



SUBCONTRACTING OF TEACHING ACTIVITY POLICY

Section	Academic
Contact	Academic Strategy Manager
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Purpose:

To ensure that Massey University manages the risk associated with the subcontracting of teaching activity to other tertiary providers.

Policy:

1. Massey University is responsible for all subcontracted provision as if it delivered the provision itself.
2. If the subcontracted provision is intended to attract Student Achievement Component funding, it must be formally declared in Massey University's Investment Plan.
3. All subcontracting of teaching activity to an external agency must be covered by an appropriate written contract. Staff should be aware that the absence of a written contract does not protect the University from liability and indeed may increase its potential liability since, under these circumstances no agreement exists as to limitations on liability.
4. Subcontracting must comply with the [Approval Pathways and Quality Assurance Guidelines for Domestic and International Subcontracting of Teaching Activity](#).
5. The appropriate University subcontracting template (as set out in the documents related to this Policy) must be used for all subcontracted teaching activities.
6. Completion of contracts for subcontracted teaching activity shall be in accordance with University's [Creation of Contracts Policy](#).
7. Only those staff who hold the necessary delegated authority (as per the [Delegations of Authority Document](#)) will have the right to enter into contracts for subcontracting of teaching activities on behalf of the University.
8. A register of subcontracting activities will be maintained by the Risk Management Section and reviewed on an annual basis.

Definitions:

Subcontracting refers to situations where another provider offers all or part of a Massey University qualification through a contractual arrangement (such as a memorandum of understanding, articulation or twinning agreement, or franchise arrangement). A 'provider' can include any other education organisation.

This definition of subcontracting specifically excludes:

- teaching activity contracted to individuals
- learning that occurs within vocational placements such as workplace placements
- research activities, and
- student and staff exchange agreements



Audience:

All staff (with contract management responsibilities).

Relevant Legislation:

Nil

Legal Compliance:

Contracts must comply with all relevant legislation including:

Fair Trading Act 1986

Commerce Act 1986

Sale of Goods Act 1908

Consumer Guarantees Act 1993

Health and Safety in Employment Act 1992

Privacy Act 1993

Copyright Act 1994

Resource Management Act 1991

Related procedures / documents:

[Approval Pathways and Quality Assurance Guidelines for Domestic and International Subcontracting of Teaching Activity](#)

[Creation of Contract Policy](#)

[Delegations of Authority Document](#)

[Subcontracting Template – Long Form for High Risk Contracts](#)

[Subcontracting Template – Short Form for Low Risk Contracts](#)

[TEC Funding Rules for Subcontracting on-Plan delivery \(Condition SAC356\)](#)

[TEC Funding Rules for Subcontracting off-Plan delivery \(Condition SAC357\)](#)

[Law Guide \(available on Massey Staffroom\)](#)

[Teaching and Learning Policy](#)

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