



## **Guidelines for the Conclusion of Cooperation Agreements with the Participation of Higher Education Institutions Abroad<sup>1</sup>**

**at the University of Potsdam**

Chapter 1 - Partnerships as an Internationalization Tool

Chapter 2 - Structure, Formalization Procedures and Management of Partnerships

*International Office, University of Potsdam (2020)*

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<sup>1</sup> This document was prepared on the basis of a handout by the University of Wuppertal and handouts from the seminar “Vom Entwurf zur Umsetzung - Alles zum Thema Kooperationsverträge 23./24. Oktober 2012”, Assessor Iuris Karen Schlüter

## CHAPTER 1

### PARTNERSHIPS AS AN INTERNATIONALIZATION TOOL

University partnerships are an important component for the University of Potsdam in the process of establishing an international profile, for which it uses a systematic and quality-oriented approach. These partnerships, which are facilitated by the Executive Board, support the entire range of the university's activities. Along with the development of study-related exchange programs, cooperative PhD programs and research projects, it is also possible, depending on contractual arrangements, for units that play a supporting role for the sciences to carry out their own partnership activities.

These partnerships are typically designed in such a way that different faculties, institutes, or departments work on cooperative projects on their own authority. The strategic foundation for establishing and expanding partnerships was laid in the Internationalization Strategy 2020-2024 (approved by the Senate on Oct. 23, 2019).

The University of Potsdam's university partnerships are made up of long-established partnerships on the one hand, and, on the other hand, the university is expanding relationships with institutions of higher education that are located primarily in the **priority countries/regions, strategic partnerships** and **strategic networks** identified by the Executive Board. The EU funding for European University Alliances gives the biggest impetus to the University of Potsdam in terms of partnership and network cooperation for the years to come. This collaboration takes the form of the **European Digital UniverCity (EDUC) alliance** with the Universities of Paris Nanterre and Rennes I (France), the University of Cagliari (Italy), Masaryk University (Brno, Czech Republic), and the University of Pécs (Hungary). The university will also continue to establish its international profile by focusing on strategic partnerships (Macquarie University and Tel Aviv University) and partnerships in priority regions/countries (Argentina, Australia, Brazil, France, Israel, Canada, Columbia, Poland, Russia, USA as well as the sub-Saharan Africa region). Asia is to be included via the establishment of one or two partnerships in China.

With the university-wide calls for proposals "[KoUP](#)" and "[Teaching & Training](#)" for the establishment and expansion of partnerships and for the internationalization of teaching, the university has created a set of tools to meet various subject-specific needs in the context of university partnerships. Beyond that, however, partnerships are to be financed through the acquisition of third-party funding.

The Executive Board uses the following criteria to assess future university partnerships and evaluate existing ones:

- The partner institution is located in one of the priority regions.
- The partner institution is comparable in its research and teaching profile.
- The partner institution has a similar thematic breadth or complements the spectrum of the University of Potsdam in a specific way.
- There are already promising and, in several respects, expandable cooperations or contacts at the subject/institute/faculty level, so that usually at least two faculties cooperate within the framework of the partnership.
- The commensurability of establishing and maintaining the partnership is evidenced by projected "returns" such as gain of scientific knowledge, joint research proposals, student exchange opportunities, instructor mobility, and exchange opportunities for researchers.

- If it is a university with a limited range of subjects, university partnership agreement can also be concluded if the projects focus on one faculty. This agreement would then be given the internal status of a faculty partnership and the management of the partnership would be the responsibility of the respective faculty.
- The cooperating entities can demonstrate that they are capable of implementing the proposed projects, both in terms of human and financial resources.

The University of Potsdam pursues the **concept of strategic partnerships**<sup>2</sup> to raise the university's profile. These are exceptional partnerships<sup>3</sup> that receive special consideration from the Executive Board and whose supervision and development is the direct responsibility of the Vice President for International Affairs.

Strategic partnerships are of special interest to the university in terms of scholarly activities and higher education policy. They are directly linked to the strategic goals of the University Development Plan. The University of Potsdam and internationally renowned universities or institutions will enter into strategic partnerships, which provide institutional support for the exchange of knowledge and experience, joint concept and program development, acquisition of third-party funding, international benchmarking, and networking.

Strategic partnerships can be extensions of regular university partnerships, e.g. regarding mobility or research cooperation, or they can be designed independently of them.

In addition to the criteria mentioned above, the following applies to strategic partnerships:

- A strategic partnership requires a broad common research base across faculties or profiles that can be expected to generate both a high research output and corresponding volumes of third-party funding.
- Teaching and research are the focus of any such cooperation. With regard to teaching, the strategic partnership offers the prerequisites for joint research-oriented degree programs.
- The partnership makes a substantial contribution to the visibility of the University of Potsdam in the international higher education context, e.g. in terms of its reputation and placement in internationally renowned rankings. The partnership makes a substantial contribution to establishing the university's position with regard to international competition.
- Ideally, all faculties are involved in the strategic partnerships at least once.
- Strategic partnerships are to make contributions to other internationalization issues such as network building, knowledge transfer or the development of a modern science and research management.

The conclusion of strategic partnerships requires a resolution of the Executive Board. The Executive Board reserves the right to evaluate the existing partnerships at regular intervals.

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<sup>2</sup> cf. Internationalization Strategy 2020-2024 and University Development Plan 2019-2023 as well as the current higher education contract with the Brandenburg Ministry of Science and Research (MWFK).

<sup>3</sup> As of Jan. 1, 2020, strategic partners are the European Digital UniverCity Alliance (EDUC), Macquarie University Sydney with a focus on expanding research-based master's degrees and joint PhDs, and Tel Aviv University with a focus on knowledge and technology transfer. Another strategic partnership is the Collaborative Online International Learning network (COIL) at the State University of New York, which is to expand e-learning activities.

## CHAPTER 2

### STRUCTURE, FORMALIZATION PROCEDURES AND MANAGEMENT OF PARTNERSHIPS

#### Structure

Types of Agreements	Agreement Level
1. Preliminary Agreements 1.1. Letter of Intent 1.2. Memorandum of Understanding 2. Agreements 2.1. University Partnership Agreement 2.2. Faculty Partnership Agreement 2.3. Student Exchange Agreement 2.4. Agreement on Bi-National Doctorates (Cotutelle-de-Thèse) 2.5. Agreement on the Creation of Degree Programs with a Joint/Double Degree 2.6. Inter-Institutional Agreement within the framework of ERASMUS+ (Mobility Agreement) 2.7. Grant Agreements from third-party funding applications 2.8. Consortium Agreements	University Faculty  <b>Signature by</b>  President - P Dean - D  International Office Dean - D  President Dean - D  International Office/Institutional Coordinator  International Office  President

#### **Conclusion of Agreements within the Framework of International University Cooperation Projects**

International activities that become formalized partnership/cooperation projects call for a consistent and set of rules across disciplines regarding the types of agreements and their contents.

This should be carried out in both strategic and operational consultation with the university's Executive Board and the International Office, which will ensure adequate legal review.

Depending on the specific level of cooperation, the formal consent of the responsible parties and (legal) consultation are absolutely necessary prior to any cooperation.

An agreement concluded by mutual consent is a valid legal transaction with certain legal consequences and involves a mutual commitment.

In this respect, each party must also be permitted and able to fulfill the obligations it has entered into.

Conclusion of an agreement - Things to clarify in advance:

1. What is to be achieved with the agreement and what are its benefits for the University of Potsdam (cf. Chapter 1)?
2. Which type of agreement suits the defined objectives?
3. What needs to be settled with whom and how (also within the university) in order to achieve the

objectives?

4. Who is responsible for reviewing the agreement?
5. Who is responsible for signing the agreement?
6. Who is responsible for the fulfillment of the contractual obligations?
7. What degree of concretization is required for the operational implementation of the agreement objectives? Is there a need for any supplementary arrangements (such as: the development of work programs, student or doctoral student exchanges)?
8. Does the content of the agreement present any points of friction with applicable law or relevant regulations or programs?

**Partnerships are possible at the following levels:**

- University level
- Faculty level

The types of agreements to govern these partnerships are distinguished as follows:

**1. Preliminary Agreements**

Preliminary agreements can be concluded in two ways. They are not legally binding and typically summarize a discussion.

**1.1. Letter of Intent (LoI)**

The LoI is a statement by one of the negotiating parties expressing interest in negotiating and entering into an agreement.

In the LoI, interest in the implementation of a specific project can be described. It can also be a summary of previous discussion results or include a time frame for the concretization of a project proposal.

The LoI always contains a reference to its non-binding nature.

**1.2. Memorandum of Understanding (MoU)**

The MoU is a general statement of intent signed by both parties to the agreement. In addition to the contents already mentioned for the LoI, an MoU can also stipulate specific conditions, reservations, or time limits.

It can make provisions for a non-disclosure agreement, an exclusivity clause, or the stipulation of possible reasons for terminating the ongoing negotiations. The MoU, too, always contains a reference to its non-binding nature.

**2. Agreements**

As mentioned above, agreements are binding and can only be signed by the President or a person designated/authorized by him/her (signing authority).

Agreements that are entered into by university instructors at their own discretion are void.

**2.1 University Partnership Agreement**

The University Partnership Agreement, as a framework agreement, is the true form of a proper cooperation agreement between two higher education institutions and is concluded at the university level. The university partnership agreement aims to consolidate existing contacts and cooperation with higher education institutions abroad in a cross-disciplinary manner.

Support from at least two faculties is typically required. Exceptions are possible if the partner institution only offers a limited range of subjects, e.g. universities with a focus on economics. It is also considered an exception if the agreement is the prerequisite for obtaining third-party funding.

The university partnership agreement may cover the exchange of students and researchers and the joint implementation of research projects as well as cooperation in units that support the sciences, or in knowledge and technology transfer.

It contains general provisions and can be amended to include specifics (such as student exchanges) as needed. Specific projects are outlined in implementation agreements that are concluded by individual structural units.

To ensure sustainability, collaboration should be established for a minimum period of three years. In addition, the partners should ensure that there is at least a medium-term financial basis, if necessary.

University partnership agreements are only concluded with institutions of higher education in the defined priority regions.<sup>4</sup>

## 2.2. Faculty Partnership Agreement

This cooperation agreement is recommended if the cooperation between the potential partner and the UP is aimed at one faculty or one subject.

In all other respects, the provisions in subsection 2.1 shall apply

The academic departments draw up implementation agreements to define the specific cooperation projects at the level of the departmental units or individual professorships. These should identify the researchers responsible for the project and process, as well as the exact modalities of the program (e.g., research programs, funding, selection procedures, monitoring, etc.). Implementation agreements are very particular in each individual case, which is why there are no templates for them. Templates for student exchange agreements, on the other hand, can be requested from the International Office.

## 2.3. Student Exchange Agreement

The student exchange agreement only governs the exchange of students (the exchange of doctoral candidates is not included in this category). In the case of student exchange agreements, the relevant university regulations and framework conditions as well as the respective study and examination regulations must be observed. It is absolutely necessary to establish clearly defined regulations on the levying or waiving of tuitions, administrative fees or support fees. Student exchange agreements can be concluded at the faculty level or at the university level.

## 2.4. Agreement on Bi-National Doctorates (Cotutelle-de-Thèse/Joint PhD)

Under the "cotutelle" procedure, a young scholar is awarded a degree jointly conferred by two universities on the basis of an academic achievement, which is based on research work conducted at two universities. In the event that the institutions of higher education cannot agree on the award of a joint degree certificate, both certificates shall contain a note indicating that they are only valid in conjunction with the respective other degree certificate.

The participating institutions cooperate closely with regard to the selection, supervision, and evaluation of the respective candidates and each of them recognizes the parts of the doctorate carried out at the other institution

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<sup>4</sup> The priority regions of the University of Potsdam include Argentina, Australia, Brazil, France, Israel, Canada, Columbia, Poland, Russia, the USA as well as the sub-Saharan Africa region.

of higher education as a prerequisite for the completion of a bi-national doctorate. The prerequisite for this is a cooperation agreement, which must be concluded individually for each doctoral project between the two universities involved.

A subject-specific or general cooperation agreement can determine the main features of the procedure, but must be accompanied in each case by an individual agreement. This agreement must take into account the doctoral degree regulations of both universities.

It should be carefully drawn up to avoid problems in the course of the procedure. In particular, the organization of the oral examination and the composition of the jury/committee/examining board must be precisely defined, since difficulties in coordination are particularly frequent at this stage of the procedure. For the University of Potsdam, such agreements must be signed by the Deans, the doctoral supervisor, and the doctoral candidate him/herself after approval by the responsible doctoral committee. If required, the President shall also co-sign.

A guideline for the organization of cross-border doctoral procedures is available in the units in charge of doctoral studies in the faculties. Consultation and administration activities are carried out by the faculties.

#### *2.5. Agreement on the Creation of Degree Programs with a Joint/Double Degree*

The establishment of degree programs between two universities requires formal safeguards.

General information on the development of degree programs is available in the process map "[Developing and Revising Degree Programs](#)" on the ZfQ website. For detailed information on joint/double degree programs, please contact Division 2 of Student Affairs (Director).

#### *2.6. Inter-Institutional Agreement within the framework of ERASMUS+ (Mobility Agreement)*

The Inter-Institutional Agreement (IIA) within the framework of ERASMUS+, governs the details for the exchange of students, teaching staff and non-academic staff within the framework of the EU mobility and funding program in the KA 103 (mobilities within the EU) and KA 107 (mobilities with countries outside the EU) programs. All IIAs are prepared and managed by the Institutional Erasmus+ Coordinator of the University of Potsdam in the International Office (Pia Kettmann, [pia.kettmann@uni-potsdam.de](mailto:pia.kettmann@uni-potsdam.de)). Erasmus+ agreements in the KA 2 Strategic Partnerships for Higher Education and KA3 Support for Policy Reform programs, on the other hand, are managed by Division 1 Planning, Statistics and Research Affairs.

In addition to the rule on the binding nature of agreements, we would like to point out that the signing of ERASMUS+ agreements does not automatically result in funding, especially for teaching stays for university instructors.

Funding for mobilities is subject to the availability of resources.

Funding is governed by the specific regulations of the national agencies and the participating universities.

The University of Potsdam provides [information on student mobility](#) and [information on teaching staff mobility with ERASMUS+](#) on the Campus International pages.

#### *2.7. Grant Agreements*

As a result of third-party funding applications, grant agreements regulate the relationship between the University of Potsdam or one of its substructures and a third-party funder on the basis of an approved project application. These are typically standard agreements that are dictated by the third-party funding source and do not provide any room for negotiation.

Grant agreements may be supplemented by ancillary provisions. Grant agreements with funding from the German Academic Exchange Service and the Franco-German University are signed at the IO.

## 2.8. Consortium Agreements

Consortium agreements are primarily required in the context of EU research programs. However, they can also have a role in other EU programs such as projects under ERASMUS+ and others.

A consortium agreement governs the cooperation of partners in a consortium (issues such as intellectual property, publications and management structures). Consortium agreements are, in some cases, mandatory and required by the European Commission.

Details are available in the respective call for proposals.

The management of consortium agreements as well as Erasmus+ agreements in the KA2 and KA3 programs is handled by Division 1 for Planning, Statistics and Research Affairs.

## PROCEDURE FOR THE FORMALIZATION OF INTERNATIONAL COOPERATION AGREEMENTS

### Partnership at the Faculty Level

P- President, VPI - Vice President for International Affairs

IO - International Office, UI- University Instructors

Phases	Responsible	Associated	Information to	Annotations
Statement of intent to establish an LoI, MoU, or agreement	Dean UI		VPI IO	Templates available
Advising	IO		Deans	
Preparation of Draft Contract	Dean	IO UI	UI	
Review	IO	D2 legal	Dean	
Signature by	Dean		VPI IO	
Archiving	Dean		Digital copy of document to IO	



### *Statement of Intent to Establish a Faculty-Level Partnership:*

The Dean<sup>5</sup> is responsible for the approval and signature.

It is recommended that the following documents be submitted to the relevant staff member in the Dean's Office:

- A short report explaining the activities carried out so far and those planned for the future.
- The draft of an English-language agreement that the cooperation partner abroad has approved (English templates are available from the International Office).
- A short description of the partner university, including a contact address.
- If applicable, an explanation of the financial and staffing situation with regard to the implementation of the intended activities.

### *Advising and Implementation:*

The International Office advises the faculties with regard to the preparation, execution, and implementation of the mutually agreed objectives and contents of the agreement.

It also offers advice on financing opportunities and provides agreement templates in English upon request.

### *Review and Signing:*

After a legal review by the International Office and - if necessary - a formal legal review of the draft agreement by the legal expert of the D2 and possible consultation with the faculty, the matter is submitted to the Dean for signature.

The faculty is responsible for forwarding it to the other party.

### *Archiving and Publication:*

Upon receipt of the signed agreement, a copy remains with the International Office for archiving and maintenance of the International Office's database while the faculty keeps the original.

The agreements are published as follows:

- University homepage "Campus International" → International Profile
- In the [Higher Education Compass](#) database of the German Rectors' Conference (HRK)
- In the Potsdam university magazine Portal

### *Data Management and Updating:*

In the event of termination or changes to the terms of the agreement, the Director of the International Office must be notified immediately.

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<sup>5</sup> Signing authority is derived from the President.

## Partnership at the University Level

P- President, VPI - Vice President for International Affairs

IO - International Office, UI- University Instructors

Phases	Responsible	Associated	Information to	Annotations
Statement of intent to establish an Lol, MoU, or agreement	VPI	Deans IO	P	Template available
Advising	IO		Dean	
Preparation of Draft Contract	IO	Deans	UI	
Review	IO	D2 legal	VPI/Dean	
Signature by	P or VPI		Dean	
Archiving	IO		VPI Executive	

### *Statement of Intent to Establish an Lol, MoU, or agreement:*

Following a decision by the Executive Board on February 26, 2015, university partnership agreements are only concluded with partners in the priority regions in accordance with the internationalization strategy from now on. The Executive Board is responsible for the approval and signing of an agreement. The following documents must be submitted to the VPI via the Director of the International Office:

- A short report explaining the activities carried out so far and those planned for the future.
- Explanation of how the intended partnership aligns with the strategy of the University of Potsdam.
- The draft of an English-language agreement that the cooperation partner abroad has approved.
- A short description of the partner university, including a contact address.

### *Advising and Preparation of Draft Contract:*

The International Office offers guidance, support, and advice to the faculties, departments and institutes in the preparation of an agreement to be concluded at university level.

It also offers advice on financing opportunities and provides agreement templates in English upon request.

### *Review and Signing:*

After a legal review by the International Office and the legal expert of the D2 and - if necessary - additional review of the draft by the Legal Department, the matter is submitted via the VPI to the President for signature.

The International Office is responsible for forwarding it to the other party.

### *Archiving and Publication:*

Once the agreement has been returned, the original remains with the International Office for archiving and

integration into the database.

The agreements are published as follows:

- University homepage “Campus International” → International Profile
- In the [Higher Education Compass](#) database of the German Rectors' Conference (HRK)
- In the Potsdam university magazine Portal

*Data Management and Updating:*

The IO is responsible for managing and updating contracts at university level.