

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 documents the principles and procedures involved in selecting third-party providers, formalising TPAs, 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)*. The policy has been revised having regard to *TEQSA Guidance Note: Delivery with other parties*¹

2. SCOPE

This policy applies to all staff developing, delivering and administering TPAs. It applies to arrangements with all third-party providers within Australia and overseas that 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 means the investigation process to assess a third party's suitability to enter into an arrangement for course delivery.

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

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

¹ <https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/guidance-note-delivery-other-parties> (2023)

Third Party means 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) means an arrangement made by IMC with another party to deliver some or all of a higher education course in Australia or overseas, leading 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 before 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 when there are pre-approved changes to the content and delivery of IMC's comparable offering;
- Ensure materials and information provided to students are complete and accurate concerning the arrangement and implications for students; and
- Ensure the student experience varies only where it is intended to be 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 rigorous due diligence before reaching an 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 integrity 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 Third-Party Selection and Advisory Committee (TPSAC) will perform due diligence. 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 governance, finance and management to the Council. The TPSAC will make recommendations to the Academic Board concerning academic and student support matters. A decision on the suitability of a third party is the responsibility of the Council.

5.2 Formalising the Third Party Agreement

Before a TPA commences, 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 adequate controls on the 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

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

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. The Chair of the Academic Board will appoint TPARTG members for two years. The TPARTG will meet at least twice annually and report to the Academic Board after each meeting.

5.3.2 TPART Audits

The TPARTG 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 at least 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, external reviewers are expected to contribute to audit processes. 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 each audit's conclusion and 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 student cohorts' performance to compare to the performance of IMC students and achievement of learning outcomes.
- Evidence that HESF 2021 requirements continue to be met and comply with overseas regulatory obligations, as appropriate.

5.3.3 Monitoring TPA Risks

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

- Lack of clarity and/or unrealistic expectations for the contracting, retention, and support for delivery and assessment staff, including standards for equivalency and scholarly activity, which can result in breaches of the regulatory framework;
- Misunderstandings or disagreements, between IMC and a third party about procedures and responsibilities. This can lead to significant impacts on the experience students and wellbeing of staff, especially if IMC chooses to end its relationship with a third party;
- Inaccessible resources because of remote locations;
- Cultural, linguistic or technological barriers to participation;
- Lack of resources or skills to provide support services for students including regarding wellbeing and safety;
- Confusion regarding critical responsibilities in delivering the course, as well as inconsistent or conflicting educational and academic goals, resulting in the poor course management;
- Student confusion regarding who is responsible for issues of concern to them, making it difficult to resolve them;
- Unclear expectations and/or a lack of student performance monitoring by IMC, resulting in failure to deliver as expected or agreed outcomes. This can include high attrition rates, poor progression outcomes, high numbers of reported grievances
- Students or staff feeling isolated/unsupported by IMC;
- A lack of training provided to staff and students on institutional policies, resulting in compromised academic quality and inconsistencies across student cohorts, campus and faculties;
- The other party making changes to IMC's course without approval and appropriate oversight.
- IMC are not cognisant of the facility and infrastructure requirements of their student cohorts when outsourcing to a third party such as prayer rooms;
- Inconsistent reports from a third party about its performance and compliance. This may make it difficult for IMC to assure itself of the third party's ongoing compliance with relevant frameworks and to ensure the welfare of students;
- Unexpected changes to third-party operations; and
- Insufficient quality controls, oversight and monitoring of TPA operations and performance by IMC.

5.4 Governance and Management

Accountability for the 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 material issues and risks to the Council.

6. RELATED DOCUMENTS

- i. Academic Quality Assurance Framework*
- ii. Course and Unit Review Policy*
- iii. Course and Unit Development Policy*
- iv. Moderation policy*
- v. 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 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:

1. Orientation and progress: all students have equivalent access to transition into and progression through, their course of study.
2. Qualifications and certification: certification documentation acknowledges the contribution of the third party where appropriate (IMC must inform a student prior to accepting a position of the details of any arrangements with other parties who will provide the course or part of the course).
3. Policies: Specification of which of IMC's and the third party's policies apply. Key policies in IMC's framework that may apply are:
 - i. *Student Selection and Admissions Policy and Procedure*
 - ii. *Access and Equity Policy*
 - iii. *Recognition of Prior Learning (RPL) Policy*
 - iv. *International Students Enrolment Amendments and Variations Guideline*
 - v. *Fees and Charges Policy*
 - vi. *Assessment Policy and Procedure Student Academic Integrity Policy*
 - vii. *Student Complaints and Appeals Policy and Procedure*
 - viii. *Student Progression, Exclusion and Graduation Policy and Procedure*
 - ix. *Course Delivery in a Language Other Than English Policy*
 - x. *Offshore Course Delivery Policy*
 - xi. *Examination Policy and Procedure*
 - xii. *Moderation Policy and Procedure*
 - xiii. *Student Consultation Policy*
 - xiv. *Bullying, Harassment and Discrimination Prevention Policy and Procedure*
 - xv. *Sexual Assault and Sexual Harassment Policy*
4. IP: Provision and rights over current intellectual property.
5. Support: Administrative and academic support and guidelines.
6. Learning resources and educational support: learning materials are accessible for students if specified or recommended for a course of study. Students are able to access learning resources regardless of their mode of study, learning needs or whether the education is delivered with a third party.
7. Staffing: Student and staff induction and support services, including those at a third party, have appropriate training, level of qualifications and knowledge of contemporary developments in a field or discipline to meet expected student learning outcomes. Teaching staff, including those at a third party, who do not fully meet the standard for teaching or supervision (i.e. experienced practitioners) are overseen by staff who meet requisite standards. Staff, including those at a third party, are accessible to students seeking individual assistance with their studies.
8. Course approval and accreditation: processes for academic governance are applied consistently to all courses. Resources required to deliver courses are available.
9. TEQSA matters: Maintenance of TEQSA registration and course accreditation.

10. Wellbeing and safety: students are provided with a safe environment to participate in higher education and grievance and complaints processes are supplied consistently, fairly and without reprisal. There are support services tailored to the needs of their cohort. This includes IMC must ensure it and a third party delivering education provide appropriate assistance and information to support overseas students' adjustment to study and life in Australia.
11. Academic and research integrity: academic and research integrity and accountability are maintained in delivery arrangements with a third party.
12. Marketing and promotion; information supplied by IMC or other parties about IMC's educational offerings, experiences and charges are accurate and not misleading. This includes information for prospective and current students is accessible and accurate about arrangements with a third party (including when and where courses will be delivered under these arrangements).
13. Maintenance of student records; including information systems and records are maintained, and kept secure and confidential.
14. Provision of assessment; complaints and appeals processes and monitoring of student progress and academic integrity.
15. Course and Unit management, monitoring, reviewing and improvement processes; includes monitoring and review of student trend data, specifically considers and compares outcomes across cohorts and third-party activities.
16. Delivery with other parties: delivery with a third party is quality assured by IMC, including assuring quality of supervision and student experiences in delivering a course with another party, IMC remains accountable for the course of study and its ongoing compliance with the Threshold Standards.
17. Corporate monitoring and accountability: the corporate governing body can assure itself that IMC is operating effectively and sustainably. This includes assuring itself that IMC:
 - is operating consistently with the legislation under which IMC is established, recognised, or incorporated (which may impose limits on whether IMC can deliver courses in a foreign jurisdiction, even if through a third party),
 - has appropriate tuition safeguards plans for business continuity in the event a course cannot be fully delivered,
 - is awarding qualifications legitimately.
18. Agent matters: IMC must ensure education agents are clear on their responsibilities and act in accordance with them.
19. Course registration: In registering a course, IMC must seek approval from TEQSA for arrangements with a third party. IMC must also demonstrate a third party IMC intends to engage to deliver a course has adequate staff, resources, and facilities.
20. Compliance with laws and regulatory obligations in the home jurisdiction: including the ESOS Act and the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Responsibilities of a Third Party for matters such as:

- Provision and rights over current intellectual property
- Maintenance of local registration and accreditation
- Representation on IMC's Academic Board 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 as set out by IMC
- Participation in end-of-term examiner/moderation meetings
- Participation in periodic reviews as required by IMC or governance policy
- 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 as required by IMC