

The Process: Creating (or Revising) the MOU

If a collaboration is complex – and sometimes, even if it’s not particularly complex! – the process of creating an MOU can be a long and intensive one. However, the process itself is a critical part of creating a stable and effective collaboration, enabling partners to clarify expectations, plan and set goals, and learn more about one another.

How long does this process take? Like the MOU – and the collaboration itself – the timeline and factors involved are unique to every partnership.

Before You Begin

At the outset, decide who will be involved and what their roles will be:

- Who will lead the process, set discussion topics, and facilitate meetings?
- Who will be actively involved in decision-making and negotiation, who will participate in discussions, and who will be asked to provide input? Fewer negotiators, of course, usually means a quicker decision-making process. On the other hand, engaging more staff members and other stakeholders generally involves a more inclusive process which can fuel a stronger sense of ownership and commitment to the partnership.
- At what stage(s) will the partner organizations’ boards review the agreement, and what level of feedback will they provide?
- Will third parties (such as consultants or attorneys) be involved?

Step 1: Define the Vision

Who should be at the table: each partner should be represented by people who have – or have ready access to – authority to make the high-level strategic decisions involved in this step.

- Determine the collaboration’s vision and its basic purpose.
- Define the landscape: identify needs, gaps, and external factors.
- Engage communities and key stakeholders.
- Develop the strategic plan.

Step 2: Build the Plan

Who should be at the table: once again, it’s important to have active involvement from high-level decision-makers. This step should also involve people responsible for making operational decisions, implementing the operating plan, or securing funding and resources.

- Assess the collaboration’s needs and resources.
- Develop the operating plan.
- Determine roles and responsibilities of each partner.
- Discuss the topics, policies, and responsibilities to be included in the MOU.

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Collaboration Toolkit: Creating an MOU

Step 3: Get It in Writing

Who should be at the table: it depends! Decide who will participate based on the items that need to be resolved at this stage.

- Identify points of agreement...and celebrate them! Keep a record of the collaboration's decisions and achievements to date.
- Identify points for further discussion or negotiation. Resolve issues that need to be included in the MOU; document issues that will be resolved later, assigned to a subcommittee or working group, or addressed on an ongoing basis.
- Draft the MOU. Collect feedback, revise, and repeat.

Step 4: Finalize and Formalize

- Create the final agreement.
- Approve the agreement with the signature of an authorized representative from each partner.
- Announce and share the final agreement with staff and key stakeholders (those who were involved in the MOU process and those who weren't).

Step 4: Keep It Going

- Revisit the topics, questions, and unresolved issues that came up during the MOU creation process. Who will handle these issues: the collaboration's governing body, a subcommittee or working group, or some other combination of partners and their representatives?
- Build a plan and timeline for reviewing and renewing the MOU, evaluating the collaboration and how it functions, exploring the possibility of bringing in new partners, etc.

Compromise, Compromise, Compromise!

Hammering out the final (sometimes stubborn) details of your agreement can be a tough process. During this stage, just remember:

- In a highly successful collaboration, each partner is willing to compromise for the sake of the collaborative effort, sometimes setting aside not just their own preferences, but their organization's priorities, goals, and needs.
- Compromise can be uncomfortable! Expect conflict. Commit to resolving it patiently and respectfully.
- Stay positive. Focus on the collaboration's goals and the possibilities you're creating.

References and Resources

There's more to this toolkit! For downloadable worksheets and sample policies, visit www.ColoradoNonprofits.org/collaborationaward/resources/mou-toolkit/.

References

- *Indicators of Collaborative Success*, Denver Office of Strategic Partnerships (www.denvergov.org/strategicpartnerships)
- *Developing a Contract or Written Agreement for Your Nonprofit Collaboration*, Foundation Center (<http://newyorkblog.foundationcenter.org/2012/04/developing-a-contract-or-written-agreement-for-your-nonprofit-collaboration.html>)
- *Checklist for a Memorandum of Understanding*, Nonprofit Risk Management Center (<http://www.nonprofitrisk.org/library/fact-sheets/collaboration.shtml>)
- *A Guide to Memorandum of Understanding Negotiation and Development*, U.S. Department of Health and Human Services; Mary L. Johnson, M.S.W., and Linda M. Sterthous, M.P.A., Temple University, Institute on Aging, Mid-Atlantic Long Term Care Gerontology Center (<http://aspe.hhs.gov/daltcp/reports/mouguide.htm>)