

College of Education and Human Development
Guidance on Memoranda of Understanding

Overview of Memoranda of Understanding

As CEHD becomes an increasingly global college, there will be times when it is appropriate to formalize collaborations and partnerships. To this end, we recommend that the college will use a “Memorandum of Understanding” process that faculty and staff can access when formal collaborations will enhance the potential of international projects. Not all collaborations will require (nor benefit from) Memoranda of Understanding (MOU), but for those collaborations that will benefit from MOUs, the paragraphs below outline background information and processes for initiating MOUs.

A Memorandum of Understanding is a document that provides official College recognition and support for a particular collaboration. MOUs serve the purpose of formalizing collaborative endeavors between CEHD and our colleagues abroad. These agreements are not legally binding. Any party may decline or terminate participation in an MOU at any time. These documents do, however, allow individuals within organizations to collaborate on projects as both scholars and ambassadors. The MOU process provides visibility to CEHD around the world and allows participants to more fluidly develop projects that are visible and transparent to the entire College community.

Over the past several years, there has been increased interest in creating official collaborative relationships with public and private sector stakeholders abroad. To ensure that CEHD is poised to pursue the most beneficial relationships to for all parties, all MOUs are reviewed by the Dean of the College. If she approves of the official collaboration, she will approve and recommend the MOU. Final approval of the MOU is provided by the University’s Provost. At the Dean’s discretion, a team of faculty and staff experts may review the document. This team will consist of faculty and staff from the college who are knowledgeable about the MOU process. When necessary, the team will be organized by the Director of International Initiatives and Relations.

The role of the MOU work team will be predominately supportive, by helping CEHD stakeholders articulate documents in language that both promotes collaboration and protects the college’s interest. The work team reserves the right to suggest revisions or liaise with the Dean on particular initiatives that may not be in the best interest of any party involved (e.g., partnerships that could bring legal challenges to either party, partnerships that may endanger intellectual property considerations, or partnerships that do not align with the mission of the college).

Stakeholders in the MOU Process

A. CEHD Facilitator

As noted in CEHD’s internationalization strategic plan, faculty, staff, and students are encouraged to both develop and implement international initiatives. At times these initiatives include MOUs with partners. The CEHD Facilitator is the person within the college who has been primarily responsible for developing a partnership and will be primarily responsible for implementation of partnership activities. The CEHD Facilitator is responsible for initiating conversations with the Director of International

Initiatives about a possible MOU and explaining the rationale for formal relations. This information will be communicated to the Dean for final approval.

B. Partner Facilitator

The partner facilitator is the main point of contact from an international partner institution. This is generally the person with the closest professional relationship with the CEHD Facilitator. The Partner Facilitator acts as a liaison between official entities (senior leadership, general counsel) at her or his university during the MOU negotiation process.

C. Director of International Initiatives, CEHD

All requests for MOUs should begin with the Director of International Initiatives. The director will begin the process by explaining legal procedures of the MOU process to the CEHD Facilitator, helping to craft addenda and schedules to attach to the MOU, and targeting possible barriers to successful collaboration with an international partner. The director may call a faculty and staff advisory group to provide guidance on development of the MOU. This group may also be formed on request of the Dean.

D. University of Minnesota Office of General Counsel

The University of Minnesota's Office of General Counsel (OGC) must review and approve all MOU drafts before they are presented to the Dean. To expedite this process, OGC has created several "template" MOUs which, if used verbatim, do not require further review. These templates are discussed below.

C. CEHD Dean

Ultimately, every MOU in CEHD must be recommended by the Dean of the college. At her discretion, a team of faculty or staff may review the MOU or she may confer privately with the Director of International Initiatives. The signing of MOUs carries great significance in some cultures, therefore it is recommended that obtaining the signature of the Dean on the MOU is done when international stakeholders are present so that photos can be taken and official pleasantries exchanged.

D. University of Minnesota Provost

Beginning in 2012, all MOUs signed by Deans at the collegiate level must meet final approval by the Provost of the University of Minnesota. To this end, the Dean of CEHD will "recommend" all MOUs with her signature and the Provost will officially enact all MOUs.

MOU Language and Templates

The University of Minnesota's Office of General Counsel is responsible for protecting the University's legal interests and has therefore created a series of MOU templates which can be used when pursuing MOUs with partners. These templates are "pre-approved" meaning that the Dean can sign the MOU with no further legal review.

Templates act as an acknowledgement of a partnership and do not refer to financial obligations of partnership activities. Any activity that has financial obligations for either partner will require an additional contract or schedule of activities (each of these contracts or schedules will also need to be reviewed by OGC). The type of MOU signed will depend on the specific activities of the partnership.

Available MOU templates include:

- Customized Study Abroad Program Agreement
- International Affiliation Agreement-One Way from University of Minnesota
- International Affiliation Agreement-One Way to University of Minnesota
- Memorandum of Agreement - Academic and Scholarly Projects
- Services Agreement - International Incoming Groups
- Student Exchange Program Agreement - 2 Way
- Student-Faculty Exchange Program Agreement-2 Way
- Volunteer Host Family Agreement and Release

These documents can be found at:

<http://www.ogc1.umn.edu/stellent/groups/public/documents/webasset/contractresults.hcst?SortField=dDocTitle&SortOrder=Asc&SubCategory=International>. The Director of International Initiatives will advise CEHD Facilitators on the most appropriate template to use. If CEHD partners have their own template for an MOU, this template will need to be reviewed by Office of General Counsel prior to any further review by the Dean or Provost.

Publicity

In an effort to highlight our College's international presence, all MOU initiators will be asked to write a short description of the MOU for our College's Internet site. Examples of current partnerships can be found at: <http://www.cehd.umn.edu/research/international/partnerships.html>.

MOU Process

Signing of MOUs requires a four-stage process. At each stage various approvals are necessary in order to ensure movement to the next stage. The next page outlines the four stage process of MOU approvals.

Stage 1

- CEHD Facilitator establishes contact with individual or group in an international institution
- Collaborative projects develop at the individual level with Partner Facilitator
- Preliminary discussions begin about ways to promote collaborations between institutions that go beyond individual efforts *
- Visits between individuals and broader communities within institutions commence
- Parties agree that a formalized agreement between institutions may be helpful to promote sustained collaboration or seek external resources

Stage 2

- Parties on both sides brainstorm the structure of an agreement (they may use OGC templates as a starting point) *
- Facilitators of MOU (individual faculty or staff on both sides) draft language *
- Facilitators present draft MOU or agreement to local review boards *
- Facilitators present draft MOU to legal counsel on both sides **
- Facilitators, internal review boards, and legal counsel finalize MOU or other formal agreement*

Stage 3

- MOUs are authorized by designated signatories at both institutions ***

Stage 4

- After a designated period of time, MOUs are reviewed and revised as necessary. If revisions are deemed necessary, facilitators and review panels begin at Stage 2 *

* Participation by Director of International Initiatives required

**Required participation from UMN Office of General Counsel

*** Required participation from CEHD Dean and Provost