

SB 99559678

delegation → 950

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA SANTA CRUZ

DA 2011

OFFICE OF THE CHANCELLOR

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files	
	February 24, 1999

200 CALIFORNIA HALL # 1500
BERKELEY CA 94720-1500

DA 2588

Vice Chancellor Donald A. McQuade
University Relations
2440 Bancroft Way - MC 4200
Berkeley, CA 94720-4200

RE: Delegation of Authority - To Solicit and Accept Gifts

*delegation
*Gifts

Dear Don:

The authority to solicit and accept gifts granted to Chancellors on March 23, 1994, under Section 100.4 (dd) of the Standing Orders of The Regents is redelegated to you in your position as Vice Chancellor - University Relations and is effective immediately.

The exercise of this authority shall be limited to transactions up to and including \$1,000,000 and is subject to the conditions contained in President Peltason's letter of March 23, 1994, et al., attached.

This authority may not be redelegated.

Sincerely,



Robert M. Berdahl
Chancellor

Attachment: ~~Peltason letter of March 23, 1994 (DA 2011)~~
Napolitano letter of May 4, 2015 (DA 2588)

- cc: Coordinator, Delegations of Authority (Admin.) Marcelle M. Baxter
- Vice President - University and External Relations Bruce B. Darling
- Special Assistant - Coordination and Review Jeanne Gardner
- General Counsel James E. Holst
- Treasurer of The Regents Patricia A. Small
- Secretary of The Regents Leigh Trivette



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May 4, 2015

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

DA2588—Delegation of Authority—To Solicit and Accept Gifts

The 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 \$5 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 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 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 for Institutional Advancement for interpretation and advice prior to acceptance.

Chancellors, et al.

May 4, 2015


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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.
4. Gifts to 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, and Alumni Associations and the February 12, 2004 Administrative Guidelines for Support Groups.
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.
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. Capital improvement projects included in the gift 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 \$1 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 the March 23, 1994 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).


Janet Napolitano
President

cc: Members, President's Cabinet
Assistant Vice President O'Neill
Universitywide Policy Office

Office of the President

TO MEMBERS OF THE COMMITTEE ON EDUCATIONAL POLICY:

ACTION ITEM

For Meeting of March 19, 2014

AMENDMENT OF REGENTS POLICY 5201: POLICY ON FUNDRAISING CAMPAIGNS

EXECUTIVE SUMMARY

This item proposes amending Regents Policy 5201 to: (1) require endorsement by the Regents of certain fundraising campaigns instead of review and recommendation; (2) raise the threshold from \$50 million to \$250 million for the Regents' endorsement of any public phase of a fundraising campaign; and (3) rescind the provision requiring Regents' review and recommendation for any campaign involving the solicitation of real property or funds for the purchase of real property. The President of the University would continue to approve fundraising campaigns in accordance with Standing Order 100.4(k). The Regents would retain oversight of any capital projects associated with a fundraising campaign and would continue to receive the Annual Report on University Private Support. The proposed amendments would update the threshold in accordance with current economic and campaign norms, and would provide campuses with flexibility in the timing of public announcements of fundraising campaigns.

RECOMMENDATION

The President of the University recommends that the Committee on Educational Policy recommend to the Regents that Regents Policy 5201: Policy on Fundraising Campaigns be amended, as shown in Attachment 1 below.

BACKGROUND

Regents Policy 5201: Policy on Fundraising Campaigns (Policy) currently requires the Board of Regents to approve, upon recommendation of the Committee on Educational Policy, (1) any public phase of a fundraising campaign with a goal of \$50 million dollars or more and (2) any gift campaign that involves the solicitation of real property or funds for the purchase of real property.

In 1993, the Policy was amended to authorize the President of the University to approve the private or quiet phase of a fundraising campaign, e.g., those steps undertaken before the public announcement of a campaign, and reserved to the Regents approval for the public phase of campaigns over \$50 million. While the \$50 million trigger was appropriate at the time of

approval in 1993, today it is low and requires campuses and schools to come to the Board of Regents for fundraising campaigns that it would be appropriate for the President of the University to authorize. The proposed amendment would raise the threshold to \$250 million, thus ensuring that the Board is involved only with major campus fundraising campaigns but would not be responsible for the smaller campaigns conducted for narrowly defined purposes, such as endowments for faculty, graduate support, or renovation of facilities. The proposed amendment also would provide campuses with greater flexibility in the conduct of campaigns, including the timing and venue of the public launch of a campaign. A campus may opt to publicly reveal the details of its fundraising campaign at a campus event and seek endorsement by the Board of Regents at a later date. The Regents' endorsement would thus serve as clear, concise, and compelling support of campus fundraising efforts.

The President of the University would continue to ensure that fundraising campaigns for support of capital improvement projects shall be approved only if the project has been approved for inclusion in the Capital Improvement Program and the Regents would retain approval and oversight of any capital projects in accordance with Bylaw 12.4.

Additions shown by underscoring; deletions shown by strikethrough

REGENTS POLICY 5201: POLICY ON FUNDRAISING CAMPAIGNS

1. Fundraising campaigns are defined as organized efforts to solicit gifts and grants for any University purpose from multiple private sources such as individuals, firms, corporations, groups, and/or foundations. This Policy applies to all forms of fundraising campaigns for the benefit of the University whether conducted by the University, Campus Foundations, University Support Groups, or individuals or organizations outside the University. The Policy does not apply to instances when family or friends of a deceased person announce that contributions may be sent to the University in lieu of other remembrances.
2. The President shall submit for ~~review and recommendation~~ endorsement by the Committee on Educational Policy any proposal:
 - a. for the public phase of a fundraising campaign with a goal of ~~\$50,000,000~~ (\$250,000,000) or more;
 - b. ~~for a campaign which involves the solicitation of real property or funds for the purchase of real property.~~
3. The President is authorized to approve all other fund-raising campaigns, including the initial phases of campaigns with goals of ~~\$50,000,000~~ \$250,000,000 or more, provided that fundraising campaigns for support of capital improvement projects shall be approved only if the project has been approved for inclusion in the Capital Improvement Program.
4. The conduct of all fundraising campaigns shall be subject to the following conditions:
 - a. All fundraising activities shall conform with established University programs and policies.
 - b. Fundraising activities shall not obligate the University to expend funds in excess of budgeted items.
 - c. A capital improvement project shall be subject to completion of the environmental review process in accordance with the California Environmental Quality Act and subsequent approval of the site and design of the project.