

MEMORANDUM

To: College Presidents
Chief Academic Officers
International Education Liaisons
Study Abroad Program Directors
STOCS Awards Committee Members
Legal Affairs Designees

From: Executive Vice Chancellor Selma Botman ^{sb}
University Dean Judith Summerfield *J*

Re: International Agreements: Procedure and Model Documents

Date: September 8, 2006

Several years ago, in an effort to minimize potential risks and to safeguard our faculty members and students abroad, the University adopted common procedures (set forth below) for the approval of all international agreements with non-U.S. institutions.

This summer, the Office of Academic Affairs and Office of General Counsel have reviewed all documents relevant to their procedures. Attached for your reference and use are the following updated documents:

1. Model Study Abroad International Agreement
2. Model Student Exchange International Agreement
3. Model Faculty Exchange International Agreement
4. Model Board Resolution and Sample Board Resolutions
5. Waiver and Release Form
6. Transmittal Sheet for Review of International Agreements

The documents are attached, and soft copies are available on the CUNY/Study Abroad website maintained by the Office of Academic Affairs. Also, attached is a list of International Education Liaisons/Study Abroad Directors at the Colleges.

Colleges interested in entering into agreements with non-U.S. institutions should work with their college's International Education Liaisons/Study Abroad Program Directors who will follow the procedures set forth below:

1. Preparation and Preliminary Review of International Agreement and Board Resolution

- a. Choose and prepare the appropriate model international agreement, providing the necessary information.
- b. Prepare a board resolution (a model board resolution and sample board resolutions are attached).
- c. Complete and sign Part I of a Transmittal Sheet (blank form attached) and submit it together with the draft agreement and draft board resolution to the Office of Academic Affairs for review (see below for specific contact information). The International Education Liaisons/Study Abroad Program Directors at each college are the only individuals authorized to request that an international agreement be reviewed and approved.

2. Preliminary Review of Agreement and Board Resolution

- a. The Office of Academic Affairs will work with the Office of General Counsel to review the draft agreement and suggest any revisions necessary so that it may be presented to the overseas institution. Please note that the relationships between CUNY and the non-U.S. institutions are intended to be academic and friendly; therefore, we have intentionally omitted certain provisions (such as indemnification, notice, and choice of law) that lawyers routinely insert into all agreements.

The Office of Academic Affairs will work with the Office of General Counsel to review the draft board resolution and suggest any necessary changes before it is submitted to the Board of Trustees.

Note: To comply with Education Law Section 6206(7)(a), which grants the power to establish courses and curricula to the University's Board of Trustees, resolutions to enter into agreements with other institutions must be presented to the Board for approval.

- b. If any revisions are necessary, the College will make the revisions and submit the revised draft agreement and the revised draft board resolution to The Office of Academic Affairs together with the Transmittal Sheet with Part II.B. completed.
- c. The Office of Academic Affairs and the Office of General Counsel will indicate preliminary approval by signing and dating Part II.C. of the Transmittal Sheet. Preliminary approval indicates that the college has approval to transmit the agreement to the exchange institution and approval to submit the board resolution to the Board of Trustees.
- d. Once the College receives preliminary approval, the College may:
 - (1) transmit two duplicate original copies of the agreement to the overseas institution for review and signature by the overseas institution; and
 - (2) submit the board resolution through the college's regular channels as part of the College's Chancellor's Report – Section AIII - Affiliation Agreements to the Board of Trustees for the next Board of Trustees meeting for approval. The

College's Chancellor's Report is generally processed through the college's Office of the Provost or Office of the Vice President for Academic Affairs.

Note: The CUNY Board of Trustees meets in the months of January, February, April, June, September, and November. Items must be submitted to the Board of Trustees for inclusion at a given meeting at least six (6) weeks prior to the meeting date.

3. Request for Approval as to Form by Office of General Counsel

Once the college receives the (duplicate original) agreements signed by the overseas institution and the board resolution has been approved, then the college should submit the two agreements to the Office of General Counsel for approval as to form. The agreements should be accompanied by (a) the Transmittal Sheet with Part III completed, and (b) a copy of the approved board resolution.

Please note that the Office of General Counsel cannot approve any agreement without an approved board resolution.

4. Approval as to Form

If all is in order, the Office of General Counsel will sign off on the space marked "Approved as to Form" on the agreements and sign and date Part IV of the Transmittal Sheet and return the agreements to the College together with the Transmittal Sheet.

5. College President May Sign

When the General Counsel's Office has approved an agreement as to form, then the college president is authorized to sign the agreement.

WAIVER AND RELEASE. All international agreements will require that participating students sign and have notarized a "Waiver and Release Form" (model Waiver and Release Form attached) prior to their participation in any study abroad or student exchange program. Students who are under the age of eighteen (18) also must obtain their parent or guardian's signature. The College is responsible for enforcing this requirement.

RENEWALS. Colleges with international agreements currently in place will be required to adopt the model agreements attached for renewal terms.

Colleges that are interested in starting or participating in any type of international program not covered by these agreements should contact the Coordinator of International Education in the Office of Academic Affairs.

Your primary contacts in this process will be:

Office of Academic Affairs
James M. Cherry, Ph.D.
Coordinator of International Education
Phone: 212/794-5391
Fax: 212/794-5706
E mail: james.cherry@mail.cuny.edu

Office of General Counsel
Marina B. Ho
Assistant General Counsel
Phone: 212/794-5382
Fax: 212/794-5426
E-mail: marina.ho@mail.cuny.edu

I trust this process will help streamline and strengthen the University's international education initiatives and ensure a productive and secure study abroad experience for our students.

c: Frederick P. Schaffer, General Counsel and Vice Chancellor for Legal Affairs

Attachments