

## Memorandum of Understanding (MOU) Process

### STEP 1: Determine if the agreement is an MOU

- An MOU is an agreement that is not legally binding and is used to express an intention to cooperate or discuss future activities but should not require either party to actually participate in any future activity. See the UNE Memorandum of Understanding Policy for more detail <https://policies.une.edu.au/document/view-current.php?id=105>
- Complete UNE's Template Memorandum of Understanding which can be found on the UNE Legal Services webpage <https://www.une.edu.au/about-une/governance/legal-office>
- Contact UNE Legal Services if you need assistance in determining whether an arrangement is an MOU or in filling out the template [legal@une.edu.au](mailto:legal@une.edu.au)

### STEP 2: Commercial Activity Rule

- All MOUs are considered to be a Commercial Activity under section 3(5)(b) of the UNE Commercial Activity Rule <https://policies.une.edu.au/document/view-current.php?id=71> and you must follow the process in the Rule
- You must complete a business case for the MOU (available as a template in Word ← Kapish ← New from Templates ← Project Initiations ← Concept Brief Template) and have it approved by your Head of School/Dean or operational area Director.

### STEP 3: Overseas organisation?

- If the third party is an overseas organisation you will need to complete the Foreign Interference Checklist (available from Office of DVCR [dvcr@une.edu.au](mailto:dvcr@une.edu.au)) and return it to Office of DVCR

### STEP 4: Submit documents to the Faculty or Business Area Manager

- When you have completed the details in the contract or agreement, fill out and submit the following documents to your Faculty office or business area manager:
  - Contract Approval Form (available on the UNE Legal Services website)
  - The completed MOU
  - Foreign Interference Checklist
  - Business case
- The Faculty office will arrange for the Dean's signature, or for operational areas the business manager will arrange for the Director's signature on the Contract Approval Form.

### STEP 5: Submit documents to UNE Legal Services

- Put the documentation from Step 4 into UNE's Contract Management System (CMS) or if you do not have access to CMS, email the documentation together in 1 email to UNE Legal Services [legal@une.edu.au](mailto:legal@une.edu.au)
- UNE Legal Services will:
  - Put the MOU into UNE's Contract Management System (CMS) if received via email and UNE's record management system (TRIM)
  - Review the MOU and provide advice, which may include a requirement for rework of the MOU
  - If appropriate, approve the MOU for execution by UNE's Vice Chancellor (please note that only the Vice Chancellor has delegation to execute MOUs on behalf of UNE)
  - Arrange for execution of the MOU by the third party and the Vice Chancellor
  - Provide a copy of the fully executed MOU to you and the third party

**STEP 7:  
MOU  
management**



- You are responsible for managing the MOU
- If the MOU needs to be varied or extended, contact UNE Legal Services for assistance. MOUs cannot be extended or varied by you. The relevant UNE delegate will need to approve any variation.