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**POLICY TITLE:** University Contracts and Contractual Authority

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**POLICY PURPOSE:** A copy of all contracts with agencies, persons or other sources outside of the University or contracts between the University and faculty or students for items other than employment, housing or instruction activities should be submitted to the office of the General Counsel to provide a uniform procedure for negotiating and approving of all University contracts.

**BACKGROUND:**

**APPLIES TO:** All University employees and all contracts which implicate FHSU

**DEFINITIONS:**

**CONTENTS:**

**POLICY STATEMENT:** All purchase contracts shall follow procurement procedures.

All contracts shall be negotiated by approved personnel who have officially been authorized by the President of the University or a Vice President to negotiate contracts on behalf of the University. This includes any contract that involves University resources. Such approval needs to be given in writing.

Contract approval process shall move from the initial negotiation to the General Counsel office for approval as to form and coverage of liabilities.

Any contract that involved any monetary exchange with the University must be reviewed by Administration and Finance as well.

After stamp of approval from General Counsel and Administration of Finance then the contract may be signed by either President of the University or Vice President of Administration and Finance.

All contract renewals shall follow the same pattern.

Copies of all contracts shall be kept at the Office of General Counsel.

### **Contracts with outside sources**

A copy of all contracts with agencies, persons or other sources outside of the University or contracts between the University and faculty or students for items other than employment, housing or instruction activities should be submitted to the office of the General Counsel. The office of the General Counsel will maintain copies for University reference. The original or a second copy should be maintained in the department

originating the contract. All documents submitted are considered attorney-client communication.

### **Affiliation Agreements**

All agreements to affiliate University instructional departments with agencies, persons or other sources outside the University for the purpose of student instruction shall be submitted to the office of General Counsel for review. After review, the general counsel will return the agreement with commentary, if any, to the department submitting the same to complete the negotiations. After review and approval as to form, General Counsel, will return to the Department to obtain the outside parties signatures. After return of signatures from outside party, then the contract will then be forwarded to obtain University signature. One copy of the agreement should be kept in the department or source originating the contract. A copy of the signed affiliation agreement should be forwarded to the office of the General Counsel for University reference. All documents submitted are considered attorney-client communication.

### **Construction, Bid or Other Contracts Negotiated through the Department of Administration**

Contracts generated through or negotiated by the Department of Administration on behalf of the University are maintained in the finance office and are exempt from these requirements.

### **Student/Faculty Housing Contacts**

Contracts between the University and faculty, staff or students for University housing are maintained in the Residential Life office and are exempt from these requirements.

### **Student/Faculty Employment Contracts**

Contracts between the University and faculty, staff or students for University employment are maintained in the Human Resource's office and are exempt from these requirements.

### **Alumni Association**

Contracts generated and funded by the University Alumni Association that are limited in duration and level of consideration, i.e., contracts for room reservations, are exempt from these requirements.

### **Athletic Contracts**

Contracts generated and funded by the University Athletic Association that are limited in duration and level of consideration, i.e., contracts with officials for athletic events, are exempt from these requirements.

## **Contract Review**

Any department may submit a proposed contract to the office of the General Counsel for review and comment prior to signing the contract. This includes any contract that may be maintained in a separate office and is exempt from the requirements discussed supra. All documents submitted for review are considered attorney-client communication.

### **EXCLUSIONS OR SPECIAL CIRCUMSTANCES:**

### **RELATED DOCUMENTS:**

**Policies:**

**Forms:**

**Other:**

### **KEYWORDS:**

University contracts, university resources, contract approval

### **RESPONSIBLE OFFICE:**

General Counsel's Office

### **RESPONSIBLE UNIVERSITY OFFICIAL:**

General Counsel

**ORIGINATION DATE:** 03/09/00

**REVIEW CYCLE:** 3 years

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### **POLICY ADDRESS:**

**LAST APPROVED ON:** Adopted by Cabinet 7/24/2019

**REVIEW/CHANGE HISTORY:** 02/05/97, Adopted by ELT 02/26/2016

**NEXT REVIEW DATE:** 07/2022

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