

Carnegie Mellon University

Timing Considerations

MOU, Contract or Written Agreement

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1. What is the process or action?
 - (i) Negotiating, drafting, finalizing and executing any agreements (including MOUs or contracts) necessary or desired with any other institution(s)/government organizations with whom the department is partnering as part of the new academic program, and (ii) compliance with laws, including tax and labor laws, in the jurisdiction (e.g., U.S. state or foreign country) where the proposed new program will be operated in the event that CMU or its faculty or staff will be physically present in another state or foreign country as part of the proposed new program.
2. What office/staff member oversees this process?

Mary Jo Dively, Vice President and General Counsel, or Mary Beth Shaw, Assistant General Counsel and Assistant Vice President, both members of the Office of General Counsel.
3. When does this process usually occur within the New Academic Program Process (NAPP)?

This process should occur after the department has discussed the potential new academic program with the relevant department's head(s) and academic college dean in reasonable detail and received preliminary approval from them to proceed with the new academic program.
4. What needs to happen before Office of General Counsel (OGC) can act?

The Vice Provost for Education (Amy Burkert) leads the New Academic Program Process (NAPP) from consultation phase (Step 1) through conclusion (signature) for those types of agreements which require a new program code.

Otherwise, the department is advised to contact:

- University Registrar (John Papinchak)
- Office of International Education (for international arrangements)
- International Finance (for international arrangements)
- Student Financial Services (Brian Hill)
- Lisa Krieg (Accreditation) and
- other administrative departments

which may need to be aware of this program or provide assistance to the department for this program while the related contract/agreement/MOU is being negotiated. Such thorough consultation will help to

- (i) timely meet legal and other program requirements (e.g., Federal Financial Aid eligibility and Accreditation, foreign laws and tax compliance for international assignments, etc.),

- (ii) ensure that the program can operate as and when the department intends (e.g., to ensure that the students can timely receive VISAs prior to the start of the relevant semester, to ensure that the program is timely accredited, to ensure that funds will be timely received from the partner, to ensure that funds received are accounted for correctly on the correct set of books, to ensure that employees can be paid, etc.), and
- (iii) ensure that the contract/agreement/MOU being negotiated incorporates issues identified by these departments (e.g., timeframes, billing requirements, payments, foreign tax/labor law requirements, timing of payments, budgets), and
- (iv) ensure that the Dean, Vice Provost of Education and/or Provost will approve of the final contract/agreement/MOU so that it can be signed by the Provost.

5. What process occurs after the Office of General Counsel (OGC) takes action?

1. After the contract/agreement/MOU has been finalized, the department should obtain final approval of VPE Amy Burkert and the relevant academic college dean so that it can be signed by the Provost.
2. After the contract/agreement/MOU has been signed, the department should reconnect with the other administrative departments that need to be aware or provide assistance to the department for this program to advise these units regarding the relevant final details of the program, including the relevant terms, so that these administrative departments can assist the department in implementation and to ensure that the program will operate as planned by the department. (NOTE THAT, in most cases, it is appropriate and efficient to provide copies of the signed contract/agreement/MOU to these administrative departments for mutual reference.)
3. Alternatively, if and when the NAPP process is engaged, such notification will occur among the centralized administrative units.

6. How long might this process take? What timing issues should the CMU department consider?

The timing issues/length of process is dependent on a number of factors including:

- CMU internal factors: the complexity of the proposed new academic program, the amount of assistance provided by the department and its ability to quickly respond to questions and obtain required input/responses from others,
- External factors: partner institution constraints, partner institution country constraints (e.g., in the case where payments can only be made with the approval of the country's government or governmental approval is required for the partner institution to enter into the contract/agreement/MOU or other governmental licenses/approvals are needed)
- Legal factors: the complexity of the contract/agreement, whether the contract/agreement/MOU must be translated into a foreign language, whether foreign laws or taxes may be involved, etc.

The process could take more than a year if the proposed new program will be operated in whole or in part a foreign country (i.e., CMU will be physically present in a foreign country) or a day or two for a simplified MOU.

7. What are the consequences if program materials are late for my process or action?

The new academic program may not be able to operate as and when the department intends (e.g., the program will not commence on time, students will not be able to timely receive VISAs in order to start the relevant semester, funds won't timely be received from the partner, etc.).