Title: Policy for Internal MOUs between the Office for Research and Economic Development and University Unit

Purpose:

This policy provides requirements for entering and managing internal agreements with the Office for Research and Economic Development, and ensures internal agreements comply with appropriate timeframes, authorizations, and enforcements by formalizing them as internal Memorandums of Understanding (MOU).

Procedure:

1. Applicability

   a. These procedures will apply to formal internal agreements, or internal Memorandums of Understanding (MOUs), between The Office for Research and Economic Development and other UA colleges, schools, departments, institutes, centers, etc. within UA that meet the following criteria:
      i. The agreement is intended to remain in force for an agreed period of time; or
      ii. involve transfer of any UA assets or resources; or
      iii. agreement that deviates from typical practices within the Office for Research and Economic Development (i.e., Intellectual Property practices or other requirements under contract for research projects).

   b. These procedures establish an agreement between the parties as well as a record of understanding and responsibility. These procedures are not intended to establish an actionable formal legal contract.

   c. These procedures may not be used for employment agreements. All employment agreements are governed by UA Human Resources policies and procedures.

   d. These procedures may not be used for agreements regarding use of UA facility space that is governed by Facilities and Use policies and procedures.

   e. These procedures only apply for agreements between colleges, schools, departments, institutes, centers, etc. that are a unit of The University of Alabama. Agreements involving any non-UA party must follow UA policies and procedures for the type of Agreement being entered, and may require additional review from other departments on campus including the Office of Counsel.

2. Form of Agreement
a. All internal agreements hereunder must be in writing, and be in a form of a Memorandum of Understanding (MOU).

b. The MOU must contain the following provisions:
   i. Identification of the colleges, schools, departments, institutes, centers that are parties to the agreement
   ii. Identification and contact information for the university position and person responsible for implementing the agreement
   iii. Purpose of the agreement
   iv. Terms of the agreement
   v. Effective date and Termination date
   vi. Authorized signatures from the parties to the agreement

c. All internal MOU’s must contain the following expressed provisions:
   i. “This MOU is intended only to set forth the general understanding of the parties with respect to the subject matter herein, and does not, and is not intended to contractually bind the parties.”
   ii. “This MOU sets for the complete understanding of the parties. It supersedes all prior agreements and negotiations, oral or written, with respect to this subject matter.”

d. Internal agreements made using the Internal MOU template form will be deemed compliant with this policy if the form is complete.

3. Approvals

   a. All internal MOU’s must be approved by an official on the Dean level or equivalent.
   b. All MOUs created in a format other than the format provided by the Office for Research and Economic Development must obtain approval from the Office for Research and Economic Development for signature.

4. Amendment

   a. Any MOU may be amended at any time before the termination date by approval of the parties. Amendments must be in writing and executed in the same manner as the original MOU.

5. Record Retention

   a. All parties must retain a written, signed copy of the MOU in either print or digital format for the duration of the agreement. A fully executed copy of the MOU shall be maintained in the Office for Research and Economic Development for a period of six (6) years from the date of termination.

Effective Date: June 4, 2018