

Policy History
Policy No. GV8
Approving Jurisdiction: President
Administrative Responsibility: Vice President of jurisdiction responsible for a particular Memorandum of Understanding of Letter of Intent
Effective Date: August 11, 2010

Memorandum of Understanding / Letter of Intent Policy

CONTEXT AND PURPOSE

Memoranda of Understanding (MOU) and Letters of Intent (LOI) are useful instruments in situations where the University wishes to enter into a certain type of bilateral or multilateral agreement with another party (parties).

While it is often the case that a Letter of Intent may lead to a Memorandum of Understanding and, eventually, a contract, in fact MOU's and LOI's are used for different purposes by different departments within Kwantlen. For example, some areas use an MOU to define a broad area of mutual understanding with another organization(s) with the intent of further developing more specific instruments of co-operation (say, with regard to specific programs) in the form of addenda to the broad MOU or as articulation agreements; the latter are governed by Policy AR12.

Other areas may use an LOI or an MOU because the partner institution feels more comfortable with a particular form of agreement and, yet, the intent and consequences may be the same regardless of which form is used. Many MOU's and LOI's, although effectively contracts, will not proceed to the formal contract stage because the partner institutions feel more comfortable in a more flexible arrangement than a contract would allow.

For the purposes of this Policy and related Procedures, the term MOU and LOI will be used interchangeably (hereafter referred to as MOU/LOI).

Procedures governing the level of review and approval will be related to the actual characteristics inherent in the MOU/LOI including:

- The intent of the parties which may range from a loose and friendly gesture of intent to a firm, contractual commitment
- The level of commitment of resources: human, space, equipment, financial
- Whether or not the activity contemplated by the MOU/LOI is a regular and ongoing part of a Unit's operations
- Whether or not the MOU/LOI relates to international activities
- Whether or not the MOU/LOI involves articulation or some form of program intake

SCOPE AND LIMITS

This Policy governs all Memoranda of Understanding and Letters of Intent developed by any individual or department within the University except for those negotiated with either the Kwantlen Faculty Association or the British Columbia Government Employees' Union.

STATEMENT OF POLICY PRINCIPLES

- (1) A MOU/LOI will be used only where there is reasonable certainty that such a form of agreement is the most appropriate way for the University and its partner(s) to reach their mutual objectives.
- (2) It is essential that an area of the University contemplating the development of an MOU/LOI communicate and consult with other, appropriate parties within the University to ensure their awareness, input and eventual support.
- (3) MOU/LOI's may require consultation and/or approval of the Board and/or Senate in keeping with their jurisdictional authority under the University Act; MOU/LOI's may also require a review to assess financial, legal, human resource or organizational risk issues; the Procedures document outlines a process for ensuring that these issues are addressed
- (4) The contents of an MOU/LOI will be comprehensive as outlined in the Procedures document that accompanies this Policy.
- (5) A Briefing Document must be prepared for all MOU/LOI's outlining background, consultation, resource commitments, risks and other information.
- (6) The signature of the President is required for all MOU/LOI's except in certain, limited circumstances as outlined in the Procedures document.
- (7) All agreements involving credit, course and/or program articulation will be handled in accordance with the specific Policies and Procedures relating to such agreements including, for example, approval of Senate in certain circumstances. Any MOU/LOI that references articulation arrangements must honour the requirements of the pertinent Policy and Procedures.
- (8) The Office of the University Secretary will maintain a central repository of all MOU/LOI documents.

DEFINITIONS

Refer to the related Procedures document for definitions which will enhance the reader's interpretation of this Policy.

RELATED POLICIES & LEGISLATION

ER6 Principles of External Alliances Policy
GV4 Signing Authority Policy

RELATED PROCEDURES

Refer to *GV8 Memorandum of Understanding / Letter of Intent Procedure*