**International Memorandum of UPPS No. 02.01.02**

**Understanding and Inter-Institutional Issue No. 5**

**Agreement Policy and Procedures Effective Date: 06/01/2023**

 **Next Review Date: 04/01/2028 (E5Y)**

 **Sr. Reviewer: Associate Vice**

 **President for Academic Affairs**

**Policy StatemenT**

*Texas State University is committed to the efficient and detailed development of international opportunities and partnerships and ensuring that they support the mission, shared values, and strategic plan of the university.*

**01. BACKGROUND INFORMATION**

01.01 The purpose of this policy is to provide guidelines for the creation and maintenance of international memorandum of understandings (MOU)s, international partnership agreements and associated documentation. Texas State University periodically receives opportunities to partner with universities, governments, and non-governmental organizations outside the United States.

01.02 All MOUs and international partnership agreements must adhere to applicable federal and state laws, Texas State policies, The Texas State University System (TSUS) Rules and Regulations, the Texas Higher Education Coordinating Board, the Southern Association of Colleges and Schools Commission on Colleges, federal export control regulations, and other regulations as applicable in specific cases. This is to prevent Texas State from incurring unplanned costs and unforeseen liability. Therefore, agreements are only valid if they conform to this policy.

**02. Definitions**

02.01 International Agreement (IA) – a specific commitment to pursue a predetermined activity or set of activities with identified funding or resources. An IA must include program-specific details for activities including but not limited to language training programs; international field research; internships; exchange of faculty, staff, and students; and any financial obligation with an international entity.

02.02 International Entity – any governmental agency, non-governmental organization, higher education learning institution, for-profit entity, or non-profit entity located outside of the United States.

02.03 Faculty Exchange Agreement (FEA) – a specific type of IA that is utilized when one or more faculty from Texas State travel to an entity outside the United States, while representatives from the international entity come to Texas State to participate in activities outlined in the FEA. The faculty exchange may or may not occur concurrently or financially commit to either institution.

02.04 Memorandum of Understanding (MOU) – a general preliminary document created to establish that each entity is prepared and agrees to develop collaborative activities such as student and faculty mobility, research, instruction, and community service and learning among other academic and creative activities between cooperating entities. An MOU typically involves a university representative within a department or school and provides an avenue for future collaboration through a separate international agreement. An MOU does not commit either entity to a specific activity or funding. MOUs often precede, but are not required to precede, international agreements.

02.05 Reciprocal Exchange Agreement (REA) – a specific type of IA that is utilized when one or more students from Texas State attend classes at an international host institution while students from the same institution come to Texas State (the receiving institution) to attend classes. Students pay tuition and fees at their home institution. The student exchange may or may not occur concurrently but must maintain a balance of incoming and outgoing students.

02.06 University Representative – a Texas State faculty member, staff member, or administrator that creates an MOU or IA, manages the activity under the MOU or IA, establishes sufficient funding and other resources, and identifies and maintains contact with the international entity.

**03. RATIONALE FOR AGREEMENT**

03.01 Texas State’s international engagement activities operate at many levels throughout the university. While some activities are implemented without formal agreements, the effectiveness and sustainability of international activities are enhanced through a MOU or IA.

03.02 Before initiating a new MOU or IA, consideration should be given to the following key elements:

a. alignment with the university’s strategic plan;

b. potential for mutual benefit;

c. current or past efforts with the international entity;

d. stated support and plan for continuity from departments involved in the agreement;

e. health, safety, financial, and legal restrictions associated with the international program or location; and

f. potential export control regulations under which certain types of information, technologies, and commodities can be transmitted, both within the United States and abroad.

03.03 The university representative should discuss the concept and key elements with their supervisor and provide this information on the
[MOU/IA Request form](https://gato-docs.its.txstate.edu/jcr%3A767cf56d-76cc-4213-b5d9-445b09f8ca7d/MOU%20IA%20Request%20Form.docx). The university representative may begin the MOU approval process by routing the [MOU/IA Request form](https://gato-docs.its.txstate.edu/jcr%3A767cf56d-76cc-4213-b5d9-445b09f8ca7d/MOU%20IA%20Request%20Form.docx) as indicated on the document.

**04. PROCEDURES FOR CREATING AN MOU**

04.01 Once the [MOU/IA Request form](https://gato-docs.its.txstate.edu/jcr%3A767cf56d-76cc-4213-b5d9-445b09f8ca7d/MOU%20IA%20Request%20Form.docx) has been approved by all parties listed on the document the university should send the completed [MOU/IA Request form](https://gato-docs.its.txstate.edu/jcr%3A767cf56d-76cc-4213-b5d9-445b09f8ca7d/MOU%20IA%20Request%20Form.docx) to the Office of International Affairs, who will assist the university representative with the MOU. A general [MOU template](https://www.txst.edu/internationalminds/internationalengagement/International-Agreements-and-MOUs.html) has been approved by the TSUS Office of General Counsel, Office of Procurement and Strategic Sourcing, and the Office of International Affairs. It is preferred that this general [MOU template](https://www.txst.edu/internationalminds/internationalengagement/International-Agreements-and-MOUs.html) is utilized, but it is not required.

04.02 If utilizing the Texas State general MOU template, the international entity must first review and approve the Texas State general MOU. If there are any requested edits by the international entity, the requested edits must be reviewed and approved by the Office of International Affairs in consultation with the TSUS Office of General Counsel. Once the MOU has been finalized, the Office of International Affairs will route the MOU for signature by both entities.

04.03 If the MOU originates from the international entity, the university representative should send the MOU to the Office of International Affairs. If English is not the language of record, there must be a corresponding English language version. The MOU will be reviewed and edited with required contract language by the Office of International Affairs in consultation with the TSUS Office of General Counsel. The updated MOU will be sent back to the university representative, who should then send the document to the international entity for approval of the changes. Once the changes are approved, the MOU should be signed by the international entity and sent to the Office of International Affairs, who will route the document for signature by the provost and executive vice president for Academic Affairs.

04.04 If required by the international entity, the university representative should prepare the MOU in English and in the language of the international entity. MOUs received in another language are acceptable if both entities sign a corresponding English version. Translation is the responsibility of the university representative.

04.05 The assistant vice president and director for International Affairs (AVPDIA), the associate vice president for Academic Affairs (AVPAA), and the Office of Procurement and Strategic Sourcing must review and indicate their concurrence with the MOU before it is forwarded to the provost and executive vice president for Academic Affairs for signature. After signing the MOU, the Office of the Provost and Executive Vice President for Academic Affairs will return two sets of originals to the Office of International Affairs. The Office of International Affairs will send the MOU to the university representative and the international entity in paper or electronic formats.

**05. Procedures for CREATING AN International Agreement**

05.01 Activities and programs stemming from MOUs require a significant commitment of faculty and staff time and resources. Before creating an IA, it is critical that sufficient interest, support, and infrastructure are in place to ensure sustainability. The university representative must fill out a new [MOU/IA Request form](https://gato-docs.its.txstate.edu/jcr%3A767cf56d-76cc-4213-b5d9-445b09f8ca7d/MOU%20IA%20Request%20Form.docx). Once this form has been signed by all parties, the university representative may begin working with the Office of International Affairs to create the IA.

05.02 If the IA involves the reciprocal exchange of students, the university representative should consult with the Education Abroad office, who will work with the international entity using a REA template approved by the TSUS General Counsel, Office of Procurement and Strategic Sourcing, and Office of International Affairs. This template contains up-to-date policies and procedures and other required guidelines such as:

a. admission and language requirements;

b. tuition policy;

c. a balance between incoming and outgoing students;

d. the number of students involved in the program from each entity;

e. insurance requirements, such as medical and liability;

f. housing and living expense arrangements;

g. length of the proposed activities and duration of the agreement;

h. the terms for extending or terminating the agreement; and

i all other required terms and conditions required by the State of Texas, The TSUS Office, and Texas State.

05.03 If the IA involves the reciprocal exchange of faculty, the university representative should consult with the Office of International Affairs, who will ensure all policies and procedures and other required guidelines are included in the development of the agreement. This would necessitate the creation of a FEA and should address the following points, which are unique to each agreement:

a. each party’s responsibilities;

b. the number of faculty (include the names and positions) involved in the program for each entity;

c. length of the proposed activities and duration of the agreement

d. any financial obligation to the academic department; and

e. the terms for extending or terminating the FEA.

05.04 The international entity must review and approve the draft IA. If there are any requested edits by the international entity, the requested edits must be reviewed and approved by the Office of International Affairs in consultation with the TSUS Office of General Counsel. Once the IA has been finalized, the Office of International Affairs will route the IA for signature.

05.05 If the IA originates from the international entity, the university representative should send the IA and completed [MOU/IA Request form](https://gato-docs.its.txstate.edu/jcr%3A767cf56d-76cc-4213-b5d9-445b09f8ca7d/MOU%20IA%20Request%20Form.docx) to the Office of International Affairs. If English is not the language of record, there must be a corresponding English language version. The IA will be reviewed and edited with required contract language by the Office of International Affairs in consultation with the TSUS Office of General Counsel. The reviewed and edited IA will be sent back to the university representative, who should then send the updated IA to the international entity for approval of the changes. Once the changes are approved, the IA should be signed by the international entity and sent to the Office of International Affairs, who will then route the document for signature.

05.06 If required by the international entity, the university representative should prepare the IA in English and in the language of the international entity. IAs received in another language are acceptable if both entities sign a corresponding English version. An English translation must accompany the other language versions to ensure both contain identical details. Translation is the responsibility of the university representative and will increase the time required for the approval process.

05.07 The AVPDIA, AVPAA, and the Office of Procurement and Strategic Sourcing must review and indicate their concurrence with the IA through Total Contract Manager before it will be sent to the associate vice president for Financial Services for signature. After the IA is signed, it will be returned to the Office of International Affairs. The Office of International Affairs will send the IA to the university representative and the international entity in paper or electronic formats.

**06. PROCEDURES FOR INITIATING AN ADDENDUM TO AN EXISTING** **MEMORANDUMS OF UNDERSTANDING OR INTERNATIONAL AGREEMENT**

06.01 If a university representative wants to extend the duration of an existing agreement, the [MOU/IA Addendum Request form](https://www.txstate.edu/internationalminds/internationalengagement/International-Agreements-and-MOUs.html) should be filled out and submitted to the Office of International Affairs.

06.02 Once the [MOU/IA Addendum Request form](https://www.txstate.edu/internationalminds/internationalengagement/International-Agreements-and-MOUs.html) has been approved by all parties listed on the document, the Office of International Affairs will create the addendum and circulate the draft document for review and approval by both entities.

06.03 If a university representative wants to make changes to an existing agreement, the [MOU/IA Addendum Request form](https://www.txstate.edu/internationalminds/internationalengagement/International-Agreements-and-MOUs.html) should be filled out and submitted to the Office of International Affairs.

06.04 Once the [MOU/IA Addendum Request form](https://www.txstate.edu/internationalminds/internationalengagement/International-Agreements-and-MOUs.html) has been approved by all parties listed on the document, the Office of International Affairs will create the addendum. The international entity must review and approve the addendum. If there are any requested edits to legal terms and conditions by the international entity, the requested edits must be reviewed and approved by the Office of International Affairs in consultation with the TSUS Office of General Counsel. Once the addendum has been finalized, the Office of International Affairs will route the document for approval by both entities.

06.05 The AVPDIA, AVPAA, and the Office of Procurement and Strategic Sourcing must review and indicate their concurrence with the addendum through TCM before it will be sent to the provost and executive vice president for Academic Affairs (for MOUs) or associate vice president for Financial Services (for IAs) for signature. At least two weeks should be allowed for approval. After the addendum is signed, the addendum will be returned to the Office of International Affairs. The Office of International Affairs will send the addendum to the university representative and the international entity in paper or electronic formats.

**07. PROCEDURES FOR TERMINATING AN MEMORANDUMS OF UNDERSTANDING OR INTERNATIONAL AGREEMENT**

07.01 Termination of the agreement should follow the terms and conditions stated in the MOU or IA.

07.02 The university representative for the MOU or IA should contact the Office of International Affairs and provide any available documented evidence to support the termination. The Office of International Affairs will review the request for termination.

07.03 The Office of International Affairs will consult with the AVPAA and TSUS Office of General Counsel to draft a letter of termination and will send to the international entity.

**08. REVEWERS OF THIS UPPS**

 08.01 Reviewers of this UPPS include the following:

Position Date

Associate Vice President for April 1 E5Y

Academic Affairs

Assistant Vice President and Director, April 1 E5Y

International Affairs

Associate Director, Education Abroad April 1 E5Y

Chair, Department of World April 1 E5Y

Languages and Literatures

Dean, The Graduate College April 1 E5Y

Assistant Vice President for April 1 E5Y

Enrollment Management

and Director, Undergraduate

Admissions

Executive Vice President for Finance April 1 E5Y

and Support Services

Vice President for Research and April 1 E5Y

Federal Relations

The Texas State University System April 1 E5Y

Office of General Counsel

**09. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Academic Affairs; senior reviewer of this UPPS

Provost and Executive Vice President for Academic Affairs

President