Third Party Provider Policy

Section 1 - Purpose and Context

(1) This policy provides the principles for the delivery of Western Sydney University programs and subjects by Third Party Providers (TPPs), both onshore and offshore.

(2) This policy provides clear responsibilities and accountabilities for the management and quality assurance of TPPs.

(3) This policy applies to:

a. formal arrangements with domestic and international partners involving the delivery of Western Sydney University award programs and subjects
b. all students enrolled in a University accredited subject or program by a TPP, irrespective of the delivery location, campus or mode of delivery
c. all persons teaching students enrolled in a University accredited subject or program whether employed by the University or by a TPP
d. all TPPs, whether delivering a subject, group of subjects, or whole program.

(4) This policy does not apply to University approved microcredentials, internships or international mobility experiences, excepting where these are part of a subject or program approved for delivery by a TPP.

(5) This policy does not cover the commercial arrangements involved when entering into a TPP agreement, which are covered by the Commercial Activities Guidelines and the Procurement Policy. If any conflict arises between the Third Party Provider Policy and the Commercial Activities Guidelines or the Procurement Policy, the Commercial Activities Guidelines and the Procurement Policy take precedence.

Section 2 - Definitions

(6) For the purposes of this policy, definitions that apply can be found in the Policy DDS Glossary, in addition to the following:

a. Agreement means a legal and enforceable agreement between the Western Sydney University and a TPP.
b. Third Party Provider (TPP) means, in alignment with the Tertiary Education Quality and Standards Agency (TEQSA) definition, a legally established entity separate from the University (although it may be a controlled entity of the University) with which the University has a legal relationship for the purposes of delivering University accredited subjects and programs to students.
c. University means Western Sydney University.

Section 3 - Policy Statement

(7) The proposal to establish a relationship with a TPP must be approved in accordance with the delegation schedule in Part B – Responsibilities and, if appropriate, the International Partnerships for Academic Cooperation framework.

(8) Due diligence and risk assessment processes will be used to determine the strategic, academic, fiscal and resource viability of a proposal for an Agreement. The Commercial Activities Guidelines and Procurement Policy set out the commercial parameters of the Agreement.

(9) Academic Senate (Senate) is the approval authority for programs to be delivered by the TPP.

Agreements

(10) The terms of the Agreement for program delivery with a TPP will support the University's mission and the achievement of the goals of its Strategic Plan.

(11) The Office of the Deputy Vice-Chancellor, Education and Students and, where applicable, International Partnerships, will advise on the development of an Agreement.

(12) The Office of General Counsel (OGC) will advise and support the development of a new or variation of an Agreement.

(13) The responsibilities of the University and the TPP for delivering a subject or program will be set out in the Agreement.

(14) Each agreement must include as a minimum:

a. Nature and extent of appointment of the TPP
b. Provision and License of curriculum
c. Performance measures (where applicable)
d. Restriction to no assignment or sub-contracting
e. Compliance with Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act) and Education Services for Overseas Students (ESOS) Act 2000 (ESOS Framework)
f. Processes for monitoring and reporting on academic integrity
g. Governance arrangements
h. Obligations of the University and TPP in relation to: records, reporting, access to records and reports, audits, marketing material, academic personnel, representation, reputation, maintenance of approvals, compliance with Higher Education Standards Framework (Threshold Standards) 2021 and ESOS National Code
i. Fees, costs and charges
j. Intellectual property rights and moral rights
k. Infringement claims
l. Use of the University's brand and/or logos
m. Confidential information and privacy
n. Length of the Agreement
o. Termination conditions and processes
p. Insurance
q. Dispute resolution and Notices
r. Accreditation and regulatory compliance requirements.

(15) Final approval of an Agreement is in accordance with the Delegations of Authority Policy.

Principles of Delivery of Third Party Providers

(16) The management of TPPs must cover the following:

a. Responsibilities, monitoring and reporting arrangements
b. Legal and accreditation requirements
c. Administrative procedures and systems
d. Academic standards, quality assurance and relevant professional accreditation
e. Student support arrangements, including processes for handling student grievances and complaints
f. Dispute resolution
g. Termination
h. Ongoing liaison with the University.

(17) The University is responsible for compliance with the relevant legislation and standards for all of its TPPs in relation to the programs that are being delivered on its behalf.

Staff

(18) Academic staff teaching University subjects or programs will be appropriately qualified and experienced in accordance with the Higher Education Standards Framework (Threshold Standards) 2021. Please refer to the Western Sydney University Statement on Sustained Scholarship.

(19) The University has the right to approve academic staff employed by TPPs.

(20) The University will provide staff employed by the TPP with orientation and induction into relevant University rules, policies and procedures.

(21) All staff employed by a TPP to manage, support or teach University accredited subjects or programs will apply the University's applicable rules, policies and procedures.

Quality Assurance

(22) The University is committed to quality delivery of learning and teaching that is equivalent in academic standard and student learning outcomes across the University and its TPPs.

(23) The delivery of University accredited programs and subjects by TPPs requires approval by the Coursework Program Committee (CPC) of Academic Senate, with reporting to Academic Senate.

(24) Academic Senate approval is needed if equivalent but different learning outcomes are required due to the nature of delivery by the TPP.

(25) The University will monitor academic standards, academic integrity and the quality of subject and program delivery by TPPs and approval of end of term results, as well as the Annual Quality Review of the TPPs by the Third Party Provider Committee (TPPC).

(26) Unless prohibited by laws and policies of the TPP’s jurisdiction, the University will ensure TPPs provide students with services equivalent to those that the University provides.

Part A - Monitoring and Review

(27) The University will undertake due diligence prior to entering into TPP Agreements and will identify, manage and monitor risks associated with its TPP Agreements.

(28) The University will maintain a database of the details of its TPP Agreements and will appropriately resource the management and monitoring of its TPP Agreements.

(29) TPP Agreements will provide for exit strategies that enable the University to meet its obligations to students.

(30) The University will determine processes for the monitoring and review of the quality, equivalency, regulatory compliance, strategic alignment and financial viability of academic partnership arrangements.

(31) A regular report will be provided to the TPPC, with a summary to Education Committee who will report to Academic Senate, on the academic quality, academic integrity, equivalency and regulatory compliance of academic partnerships or other arrangements that involve a Western Sydney University program. The full report will include evidence of academic quality, academic integrity reporting and responses, equivalency and regulatory compliance, including the following:

a. Student academic performance data of students involved in the TPP
b. Student academic integrity data and responses for students studying through a TPP
c. Student and graduate survey data of students studying through a TPP
d. Graduate employment and outcomes data that relate to the TPP
e. Comparison data from similar Western Sydney University student cohorts for the above
f. Any Program Improvement Plans that relate to the TPP arrangement
g. The status of professional body accreditations and issues that relate to the TPP arrangement
h. Compliance with relevant regulatory or legislative requirements.

Part B - Responsibilities

(32) Responsibilities of each party will be set out in the Agreement. Where the Agreement provides for specific services to be managed or delivered by the TPP, the responsibility of the relevant University support unit may be limited to overseeing service provision and ensuring that academic standards, learning and teaching, facilities or services meet the needs of students and are equivalent to those provided by the University in other locations and delivery modes. Responsibilities in this section must be considered in this context.

Role/Organisational Unit	Responsibility
University's Delegations of Authority Policy	Final approval of agreements are in accordance with the University's Delegations of Authority Policy.
Office of General Counsel (OGC)	Contracts are prepared and/or reviewed by the Office of General Counsel.
Coursework Program Committee (CPC) and Academic Senate	Consider and approve, on behalf of Academic Senate, proposals for TPPs to deliver University accredited programs and subjects.
Senior Deputy Vice-Chancellor, Education and Students	In collaboration with the Director, Education Quality, Standards and Integrity, notify and seek the approval of TEQSA for the TPP relationship. Where relevant to the Agreement with the TPP, appoint a Western Sydney University academic to the position of Academic Director (or equivalent) of the TPP. The Academic Director will assist with the below responsibilities.

Role/Organisational Unit	Responsibility
Academic Director of TPP (Western Sydney University based)	Undertake an evaluation of services related to student welfare and wellbeing available to the University's students through TPPs to ensure services are equivalent regardless of where or in what mode students are studying. Collaborate with the TPP in enabling University student access to University support services and equivalent services available from the TPP. Work with TPPs to identify roles and responsibilities for management and provision of academic skills services including English language support. Ensure that services meet the needs of students and are equivalent to services provided in other locations and modes of delivery. Provide information about University services to University students based in TPPs through appropriate means. Ensure the University's policies and procedures relating to student admissions, student equity and student experiences, orientation, staff induction and staff development are applied by TPPs. Ensure the professional body accreditation requirements of the programs are met within the TPP. In collaboration with the Office of Educational Partnerships and Quality, ensure compliance with the applicable quality assurance, monitoring and review clauses of this policy. When delegated authority has been provided – monitor and manage implementation of the Student Misconduct Policy and the Student Code of Conduct for TPPs.
Third Party Providers Committee (TPPC)	In accordance with its terms of reference, the TPPC will: Develop, monitor and review principles, polices, procedures, risk, compliance, guidelines, quality assurance and standards for all Agreements and make recommendations to Academic Senate and University Senior Executive Team as required. Provide guidelines and support to Schools for managing quality assurance for subjects and programs delivered by TPPs. Provide guidelines to ensure compliance with TEQSA and Australian Qualifications Framework (AQF) requirements relating to academic programs and standards, service provision and staff qualifications, in particular ensuring equivalence and comparability to standards and services on campus. Monitor and review changes in the University's academic risk profile arising from the activities of TPP and report these responses to the University Senior Executive Team and the Audit and Risk Committee as required. Have an advisory role on proposed TPP Arrangements and on the continuance and renewal of partnerships, including transnational education programs. Review benchmarking and provide recommendations on the delivery of academic programs by TPPs, regularly review data on performance, and monitor student feedback on their perception of programs and the learning environment. Consider and report on any matters referred by the University Senior Executive Team or Academic Senate.
University contact for TPP (Director/Campus Provost)	Ensure compliance with the applicable quality assurance, monitoring and review clauses of this policy. Facilitate coordination and communication between the provider and the School. Advise and refer issues as needed to TPPC.

Role/Organisational Unit	Responsibility
Dean (or delegated authority) of School responsible for delivery of a program by a TPP	Ensure compliance with the applicable quality assurance, monitoring and review clauses of this policy. Nominate an academic staff member as the School contact for each degree delivered by the TPP.
Associate Dean, Global and Partnerships in School responsible for the delivery of a TPP	Ensure compliance with the applicable quality assurance, monitoring and review clauses of this policy. Ensure compliance with Agreements as they relate to program delivery, appointment of teaching personnel, assessment and examinations, student support, academic quality assurance of curriculum, results processing, student issues, student complaints and grievance processes, and record keeping. Collaborate with Director, Learning and Teaching and Subject Coordinators (SCs) within their School and with the TPP to ensure equivalence of academic standards and learning outcomes for Western Sydney University programs offered by TPPs. Ensure the accreditation requirements of the programs are met within the TPP. Ensure academic staff qualifications and scholarship of TPP academics meet requirements. Ensure the School's programs that are delivered by TPPs are of equivalent academic standard and lead to learning outcomes equivalent to programs provided in other locations and delivery modes. Collaborate with the TPP to ensure that accurate information is provided to staff. Collaborate with TPPs to ensure an equivalent learning environment, including equipment and software, facilities, and learning and teaching support materials. Monitor and manage implementation of the Student Misconduct Policy and the Student Code of Conduct for TPPs. Review the report on the register data of academic and general misconduct matters within the TPP. Ensure that the data on misconduct cases is incorporated into the School's misconduct data for reporting to the Senate Assessment Committee.
Director, Learning and Teaching in School responsible for the delivery of a TPP	Ensure compliance with Agreements as they relate to subject design, delivery, assessment, examinations, final results, and academic quality assurance.
Subject Coordinator (SC) in School responsible for the delivery of a TPP	Ensure compliance with Agreements as they relate to subject design, delivery, assessment, examinations and final results.

Role/Organisational Unit	Responsibility
Academic Director or equivalent in TPP	Ensure compliance with the Quality Assurance Process. Ensure compliance with Agreements as they relate to program delivery, appointment of teaching personnel, assessment and examinations, student support, academic quality assurance, results processing, student issues, student complaints and grievance processes, record keeping, and ESOS compliance. Collaborate with Associate Dean, Global and Partnerships of the Schools the TPP is working with to ensure equivalence of academic standards and student learning outcomes for University programs offered by the TPP. Ensure the accreditation requirements of the programs are met within the TPP. Ensure academic staff qualifications and scholarship of TPP academics meet requirements. Ensure the programs that are delivered by the TPP are of equivalent academic standard and lead to student learning outcomes equivalent to programs provided in other locations and delivery modes. Collaborate with Schools to ensure an equivalent learning environment, including equipment and including software, facilities, and learning and teaching support materials. Monitor and manage student support as required under any University Student Support Policy. Monitor and manage implementation of the Student Misconduct Policy and the Student Code of Conduct for the TPP. Ensure the maintenance of a register of academic and general misconduct matters. Provide a report to Schools on a sessional basis so that the register data can be incorporated into the School's misconduct data.
Program convenor at the TPP	Ensure compliance with Agreements as they relate to subject design and delivery, assessment and examinations, academic integrity, student support, academic quality assurance, results processing, record keeping.
Subject convenor at the TPP	Ensure compliance with Agreements as they relate to subject design and delivery, assessment and examinations, student support, academic quality assurance.
Director, Education Quality, Standards and Integrity	Provide guidance on initial TPP proposals, whether for a new program or new partnership. Provide support to Senior Deputy Vice-Chancellor, Education and Students, Pro Vice-Chancellor, Global Partnerships and Transnational Education and Pro Vice-Chancellor, Quality and Integrity to notify and seek approval of TPP for approval.
Human Resources	Provide Staff number and relevant access to systems. Provide access to TPP staff of relevant training and professional development programs.

Role/Organisational Unit	Responsibility
Student Central / Office of Student and University Planning	Provide students with clear information about their rights and responsibilities in relation to relevant matters. Where appropriate, assist with the management of student services including admissions, enrolments, academic progression, fees, scholarships, examinations and graduations. Provide students and staff with information about census dates for withdrawal or admission to subjects. Collaborate with TPPs to ensure their staff understand University admission, enrolment and other relevant procedures. Provide all relevant institutional data. Ensure that cohorts studying University programs through TPPs are included and can be identified in the University's student and graduate surveys. Ensure that data on student progress, retention and success from TPPs is provided to the TPPC as required.
Information Technology and Digital Services (ITDS)	In alignment with the Agreement, develop program service agreements to identify mutual obligations for management and provision of relevant services. Collaborate with Schools and TPPs to ensure the TPP is aware of all software requirements and are informed of any licensing issues. Ensure students receive information, services and support, and that services provided to staff and students are equivalent regardless of location or mode of delivery.
Educational Partnerships and Quality	Provide guidance, leadership, and oversight of negotiations on initial TPP proposals, whether for a new program or new partnership. In alignment with the TPP agreement, provide guidance and oversight for governance arrangements. Provide reports to Senior Deputy Vice-Chancellor, Education and Students and the TPPC on governance oversight of TPPs. Collaborate with Schools and TPPs to coordinate routine compliance and quality assurance activities. Ensure compliance with the Arrangement by the TPP and the University in the areas of student and academic quality assurance responsibilities. Maintain a central repository of documentation relating to all TPP agreements.
Learning Futures	In alignment with the TPP agreement, provide, where possible, opportunities for professional development to TPP academic and professional staff. Inclusion of TPP staff in Learning Futures initiatives. Inclusion of TPP staff in Learning and Teaching activities and events.
Library	Work with TPPs to identify roles and responsibilities for the provision of core Library services including access to an appropriate range of print and electronic information resources, academic literacy training programs and services providing assistance with using information resources, and advice for third party academic staff on available library services and information resources. Where TPP staff teach Western Sydney University students they are considered as staff of Western Sydney University for the purposes of accessing University Library information resources and collections. Ensure students, and relevant staff of the TPP, receive appropriate information, services and support, and that services provided to staff and students are equivalent regardless of location or mode of delivery.

Section 4 - Procedures

(33) Nil.

Section 5 - Guidelines

(34) Tertiary Education Quality and Standards Agency (TEQSA) Guidance Note: Third-Party Arrangements.

Status and Details

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Unit Head	Nicolene Murdoch Pro Vice-Chancellor, Global Partnerships and Transnational Education 96859333
Author	Nayantara Pothen Manager, Educational Partnerships n.pothen@westernsydney.edu.au
Enquiries Contact	Nayantara Pothen Manager, Educational Partnerships n.pothen@westernsydney.edu.au