

Texas A&M University-San Antonio

25.07.01.00-G1 Agreement Initiation and Processing

Approved: March 31, 2015

Next Scheduled Review: March, 2020

GENERAL INFORMATION

This guideline provides faculty and staff a process to follow when executing agreements for Texas A&M University-San Antonio with outside parties.

CONSULT

Before entering into a written Agreement, Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), Non-Disclosure Agreement (NDA), or other contract-like written understanding with any organization, business, school, or government entity, discuss the scope and conditions of such a document with the provost or administrative vice president. They can provide insight about the appropriateness and type of review that may be required. A commitment of University resources, to include, but not limited to, promises to provide cost share or matching dollars, requires the prior consent and signature of the University president to implement a binding agreement. This authority may be delegated in writing by the president to a vice president/associate vice president.

ENGAGE

When a third-party suggests specific language for any agreement that would bind the University in any way, that text should be provided as soon as possible to the provost or administrative vice president along with your written summary providing a rationale for committing University resources. The initiating faculty or staff member will work with the prospective third-parties to create a list of outputs or outcomes for which each party is responsible, to include any resources committed by each of the parties. This list should adhere to all parties' legal constraints and should advance mutual and separate needs as well as interests of each party.

PROVIDE DOCUMENTED JUSTIFICATION

The University requires a Justification Statement for an MOA and MOU. The purpose of this statement is used to determine if the agreement supports the University's strategic goals and objectives. This should be a one page Justification Statement document that outlines the proposed program, ensures it conforms to the mission, and helps satisfy goals of the college, department, and/ or university.

ADMINISTRATIVE REVIEW

Upon completion of the draft agreement, it will be submitted to the appropriate vice president on the President's Executive Team (ET) who will review the proposed agreement as well as the Justification Statement to ensure that it meets University guidelines and policies. If necessary, the agreement will be returned to the initiating department or individual for corrections.

SEEK LEGAL REVIEW

If during the Administrative Review by the appropriate vice president there are any questions regarding legal sufficiency (e.g., technical encumbrances, financial commitments, the legal status of University employees who are proposed to be engaged, binding promises, or the prevailing laws, governmental regulations or other administrative constraints) within the terms on the agreement, the document and questions should be referred to the VP for Finance & Administrative to inquire of the Texas A&M University System's Office of General Counsel (OGC). A complete Administrative Review includes seeking SACSCOC Review. The document should be shared with the Assistant Vice President for Academic Affairs for review of any SACSCOC implications or issues.

THIRD-PARTY CONCURRENCE

It is imperative that the University's representative work closely with the third-party organization so that a mutually agreeable document can be resolved in an expeditious manner.

SIGNING AND DOCUMENT PROCESSING

Once all appropriate University and third-party authorized signatures have been obtained, one original copy of the fully-signed agreement shall be returned to the responsible ET member who will scan a PDF copy and share the fully-signed electronic agreement with the Office of the President, Office of Procurement, and with all interested University parties/offices. The responsible vice president will file the original fully-signed hard copy agreement in compliance with A&M System records retention requirements. The second original copy of the fully-signed agreement shall be provided to the lead representative of the third-party.

Related Statutes, Policies, or Requirements

System Policy [25.07 Contract Administration](#)

System Regulation [25.07.01 Contract Administration Procedures and Delegations](#)

A&M-San Antonio Procedure [25.07.01.00.01 Contract Administration](#)

Definitions

Administrative Review - A complete Administrative Review includes the Assistant Vice President for Academic Affairs for review of any SACSCOC implications or issues.

Contract – includes, but is not limited to Memorandum of Understandings, Memorandum of Agreements, and Non-Disclosure Agreements regardless if a monetary value is assigned or not.

Forms

[Academic Affairs MOU, MOA and Contract Approval Process Flow Chart](#)

[All Others MOU, MOA and Contract Approval Process Flow Chart](#)

Contact Office

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