

UNIVERSITY OF CALIFORNIA, BERKELEY

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May 29, 2009

DA 2222

EXECUTIVE VICE CHANCELLOR and PROVOST

RE: Delegation of Authority 2222 – *To Approve Settlements of Claims and Separation Agreements With a Value of \$100,000 or Less*

On November 20, 2008, The Regents approved a new *Policy on Settlement of Litigation, Claims and Separation Agreements* (available online at: <http://www.universityofcalifornia.edu/regents/policies/6126.html>). The new Policy amends the Policy on Settlement of Litigation and Non-Employee Claims (approved in September 1995 and amended in July 2000 and May 2006), and replaces the Interim Policy on Separation Agreements and Settlement of Employee Claims.

The *Policy on Settlement of Litigation, Claims and Separation Agreements* authorizes the President to approve claims and separation agreements with a value of \$500,000 or less. As used in the Policy, a “claim” is a disputed demand for payment from an entity or individual (including employees) made other than through litigation (litigation is defined as legal proceedings in the form of a lawsuit, arbitration proceeding, or internal or external administrative proceeding; settlements involving litigation must go through the General Counsel). A “separation agreement” is an agreement with an employee by which the employee separates from University employment, but which does not involve a claim or litigation. Commercial negotiations to adjust amounts payable under a contract shall not be treated as claims.

In accordance with President Yudof’s May 29, 2009 letter to the Chancellors, I am re-delegating to the Executive Vice Chancellor and Provost, the authority to approve settlements of non-litigated claims and separation agreements for employment matters of **academic personnel**, when the consideration paid or received is \$100,000 or less. Litigated settlements must be reviewed and approved by the Office of General Counsel or The Regents. Separation or settlement agreements in non-litigated employment matters involving consideration of more than \$100,000 will require approval by the President and the proposed agreement must be submitted to me for forwarding to the President.

*The delegation of authority to approve settlements of non-litigated claims and separation agreements for employment matters of non-academic personnel has been delegated to the Vice Chancellor – Administration.*

Notwithstanding the foregoing, all settlements of litigation and claims and separation agreements for Officers of the University or Officers of The Regents will require approval by The Regents, as will any settlements or separation agreements that involve significant questions of University policy.

A report of settlements and separation agreements involving consideration of \$50,000 or more must be transmitted to the General Counsel through your campus counsel for required reporting to The Regents.

This letter replaces Delegation of Authority 2214 issued on December 12, 2008.

If you have any questions or concerns regarding this delegation of authority, please contact Cindy Major, Campus Delegations Coordinator, at the Chancellor's Communications & Resource Center, 2-3115 or [cmajor@berkeley.edu](mailto:cmajor@berkeley.edu).

Yours sincerely,

A solid black rectangular box used to redact the signature of Robert J. Birgeneau.

Robert J. Birgeneau

cc: Universitywide Policy Coordinator N. Capell  
Vice Chancellor – Administration N. Brostrom  
Associate Vice Chancellor - Health & Human Services S. Lustig  
Associate Chancellor L. Williams  
Chief Campus Counsel & Associate General Counsel M. Smith  
Associate Chancellor B. FitzPatrick  
Director – Audit & Advisory Services Wanda Lynn Riley  
Campus Delegations Coordinator C. Major



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May 29, 2009

**CHANCELLORS  
DIRECTOR, LAWRENCE BERKELEY NATIONAL LABORATORY**

**Delegation of Authority--To Approve Settlements of Claims and Separation Agreements With a Value of \$100,000 or Less and Voluntary Separation Program Agreements of Less Than \$50,000**

On November 20, 2008, The Regents issued a new *Policy on Settlement of Litigation, Claims and Separation Agreements* (available online at: <http://www.universityofcalifornia.edu/regents/policies/6126.html>). The new Policy amended the *Policy on Settlement of Litigation and Non-Employee Claims* (approved in September 1995 and amended in July 2000 and May 2006), and replaced the *Interim Policy on Separation Agreements and Settlement of Employee Claims*.

The *Policy on Settlement of Litigation, Claims and Separation Agreements* authorizes the President to approve claims and separation agreements with a value of \$500,000 or less. As used in the Policy, a "claim" is a disputed demand for payment from an entity or individual (including employees) made other than through litigation (litigation is defined as legal proceedings in the form of a lawsuit, arbitration proceeding, or internal or external administrative proceeding; settlements involving litigation must go through the General Counsel). A "separation agreement" is an agreement with an employee by which the employee separates from University employment, but which does not involve a claim or litigation. Commercial negotiations to adjust amounts payable under a contract shall not be treated as claims.

With the exception of separation agreements reached through Local Voluntary Separation Programs, you are authorized to approve settlements of non-litigated claims and separation agreements for matters under your respective jurisdictions, when the consideration paid or received is \$100,000 or less. Litigated settlements must be reviewed and approved by the Office of General Counsel. Per the Implementation Guidelines for Local Voluntary Separation Programs (VSP), individual VSP severance payments cannot exceed \$75,000 and any individual payment of \$50,000 to \$75,000 must be approved by the President (see DA ~~2188~~, April 3, 2009 and the VSP Guidelines at <http://www.ucop.edu/ucophome/coordrev/da/da2218guidelines.pdf>). *→ correct # is "2218"*

All settlements of litigation and claims and separation agreements for Officers of the University or Officers of The Regents will require approval by The Regents, as will any litigated settlements or separation agreements that involve significant questions of University policy.

A report of settlements and separation agreements involving consideration of \$50,000 or more must be transmitted to the General Counsel through your campus counsel for required reporting to The Regents.

This letter replaces Delegation of Authority 2144\* 2214 issued on December 12, 2008.

[original signed by M. Yudof]

Mark G. Yudof  
President

cc: Executive Vice President, Business Operations  
Members, President's Cabinet  
Principal Officers of the Regents  
Universitywide Policy Office

\*typographical error: correct # is "2214"