

Collaboration Checklist

PRE-COLLABORATION QUESTIONS

- What specific need will the collaboration address?
- How does the collaboration fit into our overall strategic/business plan?
- What specific organizational and collective benefits will be gained from the collaboration?
- Can our organization invest the up-front time and resources needed for the collaboration?
- Can our organization and our potential collaborative partner “play well with others”?

IDENTIFYING AND NEGOTIATING WITH APPROPRIATE COLLABORATION PARTNER(S)

- Identify a potential collaboration partner
- Pre-negotiation planning
 - What are your goals, expectations, and strengths/weaknesses? What are the proposed roles/duties?
 - What do you bring to the table? What does the potential collaborator bring to the table?
 - Is there corporate purpose fit? Does activity further tax-exempt purpose?
- Negotiation
 - Are the right people/organizations at the table?
 - Do the organizations have a shared interest, purpose or challenge that they can't address on their own?
 - Are the organizations around the table willing or prepared to take action towards a collective solution now?
 - Are there favorable political, funding and social climates that will support the collaboration?
 - Do the potential collaborators have mutual respect, understanding, and trust?
 - Are partners willing to put their own self-interest/desires aside to achieve the mission of the group?
 - Are partners invested in the process and outcome of the collaboration?
 - Is the collaboration process open, credible, and flexible enough to meet the needs of the group?
 - Are there clear outcomes, roles, responsibilities, and resource allocations established for collaborators?
 - Are there concrete and attainable goals and action steps for the group?
 - Does the collaboration have adequate resources (skilled leadership, funds, staff, materials, and time)?
- Consider whether a lawyer is needed
 - Complexity of the collaboration, organizations, or both
 - Amount of money and risk involved
 - Potential for disputes
 - Uncertainty re whether the activity is “legal” or could jeopardize the organization's tax exempt status
 - Duration of collaboration, whether it involves a for-profit, and whether there will be new entity

DETERMINING THE APPROPRIATE COLLABORATION STRUCTURE

- How formal or informal should the collaboration be?
- What are the pros and cons of each collaboration type?
- How complex should the collaboration be?

EXECUTING THE COLLABORATION

- Consider purpose of agreement and whether to put the agreement into writing
- Plan for what could go wrong
- Get any needed consents, check insurance issues, and check employment issues
- Agreement content:
 - Overall Intent—reflects what the parties are intending to do.
 - Parties—name and type of organizations involved.
 - Time Period—the start and end dates of the collaboration.
 - Assignments and Control—each organization's responsibilities (sole vs. shared) and role.
 - Disclaimers—what the collaboration isn't intended to do, guarantee, or create.
 - Financial Agreements—provide detail, including which entity will pay for each item and when payment is due.
 - Risk Sharing—describe who will bear the risk if something goes wrong, any insurance requirements, any indemnities, and any liability limitations.
 - Conflicts—describe how disagreements will be handled.
 - Signatures—by each entity's representative who is authorized to bind the organization.
 - Be sure to answer who, what, where, when, why, and how.