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July 11, 2019

CHANCELLORS  
PROVOST  
EXECUTIVE VICE PRESIDENT–UC HEALTH  
VICE PRESIDENT–AGRICULTURE AND NATURAL RESOURCES  
DIRECTOR–LAWRENCE BERKELEY NATIONAL LABORATORY

**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.

The authority granted to me pursuant to Policy 5201 to solicit and accept gifts is delegated to you within your respective jurisdictions up to and including a value of \$10 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 continues to be 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.

Regental, Presidential, or Chief Investment Office authorization, as appropriate, continues to be required for solicitation or acceptance of any gift that involves an interest in real property [Bylaws 23.5(a) and 23.5(d) and Regents Policy 8103].

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

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

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3. Gifts to Campus Foundations and University Support Groups shall be accepted, administered, documented, and reported in accordance with the existing policies and guidelines.
4. 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. 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 Chancellors, the Vice President–Agriculture and Nature Resources, and the Lab Director.
6. Capital improvement projects included in 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 \$5 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 supersedes and expands upon the May 4, 2015, delegation of authority to Chancellors, the Vice President–Agriculture and Natural Resources, and the 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.

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

As described in the September 11, 2006, letter to the Chancellors and the Vice President for 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**

As a general rule, the President is authorized to execute agreements on behalf of the University; however, the Board of Regents must authorize

“agreements by which the University assumes liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests.” Regents’ Standing Order 100.4(dd)(9)

At the March 2003 meeting, The Board of Regents delegated to the President this authority to indemnify third parties under certain conditions. Specifically, the President was authorized to indemnify donors of cash and publicly-traded securities in those circumstances where the donor requires such an indemnification, and the General Counsel has determined that the donor has not had and will not have an active role that could give rise to the donor’s liability.

The authority granted to me pursuant to the Board of Regents action in March 2003 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: Division Leaders  
Institutional Advancement Assistant Vice President O’Neill  
Universitywide Policy Office