



Nicholas B. Dirks
CHANCELLOR
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May 13, 2016

EXECUTIVE VICE CHANCELLOR & PROVOST

Re: **Delegation of Authority 2595 — 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://regents.universityofcalifornia.edu/governance/policies/4105.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.

In accordance with President Napolitano's March 11, 2016 letter to the Chancellors, I am redelegating to you as Executive Vice Chancellor & 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 and Finance.

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 Office of General Counsel through campus counsel for required reporting to the Regents.

This letter replaces Delegation of Authority 2222 issued on May 29, 2009.

If you have any questions or concerns regarding this delegation of authority, please contact Laila DeBerry, Campus Delegations of Authority Coordinator, in the Office of Ethics, Risk and Compliance Services at 510-643-0233 or via email at delegations@berkeley.edu.

Sincerely,

A black rectangular box redacting the signature of Nicholas Dirks.

Nicholas Dirks

cc: Chris Patti, Chief Campus Counsel
Wanda Lynn Riley, Chief Audit Executive
Laila DeBerry, Campus DA Coordinator



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March 11, 2016

CHANCELLORS
DIRECTOR, LAWRENCE BERKELEY NATIONAL LABORATORY
VICE PRESIDENT, AGRICULTURE & NATURAL RESOURCES

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://regents.universityofcalifornia.edu/governance/policies/4105.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),

Chancellors, et al.
March 11, 2016
Page 2

individual VSP severance payments cannot exceed \$75,000 and any individual payment of \$50,000 to \$75,000 must be approved by the President (http://policy.ucop.edu/_files/da/da2218complete.pdf).

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 2222 issued on May 29, 2009.



Janet Napolitano
President

cc: Division Leaders, President's Office
Universitywide Policy Office