University Partnerships Procedure

Section 1 - Purpose

(1) This procedure supports the University Partnerships Policy and sets out the process and requirements for initiating, developing, delivering and managing a partnership arrangement.

Scope

(2) This procedure has the same scope as the University Partnerships Policy.

Section 2 - Policy

(3) See the University Partnerships Policy.

Section 3 - Procedure

Part A - Partnership processes

Initiating partnerships

(4) Organisational units or individuals initiating a partnership must have in-principle support from the appropriate Band 7 or above sponsor (see the University Partnerships Policy). Sponsor support may be:

a. evidenced as part of business-as-usual practice and processes for organisational units or staff whose roles and responsibilities are to initiate and implement partnerships, or
b. evidenced in writing for other organisational units or roles, and the sponsor may require a business case before giving their support.

(5) Potential partners who approach the University should, in the first instance, be directed:

a. for a domestic partnership proposal, to the Office of the Executive Director, Engagement and Enterprise
b. for an international partnership proposal, to the Office of the Pro Vice-Chancellor, International

for initial assessment and determination of roles and responsibilities (as outlined in the University Partnerships Policy).

Negotiations

(6) Depending on the partnership type, it may be appropriate or necessary to begin negotiations with the potential partner before a business case and internal stakeholder consultation is completed.

(7) If you require guidance on how to proceed, contact the Office of the Executive Director, Engagement and Enterprise (ED, EE) in the first instance.

(8) Notwithstanding clause (6), there are specific officers and organisational units that must be consulted before any approach is made to a potential partner (e.g. the Office of Pro Vice-Chancellor First Nations Strategy regarding

potential partnerships with First Nations organisations or communities; the Office of Global Engagement regarding potential partnerships with a foreign entity). See the University Partnerships Policy for more information.

(9) University employees involved in negotiations with potential partners must declare and manage any actual, potential or perceived conflicts of interest in accordance with the Conflict of Interest Procedure. In particular, University employees must not be involved in negotiations or commit the University to any agreement if they have a pecuniary relationship or significant non-pecuniary relationship with any third-party partner.

Business case

(10) Where the partnership is of a strategic nature and beyond the business-as-usual remit of delegated authorities, a business case must be developed and approved by the appropriate Band 7 or above sponsor. Factors that would determine a partnership is of a strategic nature may include, but is not limited to, its academic risk profile, commercial value and other University obligations under HESF and ESOS legislation. Contact the Office of ED, EE for guidance where required.

(11) The business case for partnerships must include information required to adequately assess the strategic alignment, costs, benefits, risks and feasibility of the proposed partnership. The level of detail required in the business case will vary depending on the type of partnership, but must:

a. identify the internal and external stakeholders and provide evidence of their engagement and endorsement of the proposal
b. state the business need, how the partnership meets that need, and how it aligns with the University Strategy 2030
c. provide evidence that potential partners have been vetted as required (see 'Partner vetting' in this procedure)
d. identify any conflicts of interest and how these will be managed
e. state the organisational unit and primary partnership manager who will be responsible for delivering, managing and monitoring the partnership
f. provide plans for:
    i. delivery, management and evaluation of the partnership
    ii. steps for winding-up and dissolving the partnerships
g. address any other requirements relevant to the partnership type set out in clause (12).

(12) Depending on the type of partnership proposed, one or more of the following may apply:

a. For partnerships that are a commercial activity involving the exchanges of goods or services, where the main purpose of the exchange is commercial and the monetary value received or expended by the University will exceed $100,000 per annum, the business case requirements set out in the Commercial Activities Policy must be followed.
b. For partnerships that involve international agreements:
    i. the Office of Global Engagement (based on guidelines approved by Legal Services) must determine whether the proposed arrangement is required to be notified to the Minister for Foreign Affairs via the online portal (refer to the fact sheet offering guidance on institutional autonomy for further information on whether the arrangement is reportable)
    ii. there may be other processes established by the University in accordance with the Guidelines to counter foreign interference in the Australian university sector (October 2021) that must be followed. See the Legislative Compliance Guide for further information.
c. For partnerships that involve First Nations organisations, communities or students, the business case must be endorsed by the Office of Pro Vice-Chancellor First Nations Strategy.

d. For educational cooperation partnerships involving articulation and credit agreements and arrangements, the requirements of the Credit Policy must be followed.
e. For educational delivery partnerships:
    i. the Course and Subject Policy sets our requirements for award and non-award courses delivered by or for the University
    ii. the Higher Degree by Research Policy sets out requirements for dual or joint HDR awards
    iii. the Graduation Policy sets out requirements for acknowledging third parties on awards of the University.
f. For research partnerships, the Office of Research Services provides a template outlining what a research partnership agreement must include.

Partner vetting and due diligence

(13) Sponsors, relationship leads, organisational units or individuals developing partnership arrangements must ensure appropriate due diligence and vetting of potential partners. This will include, but is not limited to the following:

a. Registration of the proposed partner by appropriate authorities (where relevant), positive regulatory history, ownership and governance and management structures; strong reputation and standing and quality of provision aligned with the University's strategy and vision.
b. All courses must comply with external and internal regulatory and legislative requirements of Australia and, if delivered overseas, the host country.
c. For third-party education delivery partnerships, the additional vetting and due diligence requirements in Part C of this procedure must be completed.
d. For partnerships with a total financial or strategic value to the University greater than $150,000, the potential partners must be vetted as stated for 'Business associate vetting' in the Fraud and Corruption Control Policy.
e. Partnership arrangements and potential partners may be evaluated for the risk of modern slavery. Either:
    i. the potential partner's statement in the Australian Government's Online Register for Modern Slavery Statements will be reviewed for this purpose, or
    ii. where an arrangement is determined by the sponsor to be related to processes or operations with a high risk of modern slavery, the potential partner may be asked to provide a statement with information equivalent to the criteria set out in section 16 of the Modern Slavery Act 2018 (Cth).
f. Partnership arrangements and potential partners must also be evaluated with consideration of the University's environmental, social and governance commitments, as set out in the Responsible Investment Guidelines and Finance Management Policy.

Partnership agreements and approvals

(14) Partnerships must be formalised through a signed agreement. The type of partnership agreement will depend on the objectives of the partnership and the chosen partnership structure:

a. A contract is required for legally binding agreements between the University and the partner(s).
b. A memorandum of understanding (MOU) can be used to formalise the terms of the relationship between the University and the partner(s), where no legally binding agreement is required. MOUs will normally only be used during the negotiation stages of a partnership agreement.

(15) Legal Services must review and provide written advice on all agreements before they are signed, unless an approved agreement template is used without amendment (see the Legal Policy).

(16) The agreement must:

a. establish the rights and obligations of the University and its partners, including, but not limited to, financial and

in-kind commitments and other contributions, agreed deliverables, milestones, and governance structures

b. include monitoring and reporting frameworks in any instance that the partnership involves educational delivery
c. where relevant, provide authority for the third party to engage with external partners on behalf of the University and specify conditions for this
d. outline an approved set of partnership key performance indicators spanning regulatory, legislative and commercial deliverables to be achieved; include specific provisions for, if these deliverables are not met, terminating and exiting the agreement in compliance with Australian and international regulatory obligations
e. outline additional requirements associated with reputation, marketing and branding of the University under the proposed partnership
f. consider any other relevant University obligations under the HESF and ESOS framework.

(17) The partnership agreement must be executed or signed by a delegated authority through the Delegations and Authorisations Policy and relevant delegation schedules. The delegation is not always direct and advice from Legal Services may be required. The delegation may be conferred as an authority:

a. to sign a specific type of partnership agreement
b. to sign contracts or agreements related to a specific function
c. to exercise a specific function, to which the execution of an agreement is an incidental function allowed under the Delegations and Authorisations Policy.

(18) A partnership agreement should not be signed unless:

a. the delegated approver holds the necessary delegation
b. Legal Services has provided written advice on the agreement as per clause (15), and any risks or issues identified have been addressed, accepted and/or treatments are in place, and
c. all other relevant internal approvals have been obtained.

(19) For third-party education delivery partnerships, recruitment and marketing to students for a partnership must not commence until a partnership agreement has been signed by both parties, relevant University approvals have been obtained and, if applicable, CRICOS and/or relevant approval has been obtained from the host country government for international partnerships.

Partnership delivery and ongoing management

(20) Responsible organisational units and primary partnership managers will deliver and manage the partnership arrangements in accordance with the approved business case and/or partnership agreement.

(21) Requirements for delivery and management will vary depending on the nature of the partnership, but the following elements must be addressed:

a. Contract management: the primary partnership manager is responsible for contract management requirements and activities in accordance with all regulatory, legislative (e.g. Government Information (Public Access) Act) and good practice guidelines and the University's related policies and procedures. The signed agreement must be captured in the University's record management system in accordance with the Records Management Procedure.
b. Risk management: the primary partnership manager and partnership sponsor must ensure that there is ongoing risk assessment and management in accordance with the Risk Management Policy and Risk Management Procedure.
c. Financial management: all financial arrangements for partnerships may be subject to the Commercial Activities

Policy, and any other requirements that the University Council or executive management of the University require at the time of the development of the proposal.

d. Branding: all branding, marketing, promotion or other communication of the partnership activity will be undertaken in accordance with the Communications and Marketing Policy.
e. Partner enquiries: ensure that partnership stakeholders know who they can contact within the University, and that stakeholders within the University know how to address or escalate any enquiries back to the partner.
f. Legal issues: primary partnership managers must ensure that only they or persons acting with their authorisation provide instructions to Legal Services on legal matters related to partnership arrangements, including requests to draft or review partnership agreements.
g. Information management and recordkeeping: responsible organisational units and primary partnership managers must ensure that accurate and complete records are kept in accordance with all regulatory and legislative requirements and the Records Management Policy.
h. Intellectual property: ownership, management, development and utilisation of the University's intellectual property is subject to the requirements of the Intellectual Property Policy.
i. Physical assets: use of the University's physical infrastructure and premises is subject to the authorities and approval requirements of the Facilities and Premises Policy. Consultation with Facilities Management is required where a partnership involves the use of University facilities, buildings, or physical infrastructure.
j. Information technology and digital assets: Use of University technology, including systems, networks, platforms, or data, is subject to the authorities and approval requirements of the Information Technology Policy. Consultation with the Division of Information Technology is required where a partnership involves the use of, or integration with, University technology.

(22) For third-party education delivery partnerships, the additional partnership management requirements in Part C of this procedure must be completed.

Monitor and evaluate

(23) Partnership arrangements must be monitored and reported on in accordance with responsibilities as well as any legislative and regulatory requirements. The sponsor must ensure that the primary partnership manager is meeting the reporting requirements.

(24) Partnership arrangements must be evaluated regularly to ensure that the arrangement is meeting agreed objectives, financial targets, compliance requirements and other necessary outcomes. Depending on the type of partnership arrangement, evaluation is normally required every 12 months.

(25) For third-party education delivery partnerships, the additional monitoring and evaluation requirements in Part C of this procedure must be completed.

Terminating partnerships

(26) Termination of a partnership arrangement must be carried out in a manner that ensures the University's interests are protected (including the interests of students) and as articulated in the partnership agreement terms.

(27) The primary partnership manager will determine the process and accountabilities in relation to the termination of partnership arrangements, taking into account any requirements of the relevant partnership agreement and consultation with Legal Services.

(28) When making decisions on the termination of a partnership, the University will consider:

a. where relevant, teach out responsibilities to students
b. legal, financial and reputational implications

c. other areas of the University involved in the partnership
d. compliance with relevant regulatory and legislative requirements.

(29) Termination of a partnership must be approved by the appropriate delegated approver. Typically, this will be the delegated approver that signed or executed the partnership agreement.

Part B - Stakeholders

(30) The following table sets out the key stakeholders for each partnership category, however, it is not exhaustive. The sponsor and initiating organisational unit must attempt to identify and include all impacted stakeholders when developing the business case.

(31) The University has standardised a management framework that outlines work practices associated with partnerships. This framework must be utilised consistently for all relevant partnerships per clause (32)c. of this procedure.

(32) Stakeholder roles are generally defined as follows:

a. Partnership sponsor has the ultimate accountability and responsibility for the partnership.
b. Relationship lead is responsible for partnership establishment, new business development and high-level engagement with the partner. For third party education delivery partnerships, the relationship lead is responsible for the additional vetting and due diligence requirements in Part C of this procedure.
c. Primary partnership manager is responsible for day to day relationship management, facilitation and development within the partnership.
d. Key Stakeholders have responsibility for individual attributes of a partnership agreement.

Partnership category	Partnership sponsor	Relationship lead	Primary partnership manager	Key stakeholders
Education delivery (award)	Provost and Deputy Vice-Chancellor (Academic)	Executive Dean Pro Vice-Chancellor (International), for international partnerships	Office of the Executive Director, Engagement and Enterprise (ED, EE)	Academic Portfolio Office of the Pro Vice-Chancellor, International Business Development Division of Student Experience
Education delivery (non-award)	Provost and Deputy Vice-Chancellor (Academic)	Executive Dean Pro Vice-Chancellor (International), for international partnerships	Office of the ED, EE	Academic Portfolio Office of the Pro Vice-Chancellor, International Business Development
Educational cooperation	Provost and Deputy Vice-Chancellor (Academic)	Executive Dean Pro Vice-Chancellor (International), for international partnerships	Office of the ED, EE	Academic Portfolio Business Development

Partnership category	Partnership sponsor	Relationship lead	Primary partnership manager	Key stakeholders
Regional/community partners	Executive Director, Engagement and Enterprise	Executive Director, Engagement and Enterprise	Office of the ED, EE	Communications and Government Relations Office of Pro Vice-Chancellor First Nations Strategy Faculties Office of the Pro Vice-Chancellor, International Division of Student Experience Business Development
Research	Deputy Vice-Chancellor and Vice-President (Research)	As relevant: Executive Director, Engagement and Enterprise Executive Director, Research Institute Executive Director, AgriPark Pro Vice-Chancellor Research (Performance and Governance)	Office of the Deputy Vice-Chancellor and Vice-President (Research) – where pure research focus Office of the ED, EE – where broader partnership focus (beyond solely research)	Office of the Deputy Vice-Chancellor and Vice-President (Research) Office of Research Services Academic Portfolio Research Institutes Office of the Pro Vice-Chancellor, International Business Development
Government	Vice-Chancellor	Executive Director, Engagement and Enterprise	Communications and Government Relations	Academic Portfolio Office of the Pro Vice-Chancellor, International Division of Student Experience Division of Customer Experience Business Development

Part C - Third-party education delivery arrangements

(33) Given the additional risks and obligations associated with third-party education delivery arrangements, this part sets out additional requirements that must be put in place for all third-party education delivery arrangements where students are enrolled in a University course delivered by a third party.

Additional vetting and due diligence for third-party education delivery arrangements

(34) For third-party education delivery partnerships, an evidence-based assessment must be made by the relationship lead to consider the:

a. strategic purpose
b. proposed partner's reputation
c. demonstrated capability and track record of delivery for similar partnerships (where relevant)
d. ability to deliver the services and responsibilities of the proposed partnership
e. possible impact on existing partnerships
f. country(ies) or state(s) to be included in the proposed partnership

g. financial viability of the partner and proposed partnership
h. financial, commercial and reputational impacts on the University
i. risks, including but not limited to emergency plans, risk management and frameworks
j. quality assurance provisions
k. exit strategies, if the partnership is required to cease prior to expiration.

(35) No third-party education delivery arrangement will be entered into without the completion of due diligence checks (including but not limited to those outlined directly above) and the development and signature of a formal contract by the relevant delegated authority (see 'Partnership agreements and approvals' heading in Part A of this procedure).

Additional management requirements for third-party education delivery arrangements

(36) For third-party education delivery partnerships, the following requirements must be in place to manage the partnership:

a. A partnership operating manual outlining key responsibilities for both parties and relevant information to support the effective management and delivery of the partnership.
b. A partnership steering committee to provide oversight and strategic direction on all partner relationship matters.
c. An academic management committee (AMC), chaired by the relevant senior faculty academic, to provide for academic management of courses delivered within the third-party education delivery arrangement and provide consideration and guidance on academic matters in accordance with the Higher Education Standards Framework.
d. Where applicable, additional sub-committees established by the partnership steering committee with clearly defined responsibilities focused on key operational areas relevant to the partnership.

Additional monitoring and evaluation requirements for third-party education delivery arrangements

Annual review

(37) An annual review of each third-party education delivery arrangement's performance against contractual and regulatory obligations should be conducted by the Risk and Compliance Unit.

(38) The annual review should seek input and evidence, as applicable, from all applicable stakeholders (including the partner) against relevant contractual and regulatory obligations. The annual review is designed to ensure the following:

a. The student experience of Charles Sturt University students through the partner is at least equivalent to that of students at sites where the University directly delivers the qualification without a third party (direct delivery sites).
b. The quality of academic delivery, including teaching, teaching materials and assessment, and accessibility of teaching staff to students seeking individual assistance, is equivalent to delivery at the University's direct delivery sites.
c. Contractual obligations have been met by the partner and the University.
d. The partnership is being delivered in line with regulatory obligations including the Higher Education Standards Framework and the ESOS Framework.
e. That risk is being appropriately managed and mitigated.
f. The partnership is proactively assessed for ongoing viability.

(39) In conducting the annual review, a site visit should be conducted where relevant to ensure the ongoing suitability of the premises.

(40) The completed annual review, together with any recommendations made to improve performance, should be presented to the partnership steering committee, Academic Senate and the Audit and Risk Committee. This report should include detail of the progress made in implementing any recommendations identified from the previous review.

(41) Following the annual review, it is the responsibility of the relevant University functional team to implement identified recommendations. The primary partner manager and steering committee hold responsibility for monitoring progress and ensuring that these are promptly addressed. Actions to address the recommendations will be recorded in the Enterprise Action Register.

(42) Actions that are not addressed within assigned timeframes will be escalated in line with the University's actions management process and reported to the Academic Senate and Audit and Risk Committee, where appropriate.

Partnership performance reporting

(43) Student performance reporting should be undertaken at least annually by the Academic portfolio for all third-party partnerships and reported to Academic Senate, as part of the University's overall monitoring of student performance.

(44) The Office of Engagement and Enterprise is responsible for reporting twice a year to the Executive Leadership Team on the performance of third-party arrangements. This report should include detail of:

a. course enrolment data
b. financial outcomes, including margin
c. key issues and risks
d. future planned partnership actions and activities, including opportunities for additional business development

Risk review

(45) A risk register must be developed for each individual third-party arrangement.

(46) Third-party partnership risk and the effectiveness of identified mitigation must be formally reviewed at least annually. This process is led by the primary partner manager and should be endorsed by the relevant partnership Steering Committee.

Section 4 - Guidelines

(47) Nil.

Section 5 - Glossary

(48) The procedure uses the terms defined in the University Partnerships Policy glossary and refers to partnership categories as stated in the policy.

Status and Details

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