

Agreements With Overseas Institutions And Cross-Border Activities

INT-01

About This Policy

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Responsible University Administrator:

Vice President for International Affairs

Policy Contact:

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Scope

Indiana University (IU) units, administrators, and faculty members proposing any type of cross-border activity or affiliation with an institution of higher education or other entity in another country (hereafter “overseas institution”) that should be conducted under an [agreement](#). This policy governs:

- All agreements (including contracts, memoranda of understanding, and other instruments) and [statements of intent](#) for collaboration (including memoranda of intent and similar instruments) that establish an [affiliation or partnership](#) between Indiana University, or any of its units, and an overseas institution; and
- All offshore activities, including [offshore academic programs](#), conducted under these agreements that commit resources of Indiana University or any of its units, provide foreign staffing or support for an IU program, or establish an [institutional presence](#) abroad.

This policy is not intended to affect the continuing ability of faculty, staff and students at IU to form research and other relationships with individuals at overseas institutions. It does not affect contracts for purchase or sale of goods or services that do not otherwise establish an international affiliation or partnership with IU or any of its units. Such contractual activities are regulated by IU Purchasing and IU Office of the Treasurer.

IU units, administrators, and faculty members should seek the advice of the Office of the Vice President for International Affairs (OVPIA) early in the process to ascertain whether a prospective program, project, or activity falls within the scope of this policy.

Policy Statement

The development of all agreements or statements of intent for collaboration involving any unit of IU and an overseas institution must be reported to the OVPIA. No formal or informal assurances about these agreements or statements of intent for collaboration should be conveyed until necessary approvals have been secured in accordance with this policy. A statement of intent for collaboration does not create a legally binding relationship between IU and the overseas institution and should not be represented as a partnership or any other formal affiliation. Any prospective program, project, or activity may require one of the agreements described below.

A. Affiliations with Overseas Institutions

1. Affiliations with overseas institutions are conducted under a [Primary agreement](#). The Primary agreement must be signed by the president or highest ranking officer of IU and the partnering overseas institution.

Sub-agreements between IU units (such as a campus, school, department or center, or an administrative office) and units at the partner institution may be established under the Primary agreement. The President reviews Sub-agreements, but those are typically signed by the Vice President for International Affairs (VPIA), Treasurer, or other authorized official.

2. In most instances, the Primary agreement will be one of friendship and cooperation that is based on a standard Indiana University template.
3. Both the Primary agreement and any **Sub-agreement(s)** must be reviewed and approved by the OVPIA's Offshore Programs and International Affiliations Committee. The chief academic officer of the unit's campus (as appropriate), the VPIA, and the Office of the Vice President and General Counsel (OVPGC) will review and approve agreements before submitting them for the appropriate IU signatures.
4. Primary agreements should create partnerships with overseas institutions ranked at the highest levels nationally, regionally, or internationally. IU will consider agreements with less highly ranked institutions if they have special expertise or capacity of specific value to IU or units of IU. In general, two or more IU units should engage in substantive activities with an overseas institution before a Primary agreement is pursued.
5. Notwithstanding paragraph 1, an IU unit can submit a proposal for a **Unit-to-unit agreement** with a unit at an overseas institution when a Primary agreement is not possible. All such proposals should make a compelling case and have the explicit support of the IU unit's dean, chair, director, or other leadership. The VPIA will review and approve the final agreements according to paragraph 3 before submitting them to the President for consideration.
6. Prior to the execution of any agreement with an overseas institution, the OVPIA will submit the agreement to IU Export Control for review. All IU units must comply with **RP-11-009, Export Control** whenever IU funds, equipment, data or other resources are used for activities that may create export control risk.
7. When entering into an agreement, IU units must have the capability, within reason, to comply with any foreign state's data protection requirements that govern a partner overseas institution. The OVPGC will advise IU units on such compliance matters before such an agreement is executed.

B. Offshore Activities

1. **Offshore** activities that must be conducted under an approved agreement are those that represent IU as an institution or establish an IU presence overseas. Specific examples include but are not limited to the following:
 - Commitments for overseas exchange programs; Collaborative degrees or certificates with a foreign entity, including **Dual degree** and **Joint degree programs**;
 - Credit-bearing and non-credit Overseas distance education programs requiring a written agreement between IU and a foreign entity;
 - Movement of IU faculty or staff overseas for the purpose of delivering IU coursework for credit;
 - Operating an overseas office that represents IU or any of its units;
 - Establishment or registration of an IU legal presence in a foreign country;
 - **Facilitated Transfer Admission Agreements** and **"Twinning"** programs;
 - Serving as a **"school of record"** for students at non-IU study abroad programs; and
 - **Externally funded (technical assistance) projects** that require a partnership agreement. See the Definitions section for additional programs and agreements covered by this policy.

2. All agreements are limited to a maximum duration of five years. Agreements may be renewed by submitting and receiving positive consideration of an application for renewal.
3. Agreements will be evaluated annually and will be considered inactive if there are no activities by either institution for two or more years.

Reason For Policy

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

Developing and enhancing agreements with overseas institutions of the highest quality is one of Indiana University's continuing priorities.

This policy is in place to make certain that any international affiliation IU enters into is not only mutually beneficial, but is also sustained and active for the duration of its term. This is accomplished through an application process that evaluates the partner institution's ranking and/or reputation and the prospective activities, as well as an annual review of collaborative efforts. Finally, this policy is a resource for IU faculty and staff that outlines the factors that contribute to positive linkages between IU and overseas institutions and identifies the process for establishing such linkages.

[Cross-border](#) academic programs present special circumstances that have an impact on the reputation of IU, may pose financial risks to IU and/or the IU unit, raise health and safety considerations, and require compliance with foreign laws. Thus, detailed and thoughtful review prior to implementation is essential. The offering of IU degrees in an international context raises quality assurance questions about admissions, course content, faculty credentials, and student registration and fee payments as they are applied in new contexts. These contexts often involve unfamiliar institutional cultures and regulatory environments. This policy is designed to develop cross-border programs of the highest quality, to protect the reputation of IU, to ensure compliance with U.S. export control laws and regulations, to ensure compliance with [FIN-TRE-121, Establishing and Modifying Revenue Producing Activities \(RPA\)](#) regarding Revenue Producing Activities, and to guard the interests of students, faculty, and staff who participate in these programs.

Procedure

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

Reference the [IU Global website](#) or contact the OVPIA personnel listed below for specific guidelines for the proposed program, project, or activity.

Definitions

The terms **“affiliation”** and **“partnership”** are used interchangeably in this policy.

The term **“agreement”** in this policy is any signed document between IU and an overseas institution or other entity for a bilateral or multilateral partnership that may include specific programs, projects, or activities.

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

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

“Sub-agreement” occurs under the umbrella of a Primary agreement and contains a detailed, functional plan for specific collaborative activities and engagements between units of the two institutions. Partnering units are most commonly IU departments, schools or campuses and their counterparts at the overseas institution. These agreements include specific plans, timetables, and budgetary arrangements.

“Unit-to-unit agreements” are agreements for specific projects, programs, or activities between IU units and their counterparts at an overseas institution. A unit-to-unit agreement may be requested if a Primary agreement does not exist with an overseas institution. Approval requires compelling evidence of the mutual benefit of this agreement.

A **“Statement of Intent”** (a/k/a Memorandum of Intent) is a jointly signed document between IU units and their counterparts at an overseas institution that precedes an agreement. The IU unit and their counterparts at the overseas institution should have a preliminary plan for specific projects, programs, or activities that would advance to an agreement within one or two years. Such documents cannot be issued independently of the OVPIA approval process.

“Offshore academic program” refers to the offering of an IU degree, minor, or certificate program to IU students and/or international students at an international site. Typically, such programs are offered in only one or two disciplines. There are several types of offshore degree programs including joint and dual degree programs and free-standing degree and certificate programs.

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

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

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

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

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

“Externally funded (technical assistance) projects” are projects funded by the U.S. government, multi-national agencies, foundations, or corporations. Signature authority for IU’s contract and grant activities resides with the Associate Vice President for Research Administration, including when the granting agency or subcontract agreement is with a foreign entity. Externally funded projects are covered by this policy and require separate application to the OVPIA only when the foreign entity requires an affiliation agreement with IU, or when the externally funded activities involve delivery of IU academic programs abroad (either on-site or via distance) or the

establishment of an IU legal presence abroad (e.g., registration as a legal entity in the foreign country, payment of taxes to a foreign government, opening of project bank accounts abroad; hiring of direct employees). While this policy does not require application or committee approval for all components of IU overseas technical assistance projects, the OVPIA will be pleased to advise units considering other high risk activities such as hiring independent contractors in the foreign country for a period greater than 90 days; long-term lease or purchase of housing or vehicle in the foreign country; and administration of large custodial funds internationally.

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

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

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

Sanctions

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

Additional Contacts

Affiliations procedure	Shawn Reynolds	812-856-9024	shreynol@iu.edu
Overseas study	Kathleen Sideli	812-855-1139	sideli@iu.edu
International students	John Wilkerson	812-855-6380	wilkerjh@iu.edu

History

This policy is based on the Resolution of the Trustees of Indiana University, 20 June 1987, and the Memorandum from President McRobbie to the President’s Cabinet, Deans and Chancellors, 11 February 2009. The policy was revised in 2013 to consolidate into one policy two existing IU policies that were based on the Trustees 1987 resolution and the Presidential memo of 2009: INT-01 “International Affiliations for Two-Way Exchange of Faculty or Students” and INT-02 “Offshore and Cross-Border Programs.” The goal of the 2013 revision was to clarify what activities are covered by the policy; to reduce the burden on faculty and administrators in understanding and completing the application process; and to streamline the approval procedure so that only one university committee would be responsible for review and approval of these activities.

Policy contacts and links updated 6-19-17.

Policy updated 9/03/2021 as part of a routine review of all OVPIA policies.

Related Information

[IU International Strategic Priorities](#)

[IU Registry of Agreements](#)

[Resolution of the IU Board of Trustees on International Agreements 20 June 1987](#)

[INT-03 Overseas Study Program Development](#)

[FIN-TRE-100 Signature Authority and Delegation](#)

[RP-11-09 Export Control](#)

[FIN-TRE-121 Establishing and Modifying Revenue Producing Activities \(RPA\)](#)

Related Forms

[Application Procedures and On-line Application](#)