

~~DA2588~~

~~May 4, 2015~~ July X, 2019

CHANCELLORS
PROVOST
SENIOR VICE PRESIDENT – HEALTH SCIENCES AND SERVICES
VICE PRESIDENT–AGRICULTURE AND NATURAL RESOURCES
DIRECTOR, LAWRENCE BERKELEY NATIONAL LABORATORY

~~DA2588~~ Delegation of Authority–To Solicit and Accept Gifts

Regents Standing Order 100.4(dd) delegates general authority to the University President in connection with solicitation and acceptance of gifts.

~~At their March 20, 2014 meeting, the Regents approved revisions to Regents Policy 5201: Policy on Fundraising Campaigns.~~ The authority granted to me pursuant to ~~the revised~~ Policy 5201 to solicit and accept gifts is delegated to you within your respective jurisdictions up to and including a value of \$510 million, with the exceptions noted below. Any donor solicitations, including donor proposals, which require Presidential or Regental approval should clearly state that acceptance is contingent upon such approval.

Regental authorization is required for solicitation or acceptance of any gift that involves:

Exceptions to approved University programs and policies or obligations on the part of the University to expenditures or costs for which there is no established fund source or which require the construction of facilities not previously approved [Standing Order 100.4(dd)(1)];

Regental, Presidential or Chief Investment Office authorization, as appropriate, ~~is~~continues to be required for solicitation or acceptance of any gift that involves an interest in real property [Bylaws 21.3(j)(2) and 21.4 (o) and Standing Order 100.4(gg)].

~~Your~~Consistent with prior delegations in this area your authority to act is subject to the following conditions:

- ~~1.~~ 1. Whenever there is any ambiguity in the terms of a gift proposal or other question as to its legal effect, the matter shall be referred to the General Counsel and Vice President for Legal Affairs for interpretation and advice. If there is any doubt whether gift terms comply with the Policies of the University, including those set forth in the *Development*

Reference Guide, the questions shall be referred to the Assistant Vice President–Institutional Advancement for interpretation and advice prior to acceptance.

~~2.~~ 2.—Gifts to The Regents shall be accepted, administered, documented and reported in accordance with established University policies, guidelines, and procedures.

~~3.~~—Gifts to Campus Foundations ~~shall be accepted, administered, documented, and reported in accordance with the September 15, 1995 (last amended September 22, 2005) 5203: Policy on Support Groups, Campus Foundations, and Alumni Associations and the February 12, 2004 Administrative Guidelines for Campus Foundations.~~

~~1.3.~~ 1.3. ~~Gifts to and~~ University Support Groups shall be accepted, administered, documented, and reported in accordance with the ~~September 15, 1995 (last amended September 22, 2005) Policy on Support Groups, Campus Foundations, existing policies and Alumni Associations and the February 12, 2004 Administrative Guidelines for Support Groups, guidelines.~~

~~4.~~ 5.—Gifts to The Regents or to any unit thereof shall be accepted in the name and become the property of The Regents of the University of California.

~~5.~~ 6.—Gifts of \$1 million and more to The Regents, the Campus Foundations, and the University Support Groups shall be reported quarterly to the President by the Chancellor.

~~7.6.~~ Capital improvement projects included in ~~the gift~~ gifts are subject to approval of the site and design of the projects after completion of the environmental impact review process in accordance with the California Environmental Quality Act.

For purposes of this delegation, the dollar amount of a gift shall be the amount of cash value actually received; or, if in the form of a pledge, the full amount pledged; or shall be the equivalent to the fair market value of securities or personal property.

Any redelegation of this authority shall be limited to the acceptance of gifts which do not exceed \$~~15~~ million. Redelegation of this authority shall be in writing with copies to the Assistant Vice President–Institutional Advancement and to the General Counsel and Vice President for Legal Affairs.

This delegation ~~is effective immediately and~~ supersedes and expands upon the ~~March 23, 1994~~ May 4, 2015 delegation of authority to Chancellors, the Vice President–

Agriculture and Natural Resources, and the ~~Vice President University and External Relations on this same subject (DA2011).Director, Lawrence Berkeley National Laboratory on this same subject (DA2588).~~

Delegation of Authority–Endowed Chairs and Professorships

Academic Personnel Manual (APM) Section 191, *Endowed Chairs and Professorships*, governs the establishment, naming, and appointment of endowed chairs. The policy states, “The President is authorized to approve all endowed chairs and professorships, and to issue administrative guidelines and procedures to implement this Policy.” The administrative guidelines and procedures set forth in APM - 191 dictate that, “By action of the Board of Regents on March 15, 1996, the President has been granted authority to establish and name endowed chairs.”

The authority granted to me pursuant to action of the Board of Regents on March 15, 1996 to establish, name, and disestablish endowed chairs has been delegated to each of the Chancellors and may not be redelegated. No other provision of APM – 191 is changed or in any way modified by this delegation. Any endowed chair or professorship not located on a campus will continue to be approved by me to ensure adherence with UC policy.

Delegation of Authority–Allocation, Reallocation and Administration of Gifts and Bequests Received by the Regents and the Campus Foundations

As described in the September 26, 2011 letter to the Chancellors and Vice President, Agriculture and Natural Resources and the associated administrative guidelines, your delegated authority for allocation and reallocation of gifts and bequests, and withdrawals from Funds Functioning as Endowments (FFE)s is increased to \$10,000,000, consistent with the levels of authority for solicitation and acceptance of gifts and grants, as well as for capital-project expenditure. This authority is effective immediately. The new delegation of authority may be redelegated for gifts and bequests up to \$5,000,000.

Delegation of Authority– University Indemnification of Donors for Claims Unrelated to Donor Activity

Regents Standing Order 100.4(dd)(9) states:

Agreements by which the University assumes liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests. In circumstances where it is deemed necessary by the President, in consultation with the General Counsel, to indemnify non-University persons who have agreed at the University's request to serve as advisors on operational matters for conduct within the scope of their role as advisors, the President is authorized to provide for defense and indemnification. This restriction does not apply to agreements under which the University assumes responsibility for the condition of property in its custody.

The authority granted to me pursuant to Standing Order 100.4(dd)(9) is delegated to you within your respective jurisdiction for gifts up to and including a value of \$10 million.

As noted in the conditions set forth above for the delegation of authority to solicit and accept

gifts, whenever there is any ambiguity in the terms of a gift proposal or other question as to its legal effect for the establishment of an endowed chair, the allocation or reallocation of gifts and bequests, or for the indemnification of donors, The Office of Institutional Advancement, Academic Affairs, and the Office of General Counsel are available to provide services and guidance to the campuses. All of the above delegations are to be effective as of July 1, 2019.

Yours very truly,

Janet Napolitano
President

cc: ~~Members, President's Cabinet~~Division Leaders
~~Principal Officers of The Regents~~
Assistant Vice President O'Neill
General Counsel and Vice President for Legal Affairs Robinson
Universitywide Policy Office