

Policy on Contracts and Agreements

Policy Category:	General
Subject:	Negotiating, approving and signing contracts and agreements on behalf of King's
Approving Authority:	SMT
Responsible Officer:	Senior Vice-President (Operations)
Responsible Office:	Procurement Services and Legal Services
Related Procedures:	Procedures for Negotiating, Approving and Signing University Contracts Signing Authority Register Financial Procedures Contract Management Guidance Procedures on Administration of Research Grants & Contracts
Related College Policies:	Declaration of Interests Socially Responsible Procurement Policy Financial Regulations Fraud, Theft, Bribery and Corruption Policy on Administration of Research Grants & Contracts Policy on Consultancy, Fee for Service, Non-Standard Teaching Programmes and Outside Work
Effective Date:	15 July 2021
Supersedes:	New
Next Review:	July 2024

I. Purpose & Scope

This policy specifies who may enter into and sign contracts and agreements which bind the university and defines the responsibilities of individuals who negotiate, approve or sign contracts.

This policy applies to all staff of the university and any and all contracts entered into on behalf of the university.

II. Definitions

Contract: Any agreement, contract, subcontract, letter of intent, memorandum of understanding, memorandum of agreement, lease, license, donor agreement, deed, grant, certificate, instrument, assignment, or any other document or instrument or action which creates an obligation for or may be binding upon the university.

In this policy, 'Contract' is used throughout for agreements of any kind as defined above.

III. Policy

1. No person is authorized to sign a contract on behalf of the university unless:

- 1.1 The transaction has been reviewed and approved in accordance with this Policy and its related procedures and any other regulation, policy, procedure or guidance required by the subject matter of the contract; and
 - 1.2 They have signing authority under this Policy, its associated procedures, other applicable regulation, policy, procedure or guidance, and the Signing Authority Register.
2. All persons who negotiate, approve, or sign Contracts on behalf of the university must comply with this Policy's associated Procedures and the related policies and procedures listed at the beginning of this document.
3. The President & Principal is authorized to sign any Contract on behalf of the university except in the following circumstances:
 - 3.1 Where the President & Principal's authority to deal with the subject matter of the Contract is limited by another regulation, policy or procedure; or
 - 3.2 Where the authority to execute the Contract has been specifically delegated by another regulation, policy or procedure; or
 - 3.3 Where the President & Principal may be in conflict of interest.
4. The President & Principal may delegate their signing authority to other university employees but shall remain accountable for all Contracts signed by such delegates.
5. Individuals may delegate signing authority given to them for the duration of any absences from the university but shall remain accountable for all Contracts signed by such delegates.
6. Individuals may not delegate their signing authority for reasons other than absence, unless the ability to delegate is explicitly given in the relevant regulation, policy or procedure.
7. An individual who negotiates, approves, or signs Contracts on behalf of the university must declare any interest they may have in the subject matter of any Contract.
 - 7.1 The Senior Vice-President (Operations) shall determine whether the interest represents a conflict and whether the individual may continue to act on behalf of the university with respect to the Contract.
 - 7.2 In the event that the Senior Vice-President (Operations) declares an interest, the decision as to the conflict will be made by the President & Principal.
 - 7.3 In the event that the President & Principal declares an interest, the decision as to the conflict will be made by the Chair of Council.
8. It is the responsibility of the President & Principal and Senior Vice-Presidents to bring to the attention of the Council or appropriate Council committee any proposed Contract which in their judgement presents an unusually high level of risk to the university, involves precedent setting issues, or the nature of which might reasonably be seen to have an effect on the university beyond its normal business operations.
9. Any question regarding the appropriate signatories for a Contract should be referred to the College Secretary who shall make the determination following consultation with the university's General Counsel and/or the Chief Procurement Officer.

10. Failure to act in accordance with this Policy and its associated procedures may invoke misconduct processes and could ultimately result in dismissal.
11. This Policy and its associated procedures shall be reviewed at least every three years.