

Approved by the Education Committee 9 September 2009. Revised version approved by the Education Committee 25 June 2010; revisions noted by Academic Council 28 June 2010.

Memorandum of Understanding (MOU) and Due Diligence Process (Inter-institutional Collaboration & Accreditation of Programmes)

Agreed Education Committee 7 October 2009; Amended DCU Executive Committee 14 October 2009; amended 16th March 2010.

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Introduction

DCU has many forms of relationships with different types of organisations, for a variety of reasons that may include:

- The recruitment of students
- The joint development of courses
- Joint research proposals
- To create sustainable strategic alliances

In general, there are three broad levels of cooperation with other Higher Education Institutions which may be supported and formalised through:

- Letters of Cooperation
- Memorandum of Understanding
- Strategic Alliances

In addition, collaborative EU level arrangements such as Erasmus, are coordinated through the International Office (<http://www.dcu.ie/international/index.shtml>).

This note outlines the process for developing a Memorandum of Understanding with a partner organisation where it is proposed to develop and present programmes with DCU accreditation.

Memorandum of Understanding

A Memorandum of Understanding (MOU) is an overall facilitating document linking Dublin City University or one of its designated units with another institution(s). An MOU is between the University and the other body on behalf of a Unit, School, Faculty or Centre. Recognizing that MOUs are intended to facilitate future cooperation, it is important to address potential obstacles at the time the MOU is being developed. A “Memorandum of Understanding” or MOU can be defined as:

“A legal document describing an agreement between parties....it expresses a convergence of will between the parties, indicating an intended common line of action, but which can have a direct effect on the university including that of a legal commitment. It is a more formal alternative to other mechanisms such as a “Letter of Consent” or “Letter of Cooperation”, many of which are interchangeable terms.”

Such an agreement can have several potential effects on the University, including:

- Legal
- Financial
- Reputational
- Admissions arrangements

Therefore in the development of any MOU, these factors should be given particular attention.

Developing an MOU

As MOUs tend to differ from agreement to agreement, there is no standard format for MOUs at Dublin City University. The Institutional Linkages Database, which can be found on each staff member’s portal page (<http://www.dcu.ie/staff.shtml>) or via the International Office website, holds over 500 agreements - many of which are presented as attachments. Staff are advised to check this database to identify any existing links with partner organisations.

Joint Programmes

Where the MOU relates to any form of joint programmes and accreditation, a detailed examination is needed. The Partner Organisation Approval Process envisages three stages in the process:

- Stage 1 Initial Enquiry
- Stage 2 Review Process
- Stage 3 Due diligence and completion of MOU

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The Partner Organisation Approval Process Stages 1 and 2 (Figure 1.1) refer particularly to new partnerships involving accreditation of programmes (i.e. where DCU has not accredited a programme before, or where there has not been a history of significant linkages). Where there are existing linkages and the question of joint accreditation arises, the process may proceed directly to Stage 3 with the drawing up of the MOU and the necessary validation document.

As a matter of good practice DCU staff should visit institutions where it is proposed to offer DCU accredited programmes, if collaboration is new or if an official visit has not taken place before. The process for private non-statutory organisations will require a more in depth investigation of staff qualifications, quality assurance processes, facilities, financial and legal standing etc, whereas visits to publicly funded institutions and institutions which are already accredited would have a more collegial emphasis designed to strengthen links between staff in the two institutions.

Due Diligence Process

Due Diligence is the process by which the organisation that DCU is proposing to work with is deemed to be a valid, suitable and timely partner. Where an organisation approaches DCU with the intention of presenting joint programmes, a member of DCU staff will take responsibility for liaising with the institution, and will act as the 'proposer' for the partner, and must supply information with any MOU proposal. The following issues should be covered clearly in the MOU process:

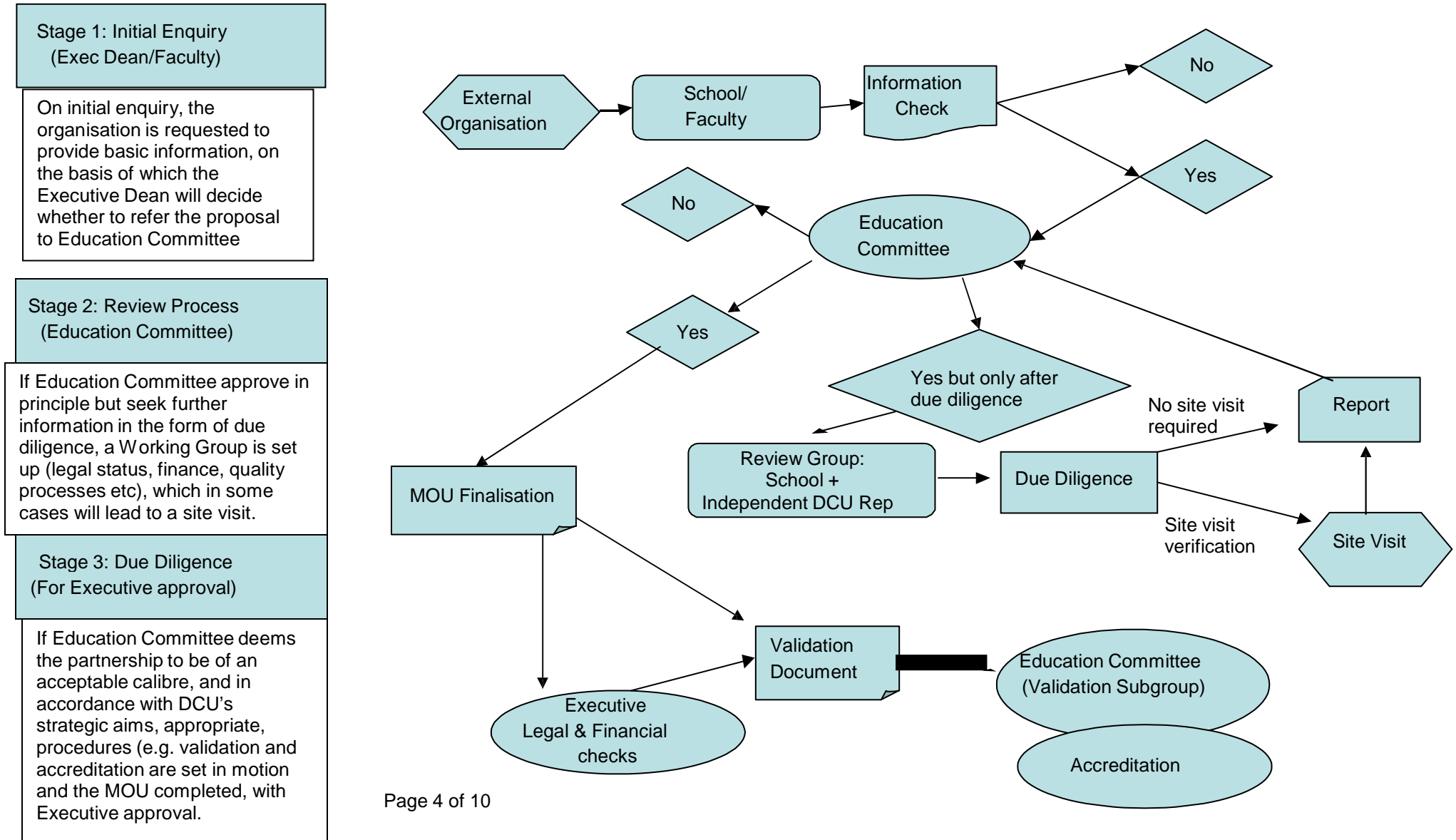
- Highlight the institutional background of the partner(s) e.g. date established, location of main branch (and other branches, if relevant), profit or non-profit, public or private, accreditation body, disciplines, level of qualifications offered, ranking (if appropriate), other partners (if known), recognition by NARIC and other relevant recognition by a professional or statutory accrediting agency.
- Identify the type of linkage being proposed, objectives, resource implications, and fit with DCU strategic objectives.
- Outline the synergy between the proposed agreement and the Faculty/School/Centre/Unit's mandate and direction.
- In many cases full due diligence may not be required as the nature of the partner may be well known and therefore further evidence will not be needed. The Education Committee would give guidance on this prior to any Working Group being set-up. In some cases due diligence will require a visit to the partners location for physical inspection.

The proposers are in essence the supporters of the agreement throughout all the processes internally in DCU including:

- Agreement in principle by Head of the DCU School, Unit or Research Centre in question
- Agreement in principle by the Executive Dean or equivalent.
- Background check by the International Office/Head of Strategy where appropriate
- Submission of the MOU to Education Committee, and Executive for approval

Figure 1.1 Joint Programmes

– Partner Organisation Approval Process



Stage 1. Initial Enquiry to Executive Dean

The Proposer of the Partnership Arrangement is responsible for providing the following information for approval by the Executive Dean or Equivalent. Please use the stand-alone form available [here](#), which contains the same headings as that on this page and on the following three pages.

1. Proposed Partner Institution

1.1 Legal name & acronym:

1.2 Registered Address:

1.3 Website address:

Legal Representative (person authorised to represent the organisation in legally binding agreements)

1.4 Name of Legal Representative:

1.5 Role in organisation:

1.6 Email address of legal representative:

Person responsible for management of the proposed partnership (Contact Person)

1.7 Name of contact person:

1.8 Title/position in organisation:

1.9 Nature of contract with organisation (e.g. full time permanent etc)

1.10 Email address of contact person

1.11 Contact telephone number

2. Nature of Partnership Activity

Joint Programme

Joint accreditation

Staff or student exchange

Joint Funding

Other, please specify: _____

Give details of the proposed activity:

3. Proposals for joint programme development/accreditation – Partner Organisation Profile

3.1 Organisation type:

Public non-profit

Public for-profit

Private non-profit

Private for-profit

Other (details)

3.2 Does the Institution appear on the Times Higher Education (THE) world rankings? (<http://www.topuniversities.com/worlduniversityrankings/>)

Yes No

If yes, what position on the THE world rankings has it held in the last year?

Is the institution listed on the NARIC system?

<http://www.enic-naric.net/>

Yes No

3.4 Is the institution accredited by any professional bodies or statutory accreditation agencies?

Yes No

If yes, provide details:

4. Strategic Fit

4.1 Is there an existing linkage between DCU and this organisation? (check the DCU Institutional Linkages Database on DCU Staff portal page https://www.dcu.ie/portal/index.php3?institutional_linkages_function=1)

Yes No

If yes, please give details, including details on any site visits to the institution and meetings with staff of the institution.

4.2 Please outline the strategic priorities leading to this MOU and where this fits in with the School/Centre/Faculty/University strategic objectives where appropriate.

4.2.1 School:

4.2.2 Faculty:

4.2.3 University:

4.3 Are there any risks to DCU from this arrangement?

Yes No

If yes, please identify and quantify, where possible, any risks to DCU from this arrangement:

4.4 Are there any conflicts of interest between or within the parties?

Yes No

If yes, please provide details?

5. Approval in Principle by Dean or equivalent

I confirm that the proposed partnership is in accordance/is not in accordance with the Faculty/School strategic priorities (delete as appropriate).

I recommend to Education Committee that the partnership approval process should:

Terminate at this stage

Proceed to Stage 2: Review Committee

Proceed to Stage 3: MOU

DCU Proposer:

Name of the DCU Proposer who will be responsible for liaising with the organisation and for coordinating the MOU and due diligence process:

Name:

Role in DCU:

School:

Faculty:

Email Address:

Telephone:

Dean or Equivalent

Name:

Signed:

Date:

Stage 2. Review Process (Education Committee Checklist)

1. Has the institution passed initial checks at faculty level?

Yes No

2. Does the proposed partner organisation fit with DCU's strategic objectives?

Yes No

3. Does Education Committee agree that a Review Group should be appointed to progress the proposal?

Yes No

If yes

4. Are there any pre-existing linkage agreements between DCU and this institution?

Yes No

5. Has a satisfactory report been received by Education Committee arising out of existing linkages or a previous site visit?

Yes No

6. Has any member of the School making the request visited the institution?

Yes No

7. Has any DCU representative outside of the School visited the institution?

Yes No

8. If Yes to 6 and/or 7, who has visited the institution?

Name:

Position/Role in DCU

Date of visit:

Purpose of visit:

9. Is a visit to the institution by the Review Group essential at this stage?

Yes No

Stage 3. Due Diligence and Memorandum of Understanding (Checklist for Executive)

General Regulatory/governance issues

What is the duration of the MoU? the termination date?
Guarantees/indemnity/liability in case of unilateral termination before the agreed date?
What procedures are in place to resolve potential disputes?
Joint Programme Board – how composed? Who chairs? Rotating chair?
Approval of major decisions (and examination results) – both Academic Councils (perhaps via relevant subcommittees thereof)?
How are students counted (for both internal institutional purposes and external statistical reporting)?
Where does ownership of intellectual property reside, particularly with regard to distance/e-learning programmes?
What additional teaching resources will be needed? Where does the responsibility for recruiting staff (e.g. lecturers) lie? How is this process managed?

Marketing/recruitment

Advertising (paper-based, web-based) – presentation of ads, wording, use of logos, named contact(s), funding of ads
Other recruitment (e.g. in relevant companies) – how administered?
References in prospectuses and on websites

Application/admission

Application method – PAC, if postgraduate? Where administered?
Locus of decision-making on both standard and non-standard applications
Admission to the programme with advanced standing on the basis of either Accredited Prior Certificated Learning or Accredited Prior Experiential Learning

Fees/finance

How are fees payable, and to which institution? How administered?
Similar question re other charges, e.g. charges for transcripts
Financial arrangements between the two institutions (depending on decisions made re which institution is responsible for which tasks)

Student registration/records

Registered in which institution? ID card from where?
Student records updated and held where?
Issuing of student transcripts and Diploma Supplements

Student support (including decisions on students' rights to use facilities)

Library facilities – access and borrowing rights
Moodle, e-mail, student portals
Named contacts for students to approach
Health facilities
Careers service
Counselling
Sporting facilities
Guidance, mentoring, personal tutoring
Supports for international students

Financial assistance
Work placement assistance
Academic support (e.g. study skills, information literacy)

Complaints/grievance/discipline

Student complaints and grievance procedures
Code of discipline

Examinations

Students registered for examinations in both institutions? (relates to registration generally)
Grading and grading descriptors (academic standards)
Marks and Standards
Examination regulations for students
Procedures for conducting examinations
Arrangements for dealing with cheating and plagiarism
Identification, nomination and approval of external examiners
External examiner reporting mechanism
Conduct of Progression and Awards Boards
Student appeals procedure

Quality assurance and programme development

Ongoing tasks such as updating academic structure and module specifications – how administered?
Ongoing internal programme review mechanisms
Incorporation of feedback from external examiners
Student feedback mechanisms – e.g. about administration, teaching, assessment, facilities, general satisfaction
General programme review mechanisms
Assuring the qualifications and experience of staff teaching on the programme, particularly in the use of adjunct staff
Review and updating of modules
Changes to programme structure

Graduation

Parchment – layout, wording, signatures, logos
Gowns, colours
Location of ceremony