

## Learning and Teaching Committee

**Subject:** Arbitration Procedures in Collaborative Agreements

**Origin:** Secretary to Teaching Partnerships Sub-Committee

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**Executive Summary:** Extract from the minutes of the meeting of the Teaching Partnerships Sub-Committee held on 23<sup>rd</sup> February 2015 regarding arbitration procedures in collaborative partnership agreements.

**Action Required:** The Committee is asked to endorse recommendations from the Sub-Committee regarding arbitration procedures in collaborative partnership agreements as detailed below.

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1. The Sub-Committee considered a proposal (TPSC15-P3) regarding arbitration procedures in collaborative partnership agreements. In the light of guidance from the Enterprise Office and the variety of practice across existing agreements, the Sub-Committee supported and **RESOLVED TO RECOMMEND** to Learning and Teaching Committee the following:
  - i) **Dispute resolution:** the University should not include an arbitration clause in future partnership agreements, but retain mediation by senior parties at each institution, followed by (in the unlikely event that the dispute reaches such a stage), litigation.
  - ii) **Law applicable to the agreement and the legal jurisdiction under which any disputes would be resolved:** the University should include a clause that English law should apply to the agreement, which would be subject to the exclusive jurisdiction of the English courts.
2. Members were conscious that the teaching partnership agreements to which these clauses would be applied involved responsibility to students and the Sub-Committee was advised that legal advice on this would now be sought. **ACTION: JN, RP.**
3. Should a partner insist on a variant to these proposed clauses, the matter would be referred to the Chief Operating Officer and Secretary to Council for a decision. Members recognised that for some partnership arrangements where the level of risk was low, these clauses might not be essential and further guidance on this would be developed in due course. **ACTION: JN, RP.**