



Marc Fisher
Vice Chancellor
Administration

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DIRECTOR, BERKELEY LAW LIBRARY

RE: Delegation of Authority 1058-Execution of Agreements

Effective immediately, subject to the requirements set forth below, I am redelegating to you, in your role as the Director of the Law Library, the authority to execute certain author license agreements that are required with individuals to implement approved law journals' activities. You are authorized to execute agreements limited to those identified in Attachment A, as may be amended from time-to-time by written authorization of a representative of the Office of Business Contracts and Brand Protection ("BCBP"), after consultation with the Office of Legal Affairs.

You may not execute agreements that:

- (1) contain provisions falling within the restrictions and limitations set forth in Standing Order 100.4(dd)(l) and 100.4(dd)(9);
- (2) require approval of The Regents because of specific Regental policy; or
- (3) require approval by the President pursuant to specific memoranda issued from time to time. (Notwithstanding Standing Order 100.4(dd)(9), State of California Standard Agreements (Form STD2) that include an indemnity clause under which the University assumes liability for the conduct of persons other than University personnel, may be executed.)

You will need to be vigilant for circumstances that may cause an agreement to fall outside of the limits.

In addition, your delegation contains the following special limits:

- 1) Executed agreements must not deviate from the approved form attached as Attachment A, except for necessary program information such as the name, address and contact information of the contracting party; title of article and journal name; and duration of the agreement. Agreements that deviate from their form in all other ways should be submitted to BCBP (or its successor) for processing and execution on behalf of The Regents.

- 2) In accordance with standard BCBP protocol, agreements must be executed by the other party first. If necessary, exceptions may be made for agreements with schools or school districts, and for agreements between the University and local, state or U.S. government agencies. Any agreements eligible for the exception will be identified in Attachment A. When an agreement is executed by the Regents first, every reasonable effort must be made to obtain a fully executed agreement from the other party. If special circumstances require a non-eligible agreement to be signed by the Regents first, the agreement should be submitted to BCBP (or its successor) for processing and execution on behalf of The Regents.
- 3) The Berkeley Law Library must create a complete record for each executed agreement in the contract management system of BCBP (or its successor), including a copy of the fully executed agreement.

All agreements under this redelegation must be executed in accordance with applicable University policies and procedures governing the particular transaction, including, but not limited to, the University's Business and Finance Bulletins, its relevant policies and guidelines issued by appropriate functional areas within the UC Berkeley campus and Office of the President. In the accordance with University policy, all agreements identified in Attachment A have been approved by the Office of Legal Affairs for the Berkeley campus or the Office of the General Counsel. Other conditions as stated in President Gardner's December 30, 1991 letter apply, but are not reiterated in this letter.

This authority may not be further redelegated.

Please contact the Berkeley Campus Delegations Coordinator Laila DeBerry (phone: 510-643-9317), or by email: delegations@berkeley.edu, with any concerns or questions you may have regarding this delegation of authority.

This redelegation supersedes all previous redelegations of this authority.

Sincerely,



Marc Fisher
Vice Chancellor, Administration

Enclosure: Author Licensing Agreement

Cc: Chief Campus Counsel, David Robinson
Director of Audit, Jaime Jue
Director Office of Business Contracts and Brand Protection, Michele Huff
Delegations Coordinator, Laila DeBerry