University of California, Berkeley
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Name of Policy:

Responsible Executive: Executive Vice Chancellor and Provost

Responsible Office: Office of the Executive Vice Chancellor and Provost (EVCP)

Contact: New Academic Ventures at Berkeley (NAV-B), navb@berkeley.edu

Policy Statement

UC Berkeley's administrative policy regarding academic units' engagement and annual review responsibilities with third-party online education program management service providers who provide contractually obligated services for academic, revenue generating programs at UC Berkeley.

Scope of Policy

OPM Engagement, Procurement, Contract Creation and Negotiation

Departments, schools, colleges, and centers, including University Extension, who want to engage with third-party Online Program Management (OPM) vendors for services for online education program services. Additionally, those who need to renew existing OPM service agreements prior to July 1, 2022 fall under this policy. For engagement with OPM vendors who will provide services for any new revenue generating academic program, New Academic Ventures at Berkeley (NAV-B) will provide guidance to academic units, recommendations to their advisory board and to the Executive Vice Chancellor and Provost, and coordinate documentation, due diligence and contract negotiations. NAV-B, collaborating with Supply Chain Management (SCM), Communications and Public Affairs, Business Contracts and Brand Protection (BCBP) and supported by Legal Affairs, will provide guidance through the process for proposal submission to EVCP. NAV-B also serves as UC Berkeley's point of contact in negotiations with the vendor including contract details.

OPM Annual Review

UC Berkeley Extension and all academic units at UC Berkeley that offer academic programs in collaboration and under contractual relationship with Online Program Managers (OPMs), and where that contractual relationship is based on a revenue share between the UC berkeley academic unit and the OPM vendor, must conduct an annual

review each July to ensure adherence to the compliance standards outlined below by both the relevant Berkeley and OPM websites. The findings and any actions taken to meet compliance standards must be formally documented by the units offering the programs.

The central coordinator for the review process is New Academic Ventures - Berkeley (NAV-B). Each July a representative of NAV-B will reach out to stakeholders at all campus units contracted with an OPM and therefore subject to the annual review.

Why We Have This Policy

This policy is to help ensure the most favorable relationship and financial terms possible while also protecting UC Berkeley's reputation and brand. It supports compliance with associated laws, particularly regarding ADA compliance and data security/privacy, while also ensuring IP and copyright protections are in place. It provides the EVCP's Office with the transparency needed to make informed decisions that ensure campus partners receive the greatest benefit possible through participation in online education programs. Finally, it provides transparency, best practices and compliance standards for academic units who use services from third party online program managers and service providers.

Procedures

OPM Engagement, Procurement, Contract Creation and Negotiation

NAV-B, collaborating with Supply Chain Management (SCM), Business Contracts and Brand Protection (BCBP), and Communications and Public Affairs and supported by Legal Affairs, will provide guidance through the process for proposal submission to EVCP. NAV-B also serves as UC Berkeley's point of contact in negotiations with the vendor including contract details.

Competitive Bidding Process
- A competitive bidding process is needed to contract with third-party online program management providers when program fee revenue share in exchange for goods and services is considered; however, depending on the unique specifics of the arrangement, exceptions may apply. NAV-B will coordinate with SCM, BCBP, and Communications and Public Affairs and will consult with Legal Affairs as needed to determine what process is required prior to contracting with a third-party online program management vendor.

Online Education Vendor Vetting
- The process for vetting technology follows the SCM processes in accordance with UC Berkeley Policies and Standards. These areas for analysis include the following:
  - technology platform data security, data privacy, and accessibility compliance
  - digital content accessibility compliance
  - procurement processes and legal/policy compliance
- Additional analysis and review needed outside of the standard technology procurement processes include:
  - digital asset as well as innovative enhancement ownership and access

- faculty intellectual property and copyright protection
    - UC Berkeley brand protection and business contracts review
    - financial modeling and feasibility analysis
    - adherence to UC and UCB policies including faculty incentives and collective bargaining agreements
- The process can take 6 plus months for academic departments and vendors to provide the information needed and control units to review and report findings. Beginning conversations early with NAV-B will help ensure the most efficient timeline.

OPM Annual Review

The central coordinator for the review process is New Academic Ventures - Berkeley (NAV-B). Each July a representative of NAV-B will reach out to stakeholders at all campus units contracted with an OPM and therefore subject to the annual review. The process for reviewing compliance standards (see below) and collecting the required information is:

- A NAV-B representative will reach out to campus units affected by this review policy.
- The NAV-B representative will provide a template to be filled out by the campus units. This template will collect the following information:
    - Links to the appropriate sections of program websites that detail relevant information required by the below policies.
    - Documentation of emails sent to students/OPM providers regarding curricula approval.
    - Documentation verifying the collection of appropriate program revenue, including gross revenue and revenue shared according to OPM provider agreements/contracts.
- Finally, the NAV-B representative will share with the campus units specific dates for initial review of the draft templates, as well as the final submission deadline for the templates.

Compliance Standards to be Reviewed Annually in July

- All OPM provider relationships must be disclosed on relevant course and program pages on the websites for Berkeley Extension and all UCB academic units and the partner's website (if applicable).

- All relevant **course _and_ program** pages on the Berkeley Extension website must link to a dedicated informational webpage that outlines the role of the OPM provider.

- UC Berkeley must review and approve all academic curricula and instructors will communicate this to students and OPM providers in the future.

- Relevant course pages of the Berkeley website must have instructor information, including education and experience, clearly posted. When an OPM provider website publishes enrollment or program information, Berkeley Extension and all academic units at Berkeley must ask OPM providers to publish information - such as education and experience - about the instructors.

- The Berkeley Extension website must clearly disclose all nonrefundable deposits or fees. When course enrollment is managed on the OPM's website, Berkeley must require that all nonrefundable deposits and fees are clearly disclosed.

- Berkeley Extension and other academic units using OPM services will establish a process to verify that revenue amounts received from each OPM provider are the correct amount due to the campus.

Exception process for Requesting Third-party Service Providers
Existing contracts and agreements already in place prior to July 1, 2022 may continue under existing contracts and agreements. However, when existing contracts and agreements are up for renewal, approval to renew from the EVCP is needed. To ensure minimal disruptions of existing programs and/or operations, initial communications with NAV-B will greatly benefit from starting 12 months prior to contract expiration, but at least 6 months is needed. NAV-B will serve as UC Berkeley's point of contact in negotiations with the vendor.

Responsibilities

Academic Units: Schools, Colleges, Divisions, Departments and Centers
- Contact navb@berkeley.edu to schedule initial consultation
- Provide needs and preferences for online program management services
- Determine Unit's vendor request decisions and provide to NAV-B for submission of the complete proposal to EVCP
- Coordinate and collaborate with NAV-B annually every July for the annual review of compliance standards for those units that are currently in a revenue share agreement with an OPM vendor

Executive Vice Chancellor and Provost
- Approve/Deny third-party vendor requests related to the policy
- Approve changes to the third-party assessment process
- Approve contract terms including financial agreements
- EVCP must approve all OPM contracts. Contracts will not be executed without EVCP review and approval.

NAV-B's Advisory Board
- Review all proposals including financial, viability and risk analysis
- Makes recommendations to the EVCP
- Board may determine after initial intake from NAV-B that spending resources on progressing vendor request through the approval process is not advised

NAV-B:
- Act as consultants for academic units
- Receive requests from academic units to work with third-party vendors and coordinates administrative unit reviews and analysis
- Coordinate data analysis, testing / vetting, and information gathering

- In coordination with SCM, guide units through procurement and other related policy processes
- Provides reporting and recommendations to the NAV-B Advisory Board
- Submit final approval request with supporting documentation to the Office of the EVCP
- Lead the negotiation of final terms with the third-party vendor, under advisement from EVCP, Legal Affairs, Risk Services and other review and/or control units
- Coordinates the annual review of compliance standards, providing project management expertise

Partnering Administrative Units:
- Provide processes, analysis and reporting related to their areas of responsibility and expertise. Administrative units include Communication and Public Affairs, Supply Chain Management, Business Contracts and Brand Protection, Research Teaching and Learning, and Berkeley IT
- SCM guides academic units through needed vendor request processes including RFI when necessary (3 month time frame) and RFP when necessary (3 month time frame)
- Contracts submitted for payment without NAV-B guidance and EVCP approval will be held by SCM until proper due diligence outlined in the policy is completed and the EVCP's decision is made.
- NAV-B in coordination with SCM and Legal Affairs leads protracted contract negotiations on behalf of the university (3 month time frame)

Consequences of Policy Violations

Academic units will not be able to complete contracts and negotiations with SCM and BCBP without the guidance of NAV-B and the approval of the EVCP.

Web Site Address for This Policy

https://campuspol.berkeley.edu/Policies/OnlineProgramManagementProviders.pdf

Glossary

- Academic Units: schools, colleges and centers at the University of California, Berkeley
- Third-party Online Program Management Vendor or Service Provider: Any third party that provides one or multiple services of the following nature: instructional design, learner and instructor recruitment, marketing, sales, academic technology platform, market analysis, financial modeling, content/course development (including pre and post production), white labeling of courses.
- NAV-B: New Academic Ventures at Berkeley
- SMC: Supply Chain Management
- BCBP: Business Contracts and Brand Protection
- EVCP: Executive Vice Chancellor and Provost
- SSALLEX: Summer Sessions, Study Abroad, Lifelong Learning and Extension

Related Documents and Policies

https://navb.berkeley.edu/policy-process