

UC Davis Policy and Procedure Manual

Chapter 210, Instruction

Section 05, Affiliation Agreements

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Responsible Department: UCDHS Contracts Office

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Exhibit A, Affiliation Agreement Request

I. Purpose

This section describes the purpose and process for securing affiliation agreements.

II. Definition

Affiliation Agreement—(sometimes called a Memorandum of Understanding or MOU) a legally binding contract that sets forth the terms and conditions under which The Regents of the University of California and another institution (such as another institution of postsecondary education or a medical facility) agree to furnish education, training, and/or clinical experience that is integral to a specific institutional academic degree or course objective, but is not available at the home institution.

III. Scope

An affiliation agreement is not the appropriate contract for business relationships ancillary to but not concentrated on the educational mission, such as medical services agreements (see Section 330-05) or research agreements (contact the Office of the Vice Chancellor--Research). Additionally, training that is not integral to an academic degree, provided by the University to trainees of a nonaccredited institution, is more appropriately covered by a service agreement (see Section 330-05). General "agreements of cooperation" with international institutions entered into for purposes of establishing academic, scientific, and cultural relations are reviewed and approved by the Office of the Provost.

IV. Policy

A. Initiation of Affiliation Agreements

Affiliation agreements usually are generated to cover specific departmental needs. Departments may initiate discussion with other institutions to explore the possibilities for mutually beneficial cooperation in academic or clinical training, bearing in mind that any such relationship must be justifiable with respect to the University's mission as educator. Proposed affiliates should be institutions of undoubted integrity who will bring to the relationship either a training setting with important parameters unavailable to the University through the University's existing resources and relationships or who will bring to the University well-prepared trainees whose educational needs are in accord with the University's mission. Initial negotiations should include discussion of programmatic requirements, mutual benefits, resources to be used in support of training/educational activities, and any compensation to be paid either party.

B. Approval and Execution of Affiliation Agreements

A request for affiliation (Exhibit A) by a campus department, including School of Medicine

departments, must be approved by the dean or vice chancellor to whom the department reports. A request for an agreement covering rotation and/or preceptorship of non-UCD non-physician trainees at a UC Davis Health System (UCDHS) facility must be formulated and approved in accord with UCDHS Policies and Procedure Manual Section 2912. Following approval by the specified dean, vice chancellor, or UCDHS administrators, a request for affiliation agreement is forwarded to the Business Contracts Office for final negotiation and execution. An affiliation agreement that would require payment by the University to the affiliate or that would establish a new program requires approval by The Regents.

C. Format of Agreement

The University has its own formats for various types of affiliation agreements and will rarely accept the format of another institution without substantial revision.

D. Processing Procedures and Timing

1. The process of review, approval, and execution takes from 2 to 12 months, depending on the complexity of the proposed affiliation and of the proposed affiliate institution. Provisions that commonly require additional negotiation are supervision, remuneration, insurance, and indemnification. Affiliation agreements generally have an initial term of 3 years or less.
2. A request for an affiliation agreement that involves either financial commitments by the University or establishment of a new program, and that must therefore be approved by The Regents, must be submitted to Business Contracts at least 2 months prior to The Regents' meeting for which it is intended. (Regents' business meetings are held on the third Thursday and Friday of January, March, May, June, July, September, and November.)

E. Implementation

1. When an affiliation agreement has been signed by the appropriate signatories on behalf of the University and of the affiliating party, Business Contracts will forward photocopies of the final agreement to the participating departments.
2. Participating departments are responsible for ensuring that the University's obligations under the terms of the affiliation agreement are carried out. The departments should pay particular attention to their responsibilities for verifying certification of trainees' immunizations (in agreements where this is relevant); for ensuring that trainees receive the appropriate orientation to the training facility, including (in medical training) infection control policies and procedures in the event of needlestick or body fluid exposure events; and for ensuring that the appropriate level of supervision as specified in the agreement is provided to trainees.
3. Difficulties experienced by departments in complying with the University's responsibilities under the affiliation agreement, in an affiliate's noncompliance with its contractual obligations, or in any dispute between the University and an affiliate with regard to an affiliation agreement, should be brought to the attention of the department chair, the dean or vice chancellor, and Business Contracts in a timely manner so that appropriate action may be taken to assist the department, to protect the University's interests, and to avoid liability.