

Third Party Arrangements Policy

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1. PURPOSE

A strategic objective of the Australian National Institute of Management and Commerce (IMC) is to offer various educational opportunities in diverse locations in conjunction with high quality third party providers. This policy relates to Third Party Arrangements (TPA) and it documents the principles and procedures involved in selecting third party providers, formalising TPAs as well as the monitoring, reviewing and good governance of TPAs. This policy provides guidance to ensure IMC’s standards and quality assurance are maintained and that there is compliance with regulatory requirements including those of the *Higher Education Standards Framework (Threshold Standards) 2021 (HESF 2021)*.

2. SCOPE

This policy applies to all staff involved in developing, delivering and administering TPA’s. It applies to arrangements with all third party providers, both within Australia and overseas, to deliver an IMC course or part of a course. This policy does not apply to arrangements involving student exchange and study abroad. (Refer to IMC’s *Study Abroad Policy and Exchange Policy*)

3. DEFINITIONS

Due diligence is the process of investigation undertaken to assess the suitability of a third party to enter into an arrangement for course delivery.

Higher Education Standards Framework (Threshold Standards) 2021 (HESF 2021) is the regulatory framework of standards that govern higher education in Australia.

Primary Provider is the registered provider, IMC, that offers and confers an award.

Third Party is an entity separate from IMC with which IMC has a formal arrangement to deliver some or all of a higher education course that leads to the award of an Australian- regulated higher education qualification.

Third Party Arrangement (TPA) is an arrangement made by IMC with another party to deliver in Australia or overseas some or all of a higher education course that leads to the award of an Australian regulated higher education qualification.

4. PRINCIPLES

IMC will be the Primary Provider in any TPA, irrespective of the role of the third party. As the Primary Provider, IMC will:

- Undertake a due diligence assessment and formalise any TPA in a legal agreement prior to the commencement of the arrangement;
- Monitor and quality assure any TPA it establishes;
- Be accountable for the education services delivered by a third party in the TPA even if the third party is also registered with TEQSA;
- Confirm, and be able to demonstrate, that the TPA meets and continues to meet HESF 2021 requirements where a TEQSA-regulated qualification will be issued;
- Assure that the level of study and learning outcomes are equivalent and consistent with the level of the qualification offered;
- For delivery of the same course, ensure outcomes will be the same and materially equivalent, even if the content and delivery differs from IMC's equivalent offering;
- Ensure materials and information provided to students is full and accurate concerning the arrangement and implications for students; and
- Ensure the student experience varies only where it is intended to do so, but is not lower than for students studying with IMC.

5 PROCEDURES

5.1 Selection of a third party

5.1.1 Due Diligence

IMC will undertake a rigorous due diligence process before reaching agreement with a third party and have robust criteria for partner selection. The due diligence process will be evidence based, and consider a potential third party's:

- Ability to deliver on its responsibilities, including compliance with IMC policies and procedures;
- Potential to maintain IMC's standards and to provide an equivalent course delivery and student experience to that available at IMC;
- Track record of delivery of higher education;
- Ownership and governance structures;
- Track record of probity and its regulatory status and history; and
- Risk framework and risk management policies and processes.

5.1.2 Third Party Selection and Advisory Committee

The due diligence process will be undertaken by the Third Party Selection and Advisory Committee (TPSAC). The TPSAC will consist of representatives from IMC's Council and Academic Board. The TPSAC will conduct rigorous due diligence on a prospective third party and make recommendations concerning matters of governance, finance and management to the Council. The TPSAC will make recommendations to the Academic Board concerning matters of academic and student support. A decision on suitability of a third party is the responsibility of the Council.

5.2 Formalising the Third Party Agreement

Prior to commencement of a TPA, IMC and the third party must reach a formal agreement, The formal agreement will be a binding contract drafted by IMC's legal representative in consultation with the Third Party Selection and Advisory Committee. The scope and extent of the legal agreement may vary depending upon the functions to be undertaken by the third party. Any agreement must include effective controls on quality of educational delivery.

Matters to be covered in an agreement include:

- Rights and responsibilities of IMC (See Appendix);
- Responsibilities of the Third Party (See Appendix);
- Arrangements for review or amendment, termination and teach-out in the event of a contract being terminated or not renewed, including contingency plans to be implemented in the event of failure;
- Arrangements concerning sub-contracting where applicable; and
- Dispute resolution processes.

5.3 Monitoring and Quality Assurance

Monitoring and review of a TPA will be informed by IMC policy documents, including *Academic Quality Assurance Framework, Course and Unit Review Policy and Procedure* and the *Moderation Policy*.

5.3.1 TPA Review Task group (TPARTG)

Over and above IMC's usual monitoring and review processes, a "TPA Review Task group" will monitor TPAs entered by IMC. The TPA Review Task group members will be members of the Academic Board. TPARTG members will be appointed by the Chair of the Academic Board for a period of two years. The TPRAT will meet at least twice annually and report to the Academic Board after each meeting.

5.3.2 TPART Audits

The TPARC will undertake periodic audits of performance under TPAs, including performance against the deliverables of the agreement and compliance with HESF 2021. The timing of audits will be included in TPAs, and generally occur no less than once every three years. The Academic Board may approve an audit at a time other than a scheduled audit. Although audits will be conducted internally, it is expected that external reviewers will contribute to audit processes and, in the case of offshore provision, advice from bodies in the host country may be sought. An audit report and follow-up recommendations will be prepared at the end of each audit and be presented to the Academic Board. Where relevant, issues arising in an audit report may be reported by the Academic Board to the Council.

Any proposed changes to a TPA that affect students will be communicated directly to those students.

Without limiting the scope of audits of TPAs, scheduled audits must include the following:

- benchmarking of performance of student cohorts in order to provide comparison to performance of IMC students and achievement of learning outcomes.
- Evidence that HESF 2021 requirements continue to be met as well as compliance with overseas regulatory obligations, as appropriate.

5.3.3 Monitoring TPA Risks

IMC recognises that there are particular risks involved in TPAs with the potential for negative outcomes. In light of this, monitoring by the program convenor, as well as audits by TPARTG will address these specific risks. Potential risks resulting in a failure of TPA to deliver as expected include:

- Lack of clarity and/or unrealistic expectations;
- Inaccessible resources because of remote locations;
- Cultural, linguistic or technological barriers to participation;
- Confusion regarding critical responsibilities;
- Student confusion regarding who is responsible for issues of concern to them;
- Students or staff feeling isolated/unsupported by IMC;
- Unexpected changes to third party's operations;
- Insufficient quality controls, oversight and monitoring of TPA operations and performance by IMC.

5.4 Governance and Management

Accountability for quality assurance of a TPA rests with the Academic Board. Quality assurance encompasses all operations of a TPA including oversight of compliance with HESF 2021 requirements and IMC policies, award of qualifications and representation. In its meetings, the Academic Board will consider any report on any material issues and risks to the Council.

6. RELATED DOCUMENTS

- Academic Quality Assurance Framework*
- Course and Unit Review Policy*
- Course and Unit Development Policy*
- Moderation policy*
- Academic Qualifications and Equivalent Professional Experience Policy*

7. Version Control

Historical Version	Approved by	Approval Date
2020.08	Academic Board	19 August 2020

APPENDIX

Agreements must clearly allocate rights and responsibilities between IMC and the third party. Specific details that may be included are:

Rights and responsibilities of IMC for matters such as:

- Specification of which of IMC's and the third party's policies apply. Key policies in IMC's framework that may apply are:

Student Selection and Admissions Policy and Procedure

Access and Equity Policy

Recognition of Prior Learning (RPL) Policy

International Students Enrolment Amendments and Variations Guideline

Fees and Charges Policy

Assessment Policy and Procedure

Student Academic Integrity Policy

Student Complaints and Appeals Policy and Procedure

Student Progression, Exclusion and graduation Policy and Procedure

Course Delivery in a Language Other Than English Policy

Offshore Course Delivery Policy

Examination Policy and Procedure

Moderation Policy and Procedure

Student Consultation Policy

Bullying, Harassment and Discrimination Prevention Policy and Procedure

Sexual Assault and Sexual Harassment Policy

- Provision and rights over current intellectual property
- Administrative and academic support and guidelines
- Student and staff induction and support services
- Maintenance of TEQSA registration and course accreditation
- Marketing and promotion
- Maintenance of student records
- Provision of: assessment; complaints and appeals processes; and monitoring of student progress and academic integrity
- Course and Unit management and review processes
- Compliance with laws and regulatory obligations in the home jurisdiction, including the *ESOS Act* and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

Responsibilities of a Third Party for matters such as:

- Provision and rights over current intellectual property
- Maintenance of local registration / accreditation
- Representation on IMC's Academic Board and/or Teaching and Learning Committee
- Compliance with IMC's policies as specified and provision of information to students regarding applicable policies

- Marketing and promotion that is current, accurate and approved by IMC
- Maintenance of IMC's standards regarding academic integrity
- Maintenance of IMC's admission, enrolment and English language requirements
- Delivery of the course at an equivalent level of quality of delivery to that of IMC including areas such as:

Staff qualifications;
Staff and student induction;
Provision of resources and facilities, course materials, teaching and academic support services;
Maintenance of student records and administration;
Provision and regulation of local assessment, monitoring student progress and feedback to students;
Provision of research training, supervision and research assessment;
Participation in IMC's moderation and compliance with IMC's *Course and Unit Review Policy and procedures*;
Remittance and payment of fees;

- Student complaints and appeals
- Periodic review requirements
- Compliance with laws and regulatory obligations in the third party's jurisdiction
- Reporting to IMC on matters such as material changes, and student performance data including Student Satisfaction Surveys