

Attachment 3

University Contracts and Agreements

Chapter 3070

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.010 Introduction

The Kansas Board of Regents has authorized institutions under the Board to enter into contracts/agreements to acquire products or services normally requiring the expenditure of funds, including leases of real property, with any party or parties including any agency of the United States or any subdivision of any state or with any person, partnership or corporation if the purpose of such contract is related to the operation, function or mission of the institution.

All contracts of the Regents institutions shall be subject to the provisions of K.S.A. 75-3711b and 75-3711d. (K.S.A. 76-721). Any contract with a corporation whose operations are substantially controlled by a Regents institution shall provide that the books and records of such corporation shall be public records and shall require an annual audit by an independent certified public accountant to be furnished to the Board of Regents and filed with the state agency in charge of post auditing state expenditures. See PPM Chapter 3270 for details.

.020 Authorized Signatures

Only the chief executive officer of the institution, or a specifically authorized designee of the chief executive officer of the institution, shall execute contracts on behalf of a Regents institution. All delegations of authority made pursuant to this provision shall be filed with the General Counsel of the Board of Regents. All contracts shall be in the name of the institution. Individual schools, divisions and departments shall not enter into contracts.

The President of Kansas State University (chief executive officer) has designated University signature authority for all sponsored programs to the Vice Provost for Research. This authority is delegated to the Associate Vice Provost for Research. In general, all sponsored program activity documents must be so authorized prior to any communications of a contractual nature with the sponsor. See PPM Chapter 7010.050.

For all other contracts/agreements, the signature of the University Fiscal Officer (Vice President for Administration and Finance) or his designee (Associate Vice President for Administration and Finance or University Controller/Assistant Vice President for Administration and Finance) is required.

.030 General Purchases

All contractual services, commodities, equipment and capital outlay items must be obtained through KSU purchasing, the State Division of Purchases, or by direct purchase in accordance with University purchasing procedures as outlined in PPM Chapter 6310.

Agreements for licenses, site licenses, consortia membership agreements, terms of use agreements, and so forth to obtain access to electronic media and other subscriptions and membership services are to be processed through the KSU Purchasing Office. Agreements to use software purchased through a State Contract or processed through the KSU Purchasing Office may be accepted by the individual user of the software on behalf of the University.

.040 Delegation of Authority to Sign

In some situations the University Fiscal Officer may delegate certain specific types of contracts or agreements to be signed by the head of a University department. This delegation must be requested and approved in writing. Otherwise all contracts and agreements must be forwarded to the Controller's Office for the appropriate signature.

.050 University Resources used by Outside Professional or Organizational Activities

The University faculty and staff become involved at times with outside organizations which require the use of University resources including official time and services of KSU faculty and/or staff, facilities and other resources. These activities are encouraged by the Kansas Board of Regents to assure the University relevance of their missions of teaching, research and service; to provide for and facilitate the professional development of their faculty and unclassified staff; and to promote the rapid expansion and application of knowledge, gained through research, to the needs of Kansas, the region and the nation. However, procedures need to be followed to ensure compliance with applicable policies and to avoid or minimize conflicts of time commitments and conflicts of interest. The University must be prepared to respond appropriately when real or apparent conflicts arise.

If an outside professional association or organization establishes an office or bases its activities at Kansas State University, the use of the University resources and responsibilities of all parties involved are to be addressed in a Memorandum of Agreement. The Memorandum of Agreement is to be reviewed by the Office of University Attorney to ensure compliance with State and University requirements. When the Memorandum of Agreement involves reimbursement for expenses incurred by Kansas State University, the agreement is to be process by Pre-Award Services who will establish a separate sponsored project account that will be administered through the Sponsored Projects Accounting Section in the KSU Controller's Office.

Guidelines for coordination of conferences and workshops sponsored by a University unit are provided in the University PPM Chapter 3530 – Conferences and Off Campus Courses.

Private Consulting

In accordance with Section D40, Privileges, Benefits, Responsibilities, of the University Handbook, faculty members are encouraged to accept outside consulting assignments that support professional growth, as long as the assignments do not interfere with the effective discharge of university responsibilities. Faculty members who perform consulting services outside the university must obtain prior approval of their department head and dean. Such outside activities are to be reported in writing for inclusion in personnel files maintained by the appropriate department head and dean, and in the Provost's office. The Consulting Request Form is available at <http://www.k->

state.edu/academicservices/forms/consult.html. Normally, faculty members are allowed four working days per month on the average to participate in consulting activities. Regular instructional service for other educational institutions while fulfilling contractual responsibilities to Kansas State University normally is not considered an appropriate consulting activity (see Appendix S in the University Handbook).

Consulting by faculty and unclassified professional members of institutions under the jurisdiction of the Kansas Board of Regents, as well as consultation for other state agencies, shall be approved in advance by routine minute. Such action shall be initiated by the institution or agency seeking these services and approved by the Provost of the faculty and/or unclassified professional member's home institution.

Conflict of Interest and Conflict of Time Commitment

The Kansas Board of Regents encourages the Regents institutions to interact with business, industry, public and private foundations, and government agencies in order to assure the relevance of their missions of teaching, research and service; to provide for and facilitate the professional development of their faculty and unclassified staff; and to promote the rapid expansion and application of knowledge, gained through research, to the needs of Kansas, the region and the nation. With particular reference to such interaction, the Board of Regents considers it of utmost importance that university employees conduct their affairs so as to avoid or minimize conflicts of time commitments and conflicts of interest, and that the Regents institutions are prepared to respond appropriately when real or apparent conflicts arise.

Conflict of Interest and Conflict of Time Commitment situations are usually addressed annually at the time of appointment. The Kansas State University policy is in Appendix S of the University Handbook at <http://www.k-state.edu/academicservices/fhbook/fhxs.html>.

.060 Questions

Questions relating to these procedures are to be directed to the University Vice President for Administration and Finance (785) 532-6226.