

AGREEMENTS FOR EDUCATIONAL SERVICES PROCEDURES 2011

Issued by: Deputy Vice-Chancellor (Education) and Registrar

Date: 23 June 2011

Last amended: 8 November 2011

6 June 2016 (administrative amendments only)

17 August 2016 (administrative amendments only)

27 October 2016 (administrative amendments only)

7 June 2017 (administrative amendments only)

Signature:

Name: Professor Derrick Armstrong

1 Purpose and application

These procedures give effect to the [Agreements for Educational Services Policy 2011](#) (“the **policy**”). They prescribe the process for obtaining approval to make a local or international agreement for the provision of educational services, and specify required forms.

2 Commencement

These procedures commence on 23 June 2011.

3 Interpretation

Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the policy.

4 Initial endorsements of proposals

- (1) Prior to seeking endorsements, and before developing a proposal or advancing negotiations with potential partners, a sponsor must consider:
 - (a) the rationale for the proposal;
 - (b) the reputation and standing of the proposed partner (preferably a government instrumentality or large and well-established private sector organisation);
 - (c) the apparent benefits, costs (including any opportunity costs, hidden costs and cross-subsidies) and risks of the proposal to the school, faculty and the University;
 - (d) how the proposal meets the strategic objectives and policies of the relevant school, faculty or the University; and
 - (e) how the proposal affects existing or other proposed initiatives in like discipline areas and geographical regions (whether owned by the University or any other education providers).
- (2) If the sponsor is not the relevant Dean, the sponsor must prepare a briefing for the Dean that provides sufficient information for a preliminary assessment of the feasibility and desirability of the proposal to be made.
- (3) If the proposal is for a commercial activity, the sponsor must prepare a proposal document using the template set out in Schedule 1.
- (4) If the proposal is not for a commercial activity, the sponsor must prepare a proposal document using the template set out in Schedule 2.
- (5) If the proposal requires the approval of the CCPC and UE for the delivery of an award course or courses, the sponsor must prepare and submit an Expression of Interest in the form set out in Schedule 3.

5 Proposals involving a commercial activity

- (1) Once all endorsements required by this policy have been received, all documents relating to proposals involving a commercial activity must be provided to the Chief Financial Officer for assessment.

6 Developing proposals generally

- (1) In developing a proposal, a sponsor must:
 - (a) consult with all relevant parts of the University;
 - (b) prepare and submit any further documentation required by CCPC or UE;
 - (c) prepare and submit any documentation required to be submitted to the Academic Board by the [Learning and Teaching Policy 2015](#);
 - (d) consider how the proposal meets the object of the University;
 - (e) conduct any required analyses or assessments;
 - (f) outline the intellectual property arrangements associated with the proposal and confirm that they are consistent with the requirements of the [Intellectual Property Policy 2016](#);
 - (g) prepare any required documents; and

- (h) obtain the advice of the Office of General Counsel and where relevant, the Finance Office and International Office.
- (2) Where a proposal involves the delivery of University award programs or units of study that are, or may in the future be, given credit or recognised for advanced standing, the sponsor must:
 - (a) establish or identify existing quality assurance processes to ensure that the standards of the proposal are equal to those of the University in respect of:
 - (i) student admission;
 - (ii) teaching;
 - (iii) assessment;
 - (iv) access to facilities and resources (including library and e-resources);
 - (v) student rights and responsibilities; and
 - (vi) student feedback and program review;
 - (b) identify any administrative and support arrangements required for the proposal.
- (3) Where a proposal involves commercial activity, the sponsor must also develop such additional supporting information or documents as may be required.
- (4) A sponsor must prepare a business plan that provides sufficient information for a final assessment of the feasibility and desirability of the proposal to be made by the relevant delegate, in accordance with the policy and, where relevant, the [Guidelines Concerning Commercial Activities](#).
- (5) Where relevant, a copy of the Academic Board resolution endorsing the proposal must be attached to the business plan.
- (6) The business plan must be in the form of the template set out in Schedule 4 where the proposal has a total value in excess of \$50,000.
- (7) The sponsor must conduct the following detailed analyses:
 - (a) analysis of the reputation and standing of the proposed partner, including its business and academic reputation, financial stability and backing and its history of participation in similar engagements;
 - (b) identification of any intellectual property to be used or created;
 - (c) analysis of costs (including any opportunity costs, hidden costs, and cross-subsidies), risks, income and other benefits of the proposal;
 - (d) where relevant, assessment of the suitability of the relevant national and regional environment to the proposal, taking into account:
 - (i) any political, financial or social instability; and
 - (ii) any relevant legislative or regulatory requirements and restrictions;
 - (e) where relevant, assessment of the practicability of translating curriculum, teaching and assessment methodology from the Australian to the relevant international social and cultural context; and
 - (f) assessment of exit strategies, including termination conditions.
- (8) The sponsor must prepare the following documents for attachment to the business plan:
 - (a) a “needs analysis” jointly with the proposed partner, to ensure a clear mutual understanding of needs, expectations and capabilities; and

- (b) where relevant, a human resources plan that prescribes agreed workloads and levels of support and return to staff (such as reimbursement of actual expenses, per diems as per Australian Taxation Office claimable expense for the relevant country, teaching load replacement, additional load paid at casual teaching rates, and payment of research incentives into consulting accounts).
- (9) Where a proposal involves the delivery of University award programs or units of study that are, or may in the future be, given credit or recognised for advanced standing, the sponsor must:
 - (a) establish or identify existing quality assurance processes to ensure that the standards of the proposal are equal to those of the University in respect of student admission, teaching, assessment, access to facilities and resources (including library and e-learning resources), student rights and responsibilities, student feedback and program review; and
 - (b) identify any administrative and support arrangements required for the proposal.

7 Developing proposals involving commercial activities

- (1) In addition to the requirements of clause 6, if the proposal is for a commercial activity, the sponsor must ensure that the proposal document includes sufficient information for the proposal to be adequately assessed in accordance with the following factors, to the extent that they are appropriate to the nature and level of risk of the activity and to the type of activity:
 - (a) consistency with:
 - (i) the object, and principal or other functions of the University; and

Note: The object of the University is defined in section 6(1) of the [University of Sydney Act 1989 \(as amended\)](#) as:

the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.

 - (ii) the constitution of the responsible University controlled entity (if applicable).
- (b) the identifiable benefit to the University (irrespective of whether that is a direct financial or other benefit) based on sound business case evaluation principles and risk and return considerations;
- (c) the source of funding (external, internal or a mixture of both) for the life of the proposal;
- (d) appropriate procedures for management of the identified risks in accordance with their nature and level, including the potential for corruption;
- (e) insurance of identified risk, on the basis that insurable risk exceeding \$100,000 should be insured, where reasonable and obtainable;
- (f) the suitability of the proposed structure for the commercial activity, from a legal, tax and accounting perspective;
- (g) accounting, auditing and reporting mechanisms that may be appropriate to the type of activity; and
- (h) compliance with any applicable:

- (i) University policies relating to cost recovery; and
- (ii) competitive neutrality principles as outlined by NSW Treasury from time to time.

Note: As at the date of these procedures these can be found at

www.treasury.nsw.gov.au/__data/assets/pdf_file/0007/3868/tpp02-1.pdf

- (2) The proposal document and copies of all necessary endorsements must be provided to the Chief Financial Officer for assessment in accordance with the [Guidelines Concerning Commercial Activities](#).

8 Obtaining final approval

- (1) The sponsor is responsible for providing the Senate or the delegate with the documentation necessary to give approval, including:
 - (a) the proposal documents;
 - (b) if relevant, the Expression of Interest;
 - (c) the business plan;
 - (d) any advice or comment received from the Chief Financial Officer;
 - (e) the proposed form of any agreement document; and
 - (f) copies of any necessary approvals, including Academic Board approvals.
- (2) A delegate will only approve a proposal if satisfied that:
 - (a) it is feasible and desirable in accordance with terms of this policy;
 - (b) if applicable, the requirements of the [Guidelines Concerning Commercial Activities](#) have been met; and
 - (c) if the proposal involves the delivery of an award course or courses:
 - (i) the CCPC has considered the strategic fit, business case and any written advice from the Chief Financial Officer and endorsed the proposal;
 - (ii) UE has considered the feasibility and desirability of the proposal and recommended that it proceed; and
 - (iii) all necessary Academic Board approvals have been obtained.

NOTES

Agreements for Educational Services Procedures 2011

Date adopted: 23 June 2011

Date amended: 27 October 2016 (administrative amendments only)

7 June 2017 (administrative amendments only)

Date commenced: 23 June 2011

Administrator: Deputy Vice Chancellor (Education) and Registrar

Review date: 23 June 2014

Related documents: [University of Sydney Act \(1989\) \(as amended\)](#)
[University of Sydney \(Delegations of Authority – Administrative Functions\) Rule 2016](#)
[Intellectual Property Policy 2016](#)
[Learning and Teaching Policy 2015](#)
[Agreements for Educational Services Policy 2011](#)
[Outside Earnings of Academic Staff Policy 2011](#)
[Guidelines Concerning Commercial Activities](#)

AMENDMENT HISTORY

Provision	Amendment	Commencing
Throughout	Links to external documents updated Typographical errors corrected	
Schedule 4 cl 2(2)	Reference to appendix deleted	
Various	Links to revised policies updated	6 June 2016
6(1)(f)	Links to revised policy updated	17 August 2016
4(5); 6(1)(a); 8(2)(c)(ii)	Changing references to Senior Executive Group (SEG) to University Executive (UE)	27 October 2016
4(5); 6(1)(a); 8(2)(c)(i); Schedule 4	Minor typographical errors, administrative amendments only	27 October 2016
7(1)(a)(i); related documents; Schedules 1 and 2	Amended hyperlinks to <i>University of Sydney Act 1989</i>	7 June 2017
Related documents; Schedule 4: 2(3)	Updated references to University of Sydney (Delegations of Authority – Administrative Delegations) Rule 2016	7 June 2017

SCHEDULE 1 - AGREEMENTS FOR EDUCATIONAL SERVICES

PROPOSAL DOCUMENT – COMMERCIAL ACTIVITY

Note: This form is to be completed for proposals that are 'commercial activities' as defined in section 26A of the [University of Sydney Act 1989](#)

. Please see the [Agreements for Educational Services Procedures 2011](#) for further information.

If the proposal is not a commercial activity, it is not necessary to complete this form. Please complete the *Agreements for Educational Services: Proposal Document – Non-Commercial Activities* form at Schedule 2.

PART A.

Name of proposal	
Name of sponsor	
Head of School or Discipline Leader	
Faculty or School	
Signature of sponsor	
Date	

PART B.

(1) Description of the proposal

(2) Rationale for the proposal

(3) Reputation and standing of the proposed partner (preferably a government instrumentality or large and well-established private sector organisation)

(4) Apparent benefits, costs (including any opportunity costs, hidden costs and cross-subsidies) and risks of the proposal to the School, Faculty and the University

(5) Description of how the proposal meets the strategic objectives and policies of the relevant School, Faculty or Discipline

(6) Description of how the Proposal affects existing or other proposed initiatives in like discipline areas and geographical regions (whether owned by the University or by other education providers)

PART C.

REQUIRED FOR COMMERCIAL ACTIVITIES

(7) Description of how the proposal is consistent with the object, and principal or other functions, of the University

(8) Where relevant: Description of how the proposal is consistent with the constitution of the responsible University controlled entity

(9) Identifiable benefit to the University (irrespective of whether that is a direct financial or other benefit) based on sound business case evaluation principles and risk and return considerations

(10) Source of funding (external, internal or a mixture of both) for the life of the proposal

(11) Proposed procedures for management of the identified risks, in accordance with their nature and level, including the potential for corruption

(12) Where relevant: Description of any insurance for the identified risks (any insurable risk exceeding \$100,000 should be insured, where reasonable)

(13) Explanation of the proposed structure for the proposal, from a legal, tax and accounting perspective

(14) Description of the accounting, auditing and reporting mechanisms that may be appropriate to the proposal

(15) Description of how the proposal complies with any applicable University policies relating to cost recovery, and competitive neutrality principles as outlined by NSW Treasury from time to time

PART D.

FOR COMPLETION BY THE DEAN:

		Yes	No
A.	I endorse the proposal.		

(IF RELEVANT)

It is not appropriate for the sponsor to develop the proposal because:

		Yes	No
A.	The proposal is not feasible or desirable.		
B.	The proposal is for private professional activities.		
C.	Additional information is required.		
D.	The proposal is otherwise inappropriate to proceed Please provide details:		

Signature of the Dean:

Date:



SCHEDULE 2 - AGREEMENTS FOR EDUCATIONAL SERVICES

PROPOSAL DOCUMENT – NON-COMMERCIAL ACTIVITY

Note: This form is to be completed for proposals that are not 'commercial activities' as defined in section 26A of the [University of Sydney Act 1989](#). Please see the [Agreements for Educational Services Procedures 2011](#) for further information.

PART A.

Name of proposal	
Name of sponsor	
Head of School or Discipline Leader	
Faculty or School	
Signature of sponsor	
Date	

PART B.

(1) Description of the proposal

(2) Rationale for the proposal

(3) Reputation and standing of the proposed partner (preferably a government instrumentality or large and well-established private sector organisation)

(4) Apparent benefits, costs (including any opportunity costs, hidden costs and cross-subsidies) and risks of the proposal to the School, Faculty and the University

(5) Description of how the proposal meets the strategic objectives and policies of the relevant School, Faculty or Discipline

(6) Description of how the Proposal affects existing or other proposed initiatives in like discipline areas and geographical regions (whether owned by the University or by other education providers)

PART C.

FOR COMPLETION BY THE DEAN:

		Yes	No
A.	It is appropriate for the sponsor to develop the proposal.		

(IF RELEVANT)

It is not appropriate for the Sponsor to develop the Proposal because:

		Yes	No
A.	The proposal is not feasible or desirable.		
B.	The proposal is a commercial activity.		
C.	The proposal is for private professional activities.		

D.	Additional information is required.		
E.	<p>The proposal is otherwise inappropriate to proceed</p> <p>Please provide details:</p>		

Note: If the proposal is a commercial activity, this document must be expanded to include sufficient information for the proposal to be assessed in accordance with the additional factors listed at sub-clause 8(1) of the [Agreements for Educational Services Procedures 2011](#). Please complete *the Agreements for Educational Services: Proposal Document – Commercial Activities form* at Schedule 1.

Signature of the Dean:

Date:

SCHEDULE 3 – AGREEMENTS FOR EDUCATIONAL SERVICES

EXPRESSION OF INTEREST (EOI)

Indicative length of EOI: 2 to 3 pages.

Name of proposed course: Course name

Faculty: Faculty name

Proposed year of introduction: Year

Submitted by: Name of program head or Dean

Date: Date submitted to CCPC

1. Background

Provide a brief background to the proposed course, including the deletion or amendment of any subsequent course.

2. Strategic fit

(1) Relevance of the new course

Provide detail on how the course is relevant to the faculty, industry and the university.

(2) Strategic direction

Outline how the course fits within the strategic direction of the faculty and the university, in particular in relation to initiatives in the 2011 – 2015 White Paper.

(3) Inter faculty collaboration

Provide detail of potential engagement with other faculties to determine how the course can be developed to maximise the position of the faculty and university within the wider discipline/profession.

3. Market analysis

High level detail of the expected student demand for the course, support within the market for the course and graduate employment outcomes. Provide details of major local and international competitors (if applicable)

4. Business case

A high level outline of how this new course will be financially viable and sustainable e.g use of existing resources, development costs, proposed fee, proposed number of students. Full details should be provided in the full proposal

5. Proposed course structure

How will this course be structured? Is it different to other courses already in the faculty or University? Does the course involve shared teaching with other faculties or institutions?

6. Authorisation

EOI is to be authorised by the Dean of the faculty.

SCHEDULE 4 - AGREEMENTS FOR EDUCATIONAL SERVICES

BUSINESS CASE

1. Description of initiative

Specify the high level description of scope for this initiative (less than 150 words).

(1) Objective of initiative

Detail why the initiative is required. How it is linked to achieving organisational strategic objectives? Reference to the *University's Strategic Plan 2011-2015*.

(2) Deliverables

Detail what the proposed initiative is trying to achieve and/or what is the issue being addressed?

(3) Options and acceptance criteria

Include details of the other options considered and an evaluation of the opportunities, constraints and limitations of each option and how the preferred option was selected. The Base Case of "Do Nothing" should also be considered.

2. Initiative attributes

(1) Initiative timetable

Outline the estimated time required to complete the initiative and critical dates that need to be achieved. Describe the outcome or status expected at each critical date.

(2) Expected investment, ongoing costs, revenues and funding sources

Outline the estimated:

- Total investment requested for the initiative
- Show spread over time - phased annually (where proposal expands more than one year)
- Detail the proposed source, including User contributions and the amount of funds
- When initiative is completed, estimate annual ongoing costs and revenues
- How will annual ongoing operational costs be funded?

(3) Stakeholders and policies

Detail all the areas who are affected by the initiative or who may have an interest in this initiative. Include both internal and external stakeholders. Indicate whether consultation has taken place.

Refer also to the University's policies for compliance and best practice, including:

- [Guidelines for Inter-Institutional Agreements](#)
- [Centres; Policy for Establishment, Management and Review](#)

- [Controlled Entity Policy and Register of Entities](#)
- [University of Sydney \(Delegations of Authority - Administrative Functions\) Rule 2016](#)
- [Intellectual Property Policy 2016](#)
- [Asset Acquisition, Transfer and Depreciation procedures](#)
- [Travel Policy](#)

(4) Intellectual property

List any existing intellectual property which is intended to be used in delivery of this proposal.

List any intellectual property which is intended to be created in delivery of this proposal.

Identify the owners (or proposed owners) of any such intellectual property, and describe provisions to be adopted for managing it during and after the project.

(5) Risk management

Identify the key risks associated with the delivery of the initiative and risks that may be mitigated through its implementation. Detail how these risks can be managed. Detail any functionality, information or reports that must be available or evident for the initiative to meet University requirements.

Refer also to the University's Risk Management policies including property insurance, travel insurance, taking equipment overseas and fieldwork outside Australia; http://sydney.edu.au/audit_risk/insurance/index.shtml

(6) Dependencies

In this sub-section list those items, issues, events, other units, etc that the initiative is dependent on in order to achieve its objectives. In listing each item, please describe the item and explain reasons for the dependency.

As well as the core deliverables and resources required for them, include enabling aspects such as all HR considerations and Library consultation. Evidence of separate input from these sources may be required.

(7) Key financial assumptions

Please state the specific assumptions that are contained in the Business case analysis, for example:

- Basis of capital cost / investment estimates
- Basis of forecasts of operating costs and revenues
- Estimated residual asset values at the completion of the initiative

Standard assumptions:

- Costs and benefits have been analysed in "real terms" over the life of the initiative, i.e. expressed in current dollars, excluding expected nominal increases due to inflation
- The projections of costs and benefits have been discounted by a "real" discount rate of 7%
- The projections have been subject to sensitivity testing using "real" discount rates of 4% and 10%

- Unless otherwise stated, the Analysis excludes corporate tax and non cash items such as accounting depreciation

3. Benefit summary

In the table below please list the quantitative benefits identified from your business case analysis. Please note:

- Net Present Value (NPV): an initiative is potentially worthwhile (subject to the availability of funds) if the NPV is greater than zero
- Benefit to Cost Ratio (BCR): an initiative is potentially worthwhile if the BCR is greater than 1, i.e. the present value of benefits exceeds the present value of costs
- Internal Rate of Return (IRR): an initiative is potentially worthwhile when the IRR is greater than the discount rate

Also, in the table below please list the qualitative benefits identified from your business case analysis, for example:

- Social impacts
- Avoided costs or impacts, i.e. costs or impacts that may be avoided if the initiative proceeds
- Benefits to stakeholders not reflected in the revenue analysis

Quantitative benefits (at 7% discount rate)		Qualitative benefits	
Description	Amount	Item	Description
Present Value of Costs	\$ m		
Present Value of Benefits	\$ m		
Net Present Value	\$ m		
Benefit to Cost Ratio	times		
Internal Rate of Return	%		

4. Sensitivity analysis

In the table below please list the quantitative benefits identified from the sensitivity analysis of your business case.

Quantitative benefits Description	Base case		
	4%	7%	10%
Present Value of Costs	\$ m	\$ m	\$ m
Present Value of Benefits	\$ m	\$ m	\$ m
Net Present Value	\$ m	\$ m	\$ m
Benefit to Cost Ratio	times	times	times
Internal Rate of Return	%	%	%

Name : _____

Title : _____

Signature : _____

Date : _____