IIUM POLICY ON THE APPROVAL PROCESS OF MEMORANDUM OF UNDERSTANDING (MOU) AND MEMORANDUM OF AGREEMENT (MOA)

1.   RATIONALE

According to Article 5 (3) of the IIUM Constitution, the BOG shall have the functions, powers and duties to exercise the following:-

(d) *develop links with the community, corporate sector and industry; and*

(e) *foster global linkages and internationalisation in relation to higher education and research.*

In exercising the said functions, powers and duties, the BOG may delegate any of them to UMC. UMC may form any committee to assist the function and duties as prescribed by the BOG to the UMC.

Therefore, the purposes of this policy are:

(a) To standardise the procedure of entering into MOU and MOA by IIUM.

(b) To ensure competent management of MOU and MOA by implementing Standard Operating Procedure (SOP).

(c) To administer the progress of MOU and MOA.

(d) To standardise MOU and MOA reporting procedure and record.

(e) To empower KCDIO in administering MOU and MOA.

2.   DEFINITION

For the purpose of this policy, the following words and expressions, unless the context otherwise requires, shall have the following meanings respectively ascribed to them:

"BOG"	refers to the Board of Governors
"IIUM"	means International Islamic University Malaysia
"KCDIO"	means Kulliyyah, Centre, Department, Institute or Office of IIUM
"MOU/MOA Technical Committee"	refers to the committee selected and appointed by the UMC

"ODRAI"	refers to the Office of the Deputy Rector (Academic and Internationalisation)
"ODRRRI"	refers to the Office of the Deputy Rector (Responsible Research and Innovation)
"OLA"	refers to Office of the Legal Adviser
"Staff"	as defined in IIUM Constitution
"**Student**"	as described in IIUM Constitution
"UMC"	refers to University Management Committee
"University"	refers to International Islamic University Malaysia

3. PROCEDURE FOR APPROVAL PROCESS

3.1 All memoranda shall be deliberated in the MOU/MOA Technical Committee for their recommendation to the UMC on the approval of all memoranda entered by the University.

3.2 Types of memoranda involved are as follows:

(a) Memorandum of Understanding;

(b) Memorandum of Agreement;

(c) Research Collaboration Agreement;

(d) Contract Research Agreement;

(e) Licensing & Commercialisation Agreement;

(f) Intellectual Property Arrangement Agreement;

(g) Outright Sales Agreement;

(h) Student Exchange Agreement;

(i) Internship Agreement;

(j) Translation & Publication Agreement;

(k) Translation Agreement;

(l) Publication Agreement; and

(m) Others.

3.3 Notwithstanding the above, the MOU/MOA Technical Committee does not deliberate the following memoranda:

(a)   Service Level Agreement;

(b)   Non-Disclosure Agreement,

(c)   Letter of Intent;

(d)   Leasing Agreement;

(e)   Any agreement involving procurement process; and

(f)   Any agreement involving IIUM lands.

4.   MOU/MOA TECHNICAL COMMITTEE AND SECRETARIAT

The MOU/MOA Technical Committee and Secretariat are to be selected and appointed by the UMC. The current Term of Reference is as per Appendix A.

5.   FUNCTIONS OF THE MOU/MOA TECHNICAL COMMITTEE

5.1   The MOU/MOA Technical Committee is to recommend to the UMC on the approval of any agreements intended to be entered by the University.

5.2   Responsibilities of the MOU/MOA Technical Committee are as follows:

(a)   to receive complete documents and draft memorandum from Office of the International Affairs, Office of Industrial Links, Research Management Centre, Office of Deputy Rector (Student Development & Community Engagement) or any office that may be assigned from time to time;

(b)   to evaluate and assess the viability/feasibility etc. of the intended project;

(c)   to conduct due diligence practices and transparency, including checking on the nature of the agreements, assessing the business viability, research sustainability and associate risk management on every collaboration and/or project entered by the respective KCDIO, to seek advice from experts including Finance Division, Development Division, Information Technology Division and others to ensure the University's interest is safeguarded and protected at all times before any decision can be made;

(d)   to recommend all agreements entered by the University at the UMC meeting for an approval; and

(e)   to notify the BOG on the decision made.

6. IMPLEMENTATION AND NON-COMPLIANCE

OLA holds the responsibility for implementing this policy and shall take necessary actions in the event of a violation of this policy.

7. MAINTENANCE OF POLICY

OLA is responsible for the formulation and maintenance of this policy.

8. RELATED POLICIES/STANDARDS/PROCEDURES/GUIDELINES

This policy shall be read together with the following or any documents which recently approved:

(a) IIUM Constitution;

(b) IIUM Financial Policies and Procedures;

(c) IIUM Research and Innovation Policy;

(d) IIUM HR Policies & Procedures;

(e) IIUM Staff Disciplinary Rules; and

(f) Any other related policy.