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## 2.4 COLLEGE CONTRACTS POLICY

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**Category:** Administration  
**Responsible Office:** President's Office  
**Responsible Executive:** ~~General Counsel~~ President

**Date Established:** September 1, 2013  
**Date Last Revised:**

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### Summary

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This policy establishes which offices have authority to sign college contracts and creates a procedure for signing contracts.

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### Policy

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### POLICY STATEMENT

#### A. Definitions

**Educational Services Agreement.** An academic agreement between the College and an external party where either party provides an academic product without a financial commitment.

**Affiliation Agreement.** An affiliation agreement is a contract between the College and another entity for purposes of establishing a relationship to provide an educational opportunity for students or share academic programs, personnel, and/or resources for a particular purpose.

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**Business Service Agreement.** An agreement between the College and ~~or the Monroe Community College Foundation~~ and an external party where either party provides a product or service with a financial commitment.

**Workforce Agreement.** An agreement between the division of Economic Development and Innovative Workforce Services where EDIWS provides a service to an external party, ~~for a fee.~~

**Grant Agreement.** An agreement to receive funding from an external entity, such as a governmental agency, corporation or private foundation for an activity with a defined budget, period of performance, and scope of work undertaken by the College.

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#### B. Signature Authority

- B. The ~~p~~President is hereby authorized to sign, on behalf of the Board of Trustees, all agreements and contracts between the College and an external party. The President may delegate as appropriate.
- the authority to sign all Agreements to the Chief Financial Officer/Vice President for Administrative Services.
  - the authority to sign Educational Services and Affiliation Agreements as appropriate to the Provost/Vice President for Academic Services and Vice President for Economic Development and Innovative Workforce Services.

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- Joint authority to sign Workforce Service Agreements to the Chief Financial Officer/Vice President for Administrative Services and the Vice President of Economic Development and Innovative Workforce Services.

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## Review Process

- ~~C. The president may delegate to the provost/vice president for Academic Services the authority to sign Educational Services Agreements. The Chief Financial Officer/Vice President for Administrative Services may delegate the authority to approve certain Agreements considered to be recurring in nature to the Director of Purchasing.~~
- ~~D. The president may delegate to the chief financial officer/vice president for Administrative Services the authority to approve normal operating purchases and to sign Business Service Agreements. The chief financial officer/vice president for Administrative Services may delegate the authority to approve certain Business Service Agreements considered to be recurring in nature to the director of purchasing.~~
- ~~E. The president may delegate to the executive director of the MCC Foundation, Inc. the authority to approve normal operating purchases and to sign Business Service Agreements, contracts, and other such documents involving the MCC Foundation.~~

College Contracts Policy  
Page 2

- ~~F. The president may delegate to the chief financial officer/vice president for Administrative Services and the vice president of Economic Development and Innovative Workforce Services the joint authority to approve Workforce Agreements.~~

## PROCEDURE C. REVIEW PROCESS

- ~~A. The general counsel and the director of purchasing create a template for all agreements, contracts, and other such documents. The template will contain standard terms that are required for all documents, including indemnification language. Variations from the template must be reviewed by the general counsel. In order to protect the College, it is vital that agreements that involve commitment of College resources (financial, human etc.) or expose the College to some type of risk be reviewed prior to signature. This review generally will follow one of two review paths prior to signature:~~

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### 1. NON-GRANT FUNDED AGREEMENTS

College department(s) initiates the agreement, negotiates the terms and provides those terms to:

- the Director of Purchasing for a review of terms and conditions. Upon completion, the agreement will be forwarded to
- the Controller, for a review of financial commitments. Upon completion, the agreement will be forwarded to
- Associate Vice President of Administrative Services for a review of risk and insurance requirements. Upon completion, the agreement will be forwarded to
- the Chief Financial Officer/Vice President for Administrative Services (or the President) for signature.<sup>(1)</sup>

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<sup>(1)</sup>As officers of the College, the Provost/Vice President for Academic Services and the Vice President for Economic Development and Innovative Workforce Services may be delegated

signature authority on College contracts as long as the contract has been routed through the appropriate review path.

Note: This process may involve the initial review of 'template' agreements that are considered to be recurring in nature. Examples are Affiliation and Workforce Service agreements with signature authority delegated as noted in the policy statement.

## **2. GRANT FUNDED AGREEMENTS**

- College department(s) along with Strategic Resource Development & Grant Management Office initiates the agreement, negotiates the terms and provides those terms to:
- the Controller, for a review of financial commitments. Upon completions, the agreement will be forwarded to
- Associate Vice President of Administrative Services for a review risk and insurance requirements. Upon completion, the agreement will be forwarded to
- the Chief Financial Officer/Vice President for Administrative Services (or the President) for signature.<sup>(1)</sup>

*(1) As officers of the College, the Provost/Vice President for Academic Services and the Vice President for Economic Development and Innovative Workforce Services may be delegated signature authority on College contracts as long as the contract has been routed through the appropriate review path.*

At any point during either review path, terms and conditions may need to be further negotiated between the College and the contracting party. A review by the College's Deputy Chief Information Office may also be involved. In addition, and upon approval by the Chief Financial Officer/Vice President for Administrative Services (or the President), the College may request the assistance of external legal counsel.

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## **D. RECORD KEEPING**

- ~~B. Non grant funded agreements and sub contracts of grant funded agreements—College department(s) initiates the agreement, negotiates the terms and provides those terms to the director of purchasing-1. The Director of Purchasing will assist with the creation of standard 'templates' for many routine, reoccurring agreements, contracts, and other such documents. As appropriate the template will contain standard terms and conditions such as indemnification language, choice of law, and the College's Non-Discrimination Notice.~~
- ~~C. Grant funded agreements—College department(s) initiates the agreement, negotiates the terms and provides those terms to the director of grants-2. Copies of fully executed non-grant agreements, contracts, and other such documents will be on file in the Purchasing Department.~~
- ~~D. Renewals will not need legal review unless there is a substantive change from a previously reviewed and approved form-3. Copies of fully executed grant agreements, contracts, and other such documents will be on file in the Strategic Resource Development & Grant Management Office.~~
- ~~E. For College non grant agreements, one fully executed original of all agreements, contracts, and other such documents should be retained by the director of purchasing with a copy in the originating department.~~
- ~~F. For grant funded agreements, the director of grants will maintain one fully executed original, with a copy to the director of purchasing.~~

G. ~~For MCC Foundation agreements, the MCC Foundation's chief financial officer will maintain one fully executed original.~~

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### Contact Information

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Office of ~~General Counsel~~ the President