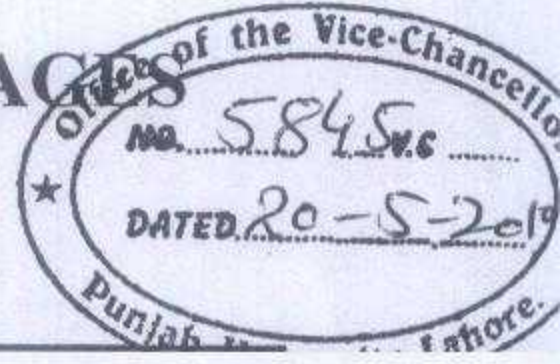




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D/63/DEL
March 19, 2013

MOU POLICY

STATEMENT

1. Introduction Statement

The purpose of this Practice Statement is to provide guidance on the development, maintenance, review, termination and information management of non-legally binding arrangements to which University of the Punjab is to be a party. Such arrangements pertain to Memoranda of Understanding (MOU).

SUMMARY OF MAIN POINTS

This Practice Statement outlines:

When University of the Punjab may enter into an international or domestic MOU or other non-legally binding arrangements (referred to in this Practice Statement as MOU);

- The legislative requirements for an MOU
- What should be included in an MOU
- Who should be consulted while preparing an MOU
- When an MOU should be reviewed
- Who can sign an MOU
- The arrangements for the MOU register
- Internal procedures

For the purposes of this Practice Statement, administrative agreements, letters of understanding and other similar cooperative arrangements will be referred to as MOU.

This Practice Statement will ensure that an effective framework and mechanisms are in place so that MOU to which University of the Punjab is to be a party:

- a. comply with internal, external and better practice requirements
- b. are consistent, relevant, appropriate and current
- c. are managed centrally
- d. include review and termination clauses
- e. are not duplicated by Regions and Divisions.

NO
20/5/16



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For information management purposes, the Practice Statement also includes guidance on the naming standards for MOU and associated registry files.

Context and Scope

This Practice Statement covers MOU and other types of arrangements with other Commonwealth agencies, state agencies, government or private universities, governments or administrations of other countries, government business enterprises, non-government organizations, and companies.

This Practice Statement is not intended to require the re-negotiation of MOU already in place between University of the Punjab and other parties.

2. Policy Statement

What is an MOU?

An MOU is a written, non-contractual, non-legally binding arrangement between two or more parties, setting out the understanding of the parties but does not create enforceable rights or obligations. University of the Punjab MOU are arrangements between University of the Punjab and another party to cooperate in activities including projects, programs, services, training, student and faculty exchange, and research and information exchange.

What is the Purpose of an MOU?

In performing its role as Pakistan's biggest and oldest seat of higher learning, University of the Punjab works closely for and with a range of agencies. The formalization of these working arrangements through MOU assists University of the Punjab and its partner agencies achieve their educational and operational objectives. MOU may also set out cooperative arrangements between University of the Punjab and non-government organizations and companies.

MOU should include a sound summary of each party's responsibilities and benefits which should cover the respective roles that form the basis for the relationship. In particular, MOU should clearly articulate the mechanisms which will be used to maintain contact between the parties (eg. through regular meetings, or regular correspondence) and to evaluate the outcome of the MOU periodically.

When should University of the Punjab enter into an MOU?

An MOU cannot be enforced under the law and is therefore generally not an appropriate mechanism for commercial arrangements where goods or services are being provided for payment.

MOU are appropriate where University of the Punjab enters into a cooperative arrangement with another university or agency, non-government organization or company. For example, arrangements in relation to data collection and processing, research, student exchange, information sharing and joint law enforcement exercises. The MOU allows the parties to set



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out clearly their mutual understanding of the arrangements and their respective responsibilities. The MOU is not legally enforceable as legal action cannot be taken against a party which fails to observe the terms of the MOU.

MOU are appropriate mechanisms in the following circumstances:

- a. to set out arrangements between University of the Punjab and an administration, agency, university of a foreign country, or an international organization.
- b. where University of the Punjab wants to set out arrangements with a State agency or government university for mutual cooperation.
- c. non-commercial arrangements between University of the Punjab and State Governments or their instrumentalities.
- d. to set out cooperative arrangements with non-government organizations, universities or companies.

If an agency wishes to use an agreement with University of the Punjab to establish a legally binding contract, the Vice-Chancellor, University of the Punjab should be consulted.

3. Procedural Statement

Legislative Requirements of an MOU

An MOU must always operate subject to the law. An MOU cannot override an act, regulation or a statutory instrument. Any term of an MOU which is inconsistent with an act, or any other applicable law, will be invalid.

Content of the MOU


Each MOU is different and is tailored to a different situation. The purpose of an MOU with a local or foreign, government or private institution is that it will bring a minimum of 50% benefit to University of the Punjab, although a greater benefit is desirable.

Care should be taken to ensure that clauses inserted are appropriate and properly tailored to the particular MOU in question. Material not directly relevant to an MOU should be kept to a minimum.

Who to consult when negotiating an MOU?

A range of internal and external people may need to be consulted when negotiating an MOU as set out below:

Vice Chancellor



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The Vice Chancellor is the only competent authority to approve MOU or MOU proposals. He must be notified when a Department starts negotiating an MOU.

Director External Linkages (DEL)

The Directorate of External Linkages is the record holder of all MOU signed at University of the Punjab. The Directorate of External Linkages must be notified when a Department starts negotiating an MOU. This information will be recorded on the MOU Register. This means that if any Department signs an MOU, the DEL will keep the original copy and additional copies can be kept at the concerned Department.

Central MOU register

To avoid conflict and duplication of effort and to ensure that current MOU are maintained and reviewed, a Central MOU Register listing all anticipated, current, expired and terminated MOU has been established and will be managed and maintained by the DEL. Departments considering developing an MOU should therefore consult with DEL in the early stages of development to ensure there is no existing MOU in place which may conflict with existing MOU or duplicate effort.

MOU may take some time to be finalized and signed. The responsible Departments should provide notice to DEL, for inclusion in the Central MOU Register, when University of the Punjab starts to negotiate an MOU.

Where a new MOU has been finalized, the responsible party should provide the original of the signed MOU for inclusion on the Central MOU Register and keep a copy for their files. The Central MOU Register is available on the DEL website (www.pu.edu.pk/del) and is accessible to all University of the Punjab staff and students.

Reviewing an MOU

An MOU should be reviewed where changes are proposed to an arrangement between University of the Punjab and the other party. Depending on the nature of the MOU, regular meetings may be held between the parties to ensure that possible amendments are identified or in their absence or impossibility, regular correspondence between the parties should be established. An MOU that refers to information technology systems should also be reviewed when there are any changes to those systems.

Who can sign an MOU?

Once an MOU has been established, the responsible Department Head, Dean, Principal or Director should arrange with the other party for the appropriate senior agency officer to sign the document. For University of the Punjab, this would be the Vice-Chancellor. The Department Head, Dean, Principal or Director, may sign international MOU always with the prior approval of the University of the Punjab's Vice Chancellor. The signing may be



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formalized at a special ceremony or simply signed by each party separately or even sent by certified mail or courier service to the other party for signature.

Internal Procedure

In case a department head, a professor, or any other University representative is interested in signing an MOU locally or in a foreign country, he/she should present the original letter of invitation from the institution and a copy of the proposed MOU. In case any department head, professor or any other representative of University of the Punjab is interested in pursuing a collaboration with any other institution, a proposal should be sent to the Vice Chancellor or to the DEL (which in turn will present it to the Vice Chancellor) explaining the reasons, responsibilities and benefits that signing this proposal will bring to the University. The initiating department's name can be included in the MOU.

APPROVAL

Approved on by:

Prof.Dr. Mujahid Kamran
Vice Chancellor
University of the Punjab