



## Europe Note

**Europe note number:**

E/2010/06

**Distribution**

Vice-Chancellors; Erasmus Mundus programme coordinators; European and International officers; Academic Registrars; Bologna Experts

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**Date**

31 March 2010

**Keywords**

Erasmus Mundus, student recruitment, student mobility and visas, doctoral programmes

**Action**

Please forward this Europe Note to colleagues with an interest in European affairs

## Advice to UK HEIs applying to participate in Erasmus Mundus Joint Doctorate programmes

### Introduction

1. The UK HE Europe Unit is aware of UK higher education institutions' (HEIs) concerns about participating in Erasmus Mundus Joint Doctorate (EMJD) programmes. These concerns centre around whether HEIs can treat students on EMJD programmes as doctoral students, or whether HEIs will need to award employment contracts. The first round of 2010 applications closes on 30 April 2010.
2. This E-note advises UK HEIs to continue with their applications to the EMJD scheme and provides an update on efforts by UK HE sector stakeholders to clarify the terms and conditions for participation in the project.



## Erasmus Mundus II

3. The second phase of the Erasmus Mundus (EMII) scheme began in 2009 and will run until 2013. It replaced the first edition of the scheme (2004-08) with a much larger budget and the inclusion of doctoral programmes for the first time. Between 2004 and 2008, the UK was involved in 53 Erasmus Mundus projects, and UK HEIs were coordinating institutions in ten of these projects.

## Current UK practice in doctoral programmes

4. The vast majority of universities in the UK classify doctoral students as students, not staff. This is the case for many reasons, including the complications which may arise in relation to employment legislation and in the case of international students complications which also arise in relation to their immigration status. In both of these areas, which are governed by UK legislation, treating a doctoral student as an employee brings with it significantly greater difficulties, and risks, for the institution concerned. The National Postgraduate Committee, the student body representing postgraduate students in the UK, supports this position:

*“Retaining the status of student for PhD candidates in the UK is highly desirable as financial benefits, academic freedom, opportunities and other benefits as a student outweigh the benefits of employee status.”* (policy passed at the NPC Ordinary General Meeting, 26 February 2005)<sup>1</sup>

5. Universities in the UK are committed to improving the study experience and employment prospects of their doctoral students. In January 2010 the European Commission agreed that the mechanisms for implementing the European Charter for Researchers and Code of Conduct for the Recruitment of Researchers<sup>2</sup> is delivered in the UK through the QAA Code of Practice for Postgraduate Research Programmes<sup>3</sup> and the Concordat to Support the Career Development of Researchers<sup>4</sup>. A national benchmarking process is used to verify UK universities' strategies for implementing the Concordat.

## Erasmus Mundus Programme Guide

6. The Programme Guide for 2010 (section 5.2.2 Eligible Activities) currently reads: "An EMJD *must* offer employment contracts to doctoral candidates except in adequately documented cases or where national regulation would prohibit this possibility."<sup>5</sup> Section B.4.4 of the 2010 application form asks HEIs what administrative arrangements they have to address the students' rights (including health care, social security and pension rights)?

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<sup>1</sup> National Postgraduate Committee, <http://www.npc.org.uk/policies/p/phdstudentstatus>

<sup>2</sup> European Charter for Researchers and Code of Conduct for their Recruitment, [http://ec.europa.eu/eracareers/pdf/am509774CEE\\_EN\\_E4.pdf](http://ec.europa.eu/eracareers/pdf/am509774CEE_EN_E4.pdf)

<sup>3</sup> QAA Code of Practice for Postgraduate Research Programmes: <http://www.qaa.ac.uk/academicinfrastructure/codeofpractice/section1/default.asp>

<sup>4</sup> Concordat to Support the Career Development of Researchers, <http://www.researchconcordat.ac.uk/>

<sup>5</sup> Erasmus Mundus Programme Guide 2010, [http://eacea.ec.europa.eu/erasmus\\_mundus/programme/documents/guide\\_emdec09\\_%20en.pdf](http://eacea.ec.europa.eu/erasmus_mundus/programme/documents/guide_emdec09_%20en.pdf)

7. Since the inception of Erasmus Mundus II in 2009, UK universities have participated on the basis that while the European Commission favoured employment contracts, it would not constitute part of the formal academic or technical assessment, or count against consortia which explained why they preferred not to use employment contracts. Despite the change of wording in favour of employment contracts in the 2010 Call for Proposals, it appears that the ability for HEIs to award student status to doctoral students is protected in the Programme Guide, and that this practice will be respected when it comes to the selection of successful EMJD consortia.
8. Section 5.4 of the Programme Guide (page 44) states: "As a general rule, and in line with the principles defined in the *European Charter for Researchers* and the *Code of Conduct for the Recruitment of Researchers*, EMJD consortia shall appoint recruited candidates under employment contracts except in adequately documented cases (eg related to institutional or national practice) or where national regulation would prohibit this possibility. If such a contract may not be awarded (this will have to be duly justified in the application form), the EMJD consortium may opt for another approach compatible with national legislation and the necessary social security coverage for the fellowship holders."

#### **UK HE sector letters to the European Commission**

9. Universities UK, the British Council which is the national structure for Erasmus Mundus, and the Department for Business Innovation and Skills have separately written to the European Commission and the Education, Audiovisual and Culture Executive Agency to ask for clarification on the status of applications from UK HEIs wishing to treat students on EMJDs as students and not award them employment contracts.

#### **European Commission response**

10. The Commission responded to these letters saying that it recognises the difficulty of creating and implementing an EMJD and points out that it has kept the exception for "adequately documented cases" in the 2010 Call for Proposals. However, the Commission feels that European HEIs participating in EMJD:  
*"have to understand that applying for such a funding scheme means not only fulfilling its administrative requirements but also contributing to the overarching objectives inscribed in the Erasmus Mundus Decision and in the Union strategy in favour of a European Area of Higher Education and Research".*

#### **Visa and employment contract complications in the UK**

11. UK participation in the programme is more complicated due to the introduction of a points-based system of immigration. A change in the status of Erasmus Mundus students means that prospective students from outside the EU will be subject to different, and more onerous, visa requirements which will create considerable impediments to their subsequent mobility to and from the UK.

For example, UK HEIs will have to justify to the UK Border Agency why an EMJD employment contract has not been given to a national of one of the European Economic Area (EEA)<sup>6</sup> countries. This may apply equally if the student holds an employment contract in one of the other partners in Erasmus Mundus consortia involving UK universities. Awarding EMJD students employment contracts raises the issue of redundancy payment or even unfair dismissal procedures in the event of the termination of a study programme or a student expulsion. Sustainability is a key award criterion, and as the change to staff status has considerable cost implications to UK HEIs, it is difficult to see how they will be able to sustain programmes at the level envisaged.

#### **Future action**

12. The Europe Unit together with representatives from the British Council, DBIS, Research Councils UK (RCUK), Universities UK and a UK HEI participating in Erasmus Mundus will meet with the European Commission and EACEA officials in April. The purpose of the visit will be to show how UK HEIs use the Concordat for Researchers to provide doctoral students with career development opportunities, and to reinforce the sector's interest in participating in the programme. In addition, the delegation will discuss and clarify with the Commission/EACEA what would constitute an 'adequately documented case' whereby HEIs could award EMJD students student status. The Europe Unit will report back to the sector with this clarification.

#### **Advice to HEIs**

13. The Europe Unit is currently aware of two institutions which, because of this issue, are not submitting an application for the current round. The Europe Unit advises UK HEIs to continue applying for EMJDs. It will issue further guidance on the matter after discussions with the European Commission.

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<sup>6</sup> The European Economic Area (EEA) was established on 1 January 1994 following an agreement between Norway, Iceland, Liechtenstein and the European Union (EU). It allows these countries to participate in the EU's single market without joining the EU.