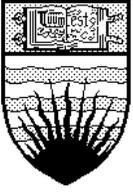


THE UNIVERSITY OF BRITISH COLUMBIA



SENATE POLICY:
J-55

Okanagan & Vancouver Senates
Enrolment Services
2016 - 1874 East Mall
Vancouver, B.C. Canada V6T 1Z1

Number & Title:

J-55: Third-Party Recruitment Agreements

Effective/Implementation Date:

27 October 2016

Approval Date:

Okanagan Senate on 27 October 2016 and the *Vancouver Senate* on 19 October 2016.

Review Date:

This policy shall be reviewed 5 years after approval and thereafter as deemed necessary by the *responsible committees*.

Responsible Committees:

Admissions Committee of the Vancouver Senate and *Admissions & Awards Committee of the Okanagan Senate*.

Authority:

University Act:

S. 37(1)

“The academic governance of the university is vested in the senate and it has the following powers:

(b) to establish committees it considers necessary and, by 2/3 vote of its members present, to delegate to one or more committees those of its powers as it may determine;”

(c) to determine all questions relating to the academic and other qualifications required of applicants for admission as students to the university or any faculty, and to determine which faculty the students pursuing a course of study must register.”

Purpose and Goals:

This policy sets parameters for the establishment of agreements between the University and *third-party recruitment agents* and *agencies* to preserve the reputation of the University and the integrity of the University's admission processes.

Applicability:

This policy is applicable to any agreement between the University and any *recruitment agent* or *agency*.

Exclusions:

This policy does not apply to agreements between the University and parties that are not *recruitment agents* or *agencies*.

This policy does not apply to activities directed at recruiting prospective student-athletes, including but not necessarily limited to activities governed by the regulations of Canadian Interuniversity Sport, the National Association of Intercollegiate Athletics, or any other athletic association, league, conference, or comparable organization.

Definitions:

Authorized Agent or *Agency* shall mean a *recruitment agent* or *agency* that has entered into a *recruitment agreement* with the University to provide *recruitment services* to the University.

Applicant for the purpose of this policy shall mean a person that has applied for admission to the University, is in the process of applying for admission to any course of study, instruction or education in any faculty or department of the University, or with whom a *recruitment agent* or *agency* has communicated regarding a prospective application for admission to any course of study, instruction or education in any faculty or department of the University whether or not an application for admission is ever submitted by that person.

Recruitment Agent or *Agency* shall mean an individual or organization that provides *recruitment services* for educational institutions in exchange for a commission or other form of compensation paid by those institutions, but who is not an employee or *unit* of the educational institution.

Recruitment Services shall mean any activities performed by a *recruitment agent* or *agency* intended to facilitate an application for admission to any course of study, instruction or education in any faculty or department of the University or to induce or persuade any person to apply for admission to any course of study, instruction or education in any faculty or department of the University, but shall not mean services limited solely to marketing activities.

Recruitment Agreement shall mean an agreement between the University and a *recruitment agent* or *recruitment agency* to provide *recruitment services*.

Signing Resolution shall mean a resolution of the Signing Committee of the Board of Governors that designates which persons are authorized to sign legally binding documents on behalf of the University for such purposes and with such restrictions as outlined in the resolutions.

Unit, for the purposes of this policy, shall mean any Faculty, School, Department, College, Centre, Institute or other constituent element of the University including both academic and non-academic entities.

Policy:

Entry into and Management of Recruitment Agreements

- 1) The University and its *units* may seek to obtain *recruitment services* only from *authorized agents*.
- 2) The University may enter into written agreements with *recruitment agents* or *agencies* to provide *recruitment services* to the extent that those agreements do not contravene the policies or regulations of the University or the laws of Canada or British Columbia.
- 3) All *recruitment agreements* must be entered into on behalf of the University in accordance with this policy and must be signed pursuant to the applicable Signing Resolution. *Units* do not have the authority to enter into *recruitment agreements* independently of the University.
- 4) *Units* may recommend that the University enter into a *recruitment agreement* with a *recruitment agent* or *agency*. Prior to making such a recommendation, the *unit* must:
 - a. Perform proper and sufficient due diligence to ensure that the *recruitment agent* or *agency* is *bona fide* and of good repute;
 - b. Ensure that it has the capacity to support and manage the activities of the *recruitment agent* or *agency* such that it can ensure that the *recruitment agreement* would not result in any risk to the integrity of the University's admission processes or any adverse legal or reputational effects on the University or any *unit*;
 - c. Ensure that it has the capacity to monitor the activities of the *recruitment agent* or *agency* such that it can ensure that the *recruitment agent* or *agency* is in compliance with the *recruitment agreement*; and

- d. Ensure that the *unit* is not so reliant on the services provided in a *recruitment agreement* that a loss of the agreement would threaten the viability of the *unit*.
- 5) All *recruitment agreements* must be consistent with the contents of this policy and must specifically require *recruitment agents* or *agencies* to comply with the obligations of *recruitment agents* and *agencies* as set out in this policy.
- 6) A copy of any *recruitment agreement* must be submitted to the Office of the Provost and Vice-President Academic of UBC Vancouver and the Office of the Provost and Vice-Principal of UBC Okanagan, which will maintain publicly available registries of all *authorized agents*.
- 7) *Units* must manage, support and monitor the activities of all *recruitment agents* and *agencies* with which they are engaged, and must ensure that a review of the activities of these *recruitment agents* and *agencies* is conducted no less frequently than once every three years. *Units* at UBC Vancouver must notify the Office of the Provost & Vice-President Academic and *Units* located at UBC Okanagan must notify the Office of the Provost and Vice-Principal of any instances of non-compliance with *recruitment agreements* on the part of *recruitment agents* or *agencies* that are discovered by the unit.

Protection of Privacy

- 8) The University, *units* and all *authorized agents* and *agencies* must at all times take all necessary steps to protect the private and personal information of students and *applicants* including compliance with the applicable laws of Canada and British Columbia, as well as compliance with the applicable laws of any jurisdiction in which an *authorized agent* or *agency* operates.
- 9) The University and its *units* must not distribute the personal information of students or *applicants* to *recruitment agents* or *agencies* except in compliance with the laws of Canada and British Columbia.
- 10) *Authorized agents* and *agencies* must not collect the personal information of students or *applicants* except in compliance with the applicable laws of Canada and British Columbia, as well as compliance with the applicable laws of any jurisdiction in which the *authorized agent* or *agency* operates.

Obligations of the University

- 11) The University must make all admission decisions according to the established admission standards and criteria of the University and any applicable *unit*. The admission standards and criteria applied to applications submitted with the assistance or involvement of a *recruitment agent* or *agency* must be identical to those applied to applications submitted without the assistance or involvement of a *recruitment agent* or *agency*.

- 12) No *recruitment agent* or *recruitment agency* shall be contracted as an exclusive agent for the University or for any *unit* generally, or in a defined geographical area.
- 13) The University must not enter into a *recruitment agreement* to procure *recruitment services* for the purpose of recruiting students who are citizens or permanent residents of Canada or the United States of America or who are eligible to receive federal aid from the government of the United States of America.

Mandatory Terms of Recruitment Agreements

- 14) Any *recruitment agreement* must require any *recruitment agent* or *recruitment agency* that is a party to the *recruitment agreement* to comply with the following obligations:
 - a. *Authorized agents* and *agencies* must advise all *applicants* with whom they engage that *applicants* are not required to apply to the University through, or with the assistance of, any *recruitment agent* or *recruitment agency*.
 - b. An *authorized agent* or *agency* must not hold itself out as being able to offer *applicants* special or preferential access to the academic or non-academic programs or services of the University.
 - c. An *authorized agent* or *agency* must not hold itself out as being able to guarantee admission to the University or to guarantee an *applicant* authorization to enter Canada for the purpose of study.
 - d. *Authorized agents* and *agencies* must disclose the existence of compensation the *authorized agent* or *agency* receives for providing *recruitment services* from the University to *applicants* with whom they engage in the course of providing *recruitment services* to the University.
 - e. *Authorized agents* and *agencies* must not sub-contract *recruitment services* or any rights or obligations under any contract to provide *recruitment services* to any party without the written authorization of the University.
 - f. *Authorized agents* and *agencies* must not provide legal advice or representation to students regarding visas, study permits, or other matters relating to immigration to Canada unless the *authorized agent* or *agency* is legally permitted to do so.
 - g. *Authorized agents* and *agencies* must not engage in the recruitment of any student who is a citizen or permanent resident of Canada or

the United States of America or who is eligible to receive federal aid from the government of the United States of America.

- h. *Authorized Agents* must not hold themselves out as being employees or official representatives of the University except as specifically provided for in the *recruitment agreement*.

Calendar Statement:

None

Consultations:

Okanagan Campus

Provost and Vice-Principal
Associate Vice-President, Students
Faculty of Applied Science
Faculty of Arts and Science
Faculty of Creative and Critical Studies
Faculty of Education
College of Graduate Studies
Faculty of Health and Social Development
Faculty of Management
Athletics

Vancouver Campus

Provost and Vice President Academic
Vice-President Students
Student Recruitment and Advising
Office of the University Counsel
Faculty of Applied Science
Faculty of Arts
Faculty of Commerce and Business Administration
Faculty of Dentistry
Faculty of Education
Faculty of Forestry
Faculty of Graduate and Postdoctoral Studies
Faculty of Land and Food Systems
Faculty of Law
Faculty of Medicine
Faculty of Pharmaceutical Sciences
Faculty of Science
Vantage College
Continuing Studies
Athletics

History:

This is the first version of this policy. Third Party Recruiting Guidelines were approved by the Vancouver Senate on May 16, 2006 upon recommendation of the Admissions Committee. The Third Party Recruiting Guidelines are of no effect as of the effective date of this policy.

Related Policies:

None