

FREQUENTLY ASKED QUESTIONS

TYPES OF AGREEMENTS AND WHEN AGREEMENTS ARE REQUIRED

- 1 | What is the difference between Memorandum of Understanding and Memorandum of Agreement?**
[Memorandum of Understanding](#) (MOU) is a general agreement that declares an intent to explore opportunities to collaborate in areas that would be mutually beneficial to each institution. MOUs may lead to more specific activities and goals, which could then be expressed in the form of a [Memorandum of Agreement](#) (MOA). MOUs contain no financial commitments.

An MOA carries out particular activities, outcomes, obligations and limitations that are spelled out in the agreement. MOAs contain a specific financial commitment made by the Ohio State initiating unit in support of partnership activities. This may include grant funding.
- 2 | Is a general MOA/U agreement required in order to establish an international dual degree or student exchange agreement?**
No. A general agreement is not required in order to establish an international dual degree or student exchange agreement.
- 3 | Why is a formal agreement required?**
Establishing an agreement signals a commitment of both partners to a more formal relationship between institutions, and also protects the individuals and institutions involved in the collaboration. The establishment of all agreements involves vetting of institutions, compliance with specific terms, approval by multiple Ohio State stakeholders and adherence to Ohio State and governmental policies and laws. However, a formal agreement is **not** required unless it is requested by at least one partner.

INITIATING AN INTERNATIONAL AGREEMENT

- 4 | Who may initiate an international agreement?**
International agreements must be initiated by Ohio State faculty or units acting in alignment with Ohio State's Academic Plan and international strategic aspirations. Partnerships may not be initiated by students or international partners.
- 5 | How is a formal partnership initiated?**
The establishment of a formal partnership is triggered when an Ohio State faculty member/initiating unit submits a [Concept Statement Proposal Form](#) or [Renewal Statement Proposal Form](#) via email to OIA-InternationalPartnerships@osu.edu. This sets the subsequent steps in motion to establish the agreement.



6 Who is my college international liaison and what is her/his role?
The Office of International Affairs works with 15 colleges and four regional campuses to manage Ohio State's international agreements. An [international liaison](#) may be appointed in each college to provide assistance to faculty and departments interested in developing new international opportunities for the college. The liaison ensures that international partnerships align with the international mission and vision of each college and that their establishment follows the internal guidelines set up by each college. The international liaison is the point person who reviews and approves Concept and Renewal Statements and works directly with the Office of International Affairs to develop an international agreement for their respective college.

7 Why is a Concept or Renewal Statement Proposal Form required to initiate an agreement? Who completes the form?
A completed Concept (CS) or Renewal (RS) Statement Proposal Form, reviewed and signed by the college international liaison and the department chair, is a sign of commitment from the Ohio State faculty member as well as the academic unit. CS/RS Proposal Forms provide information about the purpose of the envisioned activities. The forms should be completed by the faculty member who is spearheading the relationship with the international partner. The completed forms provide motivation for the establishment or renewal of the agreement and will trigger the university review process.

8 Can I establish a university-wide agreement?
University-wide agreements are only established when there is activity in three or more Ohio State colleges. These agreements serve as an umbrella to encapsulate the collaboration between Ohio State and the international partner. Partnerships are otherwise established at the college or department level. University-wide agreements may be an MOA or MOU depending on the activity and commitment of financial resources.

9 How do I find out if Ohio State already has signed an agreement with my international partner(s)?
All active Ohio State international agreements may be searched and viewed via [Search Agreements](#). An Ohio State login is required to view agreements and accompanying documents. For additional information, you may also contact OIA-InternationalPartnerships@osu.edu.

DRAFTING AN AGREEMENT

10 Who creates the first draft of the agreement?
The first draft may be developed by any of the stakeholders, i.e. the initiating Ohio State faculty member, the college international liaison, the Office of International Affairs or the international partner. In order to expedite the review process, the use of the pre-approved Ohio State [templates](#) are recommended when creating the first draft.

11 How closely do I follow the Ohio State templates when developing a draft of the agreement?
Ohio State templates are approved by the Office of Legal Affairs and their use will facilitate the timely development and signing of the agreement. Deviations from the templates or use of international partner's templates may be needed to achieve the specific purpose of the proposed activities. In this case the draft will require a lengthier review and negotiations with the international partner institution. This may also extend the final processing timeline for the agreement.

12 Can I create my own template for an agreement?
Yes, but deviation from the Ohio State template will involve a more detailed review and could extend the processing timeline for the agreement.



- 13 | My international partner uses its own templates. Can we use their version of the partnership agreement?**
All international agreements must be processed according to the established university protocol. If the international partner uses its own template, the faculty member still must first submit a Concept Statement to the international liaison in his/her college and the Office of International Affairs and follow the subsequent steps to establish a formal agreement. The international partner's template may be submitted to the Office of International Affairs as the agreement draft, and it is subject to review and approval by all required Ohio State channels.

APPROVAL PROCESS

- 14 | Who reviews International Dual Degree agreements?**
The Ohio State University Graduate School facilitates the establishment of all International Cooperative Graduate Degree Agreements (ICGDAs). The establishment process is integrated into and follows the Graduate School's [existing process for the creation of new or revision of existing Ohio State graduate programs](#). The Office of International Affairs is responsible for the completion of the Visual Compliance Restricted Party (VCRP) screening and obtaining review and approval from the Office of Research Integrity and Compliance.

Note that Ohio State does not award joint degrees, defined as a single degree jointly offered and jointly awarded by more than one institution.

- 15 | Who negotiates the content of the agreements with the international partner?**
Unless otherwise preferred, the Office of International Affairs negotiates the content and review of the agreement with the international office of the partner institution.

- 16 | Why does the senior fiscal officer (SFO) of the initiating college need to review and approve the partnership agreement?**
All international agreements must be reviewed and approved by the senior fiscal officer (SFO) of the initiating college. The SFO is required to review the agreement for financial and personnel commitments and bid waiver requirements. This is to ensure the initiating college/VP area is aware and approves of any immediate or future potential obligations his/her faculty are making on behalf of the unit. Upon review the SFO will provide the Office of International Affairs with a signed, electronic copy of the [Resource Commitment Approval](#) (RCA) Memo. The memo authorizes the Office of International Affairs to approve and process the agreement. The RCA Memo is required for all agreements even if no financial commitments are made on behalf of the initiating unit.

- 17 | Is the submission of a completed Resource Commitment (RCA) Memo required for all agreements?**
Yes. The RCA Memo is required for all agreements even if no financial commitment is made on behalf of the initiating unit.



SIGNATURE PROCESS

- 18 | Who signs international agreements?**
All international agreements are signed by the college dean of the initiating faculty member and are required to be signed by Ohio State's chief financial officer and senior vice president for business and finance.
- Other signatures are optional and should be added to authorize commitments and take responsibility for meeting the specific obligations contained in a partnership, such as services to be performed and/or compensation to be received.
- The inclusion of signatures by the Ohio State president and the provost will be limited to cases engaging the institution in academic, operational, and/or representative objectives at the highest level.
- Signatures for all parties are expected to be at equivalent levels of hierarchy, e.g. president of Ohio State and president/rector of the international institution.
- 19 | What is the order of obtaining signatures on agreements?**
Signatures are coordinated by the Office of International Affairs and may be obtained from either Ohio State or partner signatories first. However, before the Office of International Affairs submits the agreement to the Office of Business and Finance for signature, all other Ohio State signatures are to be obtained first.
- 20 | At what point is the agreement signed?**
The signature process is initiated only after all steps in the review and approval of the agreement have been taken and the final draft of the agreement is finalized and approved by both partners. Signatures obtained prior to this point will not be valid.
- 21 | Can an agreement be signed in two language versions?**
All agreements are written in English. Where an international partner wishes the agreement to be available in another language, the partner will provide the Office of International Affairs with an equivalent language version of the English agreement. The Office of International Affairs will seek independent certification of the accuracy of the translation (with any associated cost borne by the initiating unit at Ohio State). The English and the translated version will be executed in two original sets consisting of one version in English and one in the other language. The two language versions of an agreement will be treated as equally valid.
- 22 | Can the agreement be signed electronically?**
The Office of International Affairs does not accept eSignatures, but signed agreements may be faxed or emailed to the Office of International Affairs for signing by the Office of Business and Finance.
- 23 | How many originals of the agreement should be signed?**
Two printed originals of the agreement are required – one for each partner. Additional originals may be requested as part of the agreement.
- 24 | What happens after an agreement is fully signed by all partners?**
After an agreement is signed by all partners, one original is kept by the Office of International Affairs for the official university record and one original is kept by the international partner. The Office of International Affairs will also distribute an electronic copy of the agreement to all partners, signatories and partnership stakeholders. The partnership will be added to Ohio State's database of international agreements.



25 | **What is the timeline to finalize an agreement?**

The timeline varies depending on the type of agreement and whether the partners opt to use one of the pre-approved Ohio State templates. On average, successful development of a new agreement may require between six and 12 months, depending on the international partner's schedule.

More complex agreements will require more negotiations with the international partner and more in-depth conversation and clarification within approval channels. Note that because all agreements are required to be approved by multiple stakeholders at Ohio State, initiating faculty should plan their timelines accordingly.

TIMEFRAME

26 | **What are some common issues that delay approval of an agreement?**

- In dispute resolution clauses, Ohio State may not agree to the jurisdiction of a foreign court, application of foreign law or binding arbitration.
- The Ohio State trademark and logo usage may require approval from the Ohio State Trademark and Licensing Office.
- Intellectual property and related licensing provisions may require approval from the Ohio State Office of Technology Commercialization.
- Research collaborations may implicate export control laws, particularly where results of research are intended to remain proprietary, publication of research results is restricted or where technology is to be shared with a foreign partner.
- Ohio State may not indemnify a person or entity in a contract.
- In many situations, Ohio State may not agree to contract terms on behalf of students.
- Foreign tax consequences for income generating activities may require review.
- The Office of International Affairs and/or Office of Legal Affairs may have concerns regarding the appropriate visa categories/sponsorship for individuals coming to Ohio State pursuant to an agreement.
- U.S. Treasury Department sanctions laws may restrict activities in certain countries or with individuals from those countries.
- Distance education programs may require review by the Office of Distance Education and eLearning.

