



NEW ZEALAND QUALIFICATIONS AUTHORITY
MANA TOHU MĀTAURANGA O AOTEAROA

**Principles and Parameters for Agreements between Tertiary Education
Providers Involved in Collaborative Arrangements**

November 2005

Background

In September 2003, the Inter-institutional Quality Assurance Bodies Consultative Group (IIQABCG) organised a workshop on quality assurance issues/risks. Collaborative arrangements between providers were identified as a consistent area of quality risk.

Subsequently, the IIQABCG had a more in-depth session where most quality assurance bodies (QABs) presented information on the types of collaborative arrangements occurring within their jurisdiction and the mechanisms currently used to quality assure and manage them. In most cases, this includes requirements for providers to define and manage the standard of delivery and support for any education and training delivered on its behalf. These standards generally require, as a minimum, a written agreement that specifies the roles, responsibilities and accountabilities of all parties concerned.

The December 2003 meeting of the IIQABCG agreed to establish a small working group to develop principles and parameters which could be applied to guide agreements with respect to future collaborative arrangements. The New Zealand Qualifications Authority (the Qualifications Authority) and the IIQABCG then established the Collaborative Arrangements Working Group.

The Working Group comprised representatives from most QABs, polytechnics, wananga, private training establishments and the Tertiary Education Commission (TEC), along with a representative from the Aotearoa Tertiary Learners' Association. The Working Group's Terms of Reference are attached as *Appendix I*. The development of the ***Principles and Parameters*** was a sector-wide initiative, lead by the Qualifications Authority as part of its over-arching quality assurance role.

Introduction

The ***Principles and Parameters*** for agreements between tertiary education providers involved in collaborative arrangements, relate to the Ministry of Education's *Tertiary Education Strategy 2002/07*, specifically Strategy One: *Strengthen system capability and quality, as well as the Statement of Tertiary Education Priorities (STEP) 2005/07*, in particular 2: *Increasing the relevance of skills and knowledge to meet national goals*.

The following principles provide the over-arching operational framework for tertiary education providers (excluding universities) developing formal written agreements for collaborative arrangements. The principles and parameters set out below provide substantial guidance regarding the terms and operation of Memoranda of Understanding or Memoranda of Agreement.

Scope

The ***Principles and Parameters*** are predicated on quality assurance requirements under the Education Act 1989 (the Act) entered into by a New Zealand tertiary education provider (excluding universities) either in New Zealand or overseas. They offer guidance to collaborative arrangements within the jurisdiction of the Act and relate to all aspects of delivery, information and support that impacts on the learner. The ***Principles and Parameters*** set out minimum

requirements. Therefore, they do not preclude additional contractual clauses that reflect the individual nature of each collaborative arrangement.

The *Principles and Parameters* do not apply to other contractual arrangements providers may have which do not directly impact on the delivery of the course or the learner.

The *Principles and Parameters* are an adjunct to quality assurance standards and processes and aim to reinforce and enhance existing arrangements.

Inherent in the *Principles and Parameters* is the assumption that collaborative arrangements between providers must be relevant to the needs and requirements of industry. Any collaborative arrangements, therefore, need to reflect and be consistent with industry requirements.

It is important that the implementation of the *Principles and Parameters* does not in any way diminish quality assurance requirements relating to site accreditation. Furthermore, they do not constitute a sub-delegation of provider or QAB responsibilities.

Principles

The following principles will guide the development of proposed collaborative arrangements across and between tertiary education providers (excluding universities). They provide an overarching framework that aims to ensure collaborative arrangements are fair, transparent, consistent and assure quality learning. Specifically, therefore, all collaborative arrangements aim to:

- protect the interests of the learner
- enhance the quality of learning
- enhance the quality and credibility of New Zealand qualifications
- be consistent with the Tertiary Education Strategy 2002/07, the Statement of Tertiary Education Priorities 2005/07 and the charters and profiles of both parties
- reflect the cultural context of both parties and their learners
- align with national funding requirements and quality assurance arrangements
- recognise institutional autonomy.

These principles will be reflected in formal, written agreements through the inclusion of the following parameters. Agreements should be legally binding and reflect sound due diligence¹ processes, as well as risk assessment/minimisation practices (for example, student fee protection requirements).

¹ With respect to financial issues including sustainability.

Minimum Parameters for Formal Written Agreements Associated with Collaborative Arrangements

The following parameters provide a framework for formal written agreements. They are based on what is known to be effective practice with respect to such agreements. Both the principles and parameters should be expressed in either a Memorandum of Understanding or a Memorandum of Agreement.

The formal written agreements should therefore specify, as a minimum, the following:

- names and parties to the agreement
- name of the qualification and/or unit standards
- parties that will appear on certificates
- ownership of any intellectual property covered by the collaboration
- term of the agreement.

The responsibilities of each party with respect to Quality Assurance and Enhancement, Learner Entry and Support, Programme Delivery, Assessment and Reporting, Resources and Review of Agreements, should be specified. The procedures and responsibilities specific to each of these are set out below:

Quality Assurance and Enhancement

- the allocation of responsibility for the management of quality systems to oversee and maintain academic standards
- liaison with industry bodies as appropriate to ensure consistency and relevance with industry requirements
- QABs in international jurisdictions and other legal requirements of registration
- the provision and implementation of changes to the programme/course
- verification of the accredited provider
- management of the standards delivered and for on-going monitoring
- evidence from parties regarding internal and external audit processes.

Learner Entry and Support

- advertising/course promotion
- decisions on student entry
- the enrolment process and the collection of student fees
- the provision of learner welfare services (including student associations)
- the provision of information to learners on the requirements of the programme, including those arising out of its collaborative nature
- meeting the culturally-specific needs of learners (and staff) in terms of academic practice
- dealing with learner concerns, complaints, grievances
- appeals
- health and safety requirements

- protection of learners should the arrangement terminate.

Programme Delivery, Assessment and Reporting

- delivery of the programme
- location of the delivery of the programme
- ensuring that teaching is delivered by qualified and experienced staff
- learner assessment
- moderation of assessment
- recording of and storage of learner records and results
- reporting of learner results
- pastoral care and decisions relating to progress through the course.

Resources

- ensuring the financial viability and sustainability of the parties with respect to the programme
- procedures for agreeing on all necessary financial arrangements and the provision of resources, both physical and human
- the provision of professional and technical support
- the provision of appropriate library, laboratory equipment and other resources for learners and staff
- agreement on all necessary financial arrangements including the provision of physical resources.

Review of Agreements

- regular monitoring and review of the collaborative arrangement
- procedures for resolving any differences, which might arise between the parties to this agreement
- the protection of learners and their results should the arrangement terminate
- general cancellation clause if the agreement is inactive
- sunset clause if one partner breaks the agreement.

Implementation

Quality assurance is the key mechanism for assuring the appropriateness of the collaborative arrangement, the effectiveness of the formal written agreement and protecting the interests of the learner.

The acceptance of the principles and adoption of the parameters is, in the first instance, the responsibility of the providers. QABs will work within the scope of their jurisdiction to obtain an assurance that this is occurring. This will be achieved through the application of existing processes of registration, course approval, accreditation and quality audit.

The *Principles and Parameters* aim to build on and reinforce existing quality assurance arrangements. They assume providers have robust processes in place that are consistent with the principles and parameters. They further assume QABs will ensure this is the case through on-going quality assurance.

Respective responsibilities, therefore include:

Providers

- existing collaborative arrangements are reviewed to ensure they are consistent with the principles and parameters
- a requirement to notify QABs of any new significant changes to collaborative arrangements
- a requirement to promulgate information regarding these arrangements.

Quality Assurance Bodies

- existing course approval and accreditation requirements will be reviewed to ensure that all collaborative arrangements are consistent with these principles and parameters
- on-going compliance and effectiveness will be monitored through quality audit (where appropriate).

Outcomes

The following outcomes should result from applying the above principles and parameters:

- parties to the collaboration will have formal written agreements in place that comply with the preceding principles and parameters
- QABs will ensure provider agreements meet the principles and parameters
- accountabilities and responsibilities of providers will be clear
- the risk of failure of collaborative arrangements will be low.

Appendix 1

Inter-institutional Quality Assurance Bodies Consultative Group Working Group on Collaborative Arrangements

TERMS OF REFERENCE

Background

The Inter-institutional Quality Assurance Bodies Consultative Group (IIQABCG) Working Group on Collaborative Arrangements was established by the IIQABCG at its December 2003 meeting. This followed a workshop in September 2003 and further discussion in December 2003 on quality risks associated with collaborative arrangements.

Purpose

The purpose of the IIQABCG Working Group on Collaborative Arrangements is to develop principles and parameters relating to collaborative arrangements undertaken by New Zealand tertiary education providers that have a learner focus and do not inhibit credit recognition and transfer.

The focus of the Working Group will be on domestic arrangements but international arrangements will be considered as appropriate.

The IIQABCG also agreed that the end result should be the production of guidelines for quality assurance bodies and providers.

Composition

The IIQABCG Working Group on Collaborative Arrangements comprised:

John Jennings - New Zealand Universities Academic Audit Unit
Peter Scanlan - Institutes of Technology & Polytechnics Quality
Brett Williams - Approvals, Accreditation, and Audit Group, NZQA
Karl Yates - New Zealand Association of Private Education Providers
Neville Withers - Wananga representative (Te Wananga o Aotearoa)
Caroline Seelig - Polytechnic representative (Nelson Marlborough Institute of Technology)
Julie Pettett - Learners representative (Aotearoa Tertiary Learners Association)
Murray Johnson and Andrew Barton - (Tertiary Education Commission)
Sue Dahl - Office of the Chief Executive, NZQA (Convenor).

Meetings

The Qualifications Authority will convene the meetings of the IIQABCG Working Group and provide administrative support. It is envisaged that the IIQABCG Working Group will meet between March and June 2004 and report to the 16 June meeting of the IIQABCG.