Meeting standards requires money, time and resources, which we do not have as institutions. [Participant 4]

Another participant stated that:

> The value of the registration exercise is great for us. Quality is what we care about. However at when the exercise commenced, it was not properly implemented. Institutions were banned from advertising and that affected enrolment as well as cash flow, yet the implementation of the regulations from our end needs a lot of money. [Participant 6]

From the data above, higher education regulations negatively affect PHEIs compliance with the regulations. PHIEs also understand and appreciate the need for compliance with the regulations, however they confronted by a number of challenges including insufficient resources and monetary and physical. This is supported by Tamrat and Teferra, (2020) who argued that PHEIs do not have adequate financial resources.

4.3.2 The cost of compliance with regulations to the selected higher education institutions in Eswatini

This presents how the cost burden affected PHEIs compliance with the regulations. Table Table 4.6 shows fees associated with ESHEC registration.

	Universities	Colleges
Application fees	E5,000	E3,000
Annual Subscription	0.04% of total tuition fees (total annual enrolment)	

Adopted from ESHEC 2021:Schedule of fees

Programme Evaluation: 7.2% of total tuition fees annual programme (projected enrolment)

The results are presented in Table 4.6. which shows the mean values of each response to the questionnaire.

Table 4.7: Cost associated with compliance with regulations and effects on compliance

	KMO	**Bartlett test**	**Mean**	**Std. Deviation**
Statements	0.443	69.057		
My institution have adequate resources needed for institutional assessment for registration			3.23	1.127
The institution needed to hire more staff in order to meet ESHEC regulations which was costly to the institution			3.61	1.105
The institution needed to acquire additional physical resources in order to comply with the regulations and it had to spend significant sums of money			3.78	.994
Lecturers needed to do more administration work as part of preparation for institutional assessment, hence they are paid overtime			3.52	1.159
My institution received full registration status on first attempt for registration			2.56	1.197
There are adequate resources in place at my institution to implement the changes needed for institutional registration and accreditation			3.12	1.016
The costs associated with registering an institution with ESHEC are prohibitive(too high)			3.80	1.078
Valid N (list wise)				

Table 4.7 above shows the mean values of each response to the questionnaire. The highest mean value from the results is the cost associated with registration of institutions with the ESHEC being too high (mean = 3.80). The need for institutions to acquire additional physical resources to comply with regulations which will cost them high sums of money (mean = 3.78). The need to hire more staff also has a reasonably higher mean value (mean = 3.61). Moreover, the response on the issue of institutions having adequate resources needed for registration showed (mean = 3.23). The lowest mean =2.56 was the response on the institutions that received full registration with the ESHEC on their first attempt.

The Pearson correlation was run to check the association of the variables and the results are shown in Table 4.8.

Table 4.8: Correlation analysis to check the association between variables

Table 4.8: Correlation Analysis to check association of compliance with regulations

		Institution has adequate t for registration	Institution needed more staff in order to meet to comply	Institution needed additional physical resources in order to comply	Lecturers needed to do more administration work for assessment,	Institution received full registration status on first attempt	There are adequate resources in my institution to implement the changes	costs associated with registration are prohibitive
Institution has adequate resources for registration	Pearson Correlation	1	.101	-.029	-.086	.226*	.307**	-.182
	Sig. (2-tailed)		.294	.766	.377	.018	.001	.058
	N	109	109	109	109	109	109	109
The institution needed more staff in order to meet regulations	Pearson Correlation	.101	1	.386**	.072	.018	-.041	.268**
	Sig. (2-tailed)	.294		.000	.457	.856	.671	.005
	N	109	109	109	109	109	109	109
Institution needed to acquire additional physical resources in order to comply	Pearson Correlation	-.029	.386**	1	.229*	.034	.100	.045
	Sig. (2-tailed)	.766	.000		.016	.722	.303	.646
	N	109	109	109	109	109	109	109
Lecturers needed to do more administration work as part of assessment	Pearson Correlation	-.086	.072	.229*	1	.214*	.112	.100
	Sig. (2-tailed)	.377	.457	.016		.025	.248	.301
	N	109	109	109	109	109	109	109
Institution received full registration status on first attempt	Pearson Correlation	.226*	.018	.034	.214*	1	.165	-.069
	Sig. (2-tailed)	.018	.856	.722	.025		.086	.473
	N	109	109	109	109	109	109	109
There are adequate resources in to implement the changes	Pearson Correlation	.307**	-.041	.100	.112	.165	1	.031
	Sig. (2-tailed)	.001	.671	.303	.248	.086		.752
	N	109	109	109	109	109	109	109
The costs of registration are are prohibitive	Pearson Correlation	-.182	.268**	.045	.100	-.069	.031	1
	Sig. (2-tailed)	.058	.005	.646	.301	.473	.752	
	N	109	109	109	109	109	109	109

*. Correlation is significant at the 0.05 level (2-tailed).

**. Correlation is significant at the 0.01 level (2-tailed).

Table 4.8 shows the Pearson correlation with a weak association ($r = 0.307$, $p<0.01$). The explanatory variable (adequate resources in place in the institution) has a weak association when placed against adequate resources needed for the institution to be registered. And r =

0.041, $p<0.01$ is a weak association too between adequate resources in place in the institution against the need to hire more staff to meet ESHEC regulations.

The qualitative findings corroborate these quantitative findings. For instance, one participant explained:

> This exercise is very costly. Over and above the mandatory registration fee of E5 000, we have to incur costs in upgrading our facilities and improving our infrastructure. For institutions like us, we felt the exercise was more like punishment than a regulatory measure. The restrictions on advertising and enrolling students before institutional assessment and accreditation made the situation worse. We had to pay staff and other operational costs when we were not trading at all. We made to build more classrooms, as you can see this wing is new when we had not been operating. Finally, the compliance is ongoing and keeping to the standards is costly amid the negative effects of Covid 19 and the political unrest that also hit hard on PHEIs in Eswatini.
>
> [Participant 1]

Another participant shared the following sentiment:

> It is a very costly but helpful exercise as it adds value to the quality of education. For us to meet the requirements we need to spend [on] staffing, resources and facilities and that had a significant strain [on] our budget. [Participant 10]

Yet another participant declared:

> It is a very costly exercise since we had to acquire more resources that are needed to deliver our programmes and other facilities needed up-scaling with technological [innovations]. We solicited assistance from a consultant since our staff were not conversant with Quality Assurance issues and [that] also added to the cost of compliance. [Participant 7]

There is no doubt as to the strangling cost burden to the studied PHEIs arising out of the need to up the ante in complying with the ESHEC regulations. As submitted by Franceško, et. al., (2020), PHEIs are too burdened with regulatory work which needs additional resources in order to comply with the regulatory processes. In support of the claim, Manyanga (2008), as cited in Tsevi (2015), argues that meeting regulatory standards is a very costly exercise since PHEIs do not have enough staff and resources.

4.3.3 The complexity of higher education regulations on PHEIs' compliance with requirements

This section presents the complexity of regulations and how they affect compliance by the PHEI.. The results are indicated in Table 4.9.

Table 4.9: Complexity of regulations and compliances

	KMO	Bartlett test	Mean	Std. Deviation
Statements	0.742	175.803		
The ESHEC regulations are clear and easy to understand			3.31	1.043
Trainings where the regulations were explained was provided			3.12	1.025
The complexity of ESHEC regulations makes it difficult to comply with the requirements			3.28	1.210
There is no ambiguity of the clauses in the regulations			2.83	.921
The institution has a quality assurance office that is the custodian of the regulations which helps to clarify issues regarding regulations			3.61	1.096
The institution receives immediate feedback from ESHEC which makes the implementations of the regulations faster			2.99	1.014
The institutional and qualifications registration process is straight forward which facilitates compliance with the regulations			3.32	.932
The implementation of ESHEC regulations in my institution has been successful			3.46	.928
List any other aspects of the ESHEC regulations that you believe that has made these regulations complex and therefore difficult to fulfill			5.21	2.545
Valid N (list wise)				

The results in Table 4.9 demonstrate that institutions have quality assurance offices on their premises that are the custodians of the ESHEC regulations (mean = 3.61). Again, the results reveal that some institutions have implemented the ESHEC regulations successfully (mean = 3.46). The study findings in Table 4.9reveal that the complexity of the ESHEC regulations makes it difficult to comply with the requirements (mean = 3.28). However, the respondents do not effectively believe that the selected PHEIs provide training on the ESHEC regulations to their staff members (mean = 3.12). The institutions also refute that there is no ambiguity of the clauses in the regulations (mean = 2.83). The KMO is 0.742 and is above the limit of 0.5 in explaining the effects of the complexity of higher education regulations on PHEIs' compliance with the requirements.

A correlation between the complexity of the ESHEC regulations and PHEIs compliance with the regulations was conducted. The results are shown in Table 4.10.

Table 4.10: Correlation between complexity of regulations and adverse effect on compliance

		The regulations are clear and easy to understand	Training on regulations was provided	The complexity of regulations makes it difficult to comply	There is no ambiguity of the clauses in the regulations	Institution has a quality assurance office promoting compliance	Institution receives immediate feedback thus implementations is faster	Registration process is straightforward and compliance is easy	Implementation of regulations in my institution has been successful
The regulations are clear and easy to understand	Pearson Correlation	1	.511**	-.475**	.317**	.211*	.239*	.439**	.167
	Sig. (2-tailed)		.000	.000	.001	.027	.012	.000	.084
	N	109	109	109	109	109	109	109	109
Trainings on regulations provided	Pearson Correlation	.511**	1	-.334**	.130	.231*	.215*	.299**	.107
	Sig. (2-tailed)	.000		.000	.178	.016	.025	.002	.266
	N	109	109	109	109	109	109	109	109
The complexity of regulations makes it difficult to comply	Pearson Correlation	-.475**	-.334**	1	-.046	-.231*	-.254**	-.418**	-.084
	Sig. (2-tailed)	.000	.000		.631	.016	.008	.000	.384
	N	109	109	109	109	109	109	109	109
There is no ambiguity of the clauses in the regulations	Pearson Correlation	.317**	.130	-.046	1	.052	-.061	.044	.062
	Sig. (2-tailed)	.001	.178	.631		.591	.527	.648	.523
	N	109	109	109	109	109	109	109	109
Institution has a quality assurance office promoting compliance	Pearson Correlation	.211*	.231*	-.231*	.052	1	.272**	.412**	.193*
	Sig. (2-tailed)	.027	.016	.016	.591		.004	.000	.044
	N	109	109	109	109	109	109	109	109
Institution receives immediate feedback making implementations faster	Pearson Correlation	.239*	.215*	-.254**	-.061	.272**	1	.454**	.300**
	Sig. (2-tailed)	.012	.025	.008	.527	.004		.000	.002
	N	109	109	109	109	109	109	109	109
Institutional registration straightforward facilitating compliance	Pearson Correlation	.439**	.299**	-.418**	.044	.412**	.454**	1	.214*
	Sig. (2-tailed)	.000	.002	.000	.648	.000	.000		.026
	N	109	109	109	109	109	109	109	109
Implementation of regulations was successful	Pearson Correlation	.167	.107	-.084	.062	.193*	.300**	.214*	1
	Sig. (2-tailed)	.084	.266	.384	.523	.044	.002	.026	
	N	109	109	109	109	109	109	109	109

**. Correlation is significant at the 0.01 level (2-tailed).

*. Correlation is significant at the 0.05 level (2-tailed).

Pearson matrix was generated to establish the factors with significant strength and their direction of the relationship with the dependent variable. Table 4.10 above shows that there is a moderate association. The dependent variable (institutional and registration process being

straightforward) and the ESHEC regulations being clear and easy to understand ($r = 0.439$, $p<0.01$). 'Trainings where the regulations were explained was provided' shows a weak association with 'institutional registration' ($r = 0.299$, $p<0.01$).

Once more, the qualitative data corroborate the foregoing quantitative analysis. Here is what one participant shared during the semi-structured face-to-face interview:

> The standards are clear and easy to understand. However, the requirements demand that we have so many policies in place and the work that comes with developing the policies is very cumbersome. [Participant 2]

A different participant offered:

> ESHEC has currently conducted several workshops and so it will now be easier for the institutions that are currently undergoing the process. It was difficult when we started; it was not clear what ESHEC wanted. We only got to know exactly their expectations once they were on the ground for the institutional assessment. For institutions that are currently ongoing the process, I believe it will [be] easier for them to comply with the regulations. [Participant 7]

Another participant stated that:

> Standards are simple and straight forward though we need guidance on benchmarking for new programmes. Holding stakeholder meetings was very difficult and time-consuming. [Participant 8]

The responses reveal a mixed bag of positives and negatives. For the first respondent, for instance, the clarity and ease of the ESHEC standards are sharply contrasted by the steep demand for cumbersome policy formulation. Whereas the second respondent appreciated ESHEC's compliance workshops, the same responded decried the lateness of the initiative explaining that only institutions still vying for compliance stood a better chance of fulfilling the requirements than those whose assessment predated the workshops. According to the third respondent, standards were understandable, yet there was not enough guidance on benchmarking and stakeholder meetings were difficult and time-consuming. Hence the issue of complexity and inconstancies regarding the regulations as submitted by The Association of American Universities (AAU) (2022) and Myers (2011) cannot be ruled out.

4.3.4 The bulkiness of the regulations documentation and compliance with the requirements

This section presents how the PHEIs find the regulations documentation bulky (voluminous) and how this affects compliance with the regulations. The respondents' views are indicated in Table 4.11.

Table 4.1: **Bulkiness of regulations and compliance**

	KMO	Bartlett test	Mean	Std. Deviation
Statements	0.797	351.540		
The regulation documents are short and straight to the point which makes compliance easy			3.03	.976
It does not take much time to go through the regulations which facilitates their implementation			2.85	.970
The self-assessment report is short which means minimal time to compile it			2.82	.973
More staff members are needed to handle the documents because they are big			3.38	1.007
More time is needed to go through the documents			3.62	.911
Printing and reading through the documents do not require much time			2.87	1.090
My institution incurred high printing costs because of the large size of documents			3.46	1.076
The regulations are available online and can be submitted online which requires less time to fill in the forms			3.56	.876

Table 4.11 above shows that institutions need more time to go through the documents (mean = 3.62). The table also indicates that regulations are available online and that documentation can be submitted online (mean = 3.56). Moreover, the respondents also believe that PHEIs are incurring high printing costs because of large sized documents (mean = 3.46) and that more staff members are needed to handle the documents because they are big (mean = 3.38). However, the respondents are of the view that self-assessment reports are short (mean = 2.82). The KMO is 0.797 which is above the limit of 0.5 and is therefore effective in explaining the extent of bulkiness of the regulation documentations and how it affects compliance with the requirements. To demonstrate the association between the extent of bulkiness of ESHEC regulations and PHEIs' compliance with these regulations, the Pearson correlation analysis was conducted.

Table 4.2: Correlation between bulkiness of regulations and compliance

`		Rregulations are short and easy making compliance easy	It less time to read the regulations, making implementation	Self-assessment report is short making compliance easy	More staff needed to handle the bulky documents	More time is needed to go through the documents	Printing and reading through the documents require less time	Printing costs are high since documents are bulky	Regulations are available online and can be submitted online
Regulations are short and easy, making compliance easy	Pearson Correlation	1	.747**	.610**	-.171	-.415**	.273**	-.435**	.480**
	Sig. (2-tailed)		.000	.000	.076	.000	.004	.000	.000
	N	109	109	109	109	109	109	109	109
It take less time much time to read the regulations making compliance easy	Pearson Correlation	.747**	1	.540**	-.303**	-.493**	.332**	-.573**	.424**
	Sig. (2-tailed)	.000		.000	.001	.000	.000	.000	.000
	N	109	109	109	109	109	109	109	109
Self-assessment report is short and easy to compile	Pearson Correlation	.610**	.540**	1	-.089	-.350**	.205*	-.334**	.350**
	Sig. (2-tailed)	.000	.000		.355	.000	.033	.000	.000
	N	109	109	109	109	109	109	109	109
More staff e needed to handle the bulky documents	Pearson Correlation	-.171	-.303**	-.089	1	.610**	-.352**	.369**	-.230*
	Sig. (2-tailed)	.076	.001	.355		.000	.000	.000	.016
	N	109	109	109	109	109	109	109	109
More time to go through	Pearson Correlation	-.415**	-.493**	-.350**	.610**	1	-.460**	.593**	-.279**
	Sig. (2-tailed)	.000	.000	.000	.000		.000	.000	.003
	N	109	109	109	109	109	109	109	109
Printing and reading easy	Pearson Correlation	.273**	.332**	.205*	-.352**	-.460**	1	-.305**	.319**
	Sig. (2-tailed)	.004	.000	.033	.000	.000		.001	.001
	N	109	109	109	109	109	109	109	109
large size high printing cost	Pearson Correlation	-.435**	-.573**	-.334**	.369**	.593**	-.305**	1	-.383**
	Sig. (2-tailed)	.000	.000	.000	.000	.000	.001		.000
	N	109	109	109	109	109	109	109	109
Regulations are available online	Pearson Correlation	.480**	.424**	.350**	-.230*	-.279**	.319**	-.383**	1
	Sig. (2-tailed)	.000	.000	.000	.016	.003	.001	.000	
	N	109	109	109	109	109	109	109	109

**. Correlation is significant at the 0.01 level (2-tailed).

*. Correlation is significant at the 0.05 level (2-tailed).

Table 4.12above shows a moderate association (r =0.480, p<0.01) in a 2–tailed test for the availability of regulations online, and them being short and straightforward. This means that although the regulations can be available online, they are still not short and straightforward.

They are cumbersome. And there is also (r =0.424, p<0.01) for regulations not taking much time to go through. Also (r =0.350, p<0.01) a weak association for self-assessment reports being short. From all of the above, it is clear that the regulations indeed are bulky and require a lot of time to finish them and thus curtailing institutions' ability to fully comply with the requirements.

Table 4.3: Regression analysis: The extent of the bulkiness of the regulation documents

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B		Collinearity Statistics	
		B	Std. Error	Beta			Lower Bound	Upper Bound	Tolerance	VIF
1	(Constant)	.006	.571		.010	.992	-1.127	1.138		
	does not take long to go through	.559	.084	.556	6.636	.000	.392	.726	.499	2.005
	self-assessment report is short	.240	.073	.239	3.271	.001	.094	.385	.653	1.530
	More staff members are needed	.098	.074	.101	1.319	.190	-.049	.246	.594	1.685
	More time is needed to go through	-.117	.099	-.109	-1.172	.244	-.314	.081	.406	2.465
	Printing and reading not easy	-.014	.062	-.015	-.221	.825	-.136	.109	.738	1.354
	My institution incurred high printing costs	.050	.074	.055	.670	.505	-.097	.196	.526	1.900
	The regulations are available online	.200	.077	.179	2.598	.011	.047	.352	.735	1.361

a. Dependent Variable: The regulation documents are short and straight to the point which makes compliance easy

Table 4.13 indicates that only two variables – "more time is needed to go through the documents" and "printing and reading through the documents do not require much time" are negative and the rest are positive which is consistent with the correlation results. The Tolerance value on all independent variables is less than 1 while the VIF is more than 1 which shows that there is no violation of the multicollinearity amongst the chosen explanatory variables in the model.

The quantitative data in all the tables above resonate with the qualitative data from the semi-structured face-to-face interviews with selected respondents. For example, one participant had this to say:

> The standards were not bulky; however, preparation of the self-study reports was a very cumbersome process. We needed to engage more staff on this exercise and that was over and above their normal duties. Printing and binding were also costly. At times we will be required to resubmit the documents because some would go missing.
>
> [Participant 5]

Another participant replied:

> The regulations documents are not detailed and not clear. You get to know what they want when they are on the ground. For example, the benchmark would say the higher education should have enough resources…How much is enough?
>
> [Participant 3]

Again, though the regulations not bulky but the preparation of the self-documents is a cumbersome process since more policy documents are printed thus this in line with Imbulgoda (2019), argument on the t bureaucratic workload involved in quality assurance.

4.3.5 The minimum requirements for institutional registration affect compliance with the regulations

This shows how the surveyed PHEIs in this study believe that the minimum requirements for institutional registration are tough and that this affects compliance with the regulations. The results are depicted in Table 4.14.

Table 4.4: Minimum requirements and compliance with regulations

	KMO	Bartlett test	Mean	Std. Deviation
Statements	0.654	88.077		
Permanent institutional infrastructure (e.g., classrooms, libraries, laboratories) is a precondition for ESHEC registration and is fundamental to compliance			4.38	.664
Relevant quality curricular must be in place before registration can be granted hence making compliance difficult			4.30	.752
Adequate and qualified personnel should be in place before an institution is registered, thus compliance become difficult			4.42	.598
State any aspects that ESHEC considers as minimum requirements for registration of institutions and programs which makes it difficult to comply with the requirements			3.38	1.674

Table 4.14 above shows that the respondents strongly believe that adequate and qualified personnel must be in place before an institution can be registered (mean = 4.42). They are of the opinion that relevant quality curricular is a must before an institution can be registered (mean = 4.30). The lowest mean=3.38 shows responses to the minimum requirements for registration with ESHEC. The KMO is 0.654 which is above the 0.5 threshold which is adequate in explaining the extent to which the minimum requirements for institutional registration affects compliance with the regulations.

To demonstrate the relationship between minimum requirements for institutional registration and accreditation and PHEIs' compliance with the regulations, the Pearson correlation analysis was conducted. The results are shown in Table 4.15.

Table 4.55: Correlation between minimum requirements and compliance with regulations

		Permanent institutional infrastructure(eg; classrooms, libraries, laboratories) is a precondition for ESHEC registration and is fundamental to compliance	Relevant quality curricular must be in place before registration can be granted hence making compliance difficult	Adequate and qualified personnel should be in place before an institution is registered, thus compliance become difficult
Permanent institutional infrastructure(e.g., classrooms, libraries, laboratories)	Pearson Correlation	1	.456**	.553**
	Sig. (2-tailed)		.000	.000
	N	109	109	109
Relevant quality curricular must be in place	Pearson Correlation	.456**	1	.579**
	Sig. (2-tailed)	.000		.000
	N	109	109	109
Adequate and qualified personnel	Pearson Correlation	.553**	.579**	1
	Sig. (2-tailed)	.000	.000	
	N	109	109	109

**. Correlation is significant at the 0.01 level (2-tailed).

Table 4.15 above shows a moderate association of between variables (r =0.553, p<0.01) on the need for adequate and qualified personnel and the need for permanent infrastructure as preconditions for ESHEC registration and positive association between relevant curricula that needs to be put in place before an institution can be registered (r = 0.579, p<0.01). This shows positive associations in all the variables which indicate that indeed all the stated conditions need to be met before an institution can be registered which makes PHEIs' compliance with such a requirement difficult.

Table 4.6: Analysis of Variance (ANOVA)

ANOVA[a]

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	66.587	7	9.512	26.445	.000[b]
	Residual	36.330	101	.360		
	Total	102.917	108			

a. Dependent Variable: The regulation documents are short and straight to the point which makes compliance easy

b. Predictors: (Constant). The regulations are available online and can be submitted online which requires less time to fill in the forms; more staff members are needed to handle the documents because they are big; the self-assessment report is short which means minimal time to compile it; printing and reading through the documents do not require much time; my institution incurred high printing costs because of the large size of documents; it does not take much time to go through the regulations which facilitates their implementation; more time is needed to go through the documents.

Table 4.16 above shows that the F-statistics of the model is significant at the 0.01 which shows that ANOVA can be relied upon. The results also show that there are significant differences in the compliance with the regulations within the secondary research objective and the variables explaining the extent of bulkiness of the regulations.

On the question of the effects of minimum requirements on PHEIs' compliance with ESHEC regulations, one participant noted:

> All the standards are relevant regardless of the cost implications. However, infrastructures, qualified staff, as well curricula that address the needs of the industry play an important role in the accreditation of the PHEIs. [Participant 9]

Other participant retorted:

> Our infrastructure is good and the ESHEC was happy with it. However, the way the regulations are implemented does not favour us. The institution has been here longer than the ESHEC and our infrastructure is good, but they stopped us from operating and told [us] to wait until the programmes are approved. That is not done! They should have allowed us [to] operate whilst they assess what we do".
>
> [Participant 1]

Another participant pointed out the following challenge:

> Most programmes offered come from other countries: UK, US, Malawi Namibia, just to mention a few. The ESHEC standards prescribe that programmes should meet the needs of the local market hence localisation of the content is critical. This is time consuming and costly since PHEIs had to involve consultants whilst doing this exercise.
>
> [Participant 3]

It is apparent from these submissions that some of the basic requirements for the ESHEC registration and programme accreditation are currently at odds with obtaining operational conditions. For instance, the first interviewee identifies infrastructure, qualified staff, and standard curricula as the basic requirements for institutional registration and programme accreditation (Stander and Herman, 2017) in Eswatini. These constitute challenges faced by PHEIs yet these resources have an impact with regards to compliance with higher education regulations which are too numerous (12 standards). This view supports the opinion of Ellis and Steyn (2014) who argue that PHEIs operate in an overregulated environment.

4.4 Chapter summary

This chapter analysed the findings of the study. The analysis combined quantitative and qualitative data. The quantitative data from the questionnaire findings were represented in tables, bar charts, as well as pie charts. The qualitative data, on the other hand, were presented in narrative format carefully extracted from transcripts of semi-structured face-to-face interviews with the interviewees. The chapter showed the results on the demographic characteristics of the respondents and the ESHEC regulations and their effects on PHEIs' compliance with the regulations. The next chapter provides the final summary of research findings, the recommendations, and the conclusion.

CHAPTER 5: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The preceding chapter presented data and interpreted the research findings. This chapter reaffirms the purpose of the study and summarises the findings of the research. The chapter also offers some recommendations founded on the findings of the study. It also draws the conclusion grounded on both the key findings and the researcher's direct observations.

5.2 Research Summary

This section presents the ultimate summary of the research results. The study had one primary objective from which four secondary research objectives were born. For this reason, the ensuing summary is presented in five sections as per the five different objectives of the study. Each part will show results that are addressing the individual objective starting from the first part which addresses the primary research objective.

5.3 The effects of the higher education regulations on PHEIs' compliance with the regulations in Eswatini

The research findings revealed that there was a strong relationship between the higher education regulations and PHEIs' compliance with the requirements. It was shown that the ESHEC called upon all PHEIs to be registered on the basis of the ESHEC guidelines which were costly to the institutions. Out of the 44 PHEIs that were assessed for registration by ESHEC in 2021, only three were found to be in full compliance with ESHEC regulations hence obtained full registration; four were declined registration because they did not satisfy the regulations, and 37 were provisionally registered (ESHEC, 2021). This means that 37 PHEIs partially fulfilled ESHEC 2021 regulatory requirements. The results of the study exposed three factors (infrastructure, curricular, qualified staff) that were positively related with compliance with higher education regulations.

In addition, the study indicated that PHIEs required more clarity on what ESHEC expects to find on the ground during the assessment visit. Even though most PHEIs stated that the regulations were clear and simple, the issue of complexity with some standards or benchmarks and that the process was cumbersome were causes of concern with PHEIs which restricted their ability to comply with the regulations.

The results of this study revealed a weaker relationship between higher education regulations and PHEIs compliance with the regulations. It was discovered that the selected PHEIs were struggling to meet the minimum requirements (infrastructure, qualified personal and relevant curricula) since these requirements demanded immense financial resources.

5.3.1The regulations constitute a cost burden to the selected PHEIs and effects on compliance with the regulations

The findings revealed that the PHEIs that were covered in this study unanimously believed in costliness of compliance with the ESHEC's regulations. For instance, over and above a mandatory E5 000 registration fees for universities, programme evaluation and annual subscription fees also must be paid. This is more so because different size PHEIs depend entirely on student tuition fees for their survival. Institutions also lamented the drop of income as a direct consequence of the global Covid-19 pandemic. Besides, PHEIs still had to pay staff salaries even when they were not fully operational. In some instances, some PHEIs had to engage high-tech consultants in a bid to assist staff migrate to a dual face-to-face and digital mode of instruction in keeping with the Covid restrictions. The findings, however, still indicate strong appreciation of the value of the regulations insofar as issues of quality assurance is concerned.

5.3.2 The effects of the complexity of higher education regulations on compliance with the requirements

The findings revealed the respondents' general approval of the simplicity of the language of the regulations, especially where the ESHEC follow-up visits or workshops are a factor. However, these are said to be often late, difficult and time-consuming. However, this expressed tongue-in-cheek approval is quickly countered by concerns around cumbersome requirements for policy development and inadequate guidance for benchmarking for quality-assured programme development.

5.3.3 The bulkiness of the regulations documentation and how it affects compliance with the requirements

When it comes to the bulkiness of the regulations' documentation, the findings revealed that the entire assessment process was said to be tedious and labour-intensive thus occasioning disruptive shifts in staff deployment for PHEIs. The printing and binding also added extra costs for the PHEIs.

5.3.4 The minimum requirements for institutional registration affects PHEIs compliance with the requirements

Infrastructure, relevant curricula, and adequate qualified teaching personnel rank highest as the most basic requirements for institutional registration and programme accreditation. For some PHEIs whose establishment predates the ESHEC, the sentiment is that the suitability of their infrastructure is unfairly judged to be inappropriate. To rub salt to the wound, the same institutions were ordered to halt certain programmes pending the ESHEC approval which severely limited their operations, that is, not to mention diminished earnings in the form of student tuition - the lifeblood of all PHEIs in Eswatini. Tensions also arise between externally accredited academic programmes at some PHEIs versus ESHEC prescribing programmes that address local market needs. The process involved in meeting this requirement is both punitive and inhibitive because hiring consultants is also an important factor.

5.4 Conclusion

As its primary research objective, this study investigated the effects of the regulatory environment on the PHEIs' compliance with the regulations in Eswatini. This primary research objective yielded four secondary objectives in keeping with narrowing down the study's focus for purposes of practical fieldwork. Based on both the summary of findings accruing from these four objectives and the researcher's personal observations and experience, this study arrived at definite conclusions. The findings indicated that cost of regulations, bulkiness of the regulations, complexity of the regulations and minimum requirements for registration of the regulations had a significant effect on PHEIs.

The study concluded that compliance with ESHEC's regulations does indeed constitute a stiff cost burden to PHEIs. It must be born in mind that PHEIs are essentially business enterprises whose service provision inevitably hinges largely on profit making. PHEIs, therefore, watch any cost with great trepidation as it pales their profit margin and subsequently threatens their very existence. It is for this reason that this study earlier recommended some cost-cutting measures (without compromising quality) on the part of ESHEC in to afford already finally constrained PHEIs some respite. This is more so because PHEIs provide a much-needed higher education service which public HEIs cannot fulfil on their own.

A further conclusion is that ESHEC regulations are generally complex. By extension, the complexity of higher education regulations had a direct negative effect on PHEIs' compliance with ESHEC requirements. It is in the interest of neither ESHEC nor PHEIs for the regulations to be vague, to lack guidance for policy development and to lack guidance for programme benchmarking. That would be counterproductive as clarity and simplicity are mutually beneficial to these partners in the HE sector. This is the main reason that this study recommends facilitation of documentary comprehension on all identified fronts.

This study further concludes that regulations documentation is essentially bulky, and that the bulkiness of the documentation affects PHEIs' compliance with the requirements. It does justice to this conclusion that even where document bulkiness may not have been a factor and same documents are now available online, the process included extremely time-consuming preparation for self-assessment. Besides, inappropriate language also counted among the factors which occasioned reading delays and caused loss of valuable operational time and other institutional resources. This study reacted by recommending corrective action in this regard.

The final conclusion of this study is that infrastructure, adequately qualified teaching staff, and quality curricula, which rank as the basic requirements for ESHEC registration, are a cause for great concern for PHEIs. Putting all these requirements in place is by no means a mean feat. Unless the ESHEC strives to meet the HE sector partners halfway in terms of creating an enabling environment both to register and thrive in this crucial HE industry, HE delivery, and

not just PHEIs, will be the ultimate loser or victim in an era where the knowledge economy drives all human endeavours. This study's recommendation for a relaxation of rules and greater flexibility is made with this realisation in mind.

This study contributes to the existing literature and forms a basis for future research on PHEIs and the regulatory environment related topics. The findings form this study will provide feedback to ESHEC on the effectiveness of their regulation instruments and whether PHEIs comply with them. The study provides the MoET as a policymaker, with the insight of what happens on the ground and encourages the development of the higher education policy. The findings of the study will educate PHEIs which want to get into business will greatly benefit from this research, as they will understand well the operational regulations of the sector. Aspiring students will also make informed decisions regarding which institution to enrol in.

5.5 Recommendations

In line with the research findings summarised above, the study's recommendations also follow the four secondary research objectives arising from the primary research objective as outlined below.

- It emerged in this study's findings that there is need for guidance on the implementation of the higher education regulatory framework in Eswatini so to improve compliance to the regulations. The study there for recommends the development of a higher education policy that will guide and inform all the quality assurance processes.
- The study also revealed that the higher education regulatory framework in Eswatini constituted a cost burden to the PHEIs thereby inhibiting compliance with the requirements. This study therefore recommends that the mandatory fees charged by the ESHEC should take cognisance of the size and stature of each PHEI to induce equity. Again, given the costs incurred by PHEIs in fulfilling regulatory requirements, it is recommended that support in the form of state bursaries should be considered for excelling fully registered PHEIs, especially those with credible infrastructure investment as an incentive for the institutions to invest more.

- The study revealed serious reservations around the cumbersome requirements for policy development for PHEIs, coupled with concerns around lack of proper guidance in respect to programme benchmarking. This study therefore recommends that the ESHEC should ensure that compliance workshops, stakeholder meetings, and follow-up onsite visits are regular and timely conducted for the ESHEC to explain and clarify its policies regarding registration and accreditation.

- The study discovered that even where the regulations documentation is not bulky, the process itself is unnecessarily demanding, labour-intensive, disruptive, vague, and tedious. To counteract these constraints, this study recommends that the ESHEC should reduce the size of the regulations documentation and enhance the digital availability of the same documents. Again, the ESHEC should improve or simplify documentation language for easy access in terms of readability to save time and effort on the part of PHEIs.

- The study showed that infrastructure, adequate qualified teaching staff, and quality curricula ranked among the minimum requirements for institutional registration and programme accreditation with the ESHEC. The study recommends that the ESHEC should consider relaxing (without compromising quality) infrastructural requirements in respect to PHEIs that were established prior to the ESHEC's establishment. Lastly, the ESHEC should ease rigidity concerning foreign accreditation of academic programmes; in particular those that are offered only courtesy of foreign institutes of higher education, but which fulfil domestic market needs.
- The study was focusing on PHEIs in Eswatini. Future researchers may want to conduct the same study but also cover public higher educations to investigate effect of the regulations on public institutions. The study also adopted a mixed method of data collection which was found to be time consuming and complicated when analyzing contrasting views. Future researchers may consider using other better ways of data collecting that would be allow for better analysis of the data.

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APPENDIX 1: RESEARCH QUESTIONNAIRE

Topic: Investigating the factors influencing compliance with regulations by Private Higher Education Institutions' (PHEIs) in Eswatini

Introduction letter

Dear Participant,

My name is Patricia Buyisile Mashaya. I am a final year student at Botho University and currently doing a Masters of Higher Education degree. I am requesting for your time to respond to this questionnaire. The purpose of this study is to assess the effects of regulations on private higher education institutions in Eswatini. Your participation and contribution in this study are voluntary and your responses will be treated as confidential.

Please **DO NOT** give any personal identity information on the questionnaire. The responses to the questionnaire will be used solely for fulfilment of the requirements of the Master of Education Higher Education degree with Botho University. Thank you in advance for taking time out of your busy schedule to respond to this questionnaire.

If you participate in this study, kindly answer the questions on the questionnaire in full.

This questionnaire will take less than 30 minutes to complete.

CONSENT

Please tick below

I have read and I understand the information detailed above. I consent to participate in this study and my participation is voluntary. ☐

Thank you once again for participating in this important exercise

Name of Supervisor: Prof. Ushe Makambe (PhD)

PART I: Demographic Data

The following data is solely collected for demographic purposes only. It will not be used to identify respondents. . **Please fill in the spaces provided**

1. Number of years at this institution

☐ 1-5 years ☐ 6-10 years ☐ 11-15 years ☐ 6-20 years ☐ 21 years and above.

2. Position held

☐ Lecturer ☐ Head of Faculty ☐ QA Officer ☐ QA Manager ☐ Executive Director ☐ Other. Please specify_____

3. Work experience

☐ 1-5 years ☐ 6-10 years ☐ 1-15 years ☐ 16-20 years ☐ 21 years and above.

4. Gender

Female ☐ Male ☐

5. Highest educational qualification

☐ Diploma ☐ Bachelor's Degree ☐ ster's Degree ☐ Oth ☐ Please specify_____

PART II – The factors influencing compliance with regulations by Private Higher Education Institutions' (PHEIs) in Eswatini and how they have affected compliance (Primary research objective)

For questions 6, 7 and 8, please tick "Yes" or No

6. There is a significant relationship between PHEIs regulations and institutions 'compliance with the requirements. Yes No ☐ ☐
7. Higher education regulations negatively affect PHEIs compliance with the requirements in Eswatini Yes ☐ No ☐
8. My institution is registered with Eswatini Higher Education Council

Yes ☐ No ☐

Please rate the following statements on the scale: Strongly disagree, Disagree, Neutral (Neither Agree nor Disagree), Agree, and Strongly Agree – whichever is applicable. There is no wrong or right answer. **Tick the box that best suits your opinion.**

Please tick (√) the appropriate columns

Sl. No.		**Strongly disagree**	**Disagree**	**Neutral**	**Agree**	**Strongly agree**
9.	The institution provides training for staff on ESHEC regulations relating to the registration process.					
10.	The internal quality assurance system at my institution is in line with standards set by ESHEC.					
11.	The institution conducts self-assessments/quality assurance audits.					
12.	Staff participation in the institutional assessments by ESHEC is high.					
13.	My institution encountered challenges during the ESHEC registration process.					
14.	My institution has additional goals at the end of registration process besides gaining the registration status from ESHEC					
15.	The effects of ESHEC regulations on my institution have been positive.					

16. What are the challenges your institution encountered whilst implementing the ESHEC regulations?_____

_____

_____

PART III – The extent to which compliance with regulations constitute a cost burden to the selected higher education institutions in Eswatini

This section investigates the extent to which private higher education institutions covered in this study believed that compliance with regulations constituted a cost burden to them.
Please tick (√) the appropriate columns

Sl. No.		**Strongly disagree**	**Disagree**	**Neutral**	**Agree**	**Strongly agree**
17.	My institution had adequate resources needed for institutional assessment for registration.					
18.	The institution needed to hire more staff in order to meet ESHEC regulations.					
19**.**	The institution needed to acquire additional physical resources in order to comply with the regulations.					
20.	Lecturers needed to do more administration work as part of preparations for institutional assessment, hence they are paid overtime					
21.	My institution received full registration status on first attempt for registration.					
22.	There are adequate resources in place at my institution to implement the changes needed for institutional registration and accreditation.					
23.	The costs associated with registering an institution with ESHEC are prohibitive (too high).					

24. State some of the resources that you found to be important for institutional registration and accreditation

_____

_____

_____

_____

PART VI – The complexity of higher education regulations on compliance with the requirements

This section investigates the extent to which PHEIs believe that higher education regulations are complex and this makes compliance with the requirements difficult.

Please tick (√) the appropriate columns

Sl. No.		**Strongly disagree**	**Disagree**	**Neutral**	**Agree**	**Strongly agree**
25.	The ESHEC regulations are clear and easy to understand.					
26.	Training on ESHEC regulations was conducted.					
27.	The complexity of ESHEC regulations makes it difficult to comply with the requirements.					
28.	There is no ambiguity of the clauses in the regulations.					
29.	The institution has a quality assurance office that is the custodian of the regulations which helps to clarify issues regarding regulations.					
30.	The institution receives immediate feedback from ESHEC which makes the implementation of the regulations faster.					
31.	The institutional and qualifications registration process is straightforward which facilitates compliance with the regulations.					
32.	The implementation of ESHEC regulations in my institution has been successful.					

33. List any other aspects of ESHEC regulations that you believe have made these regulations complex and therefore difficult to fulfill.

_____

_____

_____

_____

PART V –The bulkiness of the regulations documentation and how it affects compliance with the requirements

This section investigates the extent to which the PHEIs find the regulations documentation bulky (voluminous) and how this affects compliance with the regulations.

Please tick (√) the appropriate columns

Sl. No.		**Strongly disagree**	**Disagree**	**Neutral**	**Agree**	**Strongly agree**
34**.**	The regulations documents are short and straight to the point which makes compliance with the regulations easy.					
35.	It does not take much time to go through the regulations which facilitates their implementation.					
36.	The self-assessment report is short which means minimal time to compile it.					
37.	More staff members are needed to handle the documents because they are long.					
38.	More time is needed to go through the documents.					
39.	Printing and reading through the documents do not require much time.					

40.	My institution incurred high printing costs because of the large size of documents.					
41.	The regulations are available online and can be submitted online which requires less time to fill in the forms.					

PART VI – The minimum requirements for institutional registration effects compliance with the requirements (Secondary research objective 4)

This section investigates extend to which PHEIs covered in this study believe that the minimum requirements for institutional registration are tough and this affects compliance with the regulations.

Please tick (√) the appropriate columns

Sl. No.		**Strongly disagree**	**Disagree**	**Neutral**	**Agree**	**Strongly agree**
42.	Permanent institutional infrastructure (e.g., classrooms, libraries, laboratories) is a precondition for ESHEC registration and is fundamental to compliance					
43	Relevant quality curricular must be in place before registration can be granted hence making compliance difficult					
44.	Adequate and qualified personnel should be in place before an institution is registered thus compliance becomes difficult					

45.State any aspects that ESHEC considers as minimum requirements for registration of institutions and programmes which make it difficult to comply with the requirements,

_____

_____

_____

_____

_____

Thank you

APPENDIX 2: INTERVIEW GUIDE

Interview Guide

1. What is the registration process cost?
2. How did you address the challenges encountered during the registration process?
3. Which regulations were difficult to understand?
4. What form of support did ESHEC render to ensure the regulations were understood?
5. How did your institution managed the workload that comes with the preparation and implementation of the registration process?
6. How did ESHEC share the regulations with your institution?
7. How long did it take your institution to go through the regulations in readiness for accreditation process?
8. A permanent infrastructure is a precondition for ESHEC registration and fundamental to compliance. How did this affect your compliance with the standards?
9. How did your institution evaluate the implemented ESHEC regulations?
10. If you could be given the chance, what criteria would you remove from the ESHEC standards and why?

APPENDIX 3 REQUEST FOR AN INTERVIEW

Botho University
P. Box 501564
Gaborone
Student Number: 2128597
06 April 2023

The Executive Director

Limokwing University

P. O. Box

Mbabane

Dear Sir/Madam

Re Request for Interview

I am writing to submit my request for an audience with you for a face to face structured interview. My name is Patricia Buyisile Mashaya. I am a final year student at Botho University and currently doing a Masters of Higher Education degree. As part of fulfilment of my thesis and I am requesting for your time to respond to this questionnaire. The purpose of this study is to assess the effects of regulations on private higher education institutions in Eswatini. Your participation and contribution in this study are voluntary and your responses will be treated as confidential.

The interview should not last longer than 30 minutes. Your participation in this study will be appreciated.

Yours Sincerely,

Patricia Buyisile Mashaya (7635 4335)

Thank you once again for your participation in this important exercise.

Programme: Masters of Education in Higher Education

APPENDIX 4

The Government of the Kingdom of Eswatini

Ministry of Education & Training

Tel: (+268) 2 4042491/5
Fax:(+268) 2 404 3880

P. O. Box 39
Mbabane, ESWATINI

4th April, 2023

Attention:
Head teacher:
Attached List of Private Tertiary Institutions

THROUGH
Manzini and Hhohho Regional Education Officers

Dear Colleague,

RE: REQUEST FOR PERMISSION TO COLLECT DATA FOR BOTHO UNIVERSITY STUDENT – PATRICIA BUYISILE MASHAYA

1. The Ministry of Education and Training has received a request from Ms. Patricia Buyisile Mashaya, a student at Botho University that in order for her to be able to fulfill her academic requirements she has to collect data (conduct research) and her study or research topic is: "**Investigating the Factors Influencing Compliance with Regulations by Private Higher Education Institutions (PHEIs) IN Eswatini and How they have Affected Compliance**" The population for the study comprises of Principals and or Directors of the Institutions. All details concerning the study are stated in the participants' consent form which will have to be signed by all participants before Ms. Patricia Buyisile Mashaya begins her data collection.

2. The Ministry of Education and Training requests your office to assist Ms. Patricia Buyisile Mashaya by allowing her to use the above mentioned institutions in the Manzini Region and Hhohho Region of Eswatini as her research site. Data collection period is one month.

DR. N. L. DLAMINI
DIRECTOR OF EDUCATION AND TRAINING

MINISTRY OF EDUCATION & TRAINING
DIRECTORS OFFICE
06 APR 2023
P.O. BOX 39
MBABANE H100
ESWATINI

cc: Regional Education Officer – Manzini and Hhohho
Chief Inspector – Tertiary
Heads of the above mentioned Institutions
Supervisor – Professor Ushe Makambe

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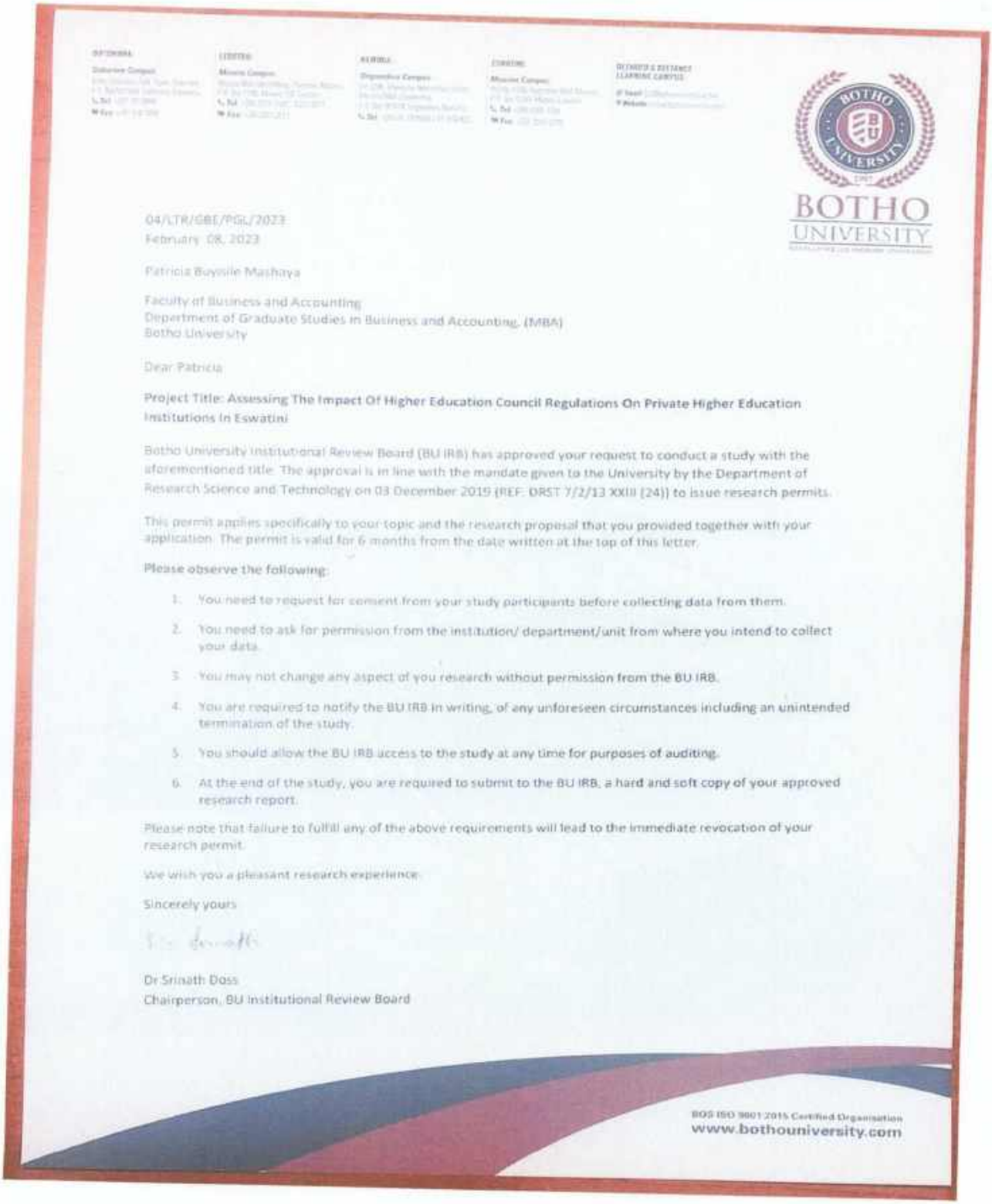
APPENDIX 5



BOTHO UNIVERSITY

04/LTR/GBE/PGL/2023
February 08, 2023

Patricia Buyisile Mashaya

Faculty of Business and Accounting
Department of Graduate Studies in Business and Accounting (MBA)
Botho University

Dear Patricia

Project Title: Assessing The Impact Of Higher Education Council Regulations On Private Higher Education Institutions In Eswatini

Botho University Institutional Review Board (BU IRB) has approved your request to conduct a study with the aforementioned title. The approval is in line with the mandate given to the University by the Department of Research Science and Technology on 03 December 2019 (REF: DRST 7/2/13 XXIII (24)) to issue research permits.

This permit applies specifically to your topic and the research proposal that you provided together with your application. The permit is valid for 6 months from the date written at the top of this letter.

Please observe the following:

1. You need to request for consent from your study participants before collecting data from them.
2. You need to ask for permission from the institution/ department/unit from where you intend to collect your data.
3. You may not change any aspect of you research without permission from the BU IRB.
4. You are required to notify the BU IRB in writing, of any unforeseen circumstances including an unintended termination of the study.
5. You should allow the BU IRB access to the study at any time for purposes of auditing.
6. At the end of the study, you are required to submit to the BU IRB, a hard and soft copy of your approved research report.

Please note that failure to fulfill any of the above requirements will lead to the immediate revocation of your research permit.

We wish you a pleasant research experience.

Sincerely yours

Dr Srinath Doss
Chairperson, BU Institutional Review Board

BQS ISO 9001:2015 Certified Organisation
www.bothouniversity.com