

8.102A - Affiliation Agreements, Sponsored Class, and Sheltered Class Memorandum Agreements

UHCC Policy Chapter 8, Business and Finance

UHCC Policy 8.102A, Affiliation Agreements, Sponsored Class, and Sheltered Class Memorandum of Agreements

Effective Date: June 2017

Prior Dates Amended: April 2018

Amended: September 2021

Responsible Office: Office of the Vice President for Community Colleges

Governing Board of Regents Policy: Board of Regents Policy, [RP 8.201](#), Contracts and Official Documents

Review Date: February 2023

I. Purpose:

Campuses may enter into affiliation agreements and/or memoranda of understanding for sponsored class or sheltered class contracts with external agencies. This policy delegates authority to enter into these agreements to the Chancellors and establishes policy guidelines in the execution of the agreements and memoranda.

Agreements that include terms and conditions that could potentially create risk to the University, or are inconsistent with University policy (including, but not limited to, requiring indemnification of the sponsor, or requiring the University to submit to a jurisdiction other than Hawai'i) shall be forwarded to the Office of Research Services for review and execution. This includes agreements for the payment of tuition and fees, regardless of the source of funding.

II. Definitions:

- A. Affiliation Agreement – An agreement between the College and an external agency that delineates responsibilities between the two parties when students are placed in clinical settings or internships within the external agency. No financial remuneration can be included in an affiliation agreement.
- B. Sponsored Class – An agreement where an external agency pays all or part of the cost of offering a class in lieu of charging tuition to students.
- C. Sheltered Class – An agreement between the College and an external agency to deliver a non-credit class for the agency where the funds will be deposited into the Community Colleges Special Fund accounts and provided that the contract or agreement is not for the type of awards listed below;
 1. Curriculum development projects at any level, including projects involving evaluation of curriculum or teaching methods;
 2. Projects which involve students in community service activities for which they are receiving academic credit (e.g. service learning);
 3. Activities funded by awards to departments or schools in support of students;
 4. Dissertation work funded by grants, including grants for travel in relation to a dissertation;
 5. Upward Bound program;
 6. Source of funding from Federal funds.
 7. Agreements that include terms and conditions that could potentially create risk the University or are inconsistent with University policy (including, but not limited to,

requiring indemnification of the sponsor, or requiring the University to submit to a jurisdiction other than Hawai'i).

- D. Agreement within categories 1 -7 as described above shall be reviewed and executed by the Office of Research Services without exception.

III. Executive Policy:

A. Responsibilities

1. The Vice President for Community Colleges shall have the responsibility to:
 - a. Monitor execution of affiliation agreements and sponsored/sheltered class memoranda of agreements in accordance with University policies and procedures and reasonable risk tolerances by conducting post-audit reviews of affiliation agreements and memoranda of agreements;
 - b. Provide technical assistance, as requested, to campuses in the development of affiliation agreements and sponsored/sheltered class memoranda of agreements; and
 - c. Review Affiliation Agreement Reports and Sponsored/Sheltered Class Reports to determine if the affiliation agreements and sponsored/sheltered class memorandum of agreements are consistent with the academic/instructional direction of the Community Colleges.

B.

1. The CC Chancellors shall have the responsibility to:
 - a. Approve affiliation agreements and sponsored/ sheltered class memoranda of agreements on behalf of the University, based on a delegation of this authority from the Vice-President of Community Colleges. The authority may not be further delegated on campus. The delegation to the Chancellor(s) may be revoked at the discretion of the Vice-President for Community Colleges;
 - b. Ensure that affiliation agreements and sponsored/sheltered class memorandum of agreements are in compliance with all applicable Board of Regents Policies, UH Systemwide Executive Policies, UH Systemwide Administrative Procedures, and delegation memoranda;
 - c. Where possible, use University affiliation agreement and memoranda of agreement templates.;
 - d. Ensure that affiliation agreements and sponsored/sheltered class memoranda of agreements are approved and executed prior to the start of any activity covered by the agreement;
 - e. When agreements may involve risk to the University, consult with the Office of Risk Management prior to executing the agreement.;
 - f. Submit an electronic file report for Affiliation Agreements and the Sponsored/Sheltered Class Agreement to the Associate Vice President for Administrative Affairs on an annual basis. The reports are to be compiled cumulatively on a fiscal year to date basis (i.e. reflects all agreements for the previous fiscal year on each report).

V. Contact Information:

Subject Matter Experts

Office of the Vice President for Community Colleges, telephone number 956-5155 or email at ovpcc@hawaii.edu

VI. References:

- A. Board of Regents Policy, [RP 8.201](#), Contracts and Official Documents

B. UH Systemwide Administrative Procedures, [AP 8.910](#), Procedures for the Preparation and Submission of Proposals to External Sponsors and the Review/Approval Requirements for Sponsored Agreements.

C. UH Systemwide Executive Policies, [EP 12.102](#), Authority to Sign and Execute Extramural Research and Training Contracts/Grants, Agreements and Contract Assignments and Releases; EP 8.200, Policy on Contracts and Signing Authority.

D. [Delegation of authority to sign and execute agreements from Vice President for Research and Innovation, Vassilis Syrmos to Vice President for Community Colleges John Morton, date March 20, 2015](#) .

E. [Delegation of authority to sign and execute agreements from Vice President for Community Colleges to CC Chancellors, dated July 10, 2015](#) .

VII. Exhibits and Appendices:

- For agreement templates, see appendix for [UH Executive Policy 8.200](#) 