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## PROCEDURE C2.1-P2.1

### THIRD-PARTY

#### 1.0 INTRODUCTION

##### 1.1 Related Policy

Third-Party Policy

##### 1.2 Purpose

The purpose of this procedure is to outline the processes involved in development, implementation, management, and quality assurance of Third-Party Partners (TPP).

##### 1.3 Scope

This procedure applies to ABS staff and staff of TPP providing educational services under a third-party agreement with ABS. It applies to all third-party agreements and to any courseware licensing agreement where ABS courseware is provided under licence to a third-party.

##### 1.4 Scope Exceptions

None.

#### 2.0 RESPONSIBILITIES

1. The ABS Corporate Board is responsible to approve initial discussion with a proposed TPP.
2. The Executive Dean, ABS, Executive Director, Chief Financial Officer and Head of Compliance are responsible to conduct due diligence on the proposed TPP.
3. The ABS Executive Leadership Team is responsible to review the due diligence and business proposal and provide a recommendation to the ABS Corporate Board.
4. The ABS Corporate Board is responsible to approve the appointment of a proposed TPP.
5. The Executive Director is responsible to commission the development of Third-Party Agreement (TPA) and to establish a Partnership Committee.
6. A legal counsel is responsible to provide a template for the TPA and Schedule.

7. The Executive Director and the Executive Dean, ABS are responsible to work with the legal counsel and the authorised officer of the proposed TPP to develop the TPA and Schedule(s).
8. The Chief Executive Officer, on behalf of ABS Corporate Board, is responsible to approve the TPA and Schedule(s) and report to ABS Corporate Board that this has been achieved.
9. The Chief Executive Officer is responsible to sign the TPA on behalf of ABS Corporate Board.
10. The Partnership Committee and Executive Dean, ABS are responsible to monitor and review the third-party relationship and course provision by the TPP.
11. The Executive Dean, ABS is responsible for day-to-day monitoring of course provision by the TPP.
12. Both ABS and the TPP are responsible to comply with their obligations under the Third-Party Policy and Procedure, the Third-Party Agreement and the Framework for the Management of Third-Party Course Delivery Arrangements (the Framework).

## 3.0 PROCEDURE

### 3.1 Development of a Third-Party Partnership

1. A recommendation to pursue a third-party relationship with another company must be made to the Executive Director who will discuss this with the CEO and the ABS Corporate Board. If the Board is interested, the Executive Dean will contact the company.
2. A company may approach ABS proposing itself a third-party, and such an approach must be directed to the Executive Dean, ABS, and the process outlined above will be followed.
3. A due diligence and risk assessment is conducted by the Executive Dean, ABS, Executive Director, Chief Financial Officer and Head of Compliance on the proposed TPP, as outlined in the Framework, including a visit to its premises to assess quality and safety of learning arrangements and resources.
4. A due diligence/risk assessment report is provided to the ABS Corporate Board.
5. If the due diligence is approved, the ABS Corporate Board requests the Executive Director to:
  - a. through ABS's legal counsel and the Executive Dean, ABS commission the development of a Third-Party Agreement (TPA). The legal counsel will provide a template for the TPA; and

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- b. establish a Partnership Committee for this TPP, which will be the operational committee once the TPA is signed.

### 3.2 The Third-Party Agreement

1. Using the template provided by the legal counsel, the Executive Director, Executive Dean, ABS, legal counsel, and other ABS staff as required, develop a draft TPA and individual Schedules for each course to be provided by the proposed TPP. The Executive Director and Executive Dean, ABS will negotiate with the authorised officer of the proposed TPP during this process.
2. The TPA and/or Schedules will include, but are not limited to:
  - a. Governance
  - b. Quality Assurance and Review arrangements
  - c. Courseware licensing, if applicable
  - d. The TPP's responsibilities, which will include:
    - i. to comply with ABS's policies and procedures, with each aspect of the student and course lifecycle noted and referring to the relevant policy and procedure with URL links.
    - ii. to uphold the requirements of the Higher Education Standards,2015; and
    - iii. to comply with the TPA.
  - e. ABS's responsibilities, including training and development of TPP staff as required.
  - f. Invoicing arrangements.
  - g. Staffing arrangements, including any specialist staff
  - h. Insurance cover and indemnity clauses
  - i. Health and Safety
  - j. Marketing and student recruitment
  - k. Confidentiality
  - l. Copyright
  - m. Review of the TPA
  - n. Disputes

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- o. Exit clauses - see clause 3.1.6. in the Third-Party Policy
  - p. Schedules, which include one for each course and one for the Framework for the Management of Third-Party Course Delivery Arrangements.
  - q. Course details in Schedules will comply with the course and units as approved by ABS Academic Board, and will include all the areas listed in the Framework as well as:
    - i. Language of delivery - English
    - ii. Delivery sites
    - iii. Minimum and maximum students where applicable.
    - iv. Specialist equipment required.
    - v. Work integrated learning, if applicable.
    - vi. Teaching periods (normally aligned with ABS's teaching calendar)
    - vii. Student support available
    - viii. Student and other records
    - ix. Student fees and refunds
    - x. Graduations
    - xi. Testamurs
    - xii. Any other aspect thought to be necessary.

### 3.3 Approval of the Third-Party Agreement

1. The Executive Director provides the draft TPA to the Chief Executive Office for approval on behalf of the ABS Corporate Board.
2. The Chief Executive Officer, or delegate, approves the TPA and notifies the ABS Corporate Board that this has been achieved. If rejected, it will be returned to the Executive Director for further work.
3. The Chief Executive Officer and/or the Executive Director are authorised to sign the agreement (four originals) on behalf of ABS.
4. The Executive Dean, ABS provides four (4) originals of the approved and signed TPA to the TPP authorised officer, requesting for all to be signed, for the TPP to retain two originals and to return two originals to be held by ABS.

5. The CEO/Executive Director will retain one original copy and provide the Executive Dean with the other.
6. The TPA is recorded on in ABS's internal shared drive.

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### 3.4 Management of the TPP

1. The Partnership Committee is responsible to monitor and manage the TPP relationship and to provide reports to the ABS Corporate Board as required by terms of reference.
2. The Executive Dean, ABS provides day-to-day monitoring and management of course provision by the third-party.
3. The Registrar manages the admissions and issues awards for the students of the third-party.
4. Both the Partnership Committee and the Executive Dean, ABS use the ABS Framework for the Management of Third-Party Course Delivery Arrangements to guide the management of the TPP's delivery of the Course.

### 3.5 Review of the Third-Party Agreement

1. The TPA undergoes a full review as required by the provisions of the TPA, or earlier if required.

## 4.0 DEFINITIONS

- **Courseware** - educational material, including software, developed for the provision of education to students.
- **Courseware licensing agreement** - the agreement whereby courseware is provided to a third-party for ongoing use in the provision of course.
- **Third-Party Partner** - an organisation, other than ABS, providing education services to students delivered on behalf of ABS, such as providing an ABS course.
- **TPP** - Third-Party Partner.

## 5.0 REFERENCES AND ASSOCIATED INFORMATION

- [Australian Qualifications Framework](#)
- Course and Unit Lifecycle Policy and Procedure
- Delegation of Authority Policy
- Framework for the Management of Third-Party Course Delivery Arrangements
- [Higher Education Standards Framework 2021](#)

- Third-Party Policy

## 6.0 POLICY/PROCEDURE OWNERSHIP

Policy Owner	Executive Director
Status	New
Approval Authority	ABS Academic Board
Date of Approval	14/09/2021
Effective Date	20/10/2021
Implementation Owner	Executive Dean, ABS
Maintenance Owner	Head of Compliance
Review Due	May 2024
Content Enquiries	Sabina Cerimagic - Executive Dean, ABS Email: <a href="mailto:sabina.cerimagic@aimbusinessschool.edu.au">sabina.cerimagic@aimbusinessschool.edu.au</a>

## 7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
C2.0-P2.0	14 September 2021	ABS Academic Board	New Procedure
C2.1-P2.1	10 March 2023	Head of Compliance	Minor Administrative Change: Update of staffing titles