Policy and Procedures Developing, Maintaining, and Evaluating Consortial and Contractual Agreements for International Educational Programs and Courses 9/19/12

I. Summary of the Process for Developing Agreements

A. Approvals. All agreements must be approved by the cognizant department chairperson(s) and dean(s), and the Associate Provost for International Programs. Agreements originating from a Healthcare College must also be approved by the Assistant Provost for Global Health Initiatives before being presented for approval to the Associate Provost for International Programs. Student exchange agreements must also be approved by the Director of Education Abroad.

B. Review Criteria. All approvals will be based on the following criteria:

- Congruence with the academic, research, and service priorities and plans of the University, and of the Department and College proposing the agreement.
- Congruence with UK’s mission.
- Anticipated benefits to students, faculty members, the University, and university stakeholders.
- Evidence of institutional quality, including, for example, reputation, international ranking, and accreditation status.
- Cost, feasibility, and sustainability of proposed activities.
- Possible risks to students, faculty members, the University, and university stakeholders (including, but not limited to, legal and financial risks, threats to safety and security, reputation, etc.)

C. Consultation. The faculty sponsor should consult with all stakeholders while developing concepts for an agreement and while engaged in preliminary discussions with a potential partner.

II. Developing a Non-Binding Memorandum of Understanding (MOU)

A. Department Review. The faculty sponsor must submit an International Cooperative Agreement Information form (“information form”) to his or her department chairperson for approval.

B. College Review. If the department chairperson approves, the information form is submitted for approval to the dean or dean’s designee.

C. Healthcare Colleges Review. If an agreement originates in a Healthcare College, the faculty sponsor must submit the information form for approval to the Assistant Provost for Global Health Initiatives, who will consult with the relevant dean(s), the Office of Clinical Contracting,
the Vice President for Clinical Academic Affairs, and, if house staff will be involved, the Graduate Medical Education office.

D. **Provost’s Review.** If approved by the College and, when required, by the Assistant Provost for Global Health Initiatives, the information form is submitted to the Assistant Provost for International Partnerships for the Provost’s review and approval. The Provost has delegated this responsibility to the Associate Provost for International Programs.

E. **Negotiation of the Agreement.** The Assistant Provost for International Partnerships will provide the faculty sponsor an MOU template approved by UK Legal Counsel, which should be used as the basis for negotiations with the proposed partner institution. The Assistant Provost for International Partnerships and the faculty sponsor will decide who will represent the University in negotiations (ordinarily it would be either the faculty sponsor or the Assistant Provost).

F. **Legal Review.** If any provision of a draft agreement differs substantively from the MOU template, the Assistant Provost for International Partnerships (or the Office of Clinical Contracting, as appropriate) will review the MOU with UK Legal Counsel, modify the agreement as needed, and continue negotiations with the proposed partner until an agreement has been drafted that is satisfactory to UK Legal Counsel. Final copies of an MOU may not be signed until approved, stamped, and dated by UK Legal Counsel (unless the MOU contains no substantive differences from the MOU template).

G. **Execution of the Agreement.** The Assistant Provost for International Partnerships (or the Office of Clinical Contracting, as appropriate) will prepare four copies for signature. The MOU is signed by the Associate Provost for International Programs and by an authorized institutional representative of the partner institution. UK may have additional signatories (e.g., faculty sponsor, department chairperson, dean, Vice President for Clinical Academic Affairs, etc.), but none can substitute for the Associate Provost for International Programs. The agreement may be signed in person or via the electronic or physical exchange of documents.

H. **Archives.** Two fully executed copies remain with the partner institution. Two copies are held by UK, one by the Assistant Provost for International Partnerships and one by the cognizant dean.

### III. Developing a Student Exchange Agreement (Non-Healthcare Colleges)

A. **Approvals.** All proposed exchange agreements must be approved by the cognizant department chairperson and dean, the Director of Education Abroad, and the Associate Provost for International Programs.

B. **Review Criteria.** Criteria for all reviews include those listed in paragraph I.B. Additional review criteria for student exchange agreements include:

- Capacity of the University, College, and/or Department to absorb projected enrollment increases in the designated subject areas.

- Complementarity of the participants’ program(s) of study with the courses and programs available to them at the host institution.
- Transferability of courses, in both directions.
- Language ability required to participate in the program.
- Feasibility of recruiting a sufficient number of students to keep the exchange in balance.

C. **Consultation.** The faculty sponsor should consult with the Director of Education Abroad about the scope of the exchange (college-specific or university-wide) and its implications for assigning financial and managerial responsibility for the exchange.

D. **Department Review.** The faculty sponsor must submit an information form for approval to his or her department chairperson.

E. **College Review.** If the department chairperson approves, the information form is submitted for approval to the dean or dean’s designee. If a college-specific exchange is being proposed, the College’s approval confirms its agreement to assume financial responsibility for the program, including covering the cost of exchange imbalances.

F. **Education Abroad Review.** If approved by the College, the information form is submitted to the Assistant Provost for International Partnerships, who will forward the form to the Director of Education Abroad, whose review criteria will include:
   - Congruence of the proposed exchange with the University’s priorities for education abroad.
   - Impact of the proposed exchange on existing education abroad programs.
   - Capacity of Education Abroad to promote and monitor the exchange.

G. **Provost’s Review.** If approved by Education Abroad, the information form is returned to the Assistant Provost for International Partnerships for the Provost’s review and approval. The Provost has delegated this responsibility to the Associate Provost for International Programs.

H. **Negotiation of the Agreement.** The Assistant Provost for International Partnerships will provide the faculty sponsor a student exchange agreement template approved by UK Legal Counsel, which should be used as the basis for negotiations with the proposed partner institution. The Assistant Provost for International Partnerships and the faculty sponsor will decide who will represent the University in negotiations (ordinarily it would be either the faculty sponsor or the Assistant Provost).

I. **Legal Review.** If any provision of a draft agreement differs substantively from the student exchange template, the Assistant Provost for International Partnerships (or the Office of Clinical Contracting, as appropriate) will review the agreement with UK Legal Counsel, modify the agreement as needed, and continue negotiations with the proposed partner until an agreement has been drafted that is satisfactory to UK Legal Counsel. Final copies of an agreement may not be signed until approved, stamped, and dated by UK Legal Counsel (unless the agreement contains no substantive differences from the student exchange template).
J. **Execution of the Agreement:** The Assistant Provost for International Partnerships will prepare four copies for signature. The agreement is signed by the Associate Provost for International Programs and by an authorized institutional representative of the partner institution. For college-specific exchanges, the agreement must also be signed by the cognizant college dean. UK may have additional signatories (e.g., faculty sponsor, department chairperson), but none can substitute for the Associate Provost. The agreement may be signed in person or via the electronic or physical exchange of documents.

K. **Archives:** Two fully executed copies remain with the partner institution. Two copies are held by UK, one by the Assistant Provost for International Partnerships and one by the cognizant dean.

IV. **Developing a 2+2 or Transfer Agreement**

A. **Approvals.** All proposed agreements must be approved by the cognizant department chairperson and dean, and the Associate Provost for International Programs.

B. **Review Criteria.** Criteria for all reviews include those listed in paragraph I.B. Additional review criteria for 2+2 or transfer agreements include:

- Capacity of the University, College, and/or Department to absorb projected enrollment increases in the designated subject areas.

- Complementarity of the incoming students’ program(s) of study with the courses and programs available to them at UK.

- Transferability of courses.

- Language ability required to participate in the program.

- Feasibility of recruiting students.

C. **Department Review.** The faculty sponsor must submit an information form for approval to his or her department chairperson.

D. **College Review.** If the department chairperson approves, the information form is submitted for approval to the dean or dean’s designee.

E. **Provost’s Review.** If approved by the College, the information form is returned to the Assistant Provost for International Partnerships for the Provost’s review and approval. The Provost has delegated this responsibility to the Associate Provost for International Programs.

F. **Negotiation of the Agreement.** The Assistant Provost for International Partnerships will provide the faculty sponsor a 2+2 agreement template approved by UK Legal Counsel, which should be used as the basis for negotiations with the proposed partner institution. The Assistant Provost for International Partnerships and the faculty sponsor will decide who will represent the University in negotiations (ordinarily it would be either the faculty sponsor or the Assistant Provost).
G. **Legal Review.** If any provision of a draft agreement differs substantively from the 2+2 template, the Assistant Provost for International Partnerships will review the agreement with UK Legal Counsel, modify the agreement as needed, and continue negotiations with the proposed partner until an agreement has been drafted that is satisfactory to UK Legal Counsel. Final copies of an agreement may not be signed until approved, stamped, and dated by UK Legal Counsel (unless the agreement contains no substantive differences from the student exchange template).

H. **Execution of the Agreement:** The Assistant Provost for International Partnerships will prepare four copies for signature. The agreement is signed by the Associate Provost for International Programs and by an authorized institutional representative of the partner institution. For 2+2 agreements that target particular Colleges, Departments, or Programs, the agreement must also be signed by the cognizant College Dean. UK may have additional signatories (e.g., faculty sponsor, department chairperson), but none can substitute for the Associate Provost. The agreement may be signed in person or via the electronic or physical exchange of documents.

I. **Archives:** Two fully executed copies remain with the partner institution. Two copies are held by UK, one by the Assistant Provost for International Partnerships and one by the cognizant dean.

V. **Developing an Affiliation Agreement, Clinical Exchange Agreement, Educational Site Agreement, or Graduate Medical Education Program Letter of Agreement (Healthcare Colleges)**

A. **Approvals.** All proposed agreements must be approved by the cognizant department chairperson and dean, the Manager for Clinical Contracting, the Vice President for Clinical Academic Affairs, and the Associate Provost for International Programs. If the proposed program would fall under the supervision of the Graduate Medical Education (GME) Office, it requires review and approval of the program by the appropriate GME official.

B. **Review Criteria.** Criteria for all reviews include those listed in paragraph I.B. Additional review criteria include:

- Educational objectives of the affiliation
- Faculty / staff / student population to be involved in the affiliation
- Anticipated frequency an duration of contacts
- Quality of supervision and training for UK students and/or house staff
- Scope of work for students at UK and for UK students and/or house staff at the international site, including whether direct patient contact is anticipated
- Housing arrangements for UK students and/or house staff, and for visiting students
- Identification of supervisors and available resources for UK students and/or house staff at the international site
- Identification of supervisors and available resources for visiting students while at UK
- Safety of UK students and/or house staff at the international site
- Costs and proposed funding model
- Issue of reciprocity

C. Preliminary Approvals to Proceed. Before beginning specific discussion with a prospective partner institution about the placement of students, the faculty sponsor completes a “Notification of Affiliation Conversations and Preliminary Approval to Negotiate International Clinical Agreements” form (preliminary approval form), obtains the approval and signature of the cognizant dean(s), and submits the form to the Office of Clinical Contracting.

The Office of Clinical Contracting will review the preliminary approval form, and, if it approves, will forward it to the Assistant Provost for Global Health Initiatives, who will submit the form to the Assistant Provost for International Partnerships for the Provost’s review and approval. The Provost has assigned responsibility for this review to the Associate Provost for International Programs. The Associate Provost’s review will be completed in one week.

If the program is under the supervision of the Graduate Medical Education (GME) office, additional review and approval of the program is required by the appropriate official.

Once approved by the Associate Provost for International Programs, the form will be returned to the Office of Clinical Contracting, which will notify the faculty sponsor of approval to begin negotiations.

A non-binding memorandum of understanding (MOU) is not required to enter into an Affiliation Agreement, Clinical Exchange Agreement, Educational Site Agreement, or Graduate Medical Education Program Letter of Agreement. However, an MOU may be executed if circumstances warrant.

D. Preliminary Discussions with the Partner Institution. The faculty sponsor discusses specific arrangements with the partner institution. Considerations to be discussed include the criteria listed in I.B and on the following:

- Quality of supervision and training for UK students and/or house staff.
- Scope of work for students at UK and for UK students and/or house staff at the international site
- Housing arrangements for students and/or house staff.
- Supervision of UK students and/or house staff at the international site
- Supervision of visiting students while at UK
- Financial arrangements for an exchange in the event that a reciprocal exchange is agreed to.

E. Negotiation of the Agreement. The Office of Clinical Contracting and the University of Kentucky International Center have adopted an approved template for department use. Faculty sponsors will complete the template draft, using specifics listed in V.D. The draft agreement will then be
submitted to the Office of Clinical Contracting. The Office of Clinical Contracting and the Assistant Provost for International Partnerships will review the final draft of the agreement. Upon approval by the Office of Clinical Contracting and the Assistant Provost for International Partnerships, the faculty sponsor will submit the draft agreement to the proposed partner institution for review. If the proposed partner requests changes to the agreement, the Office of Clinical Contracting will negotiate specific wording.

F. **Provost’s Review.** Once final language has been approved by the Office of Clinical Contracting, the Assistant Provost for International Partnerships, and the proposed partner institution, the final agreement will be processed for signature. The Assistant Provost for International Partnerships will review the final text of the proposed agreement in consultation with the Director of Education Abroad or designee, for the purpose of assuring that administrative procedures are in place to manage such matters as registering students with Education Abroad, obtaining travel / evacuation insurance and malpractice insurance, etc.

G. **Execution of the Agreement.** The agreement is signed for UK by the Associate Provost for International Programs and the Vice President for Clinical Academic Affairs, and by an authorized institutional representative of the partner institution. UK may have additional signatories (e.g., faculty sponsor, department chairperson, dean), but none can substitute for the Associate Provost for International Programs and the Vice President for Clinical Academic Affairs. The Director of Clinical Contracting will prepare six copies for signature. The agreement may be signed in person or via the electronic or physical exchange of documents.

H. **Archives.** Two fully executed copies remain with the partner institution. Five copies are held by UK: one by the Assistant Provost for International Partnerships, one by the Director of Clinical Contracting, one each by the cognizant dean and department chairperson, and one by the Assistant Provost for Global Health Initiatives.

VI. **Developing Agreements with Non-Academic Entities that Support Non-Credit-Bearing Activities**

A. **Review.** The College should submit an information sheet and the proposed agreement to the Assistant Provost for International Partnerships for the Provost’s review and approval. The Provost has assigned responsibility for this review to the Associate Provost for International Programs.

B. **Legal Review.** If necessary, the Assistant Provost for International Partnerships will submit the proposed agreement to UK Legal Counsel for review and approval.

C. **Execution of the Agreement.** The agreement must be signed by the Associate Provost for International Programs and by an authorized institutional representative of the partner institution. UK may have additional signatories, but none can substitute for the Associate Provost for International Programs. The agreement may be signed in person or via the electronic or physical exchange of documents.

D. **Archives.** Two fully executed copies remain with the partner institution. Two copies are held by UK, one by the Assistant Provost for International Partnerships and one by the cognizant dean.
E. **Domestic Agreements.** Responsibility for initiating and for periodically reviewing domestic agreements with non-academic entities that support non-credit-bearing activities rests with the College Dean. The Associate Provost for International Programs does not sign or review such agreements.

VII. **Maintaining and Evaluating Agreements**

A. **Modifying or Terminating an Agreement:** The faculty sponsor, the cognizant department chairperson or dean, the Associate Provost for International Programs, or another university official whose approval was required to enter into an agreement, may propose to modify or terminate an agreement.

- The proposal must address the review criteria applied when the University entered into the agreement.

- The proposal must be submitted to the Assistant Provost for International Partnerships. Copies of the proposal should be sent to those listed above, who may, at their discretion, submit a recommendation concerning the proposal to the Assistant Provost for International Partnerships.

- Negotiation, legal review, execution, and archiving of a modified agreement will follow the same procedures that are followed when the University enters into an agreement.

- If an agreement is terminated, the Assistant Provost for International Partnerships will send notice to the faculty sponsor, the cognizant department chairperson and dean, and the University officials whose approval was required to enter into the agreement.

B. **Responding to a Request from a Partner Institution to Modify an Agreement:** When a partner institution proposes a modification to an agreement, the faculty sponsor will forward the proposal and his or her recommendation to the Assistant Provost for International Partnerships.

- Where relevant, the recommendation should address the review criteria applied when the University entered into the agreement.

- Copies of the proposal and recommendation should be sent to the cognizant department chairperson and dean, and the University officials whose approval was required to enter into the agreement, who may, at their discretion, also submit a recommendation to the Assistant Provost for International Partnerships.

- Negotiation, legal review, execution, and archiving of a modified agreement will follow the same procedures that are followed when the University enters into an agreement.

C. **Monitoring Activity and Reporting a Substantive Change:** The faculty sponsor will monitor the activities conducted under an agreement and will inform the cognizant department chairperson and dean and the Assistant Provost for International Partnerships of substantive changes in the character or quality of the partner institution or its students, the nature or scope of partnership activities, the level of participation, finances, operations, risks, or purposes of the partnership.
For a healthcare college agreement, the faculty sponsor will also inform the Assistant Provost for Global Health Initiatives and, for a healthcare college affiliation or exchange, the faculty sponsor will also inform the Vice President for Clinical Academic Affairs.

D. **Review of a Substantive Change:** In the event of a substantive change, the faculty sponsor will submit a recommendation to the Assistant Provost for International Partnerships to enter negotiations with the partner institution to modify or terminate the agreement or to take no action. The parties involved in reviewing and acting on the recommendation will follow the same steps specified in paragraph VII. A.

E. **Periodic Evaluation of an Agreement:** Six months prior to an agreement’s date of expiration, the faculty sponsor will complete a Partnership Assessment report and submit it to the Assistant Provost for International Partnerships.

- The report will describe significant activities since the agreement’s signing (or, if the agreement has been renewed, since the last renewal), will assess the partnership’s effectiveness and relevance to the University of Kentucky’s mission, will recommend whether to renew the agreement or allow it to expire, and will provide a rationale for the recommendation.

- The Assistant Provost for International Partnerships will send copies of the faculty sponsor’s progress report to the cognizant department chairperson and dean and the other University officials whose approval was required to enter into the agreement, who may, at their discretion, submit a recommendation to the Assistant Provost for International Partnerships.

- Negotiation, legal review, execution, and archiving of an agreement that is renewed will follow the same procedures that are followed when the University initially enters into an agreement.

**VIII. Forms and Agreement Templates**

- Cooperative Agreement Information form
- Notification of Affiliation Conversations and Preliminary Approval to Negotiate International Clinical Agreements
- MOU template
- Student Exchange template

- 2+2 template
- Clinical Exchange template
- Clinical One-Way template
- Participating Educational Site Agreement template
- Graduate Medical Education Program Letter of Agreement template