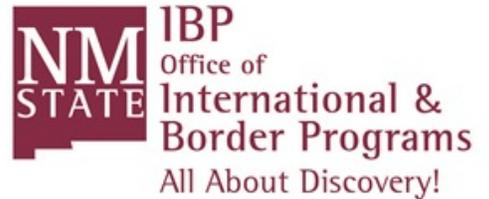


ESTABLISHING AN INTERNATIONAL AGREEMENT



NOTE: The following document provides general guidelines and is not official university policy. Policies in NMSU's Business Procedures Manuals and other policy documents supersede these guidelines.

Note: All referenced forms are available at <https://ibp.nmsu.edu/establishing-partnerships/>

General stages of developing an international agreement:

- Step 1: Initial Proposal – Use *International Agreement Proposal Form*.
College Department Head > College Dean > Associate Provost for IBP
- Step 2: Development of the Agreement - *no form*
Working stage involving IBP, the relevant colleges, departments and units, and the partner.
- Step 3: Routing of the Final Agreement – IBP will complete and use the *International Agreement Approval Form* to obtain all the necessary signatures.
IBP, Hadley Hall officials, and other officials as relevant.

I. Definitions

- a. An international memorandum of understanding (MOU) is a formal agreement between NMSU and a third party organization (often a university) located in a foreign country. MOUs to establish official partnerships, but are not legally binding. They are often ceremonial, but do carry a degree of seriousness and mutual respect.
- b. An international memorandum of agreement (MOA) is a written document describing a cooperative relationship between two parties wishing to work together on a project or to meet an agreed upon objective. An MOA serves as a legal document and describes the terms and details of the partnership agreement. Often there is a financial commitment of some kind.
- c. For simplicity, both MOA's and MOU's will be referred to hereafter as "agreements". Readers need not try to determine if theirs will be an MOA or an MOU, but it is important to understand that at some point one of those definitions will be assigned.

II. Preliminary Approval

- a. The Associate Provost for IBP will consult other offices on campus to determine whether the agreement will be an MOA or MOU, and which offices need to be involved in establishing the agreement.
- b. Initial Approval and the IBP *International Agreement Proposal Form*
 - i. College-Specific Agreements: NMSU faculty or staff interested in establishing an international agreement should first discuss the proposed agreement with their College Dean and Department Chair.
 - ii. University-Wide Agreements: In the case of university-wide agreements not specific to a single college, the agreement should be discussed with the Associate Provost for International and Border Programs (IBP hereafter).
 - iii. Extension Campus Agreements: Doña Ana Community College, NMSU-Carlsbad, NMSU-Alamogordo and NMSU-Grants faculty or staff interested in establishing an

international agreement should consult with their campus' President and/or Vice President for Academic Affairs.

- c. If the appropriate authorities approves proceeding with exploration of establishing the international agreement, the NMSU faculty or staff person should complete the Proposal to Establish an International Agreement form, obtain signatures from the Dean and Department Chair and Dean (President and/or Vice President for Academic Affairs at the Extension Campuses), and submit the completed form to IBP.

III. Developing and Negotiating the Agreement

- a. IBP has many templates on file and can assist with drafting the agreement, or with reviewing the partner's agreement. IBP will work with the NMSU College Dean, Department Chair, and NMSU faculty/staff agreement contact for review and feedback.
- b. IBP will check with General Counsel if the agreement appears to go outside of the boundaries of a standard partnership.
- c. Once a draft agreed upon internally, IBP shares the agreement with the partner institution for first draft review and feedback. IBP will clarify/negotiate the agreement with the partner institution until a mutually agreed upon draft version is finalized.
- d. Agreements must be in English, but can also be bilingual. In such cases, IBP will help facilitate a reliable translation.

IV. Final NMSU Approvals

- a. Only the NMSU President and the Executive Vice President and Provost (EVPP) have the legal authority to sign an international agreement on behalf of NMSU and the NMSU Board of Regents. The default authority is the EVPP.
- b. The *International Agreement Approvals Form* will serve as the routing sheet and IBP is responsible for completing the form, routing it, and securing all of the proper approvals. The Associate Provost, in consultation with the EVPP, and other officials, will determine the necessary routing. Typically, agreements will go through the following steps and will be routed internally as follows. NMSU reserves the right to make accommodations and exceptions for special circumstances:
- c. Routing:
 - i. Generally, the routing looks something like this: Associate Provost for IBP > College Dean > Director of Accreditation > Senior VP for Finance > General Counsel > EVPP. MOU Signed by the EVPP (see approval form).
 - ii. The order of the routing is subject to change, depending on the circumstances.
 - iii. Individuals may be added or omitted, depending on the nature of the agreement. IBP will determine this in consultation with relevant stakeholders, including General Counsel. For example:
 1. The Registrar may be added if course articulation is involved
 2. The VP for Finance of Office of Grants and Contracts may be added if a monetary commitment is involved.
 3. Accreditation Director may be omitted if it is a simple, ceremonial agreement.

- d. Under special circumstances, the EVPP may give one-time authorization to other university officials (Deans, extension campus Presidents, Vice Presidents, etc.) to sign an agreement (see International Agreement Delegation of Authority Form below for such authorization).
- e. Other university officials can be added to agreements for ceremonial purposes.

V. Partner Approval and Executing the Agreement

- a. Agreements are not in effect until both parties sign the agreement and both parties are provided a copy of the fully signed agreement. NMSU prefers to be the first to sign the agreement, but that is optional.
- b. In-person signing ceremonies are nice, but often not necessary. In cases where the mail is used to deliver the final agreement to the partner institution, IBP mails the agreement via courier to the partner institution. The partner institution returns one copy of the executed agreement to NMSU.
- c. IBP retains all international agreements in its permanent files (both hard copy and electronic versions). IBP will also provide an electronic copy of the executed agreement to the NMSU College Dean, Department Chair, and NMSU faculty/staff.
- d. IBP is responsible for conducting occasional reviews of all international agreements to determine which agreements are expired, need to be renewed, should be expunged, etc.