



Ohio Administrative Code

Rule 3342-5-18 University policy regarding establishing relationships with universities and educational institutions abroad.

Effective: March 1, 2015

(A) Policy statement. As the university continues to expand its relationships with educational institutions both in the United States and abroad, it is important to formalize such agreements in order to ensure uniformity across multi-department endeavors. Therefore, it is required that all new or renewal agreements with universities outside of the United States and/or institutions of higher education in foreign countries are reviewed and approved according to the terms set forth in this policy.

(B) Scope. This policy applies to all university personnel and to all agreements with universities abroad and/or institutions of higher education, whether existing at the time of enactment or in the future.

(1) The activities covered under the scope of this policy include, but are not limited to:

(a) The exchange of students from each institution for traditional student exchange programs;

(b) The exchange of academic personnel for teaching, research, or both;

(c) The hosting of visiting faculty from the other institution;

(C) Definitions.

(1) Memorandum of agreement. "Memorandum of Agreement" or "MOA" refers to the preferred contractual structure for all agreements between Kent state university and a foreign university or institution of higher education.

(2) Contracting authority. Contracting authority refers to the university position delegated the authority to contract with a foreign university or institution of higher education.



(D) Implementation.

(1) No Kent state university faculty member or official of any division, department, or program may engage in an agreement with, or commit university resources to, a foreign university and/or institute of higher education except in accordance with this policy.

(2) Contracting authority. Only the president and the provost of the university have the authority to engage in relationships with universities abroad and/or institutions of higher education on behalf of Kent state university. Faculty members may not engage in a formal relationship with a foreign entity unless in accordance with this agreement.

(3) Noncompliance. Any agreement executed between a faculty member, official of any division, department, or program, and a foreign university and/or institution of higher education that is not in compliance with the terms and procedures required by this policy will be immediately rescinded. Such agreement may then be renegotiated, when possible, in accordance with this policy.

(4) Supervision. The office of global education is responsible for the oversight of the administration of this policy and those agreements within its scope.

(5) Sponsored programs exception. It is not the intent of this policy to interfere with any projects, programs, or grants administered by the sponsored programs office. Any conflict in the administration of this policy and operations of the sponsored programs office may be resolved internally, and the terms of this policy waived upon approval by the provost of the university.

(6) Tuition benefits. No agreement or MOA engaged in under this policy may provide for in-state tuition benefits for students from foreign institutions unless the provisions of the Ohio Revised Code have been met.

(7) Prohibitions. Kent state university will not engage in an agreement with a foreign university or institution of higher education in a country designated as a terrorist country by the U.S. department of state.

(E) Procedures.



(1) Initial notice. Once a faculty member or official identifies a need to engage in a formal agreement with a foreign university and/or institution of higher education, the faculty member or official must notify the office of global education. Upon notification, the office of global education will determine whether Kent state university already has a formal agreement in place with the foreign university.

If a formal agreement already exists, the faculty member or official may amend the previous agreement, but such amendment must be in accordance with this policy.

(2) Drafting. If no formal agreement exists, the faculty member or official may begin working with the office of global education to draft the MOA. Faculty members and/or officials must use the university-approved structure to draft all MOAs with universities abroad and/or institutions of higher education. An application form is available through the office of global education.

If the formal agreement originates from a foreign university, the faculty member or official must contact the office of global education for assistance to ensure that all required terms and conditions are included in the agreement.

(3) Required terms. The faculty member or official may negotiate the initial terms and conditions of the MOA and begin working with the office of global education to draft the MOA. The following required terms and conditions must be addressed in each MOA:

(a) Each MOA shall include the full name and address of each institution;

(b) Each MOA shall not include any specific names of individuals (except in the signature line). Responsibilities must be designated by institutional position;

(c) Each MOA shall include a specific term with duration of not more than five years. Prior to the end of the term of the agreement, a faculty member or official may request permission to extend such agreement for an additional term. Such request will be considered and the agreement may only be extended upon specific written approval by the contracting authority;



(d) In addition to the draft provided by the office of global education, and the language required by the office of general counsel, each MOA shall address the following specific terms as applicable:

(i) The specific scope of the engagement (student exchange, faculty exchange, research, etc.);

(ii) Any additional financial terms not provided in the draft agreement (additional initial program fees, scholarship support, etc.);

(iii) Any additional academic requirements that supplement or revise current university standards (admission, TOEFL, etc.) for the purposes of the agreement;

(e) Programmatic terms. The MOA is intended to provide an agreement between the parties defining the basic terms through which the programs under the agreement will operate. The specific terms of each program must be in writing and agreed to by both parties before the starting date of the program. These specific terms must be documented in an amendment to the MOA. The amendment is subject to the same review process as called for in this policy.

(4) Review by the office of the general counsel. Once complete, the draft must be reviewed by the office of the general counsel for compliance and legal sufficiency. If the office suggests revisions to the agreement, such document will be returned to the originating faculty member or official for further amendment. After all amendments/revisions have been made, the document must be forwarded to the department chair or school director for approval.

(5) Dean approval. If approved by the department chair or school director, the agreement must be submitted to the dean of the appropriate college for approval.

(6) Office of global education approval. If approved by the dean, the document will then be forwarded to the office of global education for review, approval, and final submission to the provost.

(7) Upon the approval of the provost and/or president, the agreement can be executed.

(8) Upon execution, the originating department is responsible for the implementation and compliance responsibilities associated with the agreement.