Foreign Arrangements Procedure

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') is committed to academic excellence, global engagement, and the pursuit of knowledge. CDU recognises the importance of fostering international collaboration and partnerships. Collaboration with institutions and organisations worldwide enriches our academic community, promotes cross-cultural understanding, and advances research and education.

Section 2 - Purpose

(2) This procedure outlines the requirements and responsibilities for notifying the Commonwealth government about foreign arrangements involving the University.

(3) This procedure outlines the approval process, responsibilities of stakeholders, legal considerations, and mechanisms for oversight and evaluation of foreign arrangements. It aims to ensure that these arrangements contribute positively to the University's global presence, academic excellence, and the overall experience of our students, Faculties, and employees.

(4) This procedure should be read in conjunction with the Foreign Interference and Influence Policy (in development), the Legal Agreements Policy and Procedure and the Defence Export Controls Policy.

Section 3 - Scope

(5) This procedure applies to all foreign arrangements initiated or maintained by the University, including but not limited to the following:

a. Academic partnerships and collaborations with foreign universities and institutions.
b. Student exchange programs, where CDU students study abroad and international students study at CDU.
c. Faculty exchange programs, facilitating international academic collaborations and knowledge exchange.
d. Research collaborations with international partners to advance scientific discovery and innovation.
e. Joint degree programs, where students earn degrees from both CDU and partner institutions.
f. Dual degree programs, enabling students to pursue two degrees concurrently from CDU and partner institutions.
g. Study abroad programs that provide CDU students with opportunities to study in foreign countries.

(6) This procedure applies to all University employees involved in negotiating, organising, or managing the types of arrangements outlined above.

Section 4 - Procedure

(7) Australia's Foreign Arrangements Scheme seeks to align agreements between State and Territory Governments

and foreign entities with Australia's foreign policy and the prevention of harm to national foreign relations. The scheme requires the University to notify the Commonwealth government of particular foreign arrangements.

(8) Employees must follow the requirements of this procedure and seek approval from the Vice-President Global and External Relations before entering into an arrangement with a foreign entity.

(9) When entering into, extending, or varying foreign arrangements, CDU has an obligation to undertake due diligence to establish the identity of all parties to the agreement and their potential affiliations with foreign governments.

(10) University employees who are involved in negotiating foreign arrangements are responsible officers and must conduct thorough inquiries to determine whether the parties involved in the agreement meet the criteria of being foreign entities.

(11) Responsible officers for foreign arrangements must document their findings as evidence of the decision-making process.

a. At a minimum, the Foreign Arrangements Notification Checklist, the Foreign Arrangements Influence and Interference Form, and the information relied upon to complete the checklist and form must be retained.

(12) Where the other party is identified as a foreign entity, notification to the Department of Foreign Affairs and Trade (DFAT) through the Foreign Arrangements Scheme Online Portal is mandatory. Information submitted to DFAT may be made publicly available on the register.

Scheme Application

(13) The scheme establishes a process for States and Territories and their entities to inform DFAT if they intend to enter or have already entered into foreign arrangements. It imposes obligations regarding both forthcoming and existing agreements.

(14) The University is required to inform DFAT when it intends to enter into an agreement with a foreign government or a foreign university lacking institutional autonomy. Notification to DFAT must be made within 14 days of entering into the arrangement.

(15) Agreements with corporations operating strictly for commercial purposes are not subject to the scheme unless they are part of a subsidiary arrangement.

(16) Typically, a university-to-university arrangement does not require notification unless it involves a:

a. foreign tertiary education institution under foreign government control, such as a government military academy; or
b. foreign university lacking institutional autonomy.

(17) A foreign university lacks institutional autonomy when it is significantly under the control of a foreign government. This condition is met when at least one of the following factors apply:

a. A majority of the university's governing body members are mandated, by law or the university's governing documents, to be affiliated with the political party forming the foreign government.
b. Education or research at the university is mandated, by law or the university's governing documents, to adhere to, or serve, the political principles or doctrines of the foreign government or its political party.
c. The university's academic employees are mandated, by law or the university's governing documents, to adhere to, or serve, the political principles or doctrines of the foreign government or its political party in their teaching, research, discussions, publications, or public commentary.

Exemptions from notifications

(18) Arrangements that solely concern minor administrative or logistical issues are exempt from the notification requirement. Examples of exempt foreign arrangements are those that pertain solely to matters like travel, accommodation, paperwork submission, visa applications, or scheduling conference sessions. For advice on whether a prospective arrangement is exempt or requires notification, contact foreign.arrangements@cdu.edu.au.

(19) Variations to an existing arrangement that DFAT have already been informed of are notifiable if the substance of the agreement is going to change. Variations that do not change the substance of the agreement are exempt from notification.

Pre-Agreement Activities

(20) Responsible officers must seek approval from the Vice-President Global and External Relations before commencing negotiations for any agreement that involves a foreign entity.

(21) Upon receiving initial approval, agreement negotiations can commence. The responsible officer must:

a. Conduct due diligence checks on all parties involved in the agreements. For guidance on determining the institutional autonomy of a foreign university, refer to the DFAT Guidance on Institutional Autonomy.
b. Complete a Foreign Arrangements Notification Checklist to assess if the agreement is subject to notification.
c. If the checklist determines that the agreement falls into the notifiable category or if organisational autonomy cannot be confirmed, complete the Foreign Arrangements Influence and Interference Form and send it to foreign.arrangements@cdu.edu.au for review by the Vice-President Global and External Relations.

(22) If approval to proceed is granted, the responsible officer for the draft agreement must submit it to Governance for review in accordance with the Legal Agreements Policy and Procedure.

(23) Following review by Governance, the responsible officer for the agreement must:

a. Send the reviewed draft to foreign.arrangements@cdu.edu.au for the Vice-President Global and External Relations to upload it to the Foreign Arrangements Scheme Online Portal.
b. Within seven days of the agreement's execution, a copy of the signed agreement must be sent to foreign.arrangements@cdu.edu.au for the Vice-President Global and External Relations to upload it to the Foreign Arrangements Scheme Online Portal.

(24) If a prospective agreement has been notified through the Foreign Arrangements Scheme Online Portal but will not proceed, the responsible officer must email foreign.arrangements@cdu.edu.au to notify the Vice-President Global and External Relations.

Foreign Arrangements Scheme Portal Notifications

(25) The Vice-President Global and External Relations must:

a. register prospective arrangements in the Foreign Arrangements Scheme Online Portal and upload a copy of the draft agreement to the portal for ministerial review.
b. Within 14 days of the University entering a notifiable foreign arrangement, notify DFAT through the Foreign Arrangements Scheme Online Portal and upload a copy of the final agreement to the portal to validate any changes made to the arrangement during negotiations.
c. If notified in writing by a responsible officer that a prospective or draft agreement will not proceed, withdraw notification in the Foreign Arrangements Scheme Online Portal.

Monitoring and Reporting

(26) Any employee who receives a notification of a ministerial directive to cease negotiations must immediately forward the notification to:

a. the responsible officer for the arrangement;
b. the Vice-President Global and External Relations; and
c. the Director Risk and Assurance.

(27) The Vice-President Global and External Relations will:

a. immediately notify the Vice-Chancellor of any ministerial declaration.

Section 5 - Non-Compliance

(28) Non-compliance with Governance Documents is considered a breach of the Code of Conduct - Employees or the Code of Conduct – Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin University and Union Enterprise Agreement 2022 and the Code of Conduct – Students.

(29) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees and Complaints Policy - Students.

(30) All employees have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

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Expiry Date	Not Applicable
Responsible Executive	Shannon Holborn Vice-President Global and External Relations
Implementation Officer	Shannon Holborn Vice-President Global and External Relations
Enquiries Contact	Shannon Holborn Vice-President Global and External Relations --- Office of the Vice-President Global and External Relations

Glossary Terms and Definitions

"Foreign Entity" - Foreign entities include: a. Foreign countries or their national governments (including departments and agencies) or political subdivisions or their governments (including departments or agencies) of a foreign country; and b. Universities that are located in a foreign country and do not have institutional autonomy. Corporations that operate on a commercial basis are not classified as foreign entities. A full definition of ‘foreign entity’ can be found in the Australia’s Foreign Relations (State and Territory Arrangements) Act 2020.

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