

Memorandum of Agreement/Memorandum of Understanding Policy

1.0 POLICY STATEMENT

This policy provides instructions to UAF departments/units concerning the use, preparation, review, approval, and electronic storage of memorandum of agreement (MOA), memorandum of understanding (MOU), Facility Use Agreements (FUA), Land Use Permits/Agreements, Intergovernmental Service Agreements (IGSA), tuition agreements, event space rental agreements, affiliation agreements, articulation agreements, and other administrative agreements.

2.0 BACKGROUND & JUSTIFICATION

This policy sets basic standards for use, approval, and centralized storage of agreements in an electronic and searchable format. These fully executed UAF documents will be stored in OnBase. In addition, this policy provides clarity on use cases and procedure for the agreements as listed.

All Facility Use Agreements (FUA) and Land Use Permits/Agreements (as required) are to be coordinated through Facilities Services Leasing Office and stored in accordance with this policy.

All contracts require an authorized official representative (AOR). AOR's are listed in section 5 of this policy.

3.0 DEFINITIONS

Academic Activities: Includes all other agreements related to credit-bearing courses, non-credit offerings, tuition and academic programs.

Affiliation Agreement: A formal agreement between UAF and outside organizations (either domestic or international) accepting UAF visiting scientists, students, and for all students who come to UAF from other educational institutions for educational, research or clinical experiences.

Articulation Agreement: An agreement between two or more colleges or universities to streamline the transfer process for all parties involved. This is designed to provide a clear pathway for students through an articulated transfer plan of courses.

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Responsible Department/Office: Chancellor's Office



Event Space Rental Agreement: An agreement that allows external entities to use university facilities on a short-term basis, typically one-time events lasting less than two weeks or recurring events less than 80 hours per year. An event space rental agreement is only valid up to a maximum of one year. The agreement may only be approved by an employee with delegation from the Vice Chancellor of Administrative Services.

Facilities Use Agreements (FUA) and/or Land Use Agreement (LUA): An agreement required to be in place when external entities access university facilities or grounds for over 14 days or 80 hours annually. The FUA/LUA ensures the external entity assumes all responsibility, risk, and liability associated with the activity. FUA/LUA facility users will work with UAF Facilities Services for agreements. External entities pay fair market value rents unless substantial education benefits are demonstrated. These may only be approved by an employee with delegation from the Chancellor.

Memorandum of Agreement (MOA): An MOA is necessary as a written document to legally commit and define the roles between parties to cooperatively work together on an agreed upon project or meet an agreed upon objective. An MOA details the obligations and commitments of the parties and allocates and minimizes each party's risks. 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;
- any payment terms or special provisions as applicable; and
- Title IX, FERPA and/or HIPPA clauses may be required.

Memorandum of Understanding (MOU): A memorandum of understanding (MOU) is a document expressing a convergence of will between parties, indicating an intended common line of action. It is 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;

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- responsibilities;
- appropriate bilateral signatures;
- duration of the agreement; and
- any special provisions as applicable.

Signature Authority (SA): Signature authority is the legal authority to sign contracts and other documents on behalf of the University of Alaska Fairbanks. See Responsibilities section of this document for those designated as an SA for MOUs and MOAs.

4.0 REFERENCES RELIED UPON

[Board of Regents \(BOR\) Policy P10.07.010. Role of Research, Scholarship and Creative Activity.](#)

[BOR Regulation R10.07.080 Agreements with external academic and research entities.](#)

[OnBase Document Management - Guidelines for Use](#)

[UAF Event policy](#)

[Protection of Minors \(POM\)](#)

[Health Insurance Portability and Accountability Act \(HIPPA\)](#)

[Family Educational Rights and Privacy Act \(FERPA\)](#)

5.0 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 any of these agreements. The responsible offices and each VC Office 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. The VC Offices and Chancellor’s Office will have full access to the electronic database, while the responsible offices will have limited view access.

Chancellor and Vice Chancellor offices are responsible for uploading MOU/MOAs into OnBase when fully executed by the signature authority.

Signature authority is delegated to the following responsible offices for execution of appropriate agreements.

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***Type of Agreements:**

(could require multiple SA’s)

Office of Record (all agreements)

Academic/Academic Activities

Enrollment/Partnership Agreements

Student Practical in Health Fields

Research/Intellectual Property

Rural & Community Development*

Facility Agreements*

Delegation of Signature Authority (SA):

Chancellor

Provost and Executive Vice Chancellor

VC Student Affairs & Enrollment

Management

Provost and Executive Vice Chancellor

VC Research and Director of Grants &

Contracts (if applicable)

VC Rural Community & Native Education

VC Administrative Services

No other university employees are authorized to sign or delegate signature authority for MOAs/MOUs/Agreements with external entities. Administrative review may be required by several offices, depending on the details of the agreement. Any MOA/MOU/Agreement 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.

Administrative Review:

Academic/International Partnerships

Student Exchange

Academic Activities, CRCD campuses

Contractual Agreements

Master Agreements/Awards

Facility/Space Use Agreements

Non-Disclosure/Confidentiality Agreements

Export Controls

Internal Agreements/Unit Specific*

Responsible Office:

International Student & Scholar Services (ISSS)

Student Success Center

Dean, CRCD

Procurement & Contract Services

Office of Grants & Contracts

Facilities Services (BOR approval if applicable)

Office of Intellectual Property and Commercialization (OIPC)

Office of Research Integrity (ORI)

Office of the Unit Dean/Director

Agreements with external academic or research entities that diverge from standard approved language will require additional approval by the UA Office of the General Counsel (GC) prior to signature.

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Insurance Section:

UAF departments will send the MOA, MOU or Agreement approved by Legal and a completed UA Self-Insurance Request Form to UAF Risk Management (EHSRM) for review and insurance assessment. EHSRM shall advise on any recommended changes, if necessary, for insurance requirements.

EHSRM will process the finalized MOA, MOU or Agreement and the UA Certificate of Self-Insurance Request Form and submit to Statewide Risk Management for the certificate of insurance policy specified in the document. Completed certificates will be forwarded to the UAF department’s person of contact for records. Certificates of insurance are only valid for the fiscal year. Certificates of insurance will need to be requested on an annual basis.

**Internal agreements for shared services or equipment 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.*

6.0 NON-COMPLIANCE

Non-compliance of any externally facing agreements may result in an agreement that is null and void, and therefore cannot be executed by UAF and/or the appropriate parties.

Memos between UA universities are not a substitute agreement for MOA’s or MOU’s and will be considered null and void.

Any agreements found to be out of compliance should be directed to the appropriate signature authority.

7.0 EXCEPTIONS

This policy applies to the facilitation, 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 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 could also become associated with that transactional record, facility agreement, or grant or contract file, as applicable.

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8.0 PROCEDURES

It is the responsibility of the agreement initiator to ensure all final or fully executed documents are supplied to the appropriate VC's Office or Office of the Chancellor. The responsible office will ensure the final or 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.

Agreements are binding once all parties have signed the agreement.

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 as indicated in OnBase. These minimum standards enable the electronic search functionality within OnBase.

In accordance with BOR Policy and Regulation, R10.07.080. Agreements with External Academic and Research Entities, states that 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. OnBase details can be found on [UAF's Records and Retention website](#).

APPROVED:

DATE: 9/12/2023

A handwritten signature in blue ink, appearing to read "D. White", is written over a horizontal line.

Daniel M. White, Chancellor
University of Alaska Fairbanks