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| <b>Last Modified</b>      | February 2021  |
| <b>Review Date</b>        | July 2021  |
| <b>Approval Authority</b> | Executive Director, Student Services and Communications  |
| <b>Contact Officer</b>    | International Partnerships Manager, International Relationships Office – Student Services and Communications |

## Introduction

The University has a number of formal links with organisations and tertiary education institutions outside of New Zealand. This policy outlines the process for establishing and managing these links.

## Policy Statements

### Types of agreements

There are three main types of agreement that the University enters into with overseas institutions:

#### 1. Memorandum of Understanding (MOU)

A MOU is a non-binding agreement to develop and carry out collaborative activities in a number of possible areas. Once a MOU has been signed, specific initiatives are then to be considered and agreed upon on a case-by-case basis.

It is important that MOUs do not include anything that may be deemed to create a legal relationship between the parties and that they clearly record that the parties do not intend to create legal obligations nor be bound by the terms of the Memorandum.

A MOU is not appropriate where the intention is to establish an agreement relating to a specific activity or one that is legally binding. Refer to the [Memoranda of Understanding Policy \(PDF, 429KB\)](#).

## **2. Memorandum of Agreement (MOA)**

This is an agreement outlining a specific collaborative activity. Depending on the content, a MOA may be a binding document.

There are two main types of MOA that the University enters into:

- those that establish a student exchange relationship, and
- those that establish a dual degree programme or credit transfer pathway.

The development of a MOA would normally follow the signing of a MOU. However, in some cases, it may be possible to proceed directly to a MOA without signing a MOU, if approved by International Partnerships.

## **3. Letter of Intent (LOI)**

This is a non-binding document that is used to indicate an intention to explore possibilities for cooperation between two institutions. It is a good option when there is pressure or an expectation to sign a document early in discussions.

### **The Use of MOUs, MOAs and LOIs.**

The University should pursue and respond to requests for formal links with overseas institutions only when these advance the University's strategic objectives, while at the same time minimising financial and reputational risk to the University. It is recognised that international engagement occurs regularly as part of normal teaching and research activity.

Not all international connections need to be formalised by a MOU or MOA, although there may still be value in doing so. The University prefers to avoid signing MOUs before discussions have identified specific collaborative activities that are of interest to both parties.

If there is pressure or an expectation to sign a MOU before discussions have started or before they have advanced to this stage, a LOI would normally be more appropriate.

However, it is recognised that for some institutions, signing a MOU will be a necessary first step. Proposals to establish a MOU in this situation will be considered on a case-by-case basis taking into account the quality of the proposed partner institution and the added value of signing the MOU.

### **Delegated Authority**

It is important to note that a MOU or MOA cannot be entered into without having gone through the below process and nobody other than the Vice Chancellor or his/her delegated representative can sign either type of agreement.

On the other hand, LOIs can be signed by any academic or manager of the University subject to prior approval from their Pro-Vice Chancellor or the Director of the International Relationships Office for non-College staff. The International Partnerships team should also be consulted with in advance and the letter should be lodged with them once signed.

There are other types of international agreements that a staff member, Department/School, Research Centre or College may wish to enter into on behalf of the University. Before doing so, International Partnerships (within the International Relationships Office (IRO)) should be contacted to check the agreement and the appropriate delegated authority.

## Review of International Links

To ensure that MOUs and other international links are active and of benefit to the University, they should be reviewed on an annual basis. This will be taken into account when an agreement is up for renewal. The normal period of currency for a university to university agreement is five years for existing, active partnerships, or three years for new or inactive partnerships.

## Procedures

### Establishing an MOU

An MOU is normally the first step in establishing a formal international link.

To establish a MOU with an overseas institution, the following procedures should be followed:

1. The University member seeking to initiate the proposal contacts International Partnerships who will provide initial feedback on the proposal and outline the process to be followed.
2. The initiator follows the internal approval process for their College.
3. Once College approval is received, the initiator submits a completed **MOU Background Document** to International Partnerships.
4. International Partnerships provide a draft agreement to be sent to the proposed partner.
5. If amendments are requested, or if the partner provides an alternative draft agreement, this will need to be approved by International Partnerships who may need to refer it to the Registrar's Office. The Registrar's Office may in turn need to refer it to the University's lawyers or insurer.
6. Once the agreement has been finalised, it will be submitted by International Partnerships to the Senior Management Team – International (SMTi) for comment

and approval. SMTi will have 5 working days to review the document, but further time may be needed if questions are raised.

7. SMTi will determine:

- The consistency of the proposal with the University's strategic objectives;
- Whether there are any resource implications and, if so, their nature and extent;
- Its feasibility and the practical steps that will be undertaken to develop and maintain the linkage;
- Whether the proposed relationship will have any potential adverse impact on the University's reputation, in which case a LOI may be recommended; and
- Whether a failure to enter into a proposed relationship will have negative consequences for the University.

8. If approved by SMTi, the agreement will be forwarded by International Partnerships to the Vice-Chancellor for signing and then to the partner institution.

9. Once signed by both parties, one signed original will be collected by International Partnerships who will take an electronic copy before supplying it to Information and Records Management.

## **Establishing an MOA**

The procedure to establish a MOA is the same as above, except where the proposal is to establish a student exchange agreement.

The procedure to establish a student exchange agreement is outlined in the [Student Exchange Agreements Policy and Procedures \(PDF, 839KB\)](#).

## **Review of International Agreements**

International Partnerships will initiate and conduct an annual review of the University's international agreements to check whether they are active and of benefit to the University, as well as to identify those that are due to expire in the following 12 months.

When an agreement is due to expire, International Partnerships will contact the initiator and other parties who have been involved in the relationship to determine whether there is value in signing a new agreement. To renew an agreement, SMTi approval is required. SMTi will base their decision on the success of the partnership since the agreement was signed and the potential for ongoing benefits to the University.

## Register of Formal Links

It is the responsibility of International Partnerships to maintain a register of all formal links between the University and overseas institutions. The register will be updated on an on-going basis.

## Related Documents and Information

### UC Policy Library

- [Memoranda of Understanding Policy \(PDF, 429KB\)](#)
- [Student Exchange Agreements Policy and Procedures \(PDF, 839KB\)](#)

### UC website and intranet

- [UC Council Delegation Schedule 2006-16 \(PDF, 434KB\)](#)

| Document History and Version Control Table  |  |   |             |
|---|--|---|-------------|
| Version   | Action   | Approval Authority                                      | Action Date |
| <i>For document history and versioning prior to 2013 contact <a href="mailto:ucpolicy@canterbury.ac.nz">ucpolicy@canterbury.ac.nz</a></i> |  |   |             |
| 1.00  | Converted document to new template and updated hyperlinks                    | Policy Unit   | Oct 2013    |
| 1.01  | Document review date pushed out  | Policy Unit   | Feb 2014    |
| 1.02  | Hyperlinks updated.  | Policy Unit   | Jul 2014    |
| 1.03  | Review dates pushed out.   | Policy Unit   | Sep 2014    |
| 1.04  | Contact Officer details updated and new review date set.                     | Policy Unit   | Aug 2015    |
| 2.00  | Major scheduled review.  | Director, Student Services and Communications           | Mar 2016    |
| 3.00  | Scheduled review – minor changes to existing content, sub-headings inserted. | Executive Director, Student Services and Communications | Sep 2019    |
| 4.00  | Scheduled review by Contact Officer  | Policy Unit   | Mar 2020    |
| 4.01  | Review date pushed out 6 months  | Policy Unit   | Feb 2021    |

**This policy remains in force until it is updated**