



Proposed UAF Policy _____

Original Adoption: _____

Revised: _____

Responsible Chancellor's Cabinet Member: _____

Responsible Department/Office: _____

UAF MOU/MOA Policy - **DRAFT**

POLICY STATEMENT

This policy offers guidance for UAF departments/units for the preparation, review and electronic storage of memoranda of agreement (MOA) and memoranda of understanding (MOU). These two terms are often used interchangeably; however, in many cases there are differences. This policy defines the preferred best practices for use at the UAF campuses.

BACKGROUND & JUSTIFICATION

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

DEFINITIONS

Memorandum of Agreement (MOA): A legally binding document that details the obligations and commitments of the parties and allocates and minimizes each party's risks. This can also be referred to as a contract. Binding agreements 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). 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.

Memorandum of Understanding (MOU): A nonbinding agreement can be entitled a MOU. A nonbinding agreement does not commit UAF to perform work or provide services. A MOU expresses convergence of will between the parties, indicating an intended common line of action, rather than a legal commitment. It is a more formal alternative to a gentlemen's agreement, but generally lacks the binding power of a contract. It should contain, and be consistent with, the following provisions:

- This agreement does not create duties or legally enforceable liabilities or obligations for any party nor establish a standard of care attributable to the activities associated with the subject of this agreement.
- Nothing in this agreement requires any party to commit funds or other resources.

A document that is not consistent with the above provision, commits UAF to perform services or provide resources, or otherwise creates a duty, liability or obligation is subject to the review, approval and execution process for MOAs or contracts.

REFERENCES RELIED UPON

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/>

RESPONSIBILITIES

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 a 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
Research/Intellectual Property	VC Research
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 and VC Research

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 may review and/or approve an agreement in conjunction with the above-listed offices, as applicable.

Administrative Review

Student Exchange/Academic Partnership
Contractual Agreements
Master Agreements/Awards
Facility/Space Use Agreements
Internal Agreements/Unit Specific*

Responsible Office

International Programs & Initiatives
Procurement & Contract Services
Grants & Contracts Administration
Facilities Services (BOR approval if applicable)
Office of the Unit Dean/Director

Agreements with external academic or research entities may additionally be reviewed or require language approved by the UA Office of the General Counsel (GC) prior to approval and execution.

*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.

NON-COMPLIANCE

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 fully executed by UAF/appropriate parties.

EXCEPTIONS

This policy applies to the management and electronic storage of agreements between UAF and external entity(ies). Additionally, 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.

PROCEDURES

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

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.

POLICY APPROVED BY:

Brian D. Rogers, Chancellor
University of Alaska Fairbanks

Signed:

P10.07.080. Agreements with External Academic and Research Entities.

In addition to grants, contracts, and purchase orders that govern the conduct of funded research, education, and services provided by and to the university, units of the university may enter into agreements with one or more external parties. These may take a variety of forms, including Memoranda of Agreement or Understanding, Cooperative Research and Development Agreements, Cooperative Agreements, and agreements to participate in the activities of external entities in accordance with their governance rules or by-laws.

(12-08-05)

R10.07.080. Agreements with External Academic and Research Entities.

No unit or individual below the level of the President or Chancellor may, without explicit approval of the President or Chancellor, develop or sign any agreement with an external academic or research entity on behalf of the university or any of its units.

An "agreement with an external academic or research entity" as used in this regulation means:

1. any agreement that would permit or require any university resources or employee to be used by an external university, college, or other research entity to perform duties for the external academic or research entity;
2. any agreement that would permit or require any university employee to collaborate in any research or academic activity with another university, college, or other research entity;
3. any agreement that would permit or require any resources or employees of any external university, college, or research entity to be used by this university;
4. any agreement between this university and an external academic or research entity to cooperate in obtaining one or more grants or conducting research or academic activities in the future; or
5. any agreement involving academic or research activity that involves the payment of money by either this university or another academic or research entity to the other.

The Chancellors for their MAUs and all units within them, and the President for units in statewide and for agreements at the University level, will determine the appropriate signatory authority for any agreement between any unit of the university and an external academic or research entity.

All agreements with external academic or research entities will be reviewed by the university Office of the General Counsel prior to approval.

The Offices of the President or Chancellor, as appropriate, will retain original copies of all external agreements signed by themselves or representatives of their units, for a minimum of three years past the active duration of the agreement.

(12-08-05)