

EDUCATIONAL SERVICES AGREEMENTS POLICY 2017

The Deputy Vice-Chancellor (Education) as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 10 October 2017 (commencing 24 October 2017)

Last amended: 25 October 2017

24 March 2019 (administrative amendment only)

Signature:

Name: Professor Philippa Pattison

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1 Name of policy

This is the Educational Services Agreements Policy 2017.

2 Commencement

This policy commences on 24 October 2017.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.

4 Statement of intent

This policy:

- (a) facilitates the expansion and dissemination of knowledge through academic collaboration; and
- (b) provides for quality assurance of educational services provided in collaboration with, or on the University's behalf by, other parties.

5 Application

- (1) This policy applies to:
 - (a) the University, staff and affiliates; and
 - (b) except as provided in this policy, all educational services agreements, and proposals for such agreements
- (2) Except for clause 9, this policy applies to student placement and project agreements.
Note: See clause 12.
- (3) Except as provided in clause 13, this policy does not apply to research agreements.

6 Definitions

agreement sponsor	means a member of the University's staff who is responsible for monitoring and maintaining the quality of the educational experience or research training provided pursuant to an educational services agreement.
award course	has the meaning given in the Learning and Teaching Policy 2015 , which at the date of this policy is: a course approved by the Academic Board and endorsed by the Senate, on the recommendation of the Academic Board, that leads to the conferral of a degree or the award of a diploma or certificate
educational services agreement	means a binding agreement between the University and another party which requires either party to undertake provision of any educational services on behalf of, or in conjunction with, the other. Such agreements include, but are not limited to, research training agreements.
Dean	includes Head of School and Dean of a University school.

educational services	<p>means any of:</p> <ul style="list-style-type: none"> • formulating the content or curriculum of an award course; • facilitating, delivering or overseeing learning activities; • assessing the performance of students.
faculty	includes University school.
memorandum of understanding	means a documented but non-binding arrangement between the University and a third party which sets out the parties' intentions for their future relationship and interaction.
research agreement	<p>has the meaning given in the Research Agreements Policy 2011 which, as at the date of this document is:</p> <p style="padding-left: 40px;">agreement under which the University will undertake original investigation with the aim of generating new knowledge as a principal or incidental activity.</p>
research training	<p>means supervision or education provided to a student in order to meet the requirements for award of a higher degree by research.</p> <p>Note: See clause 1.3 of the University of Sydney (Higher Degree by Research) Rule 2011.</p>
student placement agreement	<p>means any agreement between the University and a placement provider, which permits a student to be assigned to undertake supervised learning at a workplace controlled by the placement provider for the purpose of the student's practical education.</p> <p>Note: See clause 12 of this policy, and the Student Placement and Projects Policy 2015.</p>
student project agreement	<p>means any agreement between the University and an external project partner, which provides for students to undertake a problem-based learning experience built around any of researching, proposing or implementing solutions to a real world case study presented by the project partner.</p> <p>Note: See clause 12 of this policy, and the Student Placement and Projects Policy 2015.</p>

7 Principles

- (1) Where:
 - (a) another party provides education or research training for or on behalf of the University under an educational services agreement; and
 - (b) that education or research training contributes to an award issued by the University,

the University accepts full accountability for the standards and quality of the education or research training provided.
- (2) Education and research training carried out pursuant to an educational services agreement must be governed by:



- (a) University Rules, policies and procedures; or
 - (b) policies or requirements which the relevant delegate is satisfied have similar outcomes and intentions to those of the University, particularly in relation to research integrity and academic honesty.
- (3) Education carried out under an educational services agreement must meet the educational excellence requirements specified in the [Learning and Teaching Policy 2015](#).
- Note:** See clause 8 of the [Learning and Teaching Policy 2015](#).
- (4) Research training carried out under an educational services agreement must be consistent with the requirements of the [University of Sydney \(Higher Degree by Research\) Rule 2011 \(as amended\)](#) and the [Supervision of Higher Degree by Research Students Policy 2013](#).
- (5) Educational services agreements entered into by the University should clearly and completely articulate the relationship between the University and the other party to the agreement.
- (6) Each educational services agreement must have an agreement sponsor.
- (7) The agreement sponsor must arrange for each educational services agreement to be:
- (a) approved by the relevant delegate;
 - (b) documented in a form approved by the Office of General Counsel;
 - (c) executed by or on behalf of each party;
 - (d) consistent with all applicable University policies, including as appropriate:
 - (i) the [Intellectual Property Policy 2016](#);
 - (ii) the [Research Agreements Policy 2011](#);
 - (iii) the [Student Placement and Projects Policy 2015](#);
 - (iv) the [Research Code of Conduct 2013](#);
 - (v) the [Guidelines Concerning Commercial Activities](#);
 - (vi) the [Risk Management Policy 2017](#);
- and
- (vii) registered in the [University contracts register](#) maintained by Archives and Records Management.
- (8) Except in as provided in clauses 12 and 13 in relation to student placement agreements or research agreements, negotiations for establishment of potential educational services agreements must not begin before an expression of interest is approved as specified in clause 9.

8 Memoranda of understanding

- (1) Memoranda of understanding do not constitute educational services agreements.
- (2) Memoranda of understanding may be entered into in circumstances where it is not desirable or possible completely to articulate the scope and detail of the University's relationship with another party.
- (3) Memoranda of understanding must be:



- (a) approved by the relevant delegate;
- (b) documented in a form approved by the Office of General Counsel; and
- (c) expressed to be non-binding.

Note: See [University of Sydney \(Delegations of Authority – Academic Functions\) Rule 2016](#) and [University of Sydney \(Delegations of Authority – Administrative Functions\) Rule 2016](#).

- (4) If activities proposed to be undertaken pursuant to a memorandum of understanding involve the provision of educational services by either party, the terms on which such activities are to be undertaken must be recorded in an educational services agreement, consistently with this policy, before being provided.

9 Expressions of interest for potential agreements

- (1) Subject to clauses 12 and 13, no negotiations for any potential educational services agreement may be undertaken before an expression of interest has been approved by the relevant delegate (that is, the delegate who would be entitled to approve the final agreement).
- (2) An expression of interest must be provided in writing and must:
 - (a) specify:
 - (i) the proposed parties;
 - (ii) the proposed agreement sponsor;
 - (iii) the activities to be covered by the agreement;
 - (iv) the proposed duration of the agreement; and
 - (v) key performance indicators for success;
 - (b) explain:
 - (i) the benefits of the proposed agreement;
 - (ii) how the agreement would align with the University's strategic priorities; and
 - (iii) the likely cost of the proposed arrangement;and
 - (c) attach a risk assessment prepared consistently with the requirements of the [Risk Management Policy 2017](#) and the University's [Risk Management Framework](#).
- (3) In considering an expression of interest, a delegate must take the following into account:
 - (a) consistency with the principles set out in clause 7;
 - (b) consistency with the University's statutory object and strategic objectives;
 - (c) the likely cost and benefit of the proposed agreement to the University;
 - (d) consistency of the risk assessment with the University [Risk Appetite and Tolerance Statement](#); and
 - (e) the reputation of each of the other proposed parties;

10 Establishing and renewing agreements

- (1) Each educational services agreement must specify:
 - (a) the nature of the legal relationship between the parties;
 - (b) a duration, of no more than five years; and
 - (c) the activities to be undertaken pursuant to the agreement.
- (2) Agreements must not be renewed for terms longer than five years.
- (3) A delegate must not approve the establishment or renewal of an educational services agreement unless satisfied that it:
 - (a) is consistent with the principles set out in clause 7;
 - (b) is consistent with the University's obligations under the Higher Education Standards Framework;
 - (c) is an appropriate use of the University's resources;
 - (d) provides an appropriate benefit to the University, compared to the cost involved;
 - (e) involves an acceptable level of residual risk to the University, taking into account proposed risk mitigants; and
 - (f) complies with applicable University Rules, policies and procedures.
- (4) Copies of final executed agreements must be provided to:
 - (a) the [University contracts register](#);
 - (b) the Deputy Vice-Chancellor (Education); and
 - (c) if international parties are involved, the:
 - (i) Vice-Principal (Operations); and
 - (ii) Vice-Principal (External Relations).

11 Quality assurance and responsibilities

- (1) **The agreement sponsor** is responsible for:
 - (a) obtaining approval for the initial expression of interest, if required;
 - (b) registering the agreement in the [University contracts register](#);
 - (c) monitoring the implementation of the agreement during its term, against the University's standards and expectations for education and research;
 - (d) reviewing the success of the agreement at its conclusion, against its stated purpose and benchmarks;
 - (e) monitoring student experience during the term of the agreement;
 - (f) arranging for student experience to be measured through surveys or other appropriate instruments each time a course is offered;
 - (g) reporting on the implementation of the agreement, including but not limited to student experience, as directed by the relevant dean; and
 - (h) in February each year, providing a written report to the relevant dean on activity undertaken under each agreement for which they are responsible.
- (2) **The relevant dean** is responsible for:



- (a) reviewing reports from agreement sponsors; and
 - (b) in March each year, providing a written report to the faculty leadership group and faculty board on activity undertaken pursuant to educational services agreements for which the faculty is responsible.
- (3) **The faculty board** is responsible for:
- (a) reviewing reports from the dean; and
 - (b) providing the reports, with appropriate comments, to each of the delegates who approved the agreements reported on.
- (4) **The relevant delegate** is responsible for:
- (a) satisfying themselves that the requirements of this policy have been met before approving an expression of interest, or the establishment or renewal of an agreement;
 - (b) reviewing reports from deans; and
 - (c) providing an annual summary report to the Deputy Vice-Chancellor (Education) on all agreements for which they were the approving delegate.
- (5) **The Director of Graduate Research** is responsible for endorsing research training provisions in research agreements.
- Note:** See clause 13.
- (6) **The Deputy Vice-Chancellor (Education)** is responsible for:
- (a) reviewing reports from delegates;
 - (b) providing an annual summary report on the operation of educational services agreements, and issues arising from them, to the Academic Board; and
 - (c) in appropriate circumstances, endorsing research training provisions in research agreements.
- (7) **The Academic Board** is responsible for:
- (a) considering the report of the Deputy Vice-Chancellor (Education); and
 - (b) if it considers it appropriate to do so, making recommendations to any of:
 - (i) the Deputy Vice-Chancellor (Education);
 - (ii) the University Executive;
 - (iii) any other relevant Deputy Vice-Chancellor;
 - (iv) any dean.

12 Student placement agreements

- (1) Student placement agreements are not required to comply with the provisions of clause 9 of this policy.
- (2) Student placement agreements must comply with all other provisions of this policy and with the [Student Placement and Projects Policy 2015](#).

13 Research agreements

- (1) Provided that they comply with the requirements of this clause, research agreements are not required to comply with the remainder of this policy.

- (2) If a research agreement contains provisions relating to the provision of research training, the relevant delegate must not approve the agreement until the research training provisions have been endorsed by the Director of Graduate Research or the Deputy Vice-Chancellor (Education).
- (3) In endorsing provisions under this clause, the Director of Graduate Research or Deputy Vice-Chancellor (Education) must be satisfied that they:
 - (a) are consistent with the principles set out in clause 7;
 - (b) are consistent with the University's obligations under the Higher Education Standards Framework;
 - (c) involve an acceptable level of residual risk to the University, taking into account proposed risk mitigants;
 - (d) provide for appropriate quality assurance mechanisms; and
 - (e) comply with applicable University Rules, policies and procedures.

14 Transitional provision

This policy will not apply to agreements entered into on or before 1 January 2018 until 31 December 2018.

15 Rescissions and replacements

This document replaces the following, which are rescinded as from the date of commencement of this document:

- (1) *Agreements for Educational Services Policy 2011*, which commenced on 23 June 2011
- (2) *Agreements for Educational Services Procedures 2011*, which commenced on 23 June 2011

NOTES

Educational Services Agreements Policy 2017

Date adopted:	10 October 2017
Date commenced:	24 October 2017
Date amended:	25 October 2017 (administrative amendment) 24 March 2019 (administrative amendment)
Administrator:	Deputy Vice-Chancellor (Education)
Review date:	24 October 2022

Rescinded documents:

Agreements for Educational Services Policy 2011

Agreements for Educational Services Procedures 2011

Related documents:

University of Sydney (Delegations of Authority – Academic Functions) 2016

University of Sydney (Delegations of Authority – Administrative Functions) 2016

University of Sydney (Higher Degree by Research) Rule 2011 (as amended)

Intellectual Property Policy 2016

Learning and Teaching Policy 2015

Research Agreements Policy 2011

Research Code of Conduct 2013

Risk Management Policy 2017

Student Placement and Projects Policy 2017

Supervision of Higher Degree by Research Students Policy 2013

University Recordkeeping Policy

Learning and Teaching Procedures 2016

Recordkeeping Manual

Risk Management Framework

AMENDMENT HISTORY

Provision	Amendment	Commencing
Dates at front of policy	Amended to correctly reflect date approved and date commenced	25 October 2017
Notes	Removal of <i>Educational Services Agreements Procedures 2017</i> from related documents (not yet available)	25 October 2017
10(4)(c)	Add new subclauses (i) and (ii), and remove reference to Vice-Chancellor (Registrar)	24 March 2019