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### **Policy on Delegation of Authority to the President**

I. Pursuant to N.C.G.S. § 116-11(13) (G.S.), and other North Carolina law as referenced herein, and notwithstanding *The Code* or any other Board of Governors policy,<sup>i</sup> the Board of Governors delegates the following authorities to the president of the University of North Carolina (UNC) System:

A. Human Resources

1. Authority to establish and administer a human resources program for employees exempt from the North Carolina Human Resources Act.<sup>ii</sup>

a. “Human resources program” shall include such personnel actions related to the establishment of positions and the administration of salary ranges; recruitment, appointments, salaries, base-salary adjustments, and temporary salary adjustments; promotion and tenure; leave programs; performance management; non-faculty discontinuation, discipline, and discharge; and non-faculty grievance and appeals processes.<sup>iii</sup>

b. The president may approve management flexibility plans for special responsibility constituent institutions and may delegate limited authority for human resources actions to constituent institutions that are not authorized as special responsibility constituent institutions.<sup>iv</sup>

c. Notwithstanding the above provisions, unless otherwise delegated:

(1) The Board of Governors shall retain authority over the appointments, compensation, and salary adjustments for: the president; the chancellors of the constituent institutions, except as provided in paragraph F. and paragraph H. of this policy; the chief executive officer of the UNC Health Care System; and the chief executive officer of the UNC Center for Public Media.<sup>v</sup>

(2) The Board of Governors shall retain authority over certain contract terms for athletic directors and head coaches of the constituent institutions.<sup>vi</sup>

(3) The Board of Governors shall retain authority over non-promotional<sup>vii</sup> salary increases for Senior Academic and Administrative Officers of the constituent institutions that both exceed 10 percent of the June 30 base salary as of the most recent fiscal year and exceed the 75<sup>th</sup> percentile of the applicable salary range.

(4) The president shall consult with the Board's Committee on University Personnel on appointments, compensation, and salary adjustments for the senior officers of the UNC System Office who report directly to the president.

(5) The president shall consult with the chair of the Committee on University Personnel and may then approve an emergency retention salary increase for a Senior Academic and Administrative Officer of the constituent institutions in lieu of any required pre-approval by the Committee as set forth in section I.A.1.C. of this policy when necessary to avoid loss of any key senior officer to an external offer of employment. The details of such an action shall be reported to the committee at its next regularly scheduled meeting.

d. Based on demonstrated institutional need and research activity, the president may authorize constituent institutions with special authority to directly create and/or modify Exempt Professional Staff (EPS) positions in accordance with UNC System Office classification procedures and guidelines. All such positions must fall within salary ranges established by the UNC System Office.

e. All other approvals for human resources actions are delegated to the President, who may further delegate actions to the boards of trustees for the constituent institutions or the boards of trustees may further delegate such actions to the chancellors as provided in Section 600.3.4 of the UNC Policy Manual.

2. Authority to approve all actions relating to the administration of the Optional Retirement Program<sup>viii</sup> and the Phased Retirement Program.<sup>ix</sup>

3. The president shall report in writing on actions taken under the authority of these delegations to the appropriate committee of the Board of Governors no less than annually, or as otherwise requested by the chair of the Board of Governors or the chair of the Committee on University Personnel.

## B. Governance

1. The authority to approve the initiation of a lawsuit in the name of the University, a constituent institution or an affiliated institution if the action is for monetary relief and the amount in controversy is less than \$250,000.<sup>x</sup>

2. The authority to approve the initiation of a lawsuit in the name of the University, a constituent institution or an affiliated institution if the action is a small claims action as provided in G.S. 7A-210.<sup>xi</sup>

3. The authority to settle potential or pending litigation by or against a constituent or affiliated institution, or the University of North Carolina System, if the settlement is for monetary relief and the amount the University is to pay pursuant to the settlement is less than \$250,000 or, if the University is to receive a payment, the amount the University claimed is less than \$250,000.<sup>xii</sup>

4. Authority to approve the political activities of employees of the UNC System who are candidates for or serving in public office.<sup>xiii</sup>

C. Reports. The authority to approve and submit any report the UNC System or the Board of Governors is required to submit to the General Assembly, the State Board of Education, or any other state or federal agency or officer.

D. Real Property and Capital Improvement Projects

1. The power to authorize acquisition or disposition of the following interests in real property without obtaining approval of the Board of Governors, subject to any necessary approvals from state officials and agencies:

a. Any interest in real property, other than a leasehold, with a value less than \$750,000; and

b. A leasehold interest in real property with annual value less than \$750,000 and a term of not more than 10 years.

The president's authority may be exercised on behalf of the UNC System Office, affiliated entities, or the constituent institutions in the president's discretion.<sup>xiv</sup>

2. Authority to approve capital improvement projects funded entirely with non-General Fund or non-State Capital and Infrastructure Fund money<sup>xv</sup> that are projected to cost less than \$750,000.<sup>xvi</sup>

3. Authority to approve advance planning of capital improvement projects, where the advance planning effort is to be funded entirely with non-General Fund or non-State Capital and Infrastructure Fund money.

4. Authority to administer and execute design and construction contracts for capital improvement projects, requiring the estimated expenditure of public money of \$4,000,000 or less. This authority may be exercised on behalf of the UNC System Office, affiliates, or the constituent institutions at the president's discretion.<sup>xvii</sup>

5. Authority to approve an increase of up to 10 percent of the cumulative value of an originally awarded construction contract for a System Office, affiliate, or constituent institution capital improvement project previously authorized by the Board of Governors.<sup>xviii</sup>

6. After the long-term financing of a capital improvement project has been approved in accordance with statutory requirements, the president may approve interim financing or bank loans as a means of short-term financing. The president shall report any such actions to the Committee on Budget and Finance at its next meeting.<sup>xix</sup>

E. Institutional Trust Funds. Authority to delegate to the chancellors management of institutional trust funds.<sup>xx</sup>

F. Chancellors' Incentive Compensation Program

1. Authority to establish and implement an incentive compensation program to provide the president an opportunity to award performance-based compensation to the chancellors.

2. Authority to grant performance-based compensation awards to the chancellors as provided under the incentive compensation program. Awards granted under this authority shall be one-time payments per year, cannot exceed 20 percent of the chancellor's base salary, and are the responsibility of the constituent institution to fund. Chancellors cannot simultaneously participate in both incentive compensation programs, identified in this paragraph F. and separately in paragraph H. of this policy. Notwithstanding the foregoing, the Board of Governors retains the authority for the appointment of all chancellors and the approval of their initial terms of employment, and when considering the appointment of any chancellor, the Board of Governors shall be presented with a term sheet outlining the initial terms of employment for the appointment of that chancellor. Constituent institutions shall identify funds available for this program prior to the president making award decisions for the performance year.

3. Authority to modify the incentive compensation program as necessary to maintain alignment between performance goals established by the Board of Governors for the president and those established by the president for the chancellors.

G. Campus Safety and Security. The authority to undertake measures to enhance the safety and security of the University of North Carolina and the constituent institutions. This authority is in addition to that delegated to the president pursuant to Section 1300.7 of the UNC Policy Manual. As provided in Section XV of Appendix I of *The Code*, chancellors are responsible for the maintenance of campus security of their respective constituent institutions subject to applicable provisions of state law and such policies as may be adopted by the Board of Governors or the board of trustees.

H. Enhanced Executive Incentive Compensation Program

1. Authority to establish and implement an enhanced executive incentive compensation program to provide the president an opportunity to award performance-based compensation to chancellors and other Senior Academic and Administrative Officers, both at the UNC System Office and the constituent institutions. Notwithstanding the foregoing, the Board of Governors retains the authority for the appointment of all chancellors and the approval of their initial terms of employment, and when considering

the appointment of any chancellor, the Board of Governors shall be presented with a term sheet outlining the initial terms of employment for the appointment of that chancellor.

2. Authority to grant performance-based compensation awards to chancellors and Senior Academic and Administrative Officers under the enhanced executive incentive compensation program authorized under this section. Awards granted under this authority shall be determined annually, cannot exceed the chancellor or Senior Academic and Administrative Officer's base salary, and are the responsibility of the employing institution to fund. Eligible employees cannot simultaneously participate in both incentive compensation programs, identified in paragraph F. and paragraph H. of this policy. Providing an opportunity for an eligible employee to participate in either of the incentive compensation programs is within the president's sole discretion. Eligible employees cannot participate in this enhanced executive incentive compensation program and, separately, receive any performance-based bonus compensation awarded pursuant to UNC Policy and regulations on Non-Salary and Deferred Compensation, under 300.2.14, for performance during the same performance period. Chancellors and Senior Academic and Administrative Officers becoming eligible for awards under this section shall receive an adjustment in base salary consistent with an emphasis on enhanced executive incentive compensation over base salary. Constituent institutions may not use any general fund appropriations, tuition, or student fees to fund any chancellor performance award under this subsection. Constituent institutions shall identify funds available for this program prior to the president making award decisions for the performance year.

3. Authority to modify the enhanced executive incentive compensation program, as necessary, to maintain alignment between performance goals established by the Board of Governors for the president and those established by the president for the chancellors.

4. Authority to provide existing chancellors and eligible Senior Academic and Administrative Officers the opportunity to participate in the enhanced executive incentive compensation program in the president's sole discretion.

II. The president will report all actions taken under the authority of the delegations in sections I.B., through I.H., above, to the appropriate committee of the Board of Governors either in writing before the next regular meeting of the Board of Governors or at the next regular meeting of the Board of Governors.

III. These delegations will remain in effect unless and until the Board of Governors rescinds them in whole or in part.

#### IV. Other Matters

A. Effective Date. The requirements of this policy shall be effective on the date of adoption of this policy by the Board of Governors.

B. Relation to State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this policy.

C. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

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<sup>i</sup>The secretary of the University is authorized to annotate the referenced policies and regulations to cross-reference these delegations.

<sup>ii</sup>G.S., Chapter 126.

<sup>iii</sup>Sections 300.1.1, 300.1.2, and 300.2 of the UNC Policy Manual.

<sup>iv</sup>Section 600.3.4 of the UNC Policy Manual.

<sup>v</sup>Section 500 of *The Code*; Sections 300.1.1 and 1200.1 of the UNC Policy Manual; and G.S. 116-37(c) and 37.1(c). The use of “UNC Center for Public Media” in the statute refers to PBS North Carolina.

<sup>vi</sup>Section 1100.3 of the UNC Policy Manual.

<sup>vii</sup>For the purposes of this policy, the term “non-promotional” means salary actions that do not relate to assuming an entirely new position but rather adjusting the salary of the existing position for reasons such as labor market, equity, retention, additional duties, reclassification, and other permitted miscellaneous reasons.

<sup>viii</sup>G.S.135-5.1

<sup>ix</sup>Section 300.7.2 of the UNC Policy Manual.

<sup>x</sup>Section 200.5 of the UNC Policy Manual.

<sup>xi</sup>Section 200.5 of the UNC Policy Manual.

<sup>xii</sup>Section 200.5 of the UNC Policy Manual.

<sup>xiii</sup> Sections 300.5.1 and 300.5.2 of the UNC Policy Manual.

<sup>xiv</sup>The Board of Governors may delegate additional authority to the president or boards of trustees for real property transactions consistent with Sections 600.1.3 and 600.1.3[R] of the UNC Policy Manual.

<sup>xv</sup>This delegation shall be interpreted consistent with G.S. 143C-8-12.

<sup>xvi</sup>The Board of Governors may delegate additional authority to the president or boards of trustees for approval of capital improvement projects consistent with Section 600.1.1 of the UNC Policy Manual.

<sup>xvii</sup> Section 600.1.1 of the UNC Policy Manual. This delegation shall be interpreted consistent with G.S. 116-31.11.

This delegation may be further delegated.

<sup>xviii</sup> Section 600.1.1 of the UNC Policy Manual

<sup>xix</sup> Section 600.1.1 of the UNC Policy Manual

<sup>xx</sup>Sections 600.2.4 and 600.2.4.1 of the UNC Policy Manual.