

## **PURPOSE**

To outline the scope of Memoranda of Understanding and the process that should be followed when a Memorandum of Understanding is proposed.

## **DEFINITIONS**

A Memorandum of Understanding is an agreement between the University and New Zealand and overseas universities or other institutions and organisations.

## **POLICY**

### **1. Introduction**

From time to time the University, or parts of the University, wishes to enter into formal relationships and agreements with New Zealand and overseas Universities or other institutions and organisations. Each such relationship is normally governed by a Memorandum of Understanding.

Memoranda of Understanding must be entered into by the University, which is the only entity with the legal standing to be a party to such agreements. If, however, the University is signing an agreement that relates to a particular Faculty, that Faculty can be designated as, for instance, The University of Auckland acting through the Faculty of Engineering.

### **2. Scope**

Memoranda of Understanding may be entered into:

- to position the University nationally and internationally,
- to further a relationship with another institution,
- to advance the interests of the University in general or of a part of the University in particular,
- to provide for specific teaching and research activities
- to provide for student and staff exchanges,
- to provide for jointly awarded qualifications.

The majority of University agreements with other institutions are currently with overseas institutions and are used to facilitate the exchange of staff and students. However agreements with New Zealand institutions are becoming more common, as is seen by our partnership agreements with the Auckland University of Technology and the Manukau Institute of Technology, and our Memoranda of Understanding with the University of Canterbury and the Auckland War Memorial Museum.

Many of the normal inter-institutional activities of the University can be carried out without a formal Memorandum of Understanding; most need only agreement on operational principles and practices to be followed in undertaking a particular project. However, in other cases a formal agreement is desirable, and, in some cases, necessary.

### **3. Principles**

Memoranda of Understanding should be based on the following principles:

- (a) the University should only enter into Memoranda of Understanding with institutions and organisations of high standing,
- (b) all Memoranda of Understanding should enhance the activities of the University and bring clear benefits to it,
- (c) Memoranda of Understanding should have a clear intention and should indicate ways in which that intention is to be fulfilled,
- (d) Memoranda of Understanding must be consistent with all University policies.

### **4. Processes**

- 4.1 Memoranda of Understanding must be at an institution to institution level. Departments, Schools and Faculties cannot enter into Memoranda of Understanding on their own behalf and independently of the University.
- 4.2 A Memorandum of Understanding may be proposed by individual staff members, Heads of Departments, Schools or other University units, Deans, or members of the Vice-Chancellor's Office.
- 4.3 Within a month of the first discussion of a Memorandum of Understanding, the initiator must prepare a written report outlining the scope and nature of the proposed relationship, indicating why it is desirable to enter into an agreement and the benefits it is intended to bring to the University.

In the case of agreements initiated within Faculties, this report must be notified to the Dean or the Dean's nominee. If the report is supported within the Faculty, it must then be discussed with the appropriate person within the Vice-Chancellor's Office. This may be the Pro Vice-Chancellor (International), the Deputy Vice-Chancellor (Research), the Deputy Vice-Chancellor (Academic) or the Vice-Chancellor. In some cases more than one person may be involved in the discussions, or the desirability of a relationship may need to be discussed by a University Committee, usually Education Committee, Postgraduate and Scholarships Committee, Research Committee or International Committee.

- 4.4 In each case there must be a check to ensure that there is no pre-existing agreement with the Institution and no pre-existing agreements are affected by the proposed agreement. In the case of international agreements, this check will be carried out by the Office of the Pro Vice-Chancellor (International); in the case of domestic agreements, the check will be processed through the University Secretariat.
- 4.5 If approval is given in principle to the relationship, the Head of Department or School, the Dean, Pro or Deputy Vice-Chancellor involved in negotiating the relationship must immediately consult with the Executive Officer on the appropriate form of the Memorandum.

- 4.6 When the wording of the Memorandum of Understanding is finally agreed by the two institutions, it must be made available to the Executive Officer for a final check to ensure that it conforms to University requirements. This check will be completed within two weeks of receipt of the Memorandum. A Memorandum of Understanding which uses an approved template does not need to be checked in this way.
- 4.7 Memoranda of Understanding must be notified to Senate through the appropriate Committee report and to Council through Senate reports. Copies of Memoranda must be provided to Senate and Council.
- 4.8 Memoranda of Understanding must be signed by the Vice-Chancellor or a person delegated with the authority of the Vice-Chancellor for that purpose.

## **5. Templates for Memoranda of Understanding**

- 5.0 Many Memoranda of Understanding follow a simple and generic form. Templates for Memoranda with overseas institutions are available from the International Office.
- 5.1 All Memoranda of Understanding must contain clauses which provide for review and specify a term for the agreement. Most Memoranda should be for a maximum initial period of five years, allowing for an early opportunity to evaluate the effectiveness of the arrangements.

Note: Examples of Memoranda of Understanding that have recently been signed by the University are attached.

## **6. Recording Memoranda of Understanding**

- 6.0 A register of agreements with international institutions and organisations will be maintained by the International Office.
- 6.1 A register of agreements with New Zealand institutions and organisations will be maintained by the University Secretariat.
- 6.2 Normally, all Memoranda of Understanding will be available on the University intranet.

## **7. Confidentiality**

- 7.0 In some cases the University may wish to enter into a Memorandum of Understanding that, for reasons of commercial sensitivity, the privacy of individuals or the interests of the institution, it wishes to keep confidential. Before any assurances of confidentiality are provided to a second party, the legal situation must be checked with the Executive Officer. The confidentiality of such Memoranda must be finally determined by the Vice-Chancellor, on advice from the appropriate Dean, Pro or Deputy Vice-Chancellor, and taking into account the University's obligations under current New Zealand legislation (e.g. the Official Information Act, 1982).

## **AUDIENCE**

Academic Heads, Deans, Pro Vice-Chancellors