LA TROBE UNIVERSITY
EXTERNAL PROGRAMS MANUAL – ASSOCIATES VERSION

CONTENTS

PURPOSE AND SCOPE OF THE MANUAL

Purpose

The reputation of La Trobe University and the requirements of both the Australian Government and the Australian Vice Chancellors Committee require that all external and off-shore programs:

- Comply with La Trobe University's Mission Statement and Strategic Plan.
- Comply with the AVCC Code of Ethical Practice in the Offshore Provision of Education and Educational Services by Australian Higher Education Institutions.
- Are thoroughly researched and fully planned.
- Are fully costed and do not draw on any DEST funding sources.
- Are thoroughly assessed from a risk management perspective.
- Are correctly approved and authorised by all required internal and external authorities and agencies.
- Are managed and protected by a thorough program monitoring and evaluation protocol.
- Ensure that programs delivered offshore are of comparable quality to those delivered on La Trobe University on-shore campuses.
- Comply with AUQA Guidelines and AVCC Codes and are consistent with ESOS requirements, even though the ESOS Act does not currently apply to offshore programs. However, the ESOS Act may apply to programs with offshore and onshore components.
- Comply with Australian Quality Framework Guidelines.

This **External Programs Manual (Associates Version)** describes for Associates of the University the practices within the University which ensure that these requirements are fully satisfied.

This Manual also specifies what Associates of the University are required to do to ensure that their activities comply with required University standards and the achievement of the above objectives.

This full understanding by an Associate of the University's legal and operational obligations is essential, as is the Associate's agreement and compliance with the Associate's obligations as they are defined within this Manual.

Scope

"External Program" is defined as meaning a program offered by La Trobe University not on a La Trobe campus, but for study elsewhere in Australia or internationally to international students who will either from commencement or during the course of the program become La Trobe enrolled students. These external programs are typically developed and/or provided with the assistance of an Associate in the host state or country.

V*ariations*

Variations to the requirements and obligations of this Manual which are made of Associates are not normally possible. Any request for a variation must be made in writing and formally approved by the University.

Academic Management

This **External Programs Manual (Associates Version)** covers all aspects of project inception, negotiation, contracting, establishment and management of the University's external programs.

A companion Manual, the **External Programs Manual (Academic Management)** prescribes the way in which University requirements for academic policy and procedures must be addressed

RESPECTIVE RESPONSIBILITIES OF LA TROBE UNIVERSITY AND ITS ASSOCIATES

The External Programs Manual – Project Management, is the prime tool by which the University identifies its obligations and responsibilities with the establishment and ongoing management of external programs, and ensures compliance with these and the maintenance of adequate records of compliance.

The requirements contained within the External Programs Manual – Project Management are those of the Australian Government and of the University, and the responsibility for compliance with them is the University's.

The only exceptions to this are the clearly defined Associate's Obligations where they appear in each Stage of this External Programs Manual – Associate's Version. The Associate is responsible for compliance with these obligations as a condition of its relationship with the University for the conduct of the external programs.

CONFIDENTIALITY AND NON-DISCLOSURE

This Manual is the intellectual property of La Trobe University and is confidential.

It is provided to Associates of the University to enable them to fully understand the obligations and responsibilities of the University, within which the Associate's Obligations fit.

The Manual, and any part of its contents, must not be revealed to any other party without the written consent of the University.

GLOSSARY, DEFINITIONS

Advanced Standing	A pre-existing and formally approved arrangement whereby a student is granted credit or exemption for specified units of study in an LTU course, subject to the attainment of pre-defined standards of academic achievement.
Agreed Standard	A clearly defined specification of quality and performance which is able to be quantified and verified.
Agreement/Contract	A formal, legally binding document that commits LTU and one or more Associates to certain roles, responsibilities and outcomes in respect of a Project. These can be used as interchangeable terms, but La Trobe University practice is to use Agreement.
Australian Universities Quality Agency	The national quality assurance agency whose role is to audit all Australian universities, their programs, and their off-shore activities to ensure adequate standards of academic programs and academic and project management which do not risk Australia's reputation as a higher education provider of repute.
Articulation	The arrangement of courses so that students have pathways that enable them to move through various levels of qualifications in an area of study. For example, offering a Diploma course that if successfully completed enables the student to move into a specified Degree course with one year of Advanced Standing.
Associate	A party external to La Trobe University – either an individual or organisation – with whom LTU has entered into a binding Agreement to deliver one or more external programs. This term is to be used rather than the conventional term "Partner" because of legal implications of the latter term.
Comparable Quality	The term La Trobe uses as its way of linking the standard of offshore and onshore programs, support services and related issues provided by LTU. This term enables regional, cultural and environmental differences – which will unavoidably have an influence on programs, program delivery and the educational experience of students – to be recognised.
Course	A course of study leading to the awarding of a certificate, diploma, degree or higher qualification from an institution accredited to award such qualifications.

Distance Education	The delivery of an academic program, course of study or related set of courses by remote methods and not face-to-face teaching. Teaching and support may be provided by mail, internet, telephone, video-link, computer disks, videotape, CD-ROM, DVD or any combination of these.
Equivalence	The term AUQA uses to link the standard of offshore and onshore programs, support services and related issues provided by a university. LTU does not use this term.
External	Outside a La Trobe University campus and involving international students who will become a La Trobe enrolled student.
International Student	A student who has come to Australia on a student visa, an approved scholarship, exchange or training program (as set out in the ESOS Act) or under AusAID sponsorship to study at an Australian education institution.
La Trobe Enrolled Program	A program where responsibility for some or all aspects of the program, project management and academic management is shared with LTU's Associate(s).
La Trobe Enrolled Student	A student whose data are held on the La Trobe University SIS database, who has an LTU student number and an LTU student card, who has access to the LTU library, and who has all of the rights, privileges and responsibilities attached thereto.
La Trobe Managed Program	An academic program where LTU is fully responsible for all aspects of the program.
Mixed Mode	A combination of distance education and conventional face-to-face campus based teaching.
Offshore	Within a country other than Australia.
Onshore	Within Australia.
Partner	A term which due to its legal implications prevents it being used to refer to collaborating individuals or organisations in the context of this Manual. The Manual uses the term "Associate" as the acceptable alternative in referring to other parties involved in external programs.
Program	A course of study offered to students who will at some stage become enrolled students in an LTU award course.
Project	An activity with an Associate that will involve one or more external programs being offered in collaboration with that Associate.

Project Manager	The person who has overall responsibility for all aspects of the Project and program management, and is accountable for project performance and reporting. Responsibility for academic program management may be separately assigned.
Quality Assurance	The sum total of all policies, procedures, reviews and evaluation practices which confirm and verify that clearly defined standards of performance have been set, and achieved.
Twinning	A formal arrangement where the first year or more of an LTU course is taught at an Associate's premises, often by their staff, with the last year or two then taught at La Trobe.

STAGE 1: PROJECT INCEPTION

This Stage commences with the conception of a project idea and proceeds through market testing, initial feasibility, competitor and risk analysis and the preparation of a short-form Business Plan. This Plan forms part of a Proposal which is submitted for approval to proceed to Stage 2: “Project Negotiation”.

MARKET and COMPETITOR ANALYSIS

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RISK ANALYSIS

- Country risk
- Reputation risk
- Commercial risk

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DUE DILIGENCE – PROPOSED ASSOCIATE

- Academic
- Legal
- Financial
- Reputation

1.1 Market and Competitor Analysis

Purpose

This requirement ensures that before proceeding with further development of a proposal LTU has a clear understanding of the market in which the project will operate. This will include an understanding of demographic trends, higher education enrolment rates, development of the higher education system, current and prospective competition, competitor fees and market price sensitivity.

Requirement

- Market analysis of the proposed programs must be undertaken within the target cities and their countries and regions. At a minimum this must include:

  For undergraduate programs

  - Projected number of high-school graduates from schools in the relevant country(s) for each year of the project. If the project is also targeting countries other than those in which the programs will be delivered, obtain data on the number of high school graduates from those countries, and any restrictions on the number of places to be offered to students from other countries.
  - Number of undergraduate places offered by public post-secondary institutions, by institution.
  - Number of undergraduate places offered by private post-secondary institutions, by institution.
  - Number of undergraduate places offered in-country by foreign post-secondary institutions, by institution (this data may be more difficult to obtain – a total for all institutions is acceptable).
  - Number of high school graduates who choose to pursue undergraduate study in another country.
  - Gap analysis – i.e. the gap between available undergraduate places in-country and the number of students seeking places, that is, a statement of excess demand.
  - Trend analysis – including commentary on the development of higher education in the target country or region, population and demographic trends, economic and regional development and geo-political trends impacting on students' study options and preferences.

  For postgraduate programs

  - Projected number of university graduates from institutions in the relevant country(s) for each year of the project. If the project is also targeting countries other than those in which the programs will be delivered, obtain data on the number of university graduates from those countries.
  - Number of postgraduate places offered by public institutions, by institution.
  - Number of postgraduate places offered by private institutions, by institution.
  - Number of postgraduate places offered in-country by foreign institutions, by institution.
  - Number of university graduates who choose to pursue postgraduate study in another country.

- Gap analysis – i.e. the gap between available postgraduate places in-country and the number of students seeking places.
- Trend analysis – including commentary on the development of postgraduate education in the target country or region within that country.

- Identification and assessment of competitor programs within the target cities and their countries and regions must also be undertaken. If this analysis is not undertaken by LTU, it must be provided in a written format and referred to the Pro Vice Chancellor International (PVCI) for review and verification. A previous analysis relevant to a similar program in the same location may be submitted to the PCVI for review and verification. At a minimum this analysis must include:

    - Identification of the key competitor programs at public, private and foreign institutions.
    - Description of the programs that they offer that are seen as competing with the proposed LTU offer - including study and articulation pathways and exit points (e.g. Certificates, Diplomas, Degrees) and specific identification of those programs where an Australian, US, UK, Canadian or other western university Award can be obtained by study in-country.
    - Enrolments in competing programs, and key enrolment trends.
    - The program structure, study modes and study timetable for competing programs.
    - The fees charged for competing programs – in local currency and in A$.
    - An assessment of price sensitivity and the capacity to pay within the prospective market. This must include government constraints on pricing and fees.
    - Qualitative analysis – how competing programs are viewed in the market and by the government (e.g. the Ministry of Education). Indicate the basis of this analysis. It would normally include interviews with key government officials, human resource managers of major employers (public and private sectors) and Australian consular representatives.

Outcome

Market analysis report
Competitor analysis report

Associate's Obligations

- **Assistance with the gathering and provision of detailed market and competitor data as identified by the University**

1.2 Risk Analysis

Purpose

This requirement ensures that the potential risks to which LTU may be exposed if it undertakes the proposed project have been identified, assessed and considered.

Requirement

- The potential risks for LTU if it undertakes the proposed project must be identified, assessed and rated. Risks that must be assessed include:

    - ***Country risk***, including security, government stability, the state of the economy or external threats.
    - ***Reputation risk***, which may arise from selecting an inappropriate Associate, high failure rates due to inappropriate programs for the particular country, inability to maintain appropriate quality control and standards, theft or loss of control of intellectual property or inability to deliver on what is to be promised.
    - ***Commercial risk***, which may arise from selecting an inappropriate Associate, providing inappropriate programs for the particular country/students, underestimating the cost of set-up and delivery, difficulties in getting funds out of a particular country, currency fluctuations, difficulties prosecuting LTU's rights within a country and difficulties imposed by local government regulations, e.g., investment requirements, restrictions on conferring an award in-country, etc.
    - ***Legal risk***, which may include the strength of the in-country legal system, the ability to enforce agreements and the availability and strength of criminal penalties.

- Identified risks must be rated as "High", "Medium" or "Low" both in terms of their *probability* and *criticality of (potential) impact* on LTU.

- Strategies that can be deployed to mitigate high and medium risks must be indicated.

Outcome

Risk analysis report

Associate's Obligations

- **Assistance with the identification and reporting of potential risks as required by the University**

1.3 Due Diligence – Proposed Associate

Purpose

This requirement seeks to ensure that LTU does not enter into projects with inappropriate Associates. It is, necessarily, a value judgment to be made against a set of criteria having obtained whatever information is available. The PVCI can assist with undertaking due diligence exercises.

Requirement

- The proposed Associate's academic standards and standing, legal status, financial standing and reputation generally must be checked, to determine whether it is an appropriate Associate for LTU.

- A "due diligence" exercise must cover the following key areas:

  - ***Academic*** - academic reputation and standing, both in-country, within the region and internationally. This will include compliance with the requirements of the relevant Ministry.
  - ***Legal*** - legal status (preferably an incorporated or government entity) and compliance with the laws of the country (including corporate and tax laws), relevant insurances and copies of approvals, etc.
  - ***Financial*** - financial strength and stability, including a Balance Sheet analysis.
  - ***Reputation*** - reputation within the country and the region with governments, regulators and major employers.
  - ***Facilities*** **–** the suitability of proposed facilities and assets for the purpose of the project.
  - ***Guarantees*** **–** establish whether a guarantee should be required and will be obtained from a related entity of the Associate in circumstances where the Associate is not the parent entity.

- The External Programs Manual (Associates) must be provided to the prospective Associate, and the need to implement LTU policy regarding due diligence fully explained.

- The proposed Associate's written consent to LTU undertaking due diligence must be obtained prior to initiating any formal enquiries.

- Enquiries will typically be made with the prospective Associates bank, accountant and lawyer; with the relevant country's taxation authorities; with the government departments or agencies that have relevant accreditation or licensing roles; and with officers of Australian Education International (AEI), Austrade or the Australian consulate or embassy in the Associate's country.

A **Due Diligence Checklist** is to be used.

Outcome

Completed Due Diligence Checklist

Associate's Obligations

- **Consent for the University to carry out due diligence enquiries of the Associate**
- **Provision of formal authority for the University to carry out due diligence enquiries with agencies and authorities identified by the University**
- **Provision of financial, legal and other reports and statements as required by the University**

STAGE 2: PROJECT NEGOTIATION

This Stage involves the negotiating process to reach agreement with the project Associate(s) on the key points to be included in a legally binding agreement (which is drafted, negotiated and finalised in Stage 3); and a Business Plan for the project.

NEGOTIATE BUSINESS PLAN
AND
KEY POINTS OF AGREEMENT

2.1 Negotiation of Business Plan and Points of Agreement

Purpose

This requirement will ensure that:

- All key aspects of the project are discussed and resolved;
- The agreement between the parties will reflect the rights and obligations that LTU has agreed to; and
- There is a comprehensive Business Plan prepared.

The PVCI and Finance Office can assist with the development of Business Plans.

Requirement

The LTU Negotiating Team must negotiate with the Associate(s) to:

- Ensure that there is absolute clarity of each party's role, responsibilities and obligations – academic, legal, financial and regulatory.
- Develop and agree upon an appropriate exit strategy for each party.
- Develop a full Business Plan.
- Document the key points of agreement as the basis for the contracting of the project (Stage 3).

Notes:

- A Business Plan pro-forma is attached as Appendix 1.
- Minutes of negotiation meetings must be kept.
- **The negotiating team cannot, in any circumstances, negotiate arrangements that are outside the current LTU academic, legal and financial standards, policies or procedures. Any proposed variations (including any required to comply with local laws) require the prior written approval of the Academic Board or the Vice-Chancellor.**

Outcome

Business Plan
List of key points of agreement

Associate's Obligations

- **Participation in project negotiation**
- **Participation in the development of a Business Plan as required by the University**

STAGE 3: PROJECT CONTRACTING

Stage 3 involves the contracting of the project through to formal signing and registration.

IDENTIFY AGREEMENT(S) REQUIRED

- License Agreement
- Specific Purpose Agreements (e.g., Advanced Standing China / MBA Collaboration Agreement)
- Articulated Twinning Agreement
- Double Degree Agreement
- Agreement for Provision of LTU Courses Overseas

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PREPARE and NEGOTIATE AGREEMENT(S)
(including final BUSINESS PLAN)

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SUBMIT AGREEMENTS TO ASSOCIATE(S)

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ASSOCIATE'S AGREEMENT OBTAINED

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CONTRACT EXECUTION
and REGISTRATION

3.1 Identification of Required Agreements

Purpose

LTU has standard agreements for contracting projects. This requirement ensures that the correct agreement is identified and used for this project, and is prepared by LTU Legal Services.

Requirement

LTU Legal Services and the PVCI must be consulted on the appropriate agreements to be used to contract the project. Options are:

<u>License Agreement for Provision of La Trobe University Courses/Service Provision Agreement</u>

This Agreement is used where LTU grants a third party the right to provide a particular course or courses. LTU sets operating standards, usually provides some course materials and must ensure quality control but is <u>not</u> involved in teaching any part of the course.

<u>Advanced Standing China Agreement and MBA Collaboration Agreement</u>

These agreements are used together where students enrolled in a Chinese University who complete a Post Graduate Certificate receive advanced standing if they subsequently enrol in the LTU MBA program. The other party under the MBA Collaboration Agreement arranges for cohorts of students to undertake the Post Graduate Certificate at the Chinese University and then enrol in the LTU MBA program.

<u>Articulated Twinning Agreement or Articulated Arrangement Agreement</u>

This Agreement is used where another institution in conjunction with LTU offers an articulated twinning program or arrangement leading to the award of an LTU degree.

<u>Double Degree Agreement</u>

This Agreement is used where LTU and another institution have established a double degree program that enables students enrolled in the program to receive a degree both from LTU and the overseas institution if they complete the program. The program involves students studying both in other countries and in Australia.

<u>Joint Program Agreement</u>

This Agreement is used where LTU and another institution deliver a program wholly in a country other than Australia. Teaching of the program is shared.

Agreement for Provision of La Trobe University Courses Overseas

This Agreement is used where LTU itself delivers a program wholly or partially in another country and the other party merely provides assistance in relation to marketing, facilities etc.

Outcome

Agreement(s) for contracting the project are drafted and approved by LTU Legal Services. Agreements are not amended without the approval of LTU Legal Services.

Associate's Obligations

- **Acceptance and agreement to use the correct standard University agreement**

3.2 Preparation and Negotiation of Agreements

Purpose

This requirement ensures that Agreements are appropriately drafted by LTU Legal Services and negotiated with the Associate(s).

Requirement

- The agreement(s) selected at step 3.1 must be completed by LTU Legal Services to reflect as far as is possible (and is still relevant) what was agreed during the Stage 2 negotiations.

- The PVCI and relevant Faculty Office must be consulted, as appropriate, if there are any changes proposed during contract negotiations. LTU Legal Services must draft any changes to the agreements.

- Approval must be obtained from LTU Legal Services and the PVCI for the final wording of all Agreement(s) before submitting them to the Associate for their consideration and agreement. In some countries formal approval is required from the relevant Ministry (Education or Higher Education) or a regulatory authority under the auspices of the Ministry or Government (e.g. a Higher Education Council or Registry).

Outcome

Draft Agreement(s) approved by LTU Legal Services and PVCI.

Associate's Obligations

- **Provision of advice regarding any requirements for formal project approval in the host country**
- **Assistance in gaining formal approvals in host country, or full responsibility for obtaining all necessary approvals in host country, whichever is required by the University**
- **Recognition and compliance with the need to satisfy the standard legal requirements of La Trobe University Legal Services**

3.3 Contract Approvals, Execution and Registration

Purpose

This requirement ensures that Agreements are approved, executed and registered in accordance with LTU policies and procedures and all applicable government policy and regulations.

Requirement

- The final Agreement(s) (including Business Plan) – in a form approved by LTU Legal Services - must be submitted for the required LTU approvals, as follows:

  - Head(s) of School(s), Deans
  - Committee for External Programs
  - Academic Committee, Academic Board
  - University Council

- All Agreements must be signed by the Vice Chancellor or University Secretary.

- Once signed by both parties, executed Agreements may need to be stamped and registered, as required, in the Associate's country and/or in Australia. There is no requirement to stamp and register in Australia.

Outcome

Executed Agreements signed by the Vice Chancellor or University Secretary and properly registered (if applicable).

Associate's Obligations

- **Provision of advice regarding any need for contracts to be registered in the host country**

STAGE 4: PROJECT COMMISSIONING

This Stage covers the formation, appointment and mobilisation of a Project Team; the establishment of building, facilities and infrastructure; the set-up of management and administrative systems, and approval for the project to start.

Appointment and approval of LTU Project Team

- Dean
- PVCI

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Recruit Project Staff:

- In-country and internationally
- Within LTU

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Facilities Specification and Set-up

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Insurances and Maintenance Agreements

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Building Approvals and Licenses to Operate

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Set-up Management and Administrative Systems

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Marketing Strategy and Materials Design

4.1 Appointment and Approval of the LTU Project Team

Purpose

This requirement ensures that all key project roles to be filled by LTU staff (existing or to be employed) or the staff of the Associate, are fully identified, the particular skill needs of these roles are assessed, staff are identified who are competent to fill these roles, and their availability to participate and approval to participate is confirmed within Faculty.

Requirement

- An organisation chart must be developed which defines all roles, authorities and reporting relationships within the project. This is a requirement for all LTU roles as well as all roles undertaken by project Associates or other external groups.
- Individuals as well as committees or agencies must be identified.
- Position Descriptions for individual positions, terms of reference for committees, and authorities of agencies must be developed. Any Key Performance Indicators must be defined.
- Salaries, allowances, fractional appointments and any other entitlements associated with all positions, committees or agencies must be nominated.
- Contracted positions must identify any exit costs prior to completion of the contract.
- Staffing documentation for any new appointments of LTU staff must be submitted for Faculty or University approval. This might require initial School approval and recommendation to Faculty.
- The availability of all nominated staff to participate in the project must be confirmed.

Outcome

A full organisation chart
Position descriptions
Committee Terms of Reference
Costing of staff positions and required committees and agencies
Confirmation of staff availability
Faculty or University approval

Associate's Obligations

- **Provision of Position Descriptions for project staff who are employees of the Associate**

4.2 Recruitment of Project Staff In-Country, Internationally, LTU

Purpose

This requirement ensures that the need for any additional staff is identified, the skills requirements for their roles are fully assessed, the most competent staff for the needed roles are hired and employment arrangements confirmed. All costs associated with the hiring of staff and their salaries can then be included in project costing and budgeting.

Requirement

- The Project Organisation Chart must identify all roles for which staff will need to be recruited. These may be teaching staff, administrative staff or other technical staff who may be employed by LTU or by the Associate.

- The employer of any recruited staff must be clearly defined.

- For each role there must be a position description, with salary, terms and conditions clearly defined.

- LTU's HR Policy and EBA prescribe terms and conditions of appointment for LTU employees. Any proposal to depart from standard terms and conditions must be clearly stated and justified, and approved before implementation.

- The Associate is likely to have terms and conditions that apply to their employees.

- The proposed method of recruitment must be stated. The use of hiring agencies must be fully costed, and guarantees of suitable appointments, fee refund policy etc. sought from the agency.

- Contracts must be used for all appointments, with probationary periods and a formal review of performance at the end of the first three months – for all project staff

- Exit provisions for appointments which may require termination before the expected expiry of the contract must be fully detailed in the contract.

- Visa issues and work permit approvals must be fully assessed and complied with.

- Selection interviews must be structured against clear selection criteria, notes of interviews kept, referees checked, qualifications checked, and all related documentation located in the project files.

Outcome

Position descriptions for all vacancies
Selection by competitive assessment
Checks of qualifications and referees
Contracts of employment
Clear exit arrangements
Confirmation of visa and work permit issues
Full records of the appointment process

Associate's Obligations

- **Participation in staff selection processes as required by the University**

4.3 Facilities Specification and Set-up

Purpose

This requirement will ensure that the needs of the project for buildings, equipment and other infrastructure are fully identified, specifications are set, and that procurement practices satisfactorily deliver assets and infrastructure capable of fully supporting the project

Requirement

- Teaching space needs must be clearly defined. This must include all teaching space, library space and laboratory space.

- University and Australian standards regarding occupancy levels, OH&S and other environmental factors must be considered and where possible comparable standards achieved.

- All equipment and other technical needs for teaching purposes must be fully defined. This must include audiovisual equipment, screens, blackboards and whiteboards, computer laboratories, copiers and printers, and furniture. Exact specifications or performance standards will be required to be set for some of these items. Refer to the EPM (Academic Management) to ensure compliance with this requirement.

- Computing and IT needs for administration and management purposes must be clearly defined.

- All other equipment and technical needs for administration purposes must be fully defined. This must include telephones and other communications equipment, number of lines or handsets, number of computers, number of fax machines, printers and copiers, conference equipment, and office furniture. Exact specifications or performance standards will be required to be set for some of these items.

- Proposed buildings and facilities must be formally assessed against the specifications defined in the above steps. Any shortfall or inability to meet the specification must be identified and recorded.

- Confirmation of the suitability of buildings and facilities must be formally recorded by the project manager.

Outcome

Clearly defined space needs
Clearly defined equipment and infrastructure needs, specifications and performance requirements
Confirmation of the suitability of proposed buildings and facilities

Associate's Obligations

- **Assistance and co-operation in defining facilities needs and assessing the suitability of proposed buildings and facilities against them**
- **Provision of building plans and specifications as required by the University**

4.4 Insurances and Asset Maintenance Agreements

Purpose

This requirement will ensure that all legally required insurances are identified and are in place, other needed insurances as advised by LTU Insurance Office to protect assets are identified and are in place, and that any needed maintenance contracts or service agreements to ensure required availability and standards of performance of critical utilities and assets are in place

Requirement

- All public liability, professional indemnity, and similar statutory insurances required by the host country must be identified, and the required levels of cover determined commensurate with the size of the project, enrolment numbers etc. The Associate and/or Australian Government offices should be able to assist with these enquiries.

- Any insurances requirements of Australian federal or state governments or agencies, or LTU Insurance Office not already covered by the above enquiries must also be identified.

- Required insurances must be taken out by the appropriate party and policy details recorded in project documentation.

- The need for other insurances to protect assets must be investigated.

- If considered necessary, quotations for policies to cover equipment and assets must be sought.

- If required, insurances must be taken out by the appropriate party and policy details recorded in project documentation.

- Any need for asset maintenance or service agreements must be considered. This will require the nomination of the asset or utility whose performance is considered critical to the project (eg computer equipment network uptime and availability, telephone and communication services availability and reliability, power generation equipment availability and reliability, heating, cooling or ventilation).

- If judged appropriate on the basis of the cost of a contract balanced against the assessed risk it will manage, a recommendation may be made.

- Contract details must be recorded in project documentation.

Outcome

All legally required insurance policies in place with details recorded
Any other risk management insurance policies in place with details recorded
Any other needed maintenance or service contracts in place with details recorded

Associate's Obligations

- **Advice of all insurances legally required by the host country and evidence of current cover**
- **Assistance and co-operation in determining the need for any maintenance and service contracts, or other insurances beyond those legally required**
- **Assistance in obtaining insurances and service contracts as required by the University**

4.5 Building Approvals and Licences to Operate

Purpose

This requirement ensures that all required legal approvals in the host country are identified and complied with, and that all required licences, approvals and equivalent certifications are obtained and held on project documentation

Requirement

- Compliance with all required standards must be confirmed by the Associate. Normally the Agreement with the Associate would include a warranty.

- That all building codes, specifications and necessary approvals relevant to the project and the intended use of buildings and spaces have been identified.

- All required formal approvals to operate, certificates of compliance, licences and similar regulatory requirements must be identified and listed.

- Evidence of compliance and proof of approvals relating to the above list must be obtained and located in project documentation. Certificates and licences might be required to be displayed publicly.

- Any conditions or restrictions attached to any of the above must be separately noted in project documentation, together with required re-application dates, expiry dates and similar compliance issues.

- A final inspection must take place prior to occupation of the building and a report of shortcomings and remediation proposed and placed in the project file.

- Critical dates from the above must be incorporated in Section ROUTINE MONITORING, EVALUATION AND COMPLIANCE and/or Section ANNUAL REVIEW, as necessary.

Outcome

A list of all required approvals, licences to operate and similar obligations
Adequate evidence and/or certification of compliance with all these requirements
Management planning and practices to ensure the maintenance of all necessary approvals and licences.

Associate's Obligations

- **Advice of all required building codes, approvals, licences, certificates and related issues**
- **Assistance in obtaining all required building approvals, licences and certificates**
- **Compliance with any required restrictions on building use**
- **Regular reporting of the maintenance of compliance regarding building use**

4.6 Management and Administrative Systems Set-up

Purpose

This requirement ensures that the needs of the project for management systems and practices are fully identified, and that adequate arrangements are then put in place to fully support the work of project staff and the project itself

Requirement

- The needs of the project must be assessed and all record keeping, reporting and compliance needs identified. These could be both in-country as well as internal LTU requirements. They may be internal requirements between LTU and the project Associate(s) or externally required.

- Application processing and admission system arrangements - involving both the Associate(s) and LTU - must be considered, agreed and documented.

- Project codes, expense codes and other project ID must be created or located for use from project outset.

- The structure of all needed databases, financial reports and other management information systems must be confirmed. These may be existing formats, or structures developed for the project.

- The required frequency of reports and their distribution, review and approval procedures must be established.

- The ability of electronic reports and databases to successfully interface with key stakeholders must be verified (in-country partners, in-country agencies and government departments, LTU systems etc).

- The respective roles of hard copy systems and electronic systems must be determined. Which will be the official record? Are hard copies source documents for an electronic file rather than the record?

- Hard copy file structures, location and record keeping practices must be confirmed. LTU record keeping policy, privacy requirements and confidentiality issues must be complied with.

- Adequate computer security, back-up and recovery practices must be established and on-going compliance with these requirements monitored and reported on within project documentation.

- The required level of routine operational management meetings must be established and communicated to relevant staff. These may be in-country or internal to LTU. This will define meeting frequency, attendees and standard agenda items. Any requirement for the preparation of standard reports for consideration at these meetings must also be identified.

Outcome

Clearly defined and successfully established management information systems
Clearly defined report formats, distribution, review and approval protocols which satisfy all internal project and external reporting requirements
Proof that reports and databases can be successfully linked
Adequate record keeping, security, privacy and confidentiality practices which comply with LTU requirements
An adequate level of management meetings to monitor and confirm successful project progress

Associate's Obligations

- **Assistance and co-operation with the establishment of management systems, as required by the University**
- **Compliance with the use of management systems, and project and account codes**
- **Participation in management meetings and the preparation of management reports as required by the University**

4.7 Marketing Strategy and Materials Design and Approval for Use

Purpose

This requirement ensures that the commercial success of the project is assisted to the best extent possible by competent planning and execution of marketing activities. It also ensures that the University's reputation and legal obligations are protected through the formal review and approval of the intended marketing activities of its Associates and other agencies

Requirement

- A Business Plan will have been developed as part of Stage 2 PROJECT NEGOTIATION.

- A separate and detailed Sales and Marketing Plan must be developed by the Project Manager with the Director, IPO or nominee which sets specific activities, dates and performance targets for all sales and marketing activities. This will also identify who is responsible for conducting the marketing activity, for funding the activity, and what approvals are required by LTU and what authorities are granted by LTU for marketing activities.

- The need for marketing materials must be assessed and a timetable developed to manage their drafting, approval, production and placement such that they are available in sufficient quantities, at the correct time, and in the correct locations for use.

- Adequate monitoring practices must be in place to verify full compliance with project requirements regarding LTU control and approvals of the marketing and promotional materials and activities and the involvement in application processing and admission of project Associates and other non LTU entities.

- Evidence of the monitoring of the above requirements must be recorded in project documentation.

- Provision for non compliance with LTU's approval and authority requirements must be clearly defined and acknowledged by project Associates and other non LTU entities in project documentation. These must address as necessary recovery practices for materials, retractions or the issue of public statements, compensation arrangements and any related costs, and the liability of project partners or other non LTU entities for expenses related to the above procedures.

- The success of marketing activities in achieving set targets must be assessed as part of routine project management practices.

Outcome

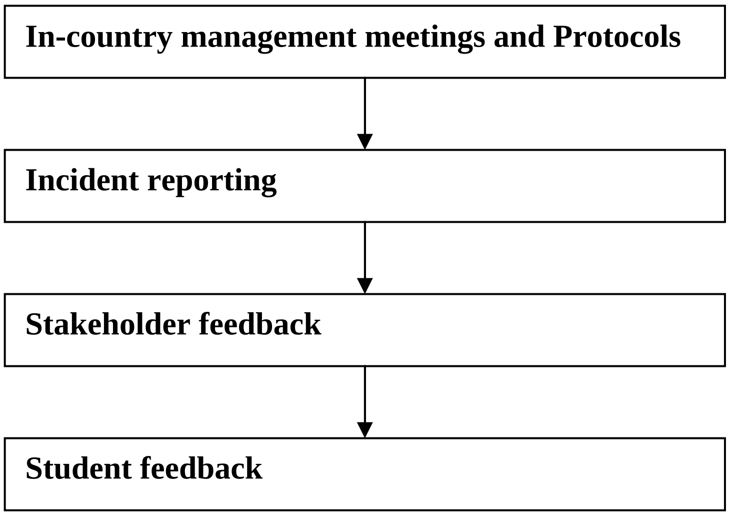
A detailed Sales and Marketing Plan
Clarity and documentation of LTU's approval requirements
Established and agreed procedures to address non compliance with LTU approval and authority requirements
Evidence of the monitoring of satisfactory compliance with LTU requirements
Evidence of the monitoring of marketing success measured against the Sales and Marketing Plan

Associate's Obligations

- **Assistance with the development of marketing information as required by the University**
- **Compliance with the University's requirement that the University formally approve all marketing materials prior to production and distribution**
- **Compliance with any needed corrective action regarding non-compliance with the University's requirements regarding marketing materials and activities**

STAGE 5: ROUTINE MONITORING, EVALUATION & COMPLIANCE

This Stage covers the development and introduction of the routine monitoring, evaluation and management of all major functions and activities of the project.



5.1 In-Country Management Meetings and Protocols

Purpose

This requirement ensures that a suitable level of management review is established by the Project Manager to verify that the project is operating as planned and in accordance with the Business Plan. It will also ensure that operational problems or other circumstances which warrant changes to project management are identified and addressed in a systematic way

Requirement

- The Project Manager will identify a suitable frequency of in-country project review meetings, and select the project staff who will attend these meetings. Quarterly or six monthly meetings are suggested as an appropriate frequency.

- Project Associates and other non LTU entities may be part of the project review team, or they may be required to submit reports for consideration at project review meetings, as is considered most appropriate by the project manager. In the latter instance, separate project review meetings must be scheduled with project Associates, immediately after the internal project review meetings.

- A one-year schedule of meeting dates must be set and locked in to ensure that all meetings are held and that all required staff are able to attend them.

- An agenda must be set which guides meeting structure and ensures that critical issues and performance targets are regularly assessed and evaluated. The agenda must address the prime purposes and objectives of the project, and all critical issues which were identified as part of project risk analysis.

- Written reports might be required of individual staff, project Associates or other individuals or groups associated with the project for consideration at project review meetings. If so the required format and structure of these reports should be prescribed.

- Minutes or meeting notes must be kept of all project review meetings. At a minimum these must record any operational problems and all decisions made which will require implementation. Responsibility for action must be individually assigned.

- Subsequent project review meetings must monitor and review the implementation of action items from previous meetings.

- The project manager must determine where and to whom the minutes or meeting notes are to be distributed, and whether any formal acceptance or approval of such reporting is required.

Outcome

An annual schedule of meeting dates and times
A list of staff who are to attend project review meetings
Reports which are required to be submitted for consideration at project review meetings
Minutes or meeting notes of project meetings with clearly defined action items and the staff responsible for their implementation
Similar records of project review meetings with project partners or other non LTU entities if such meetings are held separately
Records of the acceptance or approval of minutes or meeting notes, as necessary

Associate's Obligations

- **Participation in project review meetings and management meetings as required by the University**
- **Preparation of management reports as required by the University**

5.2 Incident Reporting

Purpose

This requirement will ensure that all operational problems or incidents which pose risks to people, project objectives or the reputation of the University are recorded, addressed at the time, and analysed so that policy and procedures can be revised to reduce or eliminate the likelihood of the incident recurring

Requirement

- An incident report system using an incident report form must be introduced to record all operational problems or incidents. A suggested form is attached, but one may be designed for the purpose of the project.

- All staff must be advised of the incident reporting system and the requirement that they record all operational problems or incidents which pose risks to people, project objectives or the reputation of the University. This can include the failure of an Associate or other party to comply with University policy or other requirements.

- The form must record what action was taken at the time to immediately control or address the incident, if any such action was needed, and any reporting to government which was required.

- An analysis must be made of the causes and contributing factors to the incident.

- Any needed changes to policy or procedures must be proposed and recorded on the form, or in related documentation attached or referred to.

- Incident report forms must be submitted to in-country project review meetings.

- Any required changes to project policy, procedures or operations will be recorded in minutes or meeting notes of project review meetings.

Outcome

A record of all operational problems and incidents
A record of any immediate corrective action taken
A record of any revised policy or procedures
Evidence of the monitoring by in-country and University management staff of project performance as captured by the incident reporting system

Associate's Obligations

- **Compliance with the use of the University's Incident Reporting System**

5.3 Stakeholder Feedback

Purpose

This requirement will ensure that project success is maximised in part by obtaining the early and then ongoing assessment of stakeholder views of project operations and performance

Requirement

- All key stakeholders must be identified by the project manager at the time of project commencement. Stakeholders could typically include project Associates, in-country government authorities or agencies, clients of the products and services of the project, LTU Faculties and Departments, Australian or state government agencies etc. This will require clear details of organisations, their role, individual names, their position and contact details.

- A proposed process for stakeholder consultation must be developed. This must define the purpose of stakeholder feedback, the way in which it is suggested it will be done, the frequency of any meetings or feedback sessions, and any instruments which will be used.

- An initial meeting, or a process of consultation, with stakeholders will consider and confirm the process as developed above.

- The results of stakeholder feedback will be prepared in written format and submitted to project review meetings.

Outcome

A list of key stakeholders
Written reports of stakeholder feedback
Minutes or meeting notes of project review meeting consideration of stakeholder feedback

Associate's Obligations

- **Participation in stakeholder feedback activities as required by the University**

5.4 Student Feedback

Purpose

This requirement will ensure that the success of the project in meeting the needs of students is routinely monitored and fed back to project review meetings

Requirement

- A proposed process for student feedback must be developed. This must define the purpose of student feedback, the way in which it is suggested it will be done, the frequency of any meetings, focus groups, surveys or feedback sessions, and any instruments which will be used. Existing University practices will provide a model which can be adapted as necessary to suit the particular nature of the project, the country and the students.

- A meeting of project staff will confirm the suitability of the proposed methodology and issues of implementation.

- The results of student feedback will be analysed and prepared in written format and submitted to project review meetings.

- Any needed changes to project policy or procedures developed in response to student feedback will be developed at project review meetings, or will be submitted to project review meetings for consideration. Opportunities for continuous quality improvement must also be assessed.

Outcome

A clearly developed methodology for obtaining student feedback
Written reports of the assessment and analysis feedback
Minutes or meeting notes of the consideration and assessment of student feedback at project review meetings, and of any revised policy or procedures developed in response to student feedback

Associate's Obligations

- **Participation in student feedback activities as required by the University**

STAGE 6: ANNUAL REVIEW

This stage covers an annual formal review process of project progress with project Associates, and the submission of reports to LTU and government agencies as required.

Annual review with Associate

6.1 Formal Review with Associate(s)

Purpose

This requirement will ensure that project success is aided by the use of a formal annual review of project progress and achievements, as measured against project goals and the Business Plan.

Requirement

- The requirement for annual reviews of project performance with project Associates must be established in project documentation and contracts.

- The date of such reviews must be set, and the composition of the review meeting confirmed to all parties. Where an Academic Advisory Committee or equivalent exists, both meetings should be scheduled such that staff can attend both, as necessary.

- An agenda must be developed which will be followed at review meetings. This will include at a minimum a review of any incident report forms, matters arising from project review meetings, performance against any Key Performance Indicators and an assessment of project performance against any other relevant items in the Business Plan.

- Written reports might be requested for preparation and distribution prior to the annual review meeting.

- The result of the annual review meeting must be prepared in written format and submitted to Faculty or University management, as required.

Outcome

Scheduled dates for annual review meetings with project Associates
A list of participants at annual review meetings
A standard agenda for use at annual review meetings
Written reports prepared for consideration at annual review meetings
Clear agreement regarding any need to seek variation, renewal or termination of Agreement(s)
Minutes of annual review meetings

Associate's Obligations

- **Participation in formal project review meetings as required by the University**
- **Preparation of project review reports as required by the University**

STAGE 7: CONTRACT REVIEW/RENEWAL

This stage covers the contract review process, lessons learned and contract renewal. It should be read in conjunction with Stages 2 and 3, Project Negotiation and Project Contracting.

Purpose

This requirement will ensure that a process to identify lessons learned takes place, and that any opportunities for contract review and improvement are noted and exploited.

Requirement

- Contract expiry dates or renewal dates must be noted by the project manager and confirmed to project review meetings.
- Planning must be made for the contract review process in sufficient time for any required reports to be prepared and distributed.
- The minutes or meeting notes of project review meetings must be reviewed for the purpose of identifying project difficulties, opportunities for improvement and lessons learned.
- Project staff might also be required to propose desired contract changes for consideration in contract review and renewal negotiations.
- Discussion of project performance and any desired changes to project contract, schedules or service level agreements should identify all required changes, additions or deletion to project contract documentation.
- Negotiation with project Associates might be commenced with a view to determining what desired changes to contract documentation could be acceptable, or the conditions or circumstances in which they might be acceptable.
- Progress reports on any such negotiations should be made and submitted to management as necessary and records or notes for file made of discussions.
- LTU Legal Services must be fully briefed of all contract review discussions and negotiations.
- No agreement to any contract changes should be indicated without the prior agreement of LTU Legal Services.

Outcome

A structure and timetable for contract review and renewal
Written reports for consideration as part of the contract review process
Clearly defined objectives to be achieved in any revised or renewed contracts
Records of discussions and negotiations
Legal Services approval prior to the making of any commitments or undertakings

Associate's Obligations

- **Participation in contract review and renewal negotiations**

LA TROBE UNIVERSITY EXTERNAL PROGRAMS MANUAL – ASSOCIATE'S VERSION

Summary of the Requirements of the Australian Government, the Requirements of La Trobe University's Statutes and Regulations, and the Obligations of Associate of the University

BACKGROUND

The Australian Government has a strong concern to protect the reputation of the Australian Higher Education Sector as an internationally recognised provider of academic programs of the highest academic quality.

To ensure this the reputation of La Trobe University and the requirements of both the Australian Government and the Australian Vice Chancellors Committee require that all external and off-shore programs:

- Implement the Committee for External Program's *External Programs Policy Statement.*
- Comply with La Trobe University's Mission Statement and Strategic Plan.
- Comply with the AVCC Code of Ethical Practice in the Offshore Provision of Education and Educational Services by Australian Higher Education Institutions.
- Are thoroughly researched and fully planned.
- Are fully costed and do not draw on any DEST funding sources.
- Are thoroughly assessed from a risk management perspective.
- Are correctly approved and authorised by all required internal and external authorities and agencies.
- Are managed and protected by a thorough program monitoring and evaluation protocol.
- Ensure that programs delivered offshore are of comparable quality to those delivered on La Trobe University on-shore campuses.
- Comply with AUQA Guidelines and AVCC Codes and are consistent with ESOS requirements, even though the ESOS Act does not currently apply to offshore programs. However, the ESOS Act may apply to programs with offshore and onshore components.
- Comply with Australian Quality Framework Guidelines.

This **External Programs Manual (Associates Version)** describes for Associates of the University the practices within the University which ensure that these requirements are fully satisfied.

This Manual also specifies what Associates of the University are required to do to ensure that their activities comply with required University standards and the achievement of the above objectives.

RESPECTIVE RESPONSIBILITIES OF LA TROBE UNIVERSITY AND ITS ASSOCIATES

The External Programs Manual – Project Management, is the prime tool by which the University identifies its obligations and responsibilities with the establishment and ongoing management of external programs, and ensures compliance with these and the maintenance of adequate records of compliance.

The requirements contained within the External Programs Manual – Project Management are those of the Australian Government and of the University, and the responsibility for compliance with them is the University's.

The only exceptions to this are the clearly defined Associate's Obligations where they appear in each Stage of this External Programs Manual – Associate's Version. The Associate is responsible for compliance with these obligations as a condition of its relationship with the University for the conduct of the external programs.

CONFIDENTIALITY AND NON-DISCLOSURE

This Manual is the intellectual property of La Trobe University and is confidential.

It is provided to Associates of the University to enable them to fully understand the obligations and responsibilities of the University, within which the Associate's Obligations fit.

The Manual, and any part of its contents, must not be revealed to any other party without the written consent of the University.

SUMMARY OF ASSOCIATE'S OBLIGATIONS

To ensure the full achievement of the above requirements, Associates of the University are required to comply with the following obligations:

STAGE 1: PROJECT INCEPTION:

- Assistance with the gathering and provision of detailed market and competitor data as identified by the University
- Assistance with the identification and reporting of potential risks as required by the University
- Consent for the University to carry out due diligence enquiries of the Associate
- Provision of formal authority for the University to carry out due diligence enquiries with agencies and authorities identified by the University
- Provision of financial, legal and other reports and statements as required by the University

STAGE 2: PROJECT NEGOTIATION:

- Participation in project negotiation
- Participation in the development of a Business Plan as required by the University

STAGE 3: PROJECT CONTRACTING:

- Acceptance and agreement to use the correct standard University agreement
- Provision of advice regarding any requirements for formal project approval in the host country
- Assistance in gaining formal approvals in the host country, or full responsibility for obtaining all necessary approvals in host country, whichever is required by the University
- Recognition and compliance with the need to satisfy the standard legal requirements of La Trobe University Legal Services
- Provision of advice regarding any need for contracts to be registered in the host country

STAGE 4: PROJECT COMMISSIONING:

- Provision of Position Descriptions for project staff who are employees of the Associate
- Participation in staff selection processes as required by the University
- Assistance and co-operation in defining facilities needs and assessing the suitability of proposed buildings and facilities against them
- Provision of building plans and specifications as required by the University
- Advice of all insurances legally required by the host country and evidence of current cover
- Assistance and co-operation in determining the need for any maintenance and service contracts, or other insurances beyond those legally required
- Assistance in obtaining insurances and service contracts as required by the University
- Advice of all required building codes, approvals, licences, certificates and related issues
- Assistance in obtaining all required building approvals, licences and certificates
- Compliance with any required restrictions on building use
- Regular reporting of the maintenance of compliance regarding building use
- Assistance and co-operation with the establishment of management systems, as required by the University
- Compliance with the use of management systems, and project and account codes
- Participation in management meetings and the preparation of management reports as required by the University
- Assistance with the development of marketing information as required by the University
- Compliance with the University's requirement that the University formally approve all marketing materials prior to production and distribution
- Compliance with any needed corrective action regarding non-compliance with the University's requirements regarding marketing materials and activities

STAGE 5: ROUTINE MONITORING, EVALUATION & COMPLIANCE:

- Participation in project review meetings and management meetings as required by the University
- Preparation of management reports as required by the University
- Compliance with the use of the University's Incident Reporting System
- Participation in stakeholder feedback activities as required by the University
- Participation in student feedback activities as required by the University

STAGE 6: ANNUAL REVIEW:

- Participation in formal project review meetings as required by the University
- Preparation of project review reports as required by the University

STAGE 7: CONTRACT REVIEW / RENEWAL:

- Participation in contract review and renewal negotiations