Procedure: International Partnerships and Agreements

Purpose

This procedure outlines the process for developing and managing partnerships and agreements with overseas institutions and organisations.

Definitions

For the purposes of this procedure, the following definitions apply.

The Agreement Administrator is the University academic or professional staff member responsible for managing a partnership or agreement on a day-to-day basis, including consultation with the ANU International Office (AIO) and the proposed partner. For University-level agreements, this will usually be a member of AIO. For Unit-level agreements, this will usually be the relevant Unit international contact.

The Australia’s Foreign Relations (State and Territory Arrangements) Act 2020 commenced on 10 December 2020. Its purpose is to ensure that arrangements between state or territory governments (and their entities) and foreign entities do not adversely affect Australia’s foreign relations and are not inconsistent with Australia’s foreign policy.

An Award Program is a structured sequence of courses and/or research leading to an Award, which is a qualification conferred by the University and certified by a testamur as governed by the Research Award Rule 2021 and Australian National University (Repeal) Statute 2020.

Delegation is a delegation assigned to a person in accordance with the Policy: Delegations of Authority and Delegations Framework.

The Executive Sponsor is the person with responsibility to provide in-principle endorsement to commence negotiation of an international partnership or agreement.

The Foreign Interference Advisory Committee (FIAC) is a sub-committee of the University Research Committee. It was established to monitor, advise and provide assurance to the University community on the management of foreign interference risks to the University.

An International Agreement is a formal relationship with one or more overseas institutions or organisations established through the signing of a binding agreement.
An International Partnership is a formal relationship with one or more overseas institutions or organisations established through the signing of a non-binding agreement.

The International Partnership Central Repository is a database of all current international partnerships and agreements.

An Overseas Institution or Organisation means an international post-secondary educational institution, government department, research institution, funding agency and sponsor, or equivalent organisations.

A Unit-level Agreement is a partnership or agreement between the University and one or more overseas institutions or organisations, where the scope of the University’s involvement is limited to one University Academic Organisational Unit (AOU), Centre or Institute, or where the partnership or agreement involves more than one Unit from the same Academic College.

A University-level Agreement is a partnership or agreement between the University and one or more overseas institutions or organisations, where the scope of the University’s involvement is more than one University Academic Organisational Unit (AOU), Centre, or Institute, not including partnerships or agreements that involve more than one Unit from the same Academic College.

**Procedure**

**Agreement proposal**

1. An international partnership or agreement proposal may originate from any Academic Organisational Unit (AOU), Centre, Institute or Executive Portfolio of The Australian National University.

2. All proposed new international partnerships and agreements undergo a preliminary review by ANU International Office (AIO) prior to the commencement of formal negotiations.

3. AIO provides the person who proposed the partnership or agreement with relevant background on the proposed overseas institution or organisation, including existing or proposed partnerships and agreements, and relevant strategic context regarding the proposed partnership or agreement.

4. If the partnership or agreement is in scope per the Policy: International Partnerships and Agreements, AIO and the person who proposed the partnership or agreement jointly identify an appropriate Agreement Administrator.
5. The Agreement Administrator completes the International Partnership and Agreement Proposal and submits it to AIO for consideration via international.agreements@anu.edu.au.
   
a. The partnership and agreement proposal includes details on the parties involved (overseas institution/organisation and individuals), the scope of the partnership or agreement, a risk assessment, risk management strategies, identification of defined outcomes for the partnership or agreement, and a strategy for achieving these outcomes.
   
b. The risk assessment is completed by the Agreement Administrator, using the ANU risk assessment template, with consideration given to strategic, reputational, academic quality, compliance, staff and student related risks.
   
c. In preparing the proposal, the Agreement Administrator consults all relevant University stakeholders. A Consultation Record must accompany the partnership and agreement proposal.
   
d. International partnerships and agreements proposed by an Academic Organisational Unit (AOU), Centre or Institute must meet all relevant internal College approval processes and be endorsed by the College Dean or their delegate before being submitted to AIO for consideration.
   
e. The completed International Partnership and Agreement Proposal informs AIO’s recommendation to the Executive Sponsor.
   
6. Where a new University-level agreement is proposed, AIO and the Agreement Administrator works with the relevant College international representatives to gain endorsement from all relevant College Deans.
   
7. AIO reviews the International Partnership and Agreement Proposal to verify that due diligence and risk assessment has been completed. This includes consideration of foreign interference and the Guidelines to Counter Foreign Interference in the Australian University Sector and attention paid to the University’s Code of Conduct and Conflict of Interest and Commitment policies.
   
8. The relevant Executive Sponsor or delegate, as outlined in Table 1, will use all available information to consider whether to provide in-principle endorsement to commence negotiation of a partnership or agreement. The risk rating is determined based on the overseas institution or organisation meeting any one of the decision factors listed against the risk.

Table 1. Executive Sponsor by risk rating

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<tr>
<th>Decision factors</th>
<th>Risk rating</th>
<th>Executive Sponsor /</th>
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<tr>
<th>Condition</th>
<th>Risk Assessment Outcome</th>
<th>Delegate</th>
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<td>Institution ranked outside the top-500 on all three major international university rankings (THE, QS, AWRU) &lt;br&gt; Partnership or agreement relates to ongoing regular education delivery &lt;br&gt; Major/significant financial obligations &lt;br&gt; Risk assessment outcome: high</td>
<td>High risk</td>
<td>Deputy Vice-Chancellor (International &amp; Corporate)</td>
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<tr>
<td>New partner &lt;br&gt; Partnership or agreement relates to ad hoc/irregular education delivery &lt;br&gt; Low level financial obligations (in-kind/fellowships) &lt;br&gt; Risk assessment outcome: medium &lt;br&gt; Institution ranked outside the top-500 on at least one of the three major international university rankings (THE, QS, AWRU)</td>
<td>Medium risk</td>
<td>Deputy Vice-Chancellor (International &amp; Corporate)</td>
</tr>
<tr>
<td>Established partner &lt;br&gt; Standard template &lt;br&gt; No financial obligations &lt;br&gt; Risk assessment outcome: low &lt;br&gt; Institution ranked in the top-500 on all three major international university rankings (THE, QS, AWRU)</td>
<td>Low risk</td>
<td>Director, ANU International Office</td>
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9. The Executive Sponsor may at any time escalate a proposal to an Executive Sponsor at the next level of risk rating for assessment by that Executive Sponsor.

10. AIO submits proposals endorsed by the Executive Sponsor to the University Foreign Interference Advisory Committee (FIAC).
11. AIO communicates the Executive Sponsor’s decision, FIAC’s decision and next steps to the Agreement Administrator.

12. In the case that the Agreement Administrator or relevant College Dean disagrees with the Executive Sponsor’s decision, all relevant documents go to the Vice-Chancellor for review and final decision.

**Agreement drafting and negotiation**

13. International partnerships and agreements are drafted by the Agreement Administrator using legal precedent documents for each type of agreement where available, or in a format developed in consultation with AIO and the University Legal Office.

14. All draft agreements are reviewed by AIO and the University Legal Office. The Academic Standards and Quality Office (ASQO) and International Student Admissions must review all agreements involving the delivery of Award programs. Endorsement of the University Academic Quality Assurance Committee (AQAC) and approval of Academic Board per the AQAC and Academic Board Charters, are required prior to seeking the appropriate delegate’s approval in cases involving coursework Award programs, including admission pathway and articulation agreements.

15. If the proposed international agreement is for a joint or dual coursework Award program, including joint or dual degrees, diplomas (undergraduate or graduate), graduate certificates, majors, minors, and specialisations, or a transnational education partnership (coursework) program, the Agreement Administrator will refer to the relevant policy and procedure, consult with ASQO, AIO, the University Legal Office and International Student Admissions before seeking endorsement from AQAC and approval from Academic Board.

16. If the proposed international agreement is for a joint or dual research Award, including joint or dual award PhD degrees, the Agreement Administrator will refer to the relevant policy and procedure, consult with ASQO, and seek additional endorsements and approvals as necessary.

17. The Agreement Administrator works with AIO to negotiate the terms of the partnership or agreement with relevant University stakeholders, including the University Legal Office, and the overseas institution or organisation.

18. Where necessary, AIO seeks advice from the University Legal Office and confirms that an ANU-commissioned, NAATI certified translator has translated the partnership or agreement and associated documents in a language other than English. The cost of translation is covered by the relevant Unit(s).
Agreement approval and signing (execution of agreements)

19. All international partnerships and agreements are sent to the appropriate delegate via AIO for approval prior to signing. The Agreement Administrator prepares an agreement memo for AIO to provide to the appropriate delegate seeking final approval to enter into the partnership or agreement. The memo is also provided to the Executive Sponsor to inform them that the partnership or agreement is ready for execution. The memo summarises the partnership or agreement, relevant background and consultation, and the review process undertaken.

20. If required, AIO makes a submission to the Minister of Foreign Affairs through the Foreign Arrangements Scheme Online Portal prior to the agreement being signed. This is a requirement under the Australia’s Foreign Relations (State and Territory Arrangements) Act 2020.

21. Authorities and responsibilities for any financial obligations or management of funds relating to the partnership or agreement are subject to the Delegations Framework and Policy: Delegations of authority and Procedure: Delegations of authority.

22. AIO or the Agreement Administrator arranges signing of the partnership or agreement by the appropriate delegate as follows:
   - AIO arranges signing of University-level agreements by the appropriate delegate and partner institution signing
   - The Agreement Administrator arranges signing of Unit-level agreements by the appropriate delegate and partner institution signing where appropriate.

23. The University or external parties may sign the international partnership or agreement first, however, it is generally preferable that ANU signs first where possible.

24. Once a partnership or agreement is signed by the relevant delegate and the overseas institution or organisation, AIO, in collaboration with the Agreement Administrator, informs all relevant University stakeholders and the overseas institution or organisation of the new partnership or agreement.

25. The agreement administrator must provide a copy of the fully signed agreement to AIO within 14 days of being fully executed. If required, AIO will make a submission to the Minister of Foreign Affairs through the Foreign Arrangements Scheme Online Portal.

26. AIO uploads a signed copy of the partnership or agreement to the International Partnership Central Repository and University Electronic Records Management System (ERMS) and forwards the hard copy to University Records to be maintained as per the ANU Policy: Records and Archives Management.
Management

27. The Agreement Administrator is responsible for the day-to-day operation of the partnership or agreement, including notification of University stakeholders of any changes to the operation of the partnership or agreement, operational discussions with the overseas institution or organisation, and reporting on activity under the partnership or agreement (as outlined in clause 26). If an Agreement Administrator is changing their role, they identify and confirm a replacement with AIO. In the event of the Agreement Administrator having left the University and a new administrator not being nominated, the College General Manager, or nominee, is the responsible Agreement Administrator for Unit-level agreements.

28. The Agreement Administrator is responsible for reporting on activity under the partnership or agreement on a regular basis, including completing a Statement of Activity as required. For dual and joint Award agreements, admission pathway agreements, articulation agreements and agreements involving University staff teaching overseas, an annual Health Check is completed instead of the Statement of Activity, and provided to AIO and ASQO for record keeping.

- The Statement of Activity is completed periodically, based on the terms of the partnership or agreement, or, if no relevant clause exists, annually for partnerships or agreements involving teaching (excluding student exchange and study abroad), or one year prior to expiry for other partnerships and agreements.

- The Statement of Activity includes an assessment of how the objectives stated in the partnership and agreement proposal have been advanced; and a review of due diligence and assessment of any new or changed risk factors.

29. AIO records the Statement of Activity or Health Check on the ANU Electronic Record Management System (ERMS).

30. AIO monitors and annually reports to AQAC and the Academic Board on Agreements, Statements of Activity and compliance with this policy and procedure.

31. If a partnership or agreement is deemed to not be meeting expected outcomes, the Agreement Administrator works with the partner institution to implement measures to ensure future activity, provide reasoning for continuation, or, where appropriate, move to terminate the partnership or agreement.
Review, Renewal and Termination

32. Review, amendment, renewal or termination of a partnership or agreement can be triggered by either the Agreement Administrator or AIO at any stage due to different circumstances, including:
   - changes to risk levels;
   - changes to program offerings;
   - breaches of contract;
   - significant changes at an overseas institution or organisation;
   - unsatisfactory performance under the partnership or agreement;
   - University Executive decision;
   - Academic Board decision; and
   - changes to government guidelines, policies and legislation.

33. Amendments are subject to the terms of the specific partnership or agreement.

34. At each review and renewal stage for partnerships and agreements, a standard review of the partnership or agreement’s performance is measured against the agreed outcomes set out in the proposal to determine whether the partnership or agreement is renewed, amended, terminated, or allowed to expire.

35. The Agreement Administrator is responsible for assessing the performance of the partnership or agreement to date and provides a recommendation to AIO. The Statements of Activity or Health Checks, as well as other relevant information are used to make an assessment.

36. If, upon review, a partnership or agreement is no longer producing the agreed outcomes or no longer adheres to the principles of the Policy: International Partnership and Agreements, that partnership or agreement is terminated in accordance with the terms of the partnership or agreement, or allowed to expire.

37. If, upon review, a partnership or agreement is producing the agreed outcomes and remains in line with the principles of the Policy: International Partnerships and Agreements, and provides for renewal or extension, that partnership or agreement is renewed or extended with the agreement of the external party and as per this procedure.

38. Renewals, extension and termination of partnerships or agreements follow the notification and approval process outlined in the relevant partnership or agreement and this procedure.
39. Each partnership or agreement has clear termination clauses. If the partnership or agreement has not met agreed outcomes, or either party wishes to terminate the partnership or agreement, then the partnership or agreement is allowed to expire, or terminated using the process stipulated in the partnership or agreement.

40. The intention to terminate a partnership or agreement is relayed through AIO to the appropriate delegate for approval.

41. If termination is approved by the delegate and permitted under the partnership or agreement, AIO or the agreement administrator prepares communication to be sent to the overseas institution or organisation to officially terminate the partnership or agreement in accordance with the terms of the partnership or agreement.

**Appropriate delegates**

42. Responsibility to provide in-principle endorsement to commence negotiation of a partnership or agreement or to renew or terminate a partnership or agreement rests with the Executive Sponsor as per Table 1.

43. Delegation to approve and sign a Unit-level agreement under this policy and procedure resides with the relevant College Dean, with the exceptions specified in clause 43.

44. Delegation to approve and sign a Sponsor agreement for cohorts of international students or to sign a University-level agreement under this policy and procedure resides with the Deputy Vice-Chancellor (International & Corporate), with the following exceptions:
   - Delegation to approve and sign research partnerships resides with the Deputy Vice-Chancellor (Research and Innovation) or delegate.

45. Delegation to approve and sign the following types of partnerships and agreements under this policy and procedure resides with the Vice-Chancellor or delegate:
   - Joint and Dual Awards (coursework);
   - Joint and Dual Awards (research);
   - Transnational Education Partnerships (coursework);
   - Joint and Dual award PhD Degree (including co-tutelles);
   - partnerships and agreements involving financial obligations; and
   - partnerships and agreements involving an additional party or other interested stakeholder, as identified in clause 12 of the Policy: International Partnerships and Agreements.
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