The Forum on Education Abroad

Guidelines for Good Business Partnerships in Education Abroad

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INTRODUCTION

In education, we don’t always discuss our work in terms of “business” interactions, yet higher education institutions that offer education abroad programs regularly engage in business relationships with organizations and institutions for academic coursework, housing, transportation, excursions, site visits, and other support abroad. Arrangements vary based on the academic goals, institutional culture, resources, policies, risk management strategies, the local culture surrounding contracts and business arrangements and more and may range from full-fledged partnerships to contracting only specific services, such as logistics arrangements, apartment housing, homestays, or air travel. Regardless of the types of services exchanged, the fact remains that education abroad could not function without these relationships.

While partnerships begin with meetings between individuals, it is important for relationships to be clarified and legitimized at the organizational level to protect all of the organizations involved. The discussions and process leading up to the signing of an agreement often raise salient issues crucial to the relationship. Indeed, the process is often at least as important as the ensuing document. Open and clear communication, mutual respect for each organization’s values, mission and goals, expectations, costs, services, and understanding the limitations of the partnership are vital. Still, many of the individuals involved in developing partnerships, outlining agreements, or negotiating contracts are not legal experts or trained in business negotiations and may feel uncomfortable in this role. For this reason, it is important to negotiate partnerships in good faith and to review contracts with your organization’s relevant departments including general counsel, financial operations, and academic offices.

Education abroad is complex; strong partnerships built on mutual respect and understanding are necessary to realize the educational goals of the field. These Guidelines are intended to guide the legal, ethical, professional, contractual, and business aspects involved in delivering high quality education abroad programming. They can inform the establishment of new partnerships, the renewal of existing partnerships, or the renegotiation of existing agreements. They are not written primarily to pertain to agreements (MOUs) between higher education institutions, though certainly some of them may apply. Use the Guidelines together with the *Standards of Good Practice for Education Abroad* and the *Code of Ethics for Education Abroad* to develop strong, sustainable, mutually beneficial relationships between partners.

STANDARDS The *Standards of Good Practice for Education Abroad* were established in 2004 by The Forum on Education Abroad, and are recognized by the U.S. Department of Justice and Federal Trade Commission as the Standards Development Organization (SDO) for the field of education abroad. They are higher education’s benchmark for education abroad program excellence and accountability.

KEY TERMS

Contractual Agreement: A written agreement between two entities that explains the terms and conditions surrounding the exchange of goods and services between those entities.[1]

Faculty Program Director (or Leader): A university faculty member appointed to lead an education abroad program. The individual's on-campus roles may include program development, advising, recruitment, admission, orientation, and advocacy. Faculty program directors may be called on to assume a range of important overseas responsibilities in the areas of administration, logistics, finances, and academics. [1]

General Counsel (or **University Attorney**): Individual or unit providing legal services and representation; litigation and risk management; contract drafting and review; and compliance oversight in all areas of an institution's operation, instruction, research and administration. The primary goal of the Office of the General Counsel is to provide counsel to minimize legal risk and costs, reduce litigation exposure, and ensure compliance with law. [1]

Home Institution (or **Home School**): The educational institution in the U.S. where an education abroad student is a continuing student, usually working toward the completion of a degree. [1]

Host Institution: (or **Host School**) – The institution that the education abroad student attends while abroad. [1]

Memorandum of Agreement: A written agreement, usually legally binding, through which two or more signatory parties agree to work together toward specific agreed-upon goals. [1]

Memorandum of Understanding: A written agreement signed by two parties that does not legally bind the parties to action. Rather, both parties simply agree to work together toward an agreed-upon goal. [1]

Partner: One of the parties involved in the processes of sending students abroad or receiving students abroad (when at least two parties are involved). For example, all of the following are potential partners: a home institution, a host institution, a program provider, a consortium, and a travel agency. [1]

Program Provider (or **Independent Program Provider**, or **Third-Party Provider**, or simply **Provider**): An institution or organization that offers education abroad program services to universities, colleges and/or students from a variety of institutions. A program provider may be a college or university, a nonprofit organization, a for-profit business, or a consortium. For purposes of these Guidelines a provider may be understood as any organization involved in supplying program components and services necessary for an education abroad program, including for example only air travel or accommodation or ground transportation or more comprehensive program support. [1]

Program Site: The geographical location at which an education abroad program takes place. Most commonly, a site is identified by the name of the host city or town, but it may sometimes be named for a different unit; for example, a region, a rural community, or an archaeological site. [1]

Program Sponsor: An institution or organization that is the primary administrator and manager of an education abroad program. [1]

Point Person: Primary contact at an organization or institution who is responsible either for responding to communications from partners or identifying the appropriate contact and promptly forwarding the inquiry.

Risk Management: The process of identifying, assessing, and controlling risks that arise from operational factors in order to minimize their negative consequences. [1]

[1] Adapted from The Forum's Glossary, http://www.forumea.org/resources/ glossary.

BEST PRACTICES FOR GOOD BUSINESS PARTNERSHIPS IN EDUCATION ABROAD

In order to offer educational, safe, accessible programs to students, all involved parties should work together to define and clarify their business relationship. The following best practices will help achieve these goals. Partners are encouraged to cooperate with one another to:

a. Ensure each organization or institution has a mission and goals that complement and enhance the partner's mission and goals.
b. Consider how the partnership can be mutually beneficial to all parties.
c. Ensure that each partner is committed to and practices open, accurate, and honest communication.
d. Reinforce the importance of ongoing communication and the disclosure of potential hurdles; a detail unstated by one party could be critically important to another.
e. Establish and make available criteria for evaluating existing and potential partners based on prioritized parameters and requirements.
f. Establish mutually agreed upon requirements and processes for student recruitment and selection and consult with partners before deviating from policy.
g. Outline a plan and timeline for joint evaluation of the partnership and frequency of agreement renewal/renegotiation.
h. Have formal review and evaluation processes and regularly apply the results to improve policies, procedures, and practices.
i. Identify key personnel who are important to fulfilling the goals of the partnership, their roles and responsibilities.
j. Consider including specific milestones or check-in dates (e.g., a date by which a minimum number of student applications should be received, or by which an estimated fee must be established).
k. Ensure that educational objectives are identified and articulated and that responsibility for student learning is agreed upon.
l. Agree who is responsible for the design and execution of the academic content, schedule, outcomes, and evaluation methods.
m. Discuss expectations and requirements for in-country arrangements, including, but not limited to: housing, dining facilities, classroom space and technology, transportation, learning facilities such as libraries, laboratories and equipment, and academic support services.
n. Clarify and establish each partner's priorities regarding which aspects of the programs and services are essential, non-negotiable, and/or flexible.
o. Establish mutually agreed upon billing and payment procedures for students and/or for services provided at the program level, including withdrawal, cancellation, and refund policies.
p. Coordinate pre-departure and on-site orientations to ensure alignment and consistency of information and practices.
q. Clarify how program details are communicated and advertised to participants and stakeholders; consider the importance of what is communicated as well as how it is communicated.

r. Establish roles and responsibilities of all parties regarding student conduct abroad, review of conduct violations, and a communication plan in such cases.
s. Establish emergency response protocols and clarify the roles of each party in emergency scenarios.
t. Determine together what information regarding students' health, academic and judicial records will be shared and when.
u. Facilitate professional working relationships between faculty of the sending institution and those in the host country.

GUIDELINES FOR GOOD BUSINESS PRACTICES IN EDUCATION ABROAD

Use the following guidelines, along with the *Standards of Good Practice for Education Abroad* and the *Code of Ethics for Education Abroad*, to guide your partner relationships.

1. *Mission and Goals*

- Choose partners with mission and goals compatible with your organization's mission and goals.
- Converse openly and honestly with partners about their organization's mission and goals and about social, economic, environmental, and/or cultural realities in their community.
- Outline goals and expectations for the partnership, acknowledge limitations, and clearly communicate these to your partner(s).
- Regularly evaluate whether the partnership is achieving shared mission and goals.

2. *Student Learning*

- Identify and clearly articulate the educational objectives for the program.
- Clearly articulate who has responsibility for student learning and how this responsibility will be shared.
- Clearly articulate who is responsible for approving curricular and co-curricular program activities, including excursions and guest speakers.
    - Clarify the distinction between curricular and co-curricular activities.
- Clearly articulate who has responsibility for communicating program learning goals and/or course expectations to any in-country faculty, provider organizations, or hosts.
- Clearly define assessment goals and measures and identify who is responsible for implementing these.
    - Plan to regularly share a summary of student learning outcomes with interested partners.
- Establish responsibility for arranging extra-curricular components of the program, if any.

3. *Academic Framework*

- Clearly identify early in the program development phase the distinct and shared responsibilities for design and execution of the academic content, schedule, outcomes, and evaluation methods.
- Identify any academic pre-requisites for courses to be offered on-site and clearly articulate these requirements to the student.
    - Determine who communicates pre-requisites to students and who determines student eligibility.

- Clearly establish the number and type of contact hours needed to grant credit for each course offered.

4. Student Selection, Preparation, and Advising

- Together, clearly outline a fair, ethical, and transparent recruitment and selection process for the program.
    - Identify who collects and reviews application materials, determines student eligibility requirements, and decides on admission to the program.
- Together, identify any essential eligibility requirements for participation in the program, including but not limited to: physical abilities, personal background checks, certifications, drug testing, confidentiality, privacy, and non-compete policies and agreements and determine who will communicate these to interested students.
- Identify the application process and requirements and decide who informs students. Ensure this information is shared between partners.
- If a visa is required, identify who will advise students through this process.
- Clearly communicate any limitations that the program may have related to special accommodations, medical or support services, as well as a timeline for sharing requests.
- Ensure that all parties observe confidentiality regarding collection and transmission of student health information and other personal data.
- Outline the process for communicating with students.
- Develop a comprehensive advising process to support students before, during, and after the experience; clearly define who is responsible for each step of the advising process.
- Clearly define who is responsible for providing students with a comprehensive pre-departure and on-site orientation.
    - Identify those responsible for collecting pre-departure documentation.
- Identify who has responsibility for academic advising before and during the program to ensure that:
    - Students are made aware of the academic requirements for the program and its contents;
    - Students understand the grading policies and procedures to be used for the program (e.g. pass/fail, letter grades);
    - Students understand policies for requesting class changes and the appropriate contact;
    - Students understand sources for advising before or during the program.
    - See the *Guidelines for Education Abroad Advising* and the *Guidelines for On-Site Academic Advising for Education Abroad* for more information.[1]

5. Student Code of Conduct and Disciplinary Measures

- Taking into account individuals' level of authority, experience, and expertise, clearly delineate and agree upon roles and responsibilities of all parties; give special consideration to:
    - the process by which each organization reviews conduct violations, appeals, and what personnel at home or abroad are involved; and
    - the process for communication between partners in the event of a conduct violation.

[1] See www.forumea.org/guidelines to access these documents.

- Explicitly clarify standards of conduct for program participants and which organization is responsible of informing students about conduct expectations and policies. Relevant communications to students may include:
    - how the coordinating organization and home institution codes of conduct may both apply when students are abroad and of the consequences of violating either code of conduct;
    - providing students with written code(s) of conduct that apply;
    - clearly stating that the laws of the host country and locality must be observed and respected;
    - identifying in collaboration with the local partner additional behaviors which may be inappropriate or unacceptable regardless of legality and helping students understand the reasons for these taboos;
    - expectations of program housing with specific attention to rules/regulations regarding guests, noise, curfews, and alcohol consumption and policies related to property damage;
    - articulating a clear policy for class attendance, punctuality for program activities, and separating from the group for personal activities during free time.
        - Determine who has the authority to communicate, carry out and enforce the policy.
    - who has the authority to communicate, carry out, and enforce the policy and make decisions about conduct code violations and resulting consequences.
- Develop an agreement between partners as to what behavior will result in a student's removal from the program and return home:
    - Outline a process for adjudication and appeal.
    - Identify which parties make the decision.
    - Identify who will cover non-recoverable costs and any additional expenses in the event a student is found responsible and will be leaving the program.
    - Ensure that these behaviors, processes for adjudication, and consequences are clearly defined in the code of conduct and related information provided to students.

6. Policies and Procedures

- When using an RFP (Request for Proposal) process to identify potential partners or service providers, create a rubric or template that clarifies all required information and parameters to ensure fair and consistent comparison of submitted proposals.
- Verify that each partner has published policies that govern its programs and services and are accessible to partners and, if applicable, to students.
- Commit to open, accurate, and honest communications between partners.
- Clarify contract terms, including timelines for reviewing and finalizing a contract and specifics on terminating or cancelling a contract.
    - Ensure there is a clear process for renegotiating/changing the contract terms after signing.
    - Clarify who is responsible for costs related to changes or additional requests.
- Identify signatories with institutional authority to sign. Review and acknowledge legally binding aspects of contracts at time of signing.
- Establish timeline with deadlines for each step: program proposal delivery, contract signature, allowable changes, payment arrangements, cancellation, withdrawal, post program debriefing.
    - Articulate timelines for replying to and/or accepting/declining an offer.

- Consider using a Letter of Intent or a Memorandum of Understanding document for broader language (for example, to establish a new business relationship) and a contract for more specific language (for example, for a specific program location or term); identify what type of document best fits the needs of the relationship.
- Be aware of and discuss potential differences in language, word choice, and varying interpretations based in different cultural contexts; certain words may carry different significance or could have legal implications.
    - Consider using an agreed upon translator to create a second version of the contract when partners operate in different languages.
- Agree upon cancellation and withdrawal terms and deadlines with all partners, both for the program itself and individual students.
- Clarify invoicing procedures and timing for program-level expenses.
- Clarify cancellation and withdrawal terms and deadlines with all partners (i.e., will the policies be those of the institution, the provider, or an agreed-upon third option?), including student cancellation and withdrawal terms for program partners.
- Establish communication protocols between partners for all aspects of the program(s) and service(s).
- Establish and make available criteria for evaluating existing and potential partners based on prioritized parameters and requirements.
- Agree upon guidelines, including goals and expected outcomes, related to meetings between partners, campus visits or and on-campus direct promotions, including student ambassador programs.
- Establish clear guidelines regarding who will be allowed to participate in a program, attend courses or other program activities, including: auditing students, students from other institutions, family members or guests of students, faculty or staff.
- Define financial aid policies, what sources of financial aid are available, and how/if institutional aid will transfer.
- Review handbooks and other materials for conflicting or misleading information. Collaborate as appropriate to avoid information gaps and conflicting information and policies.
- Determine a mechanism for resolving disputes arising from contract details.
    - Be aware that public or government entities may require mediation or arbitration.
    - Establish a timeline by which a resolution must be reached.

7. Organizational and Program Resources

- Identify a point person at each organization for day-to-day operations, as well as secondary contacts, or a process for communicating when the point person is unavailable.
- Itemize a scope of work for the partnership. Clarify all that is included and not included with each partner to avoid uncertainty or ambiguity.
- Agree on reasonable and acceptable standards/expectations of program components (e.g., accommodations, local transportation, staff, academics, and level of staffing--student/staff ratio).
- Establish communication protocols between partners for various aspects of a program.
    - Clarify expected forms of and timelines for routine communication related to, e.g., costs, cost setting, services provided, changes, academics etc.
    - Agree on expected protocols, response times, and reporting procedures for emergency communications.
- Articulate teaching, staffing, and infrastructure expectations.

    - Agree on the expected level of staffing and infrastructure at each location, including any needed changes based on level of enrollment.
    - Be explicit about how many teaching faculty each partner is providing and what qualifications and experience are required of academic personnel.
    - Be explicit about how many staff each partner is providing and what qualifications and experience are required for these personnel.
    - Clarify the roles and responsibilities of all teaching and other staff.
- Clarify needs and costs for academic facilities (e.g., classrooms, equipment, internet access, etc.), the number of days/hours these are needed, and which party is responsible for providing appropriate facilities.
- Develop budget models in cooperation with partners that are clear and realistic.
    - Account for locally appropriate tips and gratuities into budgets; consider both who should be tipped and how much they should be tipped.
- Discuss how changes in currency exchange rates may influence pricing.
- Discuss the risk tolerance of each party, acknowledging that in some cases the need to make changes may be time sensitive.
- Clearly communicate what facilities and services are available to faculty, staff, and students, including housing, dining facilities, classroom space and technology, and learning facilities such as libraries, laboratories and equipment, and academic support services.
- Communicate issues, concerns, and successes to partners in a timely manner.
- Evaluate the partnership regularly, including timing for evaluation, measures to be used, and which program components will be evaluated.
    - Share evaluation results between partners.

8. Health, Safety, Security, and Risk Management

- Review each partner's emergency response protocols.
    - Clarify the roles of each partner in different emergency situations (i.e. natural disaster, civil unrest, student physical or mental health incident, missing person)
    - Develop a plan for addressing policy conflicts/differences in protocol and determining which policy takes precedence.
- Establish a clear communication plan, methods for communication between partners (email or phone), and timelines for emergency and non-emergency situations.
    - Determine who has authority to make changes to a program related to health and safety or emergency issues.
- Discuss expectations for reporting critical incidents occurring on-site.
    - Determine a secure mechanism for sharing incident information, acknowledging applicable privacy laws.
- Agree on reasonable and acceptable standards for safety, licensure, and insurance.
- Determine each partner's specific requirements for insurance coverage, including: health, liability, professional, evacuation, fire, natural disasters, etc.
- Determine together what participant information is necessary to share between partners.
    - Identify all personnel who will have access to participant information and why.
    - Utilize secure platforms for sharing of information.
- Articulate each partner's responsibilities for communicating information to students, including:
    - personal wellness plan, reasonable expectations and limitations of any health resources (including mental health), access to prescription medication, emergency response, and how to access health insurance abroad.

- If students are required to report their personal travels away from the program, identify who is responsible for collecting this information.
- Provide partners with necessary participant health information.
- Share information about participant travel assistance and/or insurance policy, summary of benefits, and process for accessing services with partners.
    - Discuss faculty, other employees, and their guests and whether they are covered under the insurance policy and/or included in other health and safety protocols and emergency evacuation.

9. Ethics

- Ensure that all partners engage in ongoing communication and full disclosure, paying particular attention to any potential conflicts of interest.
- Prioritize the wellbeing of the student by fostering a strong academic setting and establishing sound health and safety protocols.
- Strive to be fair, just, and efficient in all business interactions.
- Keep promises and fulfill commitments.
- Engage in healthy and fair competition.
- Respect your partners' time and timelines.
- Establish acceptable limits for the giving and receiving of gifts or financial assistance, including but not limited to sponsorship of: site visits or familiarization trips for faculty, staff, or administrators, plane tickets, hotel rooms, meals, events, etc.
- Agree that any discounts, rebates, or scholarships given by any partner will directly benefit students and take into account the impact on the local community.
- Be mindful of the implicit power differential that exists between partners with disparate levels of resources and influence, as well as the potential impact of the partnership on each of the partners, their students, and their communities; consider these factors when making program-related decisions and endeavor to be fair to all partners involved.

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