

# Agreements With Overseas Institutions And Cross-Border Activities

## INT-01



### About This Policy

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Responsible University Office:

Office of the Vice President for International Affairs

Responsible University Administrator:

Vice President for International Affairs

Policy Contact:

Shawn Reynolds

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International Partnerships

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### Related Information

- \* [IU International Strategic Plan \(2008\)](#)
- \* [IU Register of International Affiliations](#)
- \* [IU International Fact Book](#)
- \* [Resolution of the IU Board of Trustees on International Agreements 20 June 1987](#)
- \* [McRobbie Memo on International Agreements 11 February 2009](#)
- \*
- \* [University and College Ranking Resources - International Rankings](#)
- \* [Principles of Good Practice in Overseas International Education Programs for Non-U.S. Nationals \(1997\)](#)
- \* [INT-03 Overseas Study Program Development](#)
- \* [FIN-TRE-VI-100 Signature Authority and Delegation](#)

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### Scope

University units, administrators and faculty members proposing any type of cross-border activity or affiliation with a university or other entity in another country that should be conducted under an agreement. This policy governs 1) all agreements (including contracts, MOUs and other instruments) that establish an affiliation or partnership between Indiana University, or any of its units, and a foreign entity and 2) all offshore activities conducted under these agreements that commit Indiana University resources, provide foreign staffing or support for an IU program, or establish an institutional presence abroad.

The policy is not intended to affect the continuing ability of faculty, staff and students at IU to form research and other relationships with individuals at overseas institutions. It does not affect contracts for purchase or sale of goods or services that do not otherwise establish an international affiliation or partnership with IU or any of its units. Such contractual activities are regulated by IU Purchasing and IU Treasurer's Office, respectively. Please contact the Office of the Vice President for International Affairs (OVPIA) early in the process if you are unsure whether the activity your unit is considering falls within the scope of this policy.

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## Policy Statement

The development of all agreements, contracts, MOUs or letters of intent involving any unit of IU and an overseas institution or entity must be reported to the Office of the Vice President for International Affairs. No formal or informal assurances about these agreements should be conveyed until necessary approvals have been secured in accordance with this policy. The proposed activity may require a Primary agreement and/or Sub-agreement, or other agreement as described below.

### Affiliations with Foreign Universities

(1) Affiliations with overseas partner institutions are conducted under a Primary agreement between the partner and Indiana University. The Primary agreement must be signed by the president or highest ranking officer of each institution. Sub-agreements between IU units (such as a campus, school, department or center, or an administrative office) and units at the partner institution may be established under the Primary agreement. The President reviews Sub-agreements, but those are typically signed by the Vice President, Treasurer, or other authorized official.

(2) In most instances, the Primary agreement will be one of friendship and cooperation that is based on a standard Indiana University template.

(3) Both the Primary agreement and any Sub-agreement(s) between units must be reviewed and approved by OVPIA's Offshore Programs and International Affiliations Committee. The Vice President for International Affairs (VPIA) and the Office of the Vice President and General Counsel (OVPGC) will review and approve agreements before submitting them for the appropriate IU signatures.

(4) Primary agreements should create partnerships with institutions overseas ranked at the highest levels nationally, regionally, or internationally. IU will consider agreements with less highly ranked institutions if they have special expertise or capacity of specific value to IU or units of IU. In general, IU favors strategic partnerships, that is, partnerships that have substantial levels of activity with multiple IU units.

(5) Notwithstanding paragraph 1, an IU unit can submit a proposal for a Standalone unit-to-unit agreement with a unit at an overseas institution when a Primary agreement is not possible because of policies at the overseas institution or for other compelling reasons. All such exemption requests should be fully documented. The VPIA will review and approve the final agreements according to paragraph 3 before submitting them to the President for consideration.

### Offshore Activities

(6) Offshore activities that must be conducted under an approved agreement are those that represent IU as an institution or establish an IU presence overseas. Specific examples include but are not limited to the following:

- • • Commitments for overseas exchange programs;
- Collaborative degrees or certificates with a foreign entity, including Dual degree and Joint degree programs;
- Credit-bearing and non-credit Overseas distance education programs requiring a written agreement between IU and a foreign entity;
- Movement of IU faculty or staff overseas for the purpose of delivering IU coursework for credit;
- Operating an overseas office that represents IU or any of its units;
- Establishment or registration of an IU legal presence in a foreign country;
- Facilitated Transfer Admission Agreements and "Twinning" programs;
- Serving as a "school of record" for students at non-IU study abroad programs.

See the Definitions section for additional programs and agreements covered by this policy.

(7) All agreements are limited to a duration of five years. Agreements may be renewed by submitting and receiving positive consideration of an application for renewal.

(8) Agreements will be considered inactive if there are no activities by either institution for two or more years.

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## Reason For Policy

Indiana University values relationships with universities and agencies in other countries involving academic exchanges, overseas study, and development assistance programs (under unilateral, multilateral, and consortial agreements), and the President of the University acting through the Vice President for International Affairs determines whether the University is to enter into and maintain relationships of such nature.

Developing and enhancing agreements with overseas institutions of research and higher education is one of the key priorities of the 2008 IU International Strategic Plan. The Plan calls for the establishment of policies for the selection of partner institutions with which IU establishes agreements and emphasizes that these should be of the highest quality.

This policy is in place to make certain any international affiliation IU enters into is not only mutually beneficial but also sustained and active for the duration of its term. An application process that evaluates the partner institution's ranking and prospective exchange activities as well as an annual review of collaborative efforts accomplishes this. Finally, this policy is a resource for IU faculty and staff, outlining the factors that contribute to a positive linkage between IU and other universities and the process for establishing an international linkage and exchange.

Cross-border academic programs present special circumstances that have an impact on the reputation of the university, may raise health and safety considerations, and require compliance with foreign laws. Thus, detailed and thoughtful review prior to implementation is essential. The offering of IU degrees in an international context raises quality assurance questions about admissions, course content, faculty credentials, student registration and fee payments as they are applied in new contexts. These contexts often involve unfamiliar institutional cultures and regulatory environments. For such reasons, the 2008 International Strategic Plan calls for the inclusion in this policy of an application procedure and approval process for offshore programs.

The goals of this portion of the policy are to develop cross-border programs of the highest quality, to protect the reputation of IU, and to guard the interests of students, faculty, and staff who participate in these programs.

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## Procedure

Chancellors, deans, chairs, faculty, and staff are advised to contact OVPIA in advance of extensive planning of any overseas initiative, in order to determine the fit between the proposed activity, IU's International Strategic Plan and university-wide policies that will govern implementation of the activity.

Reference the OVPIA website or contact the OVPIA personnel listed below for specific guidelines for the activity you are proposing.

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## Definitions

The terms **affiliation, agreement and partnership** are used interchangeably in this policy.

The terms **“cross-border”** and **“offshore”** are also used interchangeably.

**“Strategic partnerships”** substantially enhance IU's research, teaching and service missions, with multiple, in-depth opportunities for the exchange of faculty, students, courses, and joint research. Strategic partnerships, because of their high level of engagement, are rarely entered into as a “first-contact” between universities, but are formed after involvement of top-level leaders from IU and the partner university. Specific examples of strategic partnerships: Moi University in Kenya, Sungkyunkwan University in South Korea, Sun Yat-sen University and Zhejiang University in China.

**“Primary agreement”** (a/k/a Memorandum or Agreement of Friendship and Cooperation) is a university-wide agreement that facilitates multi-level partnerships with a peer university. A Primary agreement does not involve a commitment to specific action but does confirm the institutional intent to develop a wide range of collaborative activities, which is documented by the signatures of the president or highest ranking officer of each institution.

**“Sub-agreement”** (a/k/a implementation plan) occurs under the umbrella of a Primary agreement and contains a detailed, functional plan for specific collaborative activities and engagements between units of the two institutions. Partnering units are most commonly departments, schools or campuses and their counterparts at the foreign university. These agreements include specific plans, timetables and budgetary arrangements. Strategic partnerships include multiple Sub-agreements.

**“Standalone unit-to-unit agreements”** are the exception to the requirement of a Primary agreement. If a Primary agreement does not exist with an institution but an implementation plan is desired, a Standalone unit-to-unit agreement can be requested. This type of affiliation is an exception to the preceding two paragraphs. Approval requires compelling evidence of the mutual benefit of this agreement.

A **“Letter of intent, Document of intent, or Memorandum of intent,”** when jointly signed between an IU school or department and a proposed partner institution is an agreement and cannot be issued independently of the OVPIA approval process.

A **“Letter of interest”** may be issued by a chancellor, dean or department chair. This would indicate that the unit is interested in exploring a linkage. The letter should indicate that IU has an established approval procedures for ratification of all agreements. The letter of interest should originate from IU and may not be co-signed by the proposed partner institution.

**“Offshore academic program”** refers to the offering of an IU degree, minor or certificate program to IU or international students at an international site.

Typically, such programs are offered in only one or two disciplines. There are several types of offshore degree programs including joint and dual degree programs and free-standing degree and certificate programs.

**“Joint degree”** programs occur when two partner universities collaborate to offer a degree program that neither would have the resources to offer by itself but which can be offered when combining expertise and instruction. These programs usually involve a two-way flow of students and substantial collaboration between faculty members. Upon completion of the degree program, both institutions' names appear on the diploma.

**“Dual degree”** programs are those in which two universities enable students to earn two degrees, one from each partner university. In dual degree programs, students typically take a portion of the courses required for the degree at one university and additional courses at the overseas partner university. Then, based upon the articulation of courses that has been agreed upon, each university awards its own degree for the work that the student has completed.

**“Twinning programs”** (a/k/a **“sandwich programs”**) offer international students one to three years of a U.S. degree at a partner institution abroad and one to three years at a U.S. university. These programs resemble a branch campus because the overseas courses match the content and standards of the U.S. program, are recorded on a U.S. transcript, and are accepted as applicable to U.S. degree requirements. But the goal of these programs is for students to transfer to a university in the United States. Students in such programs obtain only one U.S. degree.

**“Overseas distance education programs”** deliver IU credit and non-credit courses, degrees and certificates to students at locations abroad. This activity is covered by this policy when it includes international partners who assist with teaching, administration and/or student support, or when the distance education program requires a written agreement with a foreign entity. Such programs might, for example, contract with an educational company in a particular country to admit students, hold classroom sessions, administer tests, and monitor progress. In other cases, the distance program might be integrated into the offerings of an approved partner university.

**“Facilitated transfer admission agreements”** (a/k/a credit articulation/admission agreements) facilitate the flow of students from an overseas institution to an IU campus with articulation agreements for credit transfer to IU. These agreements lead to conferral of an IU degree.

**“Externally funded (technical assistance) projects”** are projects funded by the U.S. government, multi-national agencies, foundations or corporations. Signature authority for IU's contract and grant activities resides with the Associate Vice President for Research Administration, including when the

granting agency or subcontract agreement is with a foreign entity. Such activities are covered by this policy and require separate application to OVPIA only when they involve delivery of IU academic programs abroad (either on-site or via distance) or the establishment of an IU legal presence abroad (e.g., registration as a legal entity in the foreign country, payment of taxes to a foreign government, opening of project bank accounts abroad; hiring of direct employees). While this policy does not require application or committee approval for all components of IU overseas technical assistance projects, OVPIA will be pleased to advise units considering other high risk activities such as hiring independent contractors in the foreign country for a period greater than 90 days; long-term lease or purchase of housing or vehicle in the foreign country; and administration of large custodial funds internationally.

**“Institutional presence”** is when overseas units of a U.S. university such as overseas offices, field schools or centers are established in association with overseas partner universities, organizations, or consortia. Such centers are more limited in scope than branch campuses. Establishing an overseas center entails legal, financial and practical considerations that impact the reputation of the university.

**“School of record”** is used to refer to a U.S. university that has entered into a contractual relationship with a partner institution overseas in order to provide a U.S. transcript for courses offered abroad. The U.S. institution would implement mechanisms to have oversight, assuring academic controls and quality improvement.

Offshore **“branch campuses”** are degree-granting campuses of a U.S. university which are located abroad. In such cases, a local government, company or other third party sponsor might offer to provide the land and buildings for a campus if the university agrees to deliver degree programs. The third party sponsor also may underwrite start-up and operating costs and would be a stakeholder in the operation of the campus. In these programs, the goal is to have students begin and end their degree programs at the branch campus. Such offshore campuses have yet to be proven very effective for the universities that have pursued them, often costing large sums of money to educate very small numbers of students. A proposal for a branch campus would have to be of unusual and significant benefit to both IU and the host country, be formally initiated by the Office of the President and be approved by the IU Board of Trustees and IU’s accrediting agency, the North Central Association.

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Sanctions

If a unit, administrator, or faculty member creates an agreement without adhering to the policy outlined above, the University may choose to terminate that agreement and impose any of the costs that may arise out of such termination on the relevant unit.

If an agreement becomes inactive, OVPIA will delete that agreement from the online Register of International Affiliations and from the IU International Fact Book. If the agreement has not expired it can stay on file and be reinstated if activities do occur within the remaining duration of the agreement.

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Additional Contacts

Title	Contact Name	Phone	Email
Affiliations procedure	Shawn Reynolds	812-856-9024	<a href="mailto:shreynol@iu.edu">shreynol@iu.edu</a>
Overseas study	Kathleen Sideli	812-855-1139	<a href="mailto:sideli@iu.edu">sideli@iu.edu</a>
International students	Chris Viers	812-855-0493	<a href="mailto:cviers@iu.edu">cviers@iu.edu</a>

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History

This policy is based on the Resolution of the Trustees of Indiana University, 20 June 1987, and the Memorandum from President McRobbie to the President’s Cabinet, Deans and Chancellors, 11 February 2009.

The policy was revised in 2013 to consolidate into one policy two existing IU policies that were based on the Trustees 1987 resolution and the Presidential memo of 2009: INT-01 “International Affiliations for Two-Way Exchange of Faculty or Students” and INT-02 “Offshore and Cross-Border Programs.”

The goal of the 2013 revision was to clarify what activities are covered by the policy; to reduce the burden on faculty and administrators in understanding and completing the application process; and to streamline the approval procedure so that only one university committee would be responsible for review and approval of these activities.