



## POLICY STATEMENT

Policy Name	<b>Corporate Agreements</b>		
Policy #	<b>501</b>	Category	<b>General Administration</b>
Policy Sponsor(s)	<b>Associate Vice-President, Strategy</b>	Previous Revision Date	<b>May 3, 2011</b>
Policy Approved by	<b>President &amp; CEO</b>	Issue or Revision Date	<b>June 19, 2020</b>
Procedures Approved by	<b>Vice-President, Advancement &amp; International</b>	Review Date	<b>June 2025</b>

See the related [PROCEDURES](#).

### PURPOSE

This policy sets out the principles which will guide Saskatchewan Polytechnic in the negotiation, signing and implementation of corporate agreements.

### SCOPE

This policy applies to corporate agreements or other such instruments, both legally-binding and non-legally binding, entered into by Saskatchewan Polytechnic.

Corporate agreements include, but are not limited to: articulation agreements, transfer credit agreements, training contracts, clinical placement agreements, deeds, transfers, lease agreements, procurement contracts, revenue agreements, sponsorship agreements, advertising agreements, assignments and certificates, licensing agreements, shared delivery agreements, memorandums of understanding and letters of intent.

The policy does not include employment-related contracts, including settlement agreements, which are managed by Human Resources, donor agreements, which are covered by Policy 202-G Gift Acceptance or applied research agreements, including those covered by Policy 1103 Applied Research Administration. The policy does not include, interfere with, or supersede the provisions of current collective agreements.

### GUIDING PRINCIPLES

1. Saskatchewan Polytechnic is committed to working in collaboration with the community and other post-secondary institutions and may establish formal and informal relationships that support its mandate.
2. Saskatchewan Polytechnic employees with the management authority to negotiate the terms and conditions of, or enter into, corporate agreements, must do so with a complete understanding of the implications of such agreements.
3. Saskatchewan Polytechnic recognizes its responsibility to ensure corporate agreements are executed in an ethical and legally-responsible manner.

4. Saskatchewan Polytechnic will strive to ensure that appropriate control measures and safeguards are in place when utilizing public funds or allocating Saskatchewan Polytechnic resources entrusted in its care.

## **POLICY**

1. No Saskatchewan Polytechnic employee shall enter into, or commit to enter into, any corporate agreement that contradicts the laws of Canada, *The Saskatchewan Polytechnic Act*, or the bylaws and official policies of Saskatchewan Polytechnic.
2. No Saskatchewan Polytechnic employee shall represent themselves as having authority to enter into a corporate agreement not authorized by this policy or Policy 504b Management Authorities Grid.
3. The appropriate senior management authority, as outlined in Policy 504b Management Authorities Grid, is responsible to ensure that corporate agreements, once executed, will not conflict with or contradict any agreements or legally-binding instruments, including insurance liability policies, currently in effect.
4. Any corporate agreement, covered by this policy, must:
  - 4.1 have its terms approved by the appropriate senior management authority, prior to formal execution;
  - 4.2 be properly authorized and executed by the appropriate senior management authority as specified in Policy 504b Management Authorities' Grid;
  - 4.3 not conflict with or otherwise contradict any corporate arrangement currently in effect, unless the express intent is to replace the prior arrangement.
5. The intent of any corporate agreement should be carefully considered and there should be clear delineation between the binding and non-binding provisions included in the agreement.
  - 5.1 A Memorandum of Understanding (MOU) is best suited to non-binding or largely non-binding agreements. However, the purpose and provisions written into the MOU may make it binding.
6. Wherever possible, Saskatchewan Polytechnic should take the lead on drafting of corporate agreements and work collaboratively with the other party to ensure the appropriate terms are included in the agreement.
7. Corporate agreements should be drafted in and governed by the language in which they are negotiated.
8. Any corporate agreement, covered by this policy, must be electronically filed in a designated central database/system.

## **DEFINITIONS**

**Articulation Agreement** means a written agreement between two or more institutions that authorizes that studies undertaken in specific programs at one institution (sending) are to be credited toward direct entry into or advanced standing in specific programs at another institution (receiving).

**Corporate Agreement** means a written agreement entered into by Saskatchewan Polytechnic with one or more other parties. Corporate agreements include legally-binding agreements and non-legally binding agreements.

**Legally Binding Agreement** means a written agreement between two or more parties in which the parties are legally obligated to carry out its terms.

**Letter of Intent (LOI)** means a document which provides an indication of intent to act and allows the originator of the Letter and its potential partners to move forward in their negotiations.

**Memorandum of Understanding (MOU)** is used to establish relationships and the basis for future projects or collaborations, often without establishing a formal legal relationship. It can be considered a binding agreement depending on the purpose and the provisions written into the MOU and should not be assumed to be non-binding.

An MOU at Saskatchewan Polytechnic may take one of two forms:

**Ceremonial MOU** is an entirely non-binding, collaborative agreement. There are no specific actions, deliverables or money flow between the parties to the agreement. There is no significant exchange of confidential information or intellectual property.

**Hybrid MOU** is a collaborative agreement which includes both non-binding understandings and binding sections on confidentiality and intellectual property.

**Non-Legally Binding Agreement** means an agreement in which the parties are not legally obligated to carry out its terms.

**Transfer Agreement** means an agreement between two institutions (the sending and the receiving institution) which specifies how the sending institution's courses or program will be accepted for transfer credit at the receiving institution. Also referred to as an articulation agreement.

## **RELATED POLICIES/DOCUMENTS**

Conflict of Interest Policy 704

Procurement Policy 413-G

Legal Services Policy 503

Board Authorities Grid 504a-G

Management Authorities Grid 504b

Memorandum of Understanding Briefing Document

Memorandum of Understanding Templates