

**UAF Policy #10.07.080.**

Original Adoption: 06/09/2015

Responsible Chancellor's Cabinet Member: Executive Officer

Responsible Department/Office: Chancellor's Office



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## **Memorandums of Agreement/ Memorandums of Understanding Policy**

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### **POLICY STATEMENT**

This policy provides instructions to UAF departments/units concerning the preparation, review and electronic storage of memoranda of agreement (MOA) and memoranda of understanding (MOU).

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### **BACKGROUND & JUSTIFICATION**

This policy sets basic standards for centralized storage of MOA/MOUs in an electronic and searchable format. These UAF documents will be stored in OnBase.

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### **DEFINITIONS**

**Memorandum of Agreement (MOA):** An MOA is a document written between parties to cooperatively work together on an agreed upon project or meet an agreed upon objective. The purpose of an MOA is to have a written formal understanding of the agreement between parties. An MOA details the obligations and commitments of the parties and allocates and minimizes each party's risks. It can also be referred to as a contract and is legally binding. MOAs must contain, but are not limited to:

- a listing of the parties involved;
- a purpose/statement of work;
- terms and conditions;
- appropriate bilateral signatures;
- duration of agreement; and
- any payment terms or special provisions as applicable.

**Memorandum of Understanding (MOU):** A memorandum of understanding (MOU) is a legal document describing a bilateral agreement between parties. An MOU expresses a convergence of will between the parties, indicating an intended common line of action. It is a more formal than a verbal or "hand-shake" agreement but generally lacks the binding power of a contract. MOUs do not require any party to commit funds or other resources. The MOU does not create duties or legally enforceable liabilities or obligations for any party nor does it establish a standard of care attributable to the activities associated with the subject of the agreement. MOUs should contain the following provisions:

- a listing of the parties involved;
- a purpose;
- terms and conditions;
- appropriate bilateral signatures;
- duration of the agreement; and
- any special provisions as applicable.

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### **REFERENCES**

Board of Regents (BOR) Policy and Regulation:

P10.07.080 and R10.07.080 - Agreements with external academic and research entities (attached).

OnBase Document Management - Guidelines for Use - <http://www.alaska.edu/records/>

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## **RESPONSIBILITIES**

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The agreement initiator is responsible for coordination with the appropriate responsible offices, Vice Chancellor (VC) level office or Office of the Chancellor for the creation or renewal of an MOA/MOU. The responsible offices and each VC Executive Assistant will serve as a liaison to assist with appropriate routing of each agreement and will have access to the electronic database for searches and/or storage of fully executed agreements in compliance with procedural guidelines. Signature authority is delegated to the following responsible offices for execution of appropriate agreements.

<u>Type of MOA/MOU</u>	<u>Delegation of Signature Authority</u>
All/Office of Record	Chancellor
Academic Activities*	Provost
MAP/CES Outreach and Extension**	Provost
Student Practica in Health Fields	VC Administrative Services
Research/Intellectual Property	VC Research and Grants & Contracts (if applicable)
Academic & Research	Provost and VC Research
Rural & Community Development	VC Rural Community & Native Education
Facility Agreements	VC Administrative Services
Arctic Policy/Outreach	VC University & Student Advancement

\*Not including MOAs for Practicum students, since the major issue with those agreements is Risk rather than academic standards. "Academic activities" includes all other agreements related to credit-bearing courses and academic programs, since the Provost's Office needs to make sure that they meet accreditation standards and reporting requirements. CRCD academic activities, including CTC, will have CRCD review, as provided below.

\*\*MOA or MOU concerning the activities of the Marine Advisory Program and the Cooperative Extension service.

No other university employees are authorized to sign or delegate signature authority for MOAs/MOUs with external entities. Administrative review may be required by several offices, depending on the details of the agreement. Any MOA/MOU that commits UAF resources, employees or funds, or establishes any legal rights by either party to the agreement, must be reviewed and approved by the appropriate office prior to execution. The following offices are designated and are responsible for review and/or approval of agreements in conjunction with the above-listed offices, as applicable.

<u>Administrative Review</u>	<u>Responsible Office</u>
Student Exchange/Academic Partnership	International Programs & Initiatives
Academic Activities, CRCD campuses	Executive Dean, CRCD
Contractual Agreements	Procurement & Contract Services
Master Agreements/Awards	Grants & Contracts Administration (OGCA)
Facility/Space Use Agreements	Facilities Services (BOR approval if applicable)
Internal Agreements/Unit Specific*	Office of the Unit Dean/Director

**Agreements with external academic or research entities require additional review and standard language approved by the UA Office of the General Counsel (GC) prior to signature.**

\*Internal agreements between UAF units/departments/programs may not require this level of review and approval; however, are subject to unit dean or director review and approval.

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## **NON-COMPLIANCE**

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Non-compliance with the review process including approval and appropriate electronic storage of any externally facing MOA/MOU may result in an agreement that is null and void, and therefore cannot be executed by UAF/appropriate parties.

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**EXCEPTIONS**

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This policy applies to the management and electronic storage of agreements between UAF and external entities. This policy does not include transactions, grants or agreements that are stored or recorded separately in Banner; although in some cases there may be overlap between Banner and OnBase for document retention, this practice is intended to securely store and search documents that may not have a transactional record as reference. If a record is created in Banner as a result of an agreement, these documents will typically become associated with that transactional record, facility agreement, or grant or contract file, as applicable.

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**PROCEDURES**

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It is the responsibility of the agreement initiator to ensure all final or fully executed documents are supplied to the appropriate VC level office or Office of the Chancellor. The Office of the Chancellor will ensure all fully executed agreements that fit the above-listed criteria are scanned into OnBase at the appropriate interval, and will manage the retention and purge schedule in accordance with procedural guidelines.

Agreement standards, resources and boilerplate information are available online: [www.uaf.edu/mou-moa](http://www.uaf.edu/mou-moa)

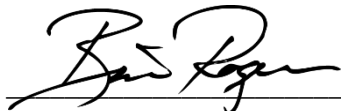
**Electronic Storage and Document Retention**

Agreements must have a minimum set of criteria for approval and electronic storage in OnBase. These minimum standards enable the electronic search functionality within OnBase.

In accordance with BOR Policy and Regulation, fully executed external MOA/MOUs with academic and research entities will be retained no less than three years past the active duration of the agreement. Additional retention rules may apply.

**System Access for OnBase**

OnBase permissions are managed by the UAF OnBase Administrator. Scanning and viewing permissions are delegated to the responsible offices noted above. As some information is confidential in nature, access will be approved in accordance with procedural guidelines and in conjunction with each responsible office.

**APPROVED:**

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**Brian D. Rogers, Chancellor**  
**University of Alaska Fairbanks**

**Date: June 9, 2015**