



Board of Trustees
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MEMORANDUM

TO: Peter Hans
President, University of North Carolina

FROM: Scott Shook
Chair, ECU Board of Trustees

DATE: September 16, 2021

RE: Delegations of Authority action taken by the ECU Board of Trustees

This memo is to confirm that at its meeting on September 10, 2021, the ECU Board of Trustees adopted the enclosed "Resolution to Amend and Restate Delegated Authority from the Board of Trustees of East Carolina University."

The resolution will become final and effective as of the date of your approval, provided you do not have any revisions to the resolution. If there are revisions, I will call a special called meeting of the ECU Board of Trustees to address the edits prior to the November 1, 2021 deadline.

If you have any questions regarding this board action, please feel free to contact me or the Office of the Assistant Secretary at 252-328-6105.

Thank you.

A handwritten signature in blue ink, appearing to read "Scott Shook".

**Resolution to Amend and Restate Delegated Authority
from the Board of Trustees of East Carolina University**

WHEREAS, the Board of Trustees of East Carolina University (“Board of Trustees”) has a duty to promote the sound development of East Carolina University within the functions prescribed for it, helping it to serve the people of the state in a way that will complement the activities of the other institutions and aiding it to perform at a high level of excellence in every endeavor;

WHEREAS, the Board of Trustees serves as an advisor to the Board of Governors on matters pertaining to East Carolina University and serves as an advisor to the chancellor concerning the management and development of East Carolina University;

WHEREAS, the Board of Trustees’ powers and duties are defined by the Board of Governors through the Board of Governors delegating certain authorities and responsibilities to the Board of Trustees;

WHEREAS, the Board of Governors’ approval of the “Resolution to Amend and Restate Constituent Institution Board of Trustees Delegations” on July 22, 2021, directs each board of trustees of the constituent institutions to identify and restate in one binding resolution all instances in which the board of trustees of the constituent institution has delegated all or some of its delegated authority from whatever source to any committee, person, agency, or entity;

NOW THEREFORE, the Board of Trustees restates the following delegations of authority:

I. DELEGATIONS CONCERNING THE MEDICAL FACULTY PRACTICE PLAN OF THE BRODY SCHOOL OF MEDICINE

- Pursuant to [North Carolina General Statute § 116-40.6](#), the Board of Trustees has been delegated the power to adopt and establish policies, procedures, rules, and regulations for the Medical Faculty Practice Plan, a division of the School of Medicine of East Carolina University currently known as “ECU Physicians,” concerning the following:
 - Personnel, including but not limited to schedules of pay and other compensation, annual leave, sick leave, incentive awards programs, grounds for dismissal or discipline, office hours, holidays, and employee disciplinary hearings;
 - Purchases, including but not limited to requests for proposals, competitive bidding, contract negotiations, and contract awards for supplies, materials, equipment, and services;
 - Property, including but not limited to acquisition and disposition of property, provisions for development of specifications, advertisement, and negotiations with owners for acquisition by purchase, gift, lease, or rental; and
 - Construction, including but not limited to design, construction, and renovation of buildings, utilities, and other property developments for negotiations requiring the expenditure of public money for conducting the fee negotiations for all design contracts and supervising the letting of construction and design contracts, performing the Duties of

various state agencies such as the Department of Administration and Office of State Construction, using open-end design agreements, submitting construction documents for review and approval by the Department of Insurance and other agencies, and using standard contracts for design and construction currently in use for State capital improvement projects.

The Board of Trustees delegates all authority of [N.C. Gen. Stat. §116-40.6](#) to the Chancellor as the administrative and executive head of East Carolina University. The Chancellor has the authority to sub-delegate this authority, provided records of any and all sub-delegations are maintained in the office of the Assistant Secretary to the Board of Trustees and any sub-delegations of authority to sign contracts is made in compliance with [Regulation 01.10.01 “Delegation of Authority to Sign Contracts—Interim”](#) as it may be amended

- Pursuant to approval of an Office of Risk Management Professional Liability Insurance Program and Plan in 2014, the Board of Governors delegated its authority from [N.C. Gen. Stat. §116-219](#) to purchase professional liability insurance to the ECU Board of Trustees, and the Board of Trustees delegates this authority to the Chancellor, who may further delegate this authority provided a record of any and all sub-delegations is kept on file in the office of the Assistant Secretary to the Board of Trustees and any sub-delegation of authority to sign contracts is made in compliance with [Regulation 01.10.01 “Delegation of Authority to Sign Contracts—Interim”](#) as it may be amended.

II. DELEGATIONS FOR HUMAN RESOURCES MATTERS

- Pursuant to [The Code of the Board of Governors of the University of North Carolina, Appendix 1, Section 1](#), the Board of Trustees has been delegated the authority to appoint, promote, and set the compensation for EHRA employees, excluding the Chancellor. The Board of Trustees, pursuant to board action on [March 22, 2002](#), delegated broad authority to the Chancellor, to the extent permissible, pursuant to the [Campus Management Flexibility Plan](#), to appoint and fix compensation for all senior positions. Any additional authority described herein that was not specifically delegated previously, is specifically delegated to the Chancellor to the extent permissible. The Chancellor may further delegate this authority and change any such sub-delegations, if/as appropriate, provided records of any and all sub-delegations are maintained in the office of the Assistant Secretary to the Board of Trustees and any sub-delegation of authority to sign contracts is made in compliance with [Regulation 01.10.01 “Delegation of Authority to Sign Contracts—Interim”](#) as it may be amended.
- Pursuant to [University of North Carolina Policy Manual 200.6](#) and [University of North Carolina Policy Manual 600.3.4](#), the Board of Trustees has been delegated authority over certain personnel actions, and the Board of Trustees, pursuant to board action on [September 30, 2016](#), further delegates that authority to the Chancellor for certain salary actions for Employees Exempt from the State Human Resources Act (EHRA). ([Resolution](#) and [matrix](#))
- Pursuant to [University of North Carolina Policy Manual 600.3.4](#) (Granting of Management Flexibility to Appoint and Fix Compensation), the Board of Trustees has been delegated the power to execute the following personnel actions for faculty and EHRA non-faculty instructional, research, and public service (IRPS) [currently known as IRIT] employees: (1) permanent and

temporary appointments and salaries; (2) promotion, including faculty rank changes but excluding tenure; and (3) permanent and temporary salary increases or stipends. The Board of Trustees, pursuant to board action on [March 22, 2002](#), delegated broad authority to the Chancellor, to the extent permissible, pursuant to the [Campus Management Flexibility Plan](#), which is incorporated by reference, to appoint and fix compensation for all senior positions. Any additional authority described herein that was not specifically delegated previously, is hereby specifically delegated to the Chancellor to the extent permissible. The Chancellor may further delegate this authority and change any such sub-delegations, if/as appropriate, provided records of any and all sub-delegations are maintained in the office of the Assistant Secretary to the Board of Trustees.

- Pursuant to [University of North Carolina Policy Manual 300.1.1](#) and [University of North Carolina Policy Manual 300.2.1](#), the Board of Governors delegated authority to make appointments and determine salaries to the Chancellors and the respective Boards of Trustees for Senior Academic and Administrative Officers (SAAO) Tier II appointments, and to the Chancellor for IRIT (formally known as IRPS) appointments. Separations of SAAO Tier II and IRIT (formally known as IRPS) appointments, including discontinuations with notice, are within the authority of the Chancellor. The Chancellor, pursuant to the [Chancellor's Delegation of Authority for Personnel Actions Involving Employees Exempt from the State Human Resources Act \(EHRA\) Memo Dated August 31, 2021](#), has delegated that authority to certain specified direct reports.
- Pursuant to the [UNC Policy Manual 600.3.4.](#), simultaneous with the President's authorization of an institution's management flexibility plan, the Board of Trustees is also delegated the authority for the following personnel actions: 1. Establish faculty salary ranges within different academic disciplines, based on relevant data; 2. Appoint and fix the compensation for faculty awarded the designation of Distinguished Professors; and 3. Establish IRPS positions and salary ranges. The Board of Trustees, pursuant to board action on [March 22, 2002](#), delegated broad authority to the Chancellor, to the extent permissible, pursuant to the [Campus Management Flexibility Plan](#), which is incorporated by reference, to appoint and fix compensation for all senior positions. Any additional authority described herein that was not specifically delegated previously, is hereby specifically delegated to the Chancellor. The Chancellor may further delegate this authority and change any such sub-delegations, if/as appropriate, provided records of any and all sub-delegations are maintained in the office of the Assistant Secretary to the Board of Trustees.

III. DELEGATIONS FOR CAPITAL IMPROVEMENT PROJECTS

- Pursuant to [The Code of the Board of Governors of the University of North Carolina, Appendix 1, Section VI](#), and the [University of North Carolina Policy Manual 600.1.1](#), the Board of Trustees has been delegated the authority to approve capital improvement projects that are funded entirely with non-General Fund money that are projected that cost less than \$750,000, and pursuant to [Board of Trustees action on March 17, 2020](#), delegates that authority to the Chancellor.

The Attached Exhibit I: Delegated Authority Table ("Table") is incorporated herein by reference and all authorities are delegated and sub-delegated as indicated therein, provided that the text of this Resolution shall control in the event of any inconsistency between the Table and the Resolution.

Any authority delegated to the Chancellor in this Resolution or Table may be further delegated provided records of any and all sub-delegations are maintained in the office of the Assistant Secretary to the Board

of Trustees and any sub-delegation of authority to sign contracts is made in compliance with [Regulation 01.10.01 “Delegation of Authority to Sign Contracts—Interim”](#) as it may be amended.

Notwithstanding any other provision authorized by the Board of Trustees, all authority that has been delegated to the Board of Trustees and has not been expressly identified and further delegated in this Resolution or Table is hereby vested in the authority of the Board of Trustees.

EXHIBIT 1: DELEGATED AUTHORITY TABLE

Source	Authority	Delegation	Source	Sub-Delegation	Source
Powers Delegated by the General Assembly					
N.C. Gen. Stat. § 116-36(a).	The board of trustees of each constituent institution shall establish and maintain, pursuant to such terms and conditions, uniformly applicable to all constituent institutions, as the Board of Governors of the University of North Carolina may from time to time prescribe, an endowment fund for the constituent institution.				
N.C. Gen. Stat. § 116-40.6(b)	With respect to the Medical Faculty Practice Plan, the Board of Trustees of ECU shall adopt the policies, procedures, rules and/or regulations governing employment (including compensation, benefits, hours, due process),	Chancellor	Resolution Adopted at September 10, 2021 BOT Meeting		
N.C. Gen. Stat. § 116-40.6(c)	With respect to the Medical Faculty Practice Plan, the Board of Trustees of ECU shall adopt the policies, procedures, rules and/or regulations governing purchasing requirements (including proposals, bidding, contract negotiations, etc.)	Chancellor	Resolution Adopted at September 10, 2021 BOT Meeting		
N.C. Gen. Stat. § 116-40.6(d)	With respect to the Medical Faculty Practice Plan, the Board of Trustees of ECU shall adopt the policies, procedures, rules and/or regulations governing property acquisition and disposal	Chancellor	Resolution Adopted at September 10, 2021 BOT Meeting		
N.C. Gen. Stat. § 116-40.6€	With respect to the Medical Faculty Practice Plan, the Board of Trustees of ECU shall adopt the policies, procedures, rules and/or regulations governing property construction.	Chancellor	Resolution Adopted at September 10, 2021 BOT Meeting		

N.C. Gen. Stat. § 116-219	Board of Governors is authorized to purchase contracts of insurance or create self-insurance trusts, or a combination of the two insurance models, to provide individual healthcare providers with coverage against claims of personal tort liability based on conduct within the course and scope of healthcare functions undertaken by such individuals as employees, agents, or offices of ECU as a constituent institution of UNC.	Chancellor	Resolution Adopted at September 10, 2021 BOT Meeting		
N.C. Gen. Stat. § 116-40.6	Board of Trustees is given authority over various aspects of Medical Faculty Practice Plan	Chancellor	Resolution Adopted at September 10, 2021 BOT Meeting		
Powers Delegated by the Board of Governors or President					
The Code, Appendix 1, Section I	Campuses with Management Flexibility will appoint, promote, and set the compensation for EHRA employees, excluding the Chancellor.	Chancellor	BOT Approved 3/22/02 Plan for Management Flexibility to Appoint and Fix Compensation (smaller).pdf (ecu.edu)	Provost & Vice Chancellors	https://attorney.ecu.edu/wp-content/uploads/sites/158/2019/05/Delegations-of-Contract-Signatory-Authority-from-the-Chancellor.pdf Delegation of Authority to Sign Contracts – Interim

UNC Policy Manual 200.6 and 600.3.4	Expanded Authority for certain EHRA Salary Actions	Chancellor	Board of Trustees Minutes Sept. 30, 2016 the ECU BOT delegated to the Chancellor certain salary actions for Employees Exempt from the State Human Resources Acts (EHRA). Resolution and Salary Increase Pre-Approval Matrix	Certain members of the Chancellor's direct reports	Salary Increase Pre-Approval Matrix
UNC Policy Manual 300.1.1 and 300.2.1	Discontinuations of SAAO Tier II and IRIT employment	Chancellor	UNC Policy Manual 300.1.1 and 300.2.1 (and BOT minutes from September 10, 2021)	Vice Chancellors, Director of Athletics, Chief of Staff	Chancellor's Delegation of Authority for Personnel Actions Involving Employees Exempt from the State Human Resources Act (EHRA) memo dated August 31, 2021
The Code, Appendix 1, Section 1.D.	Chancellor Selection				

The Code, Appendix 1, Section II	<p>The board of trustees shall be responsible for ensuring the institution's compliance with the educational, research, and public service roles assigned to it by the Board of Governors, either by express directive or by promulgated long-range plans of the Board of Governors.</p>				
The Code, Appendix 1, Section III	<p>The board of trustees will determine whether an individual student shall be entitled to receipt of a particular degree.</p>				
The Code, Appendix 1, Section IV.	<p>The board of trustees will be responsible for approving the names of all individuals on whom it is proposed that an honorary degree or other honorary or memorial distinction be conferred by the institution.</p>				
The Code, Appendix 1, Section V.	<p>The board of trustees shall advise the chancellor with respect to budget estimates for the institution and with respect to the execution and administration of the budget of the constituent institution, as approved by the General Assembly and the Board of Governors.</p>				
The Code, Appendix 1, Section VI	<p>The board of trustees has been delegated the authority to prepare and maintain a master plan for the physical development of the institution, consistent with the academic and service mission of the institution as defined and approved by the Board of Governors.</p>				

<p>The Code, Appendix 1, Section VI.</p> <p>The UNC Policy Manual, 600.1.1</p>	<p>The board of trustees has been delegated the authority to approve capital improvement projects that are funded entirely with non-General Fund money that are projected to cost less than \$750,000.</p>	<p>Chancellor</p>	<p>BOT Minutes March 17, 2020</p> <p>BOT delegates to the Chancellor, in consultation with the BOT Finance Committee chair, approval of non-General Fund repair and/or renovation projects whose cost is expected to be less than \$750,000 and report at each Board of Trustees meeting actions taken since the last meeting.</p>		
<p>The Code, Appendix 1, Section VI.</p> <p>The UNC Policy Manual, 600.1.1</p>	<p>The board of trustees has been delegated the authority to approve advance planning of capital improvement projects, where the advance planning effort is to be funded entirely with non-General Fund money.</p>				

<p>The Code, Appendix 1, Section VI.</p> <p>UNC Policy Manual 600.1.3</p>	<p>The board of trustees have been delegated the power to authorize acquisition or disposition by the institutions of the following interests in real property without obtaining approval of the Board of Governors:</p> <ol style="list-style-type: none"> 1. Any interest in real property, other than a leasehold, with a value less than \$500,000; and 2. A leasehold interest in real property with an annual value less than \$500,000 and a term of not more than 10 years. 	<p>Chancellor</p>	<p>UNC Policy Manual 600.1.3 [R]</p> <p>The Chancellor is delegated the authority to authorize for their institutions acquisition or disposition of an interest in real property valued at less than \$50,000 (\$150,000 per management flex) without obtaining the approval of the Board of Trustees or the Board of Governors.</p>	<p>Vice Chancellor for Administration and Finance</p>	<p>https://attorney.ecu.edu/wp-content/uploads/sites/158/2019/05/Delegations-of-Contract-Signatory-Authority-from-the-Chancellor.pdf</p> <p>Delegation of Authority to Sign Contracts – Interim</p>
<p>The Code, Appendix, 1, Section IX.</p>	<p>The boards of trustees of the constituent institutions shall cause to be collected from each student, at the beginning of each semester, quarter, or term, such tuition, fees, and other amounts necessary to pay other expenses for the term, as have been approved by the Board of Governors. [See G.S. 116-11(7) and G.S. 116-143]</p>				

<p><u>The Code, Appendix 1, Section X.</u></p>	<p>All scholarships and other forms of financial aid to students which are limited in their application to or are supported from sources generated by an individual campus shall be administered by the constituent institution pursuant to such regulations as may be prescribed by the board of trustees and subject to the terms of any applicable laws and to policies of the Board of Governors.</p>				
<p><u>The Code, Appendix 1, Section XI.</u></p>	<p>Each board of trustees, upon recommendation of the chancellor, shall determine the type, level, and extent of student services (such as health care, athletic programs, and counseling) to be maintained for the benefit of students at the institution, subject to general provisions concerning types and levels of student services as may be prescribed by the Board of Governors.</p>				

Powers Delegated Through Special Responsibility Constituent Institution or Management Flexibility Status

<p><u>The UNC Policy Manual, 600.3.4</u></p>	<p>Simultaneous with the president’s authorization of an institution’s management flexibility plan, the board of trustees of that institution is also delegated the authority for the following personnel actions, which it may further delegate to the chancellor and may authorize the chancellor to further delegate on a limited basis.</p> <ol style="list-style-type: none"> 1. Establish faculty salary ranges within different academic disciplines, based on relevant data. 2. Appoint and fix the compensation for faculty awarded the designation of Distinguished Professors. 3. Establish IRPS positions and salary ranges. 	<p>Chancellor</p>	<p><u>BOT Approved 3/22/02</u></p> <p><u>Plan for Management Flexibility to Appoint and Fix Compensation (smaller).pdf (ecu.edu)</u></p>		
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