

**THE UNIVERSITY OF NORTH CAROLINA ASHEVILLE (“UNC ASHEVILLE”)  
RESOLUTION 1021-5  
TO AMEND AND RESTATE DELEGATED AUTHORITY**

**WHEREAS**, the Board of Trustees of UNC Asheville (“Board of Trustees”) has a statutory duty to promote the sound development of UNC Asheville (“University” or “UNC Asheville”) within the functions prescribed for it, helping it to serve 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 area of endeavor; and

**WHEREAS**, the Board of Trustees serves as an advisor to the Board of Governors on matters pertaining to UNC Asheville and serves as an advisor to the Chancellor concerning the management and development of UNC Asheville; and

**WHEREAS**, the Board of Trustees’ powers and duties, not inconsistent with Article 1 of Chapter 116 of the North Carolina General Statutes (“NCGS”) are defined and delegated by the Board of Governors; and

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

**NOW, THEREFORE BE IT RESOLVED THAT**, the Executive and Governance Committee, on behalf of the Board of Trustees of the University of North Carolina Asheville, restates or adopts the following delegations of authority:

- Pursuant to NCGS §116-31.12, the Board of Trustees has been delegated the power to authorize the acquisition or disposition of real property by lease. The UNC Asheville Chancellor and the Vice Chancellor for Budget and Finance have been delegated authority to actively identify and pursue opportunities for acquisition of interests in real property. The Board of Trustees has authorized the UNC Asheville Chancellor, or her delegate, after consultation with the Board Chair and Executive Committee, to enter Offers to Purchase or other contractual agreements for the acquisition of interests in real property. This delegation was accomplished by the Board of Trustees Resolution 0220-3, “Resolution to Authorize Certain Real Property Acquisition Activities.”
- Pursuant to NCGS §116-40.5, the Board of Trustees has been delegated the power to establish a campus law enforcement agency, employ campus police officers, and enter joint agreements with any municipality, county, or other constituent

institution to extend law enforcement jurisdiction under specified circumstances. This authority has been delegated to and is fulfilled by the Chancellor pursuant to *UNC Code*, Appendix I(XV), which provides that the Chancellor shall be responsible for the maintenance of campus security.

- Pursuant to NCGS §116-40.22(b), the Board of Trustees has been delegated the power to appoint and fix the compensation of all vice chancellors, senior academic administrative officers, and any person having permanent tenure at that institution. This authority has been delegated to the Chancellor for all deans and senior academic and administrative officers for which the UNC Board of Governors does not establish salary ranges, via the UNC Asheville Management Flexibility Plan.
- Pursuant to Section 502D of the *UNC Code*, the Board of Trustees has been delegated the power to hear appeals in student conduct cases where the sanction is suspension or expulsion. This authority has been delegated to the Board's Student Affairs and Enrollment Committee via the Student Affairs and Enrollment Committee Charter.
- Pursuant to Section II(A)(1) of Appendix 1 of the *UNC Code*, the Board of Trustees has been delegated the power to appoint, promote, and set the compensation for such employees exempt from the State Human Resources Act, except the position of the Chancellor. This authority has been delegated to the Chancellor for all deans and senior academic and administrative officers for which the UNC Board of Governors does not establish salary ranges, via the UNC Asheville Management Flexibility Plan.
- Pursuant to Section II(A)(2) of Appendix 1 of the *UNC Code*, the Board of Trustees has been delegated the power to promote in rank a faculty member with permanent tenure. This authority has been delegated to the Chancellor via the UNC Asheville Management Flexibility Plan.
- Pursuant to Section III of Appendix 1 of the *UNC Code*, the Board of Trustees has been delegated the powers to determine whether an individual student shall be entitled to receipt of a particular degree and determine what grade a student will be assigned in a particular course. These authorities have been delegated to the UNC Asheville faculty through the UNC Asheville Faculty Senate, as reflected within the Constitution of the Faculty Senate of UNC Asheville.
- Pursuant to Section VI of Appendix 1 of the *UNC Code*, the Board of Trustees has been delegated the power to authorize acquisition or disposition of any interest in real property other than a leasehold with a value less than \$500,000, or acquisition or disposition of a leasehold interest in real property with an annual value less than \$500,000 and a term of not more than 10 years. The UNC Asheville Chancellor and the Vice Chancellor for Budget and Finance have been delegated authority to actively identify and pursue opportunities for acquisition of interests in real property. The Board of Trustees has authorized the UNC Asheville Chancellor, or her delegate, after consultation with the Board Chair and Executive Committee, to

enter Offers to Purchase or other contractual agreements for the acquisition of interests in real property. This delegation was accomplished by the Board of Trustees Resolution 0220-3, "Resolution to Authorize Certain Real Property Acquisition Activities."

- Pursuant to UNC Policy 200.1(5)(c)(iv)(5), the Board of Trustees has been delegated the power to find that a contract implicating the restrictions of UNC Policy 200.1(5)(c)(iii) is in the best interest of the University. This authority is delegated to the Board's Audit and Risk Management Committee.
- Pursuant to UNC Policy 200.1(5)(d)(i), the Board of Trustees has been delegated the power to designate a standing committee to determine whether a potential conflict of interest is a permissible or impermissible activity and to make recommended findings as to whether UNC Policy 200.1 has been violated. This authority is delegated to the Board's Audit and Risk Management Committee.
- Pursuant to UNC Policy 300.1.1(III), the Board of Trustees has been delegated the power to make appointments and determine salaries for Senior Academic and Administrative Officers Tier II positions. Final appointment authority for SAAO Tier II positions has been delegated to the Provost and Division Senior Officers via UNC Asheville's Management Flexibility Plan.
- Pursuant to UNC Policy 500.2, the Board of Trustees has been delegated the power to adopt patent procedures and determine the proportion of gross royalties received by an inventor derived from licensing or income from assignment or sale of each patent resulting from an invention owned by the constituent institution. This authority has been delegated to the UNC Asheville Intellectual Property Committee via the UNC Asheville Copyright Use and Ownership Policy.
- Pursuant to UNC Policy 600.1.3(II)(B) and (C), the Board of Trustees has been delegated the power to authorize acquisition or disposition any interest in real property, other than a leasehold, with a value less than \$500,000; and a leasehold interest in real property with annual value less than \$500,000 and a term of not more than 10 years. The Board of Trustees has authorized the UNC Asheville Chancellor, or her delegate, after consultation with the Board Chair and Executive Committee, to enter Offers to Purchase or other contractual agreements for the acquisition of interests in real property. This delegation was accomplished by the Board of Trustees Resolution 0220-3, "Resolution to Authorize Certain Real Property Acquisition Activities."
- Pursuant to UNC Policy 600.1.3(III)(B), the Board of Trustees has been delegated the power to acquire and dispose of an interest in real property other than a lease if valued at less than \$1,000,000, and/or to acquire and dispose of real property by lease if the lease is valued annually at less than \$750,000 and has a term of not more than 10 years. The Board of Trustees has authorized the UNC Asheville Chancellor, or her delegate, after consultation with the Board Chair and Executive Committee, to enter Offers to Purchase or other contractual agreements for the acquisition of

interests in real property. This delegation was accomplished by the Board of Trustees Resolution 0220-3, "Resolution to Authorize Certain Real Property Acquisition Activities."

- Pursuant to UNC Regulation 600.1.3[R](IV), the Board of Trustees has been delegated the power to approve certain acquisitions or dispositions of real property by lease. The Board of Trustees has authorized the UNC Asheville Chancellor, or her delegate, after consultation with the Board Chair and Executive Committee, to enter Offers to Purchase or other contractual agreements for the acquisition of interests in real property. This delegation was accomplished by the Board of Trustees Resolution 0220-3, "Resolution to Authorize Certain Real Property Acquisition Activities."
- Pursuant to UNC Policy 600.2.5, Regulation 600.5.2.5[R], and Guideline 600.2.5.1[G], the Board of Trustees has been delegated the power to receive annual independent financial audit reports from each of the private foundations, associations, or clubs whose primary purpose is to provide financial support to the institution. This authority has been delegated to the Board's Audit and Risk Management Committee via the Audit and Risk Management Committee Charter.
- Pursuant to UNC Policy 600.3.4, the Board of Trustees has been delegated the power to approve permanent and temporary appointments and salaries; promotion, including faculty rank changes but excluding tenure; and permanent and temporary salary increases or stipends for faculty and EHRA non-faculty instructional, research, and public service employees. This authority has been delegated to the Chancellor via UNC Asheville's Management Flexibility Plan.
- Pursuant to UNC Policy 600.3.4, the Board of Trustees has been delegated the powers to (i) appoint and fix the salary and non-salary compensation for all vice chancellors and other Tier 1 senior academic and administrative officers with the exclusion of the Chancellor; (ii) approve appointments and salary changes for SAAO Tier 1 appointments, with the exclusion of the Chancellor; (iii) establish salary ranges for SAAO Tier 2 positions; and (iv) confer permanent tenure. The Chancellor has been delegated authority to appoint, fix the salary and non-salary compensation, and approve salary changes for Tier 1 SAAO other than vice chancellors; and establish salary ranges for SAAO Tier 2 positions via UNC Asheville's Management Flexibility Plan.
- Pursuant to UNC Policy 600.3.4, the Board of Trustees has been delegated the powers to establish faculty salary ranges; appoint and fix the compensation for faculty awarded the designation of distinguished professors; and establish instructional, research, and public service employee positions and salary ranges. These authorities have been delegated to the Chancellor via UNC Asheville's Management Flexibility Plan.
- Pursuant to UNC Policy 1100.1, the Board of Trustees has been delegated the authority to receive the UNC Asheville annual intercollegiate athletics report. This

authority has been delegated to the Board's Athletics Committee via the Athletics Committee Charter.

- Pursuant to UNC Regulation 1100.1[R], the Board of Trustees has been delegated the authority to receive and review the annual institutional budget for intercollegiate athletics, including major sources of revenue and expenses. This authority has been delegated to the Board's Athletics Committee via the Athletics Committee Charter.
- Pursuant to UNC Policy 1300.1, the Board of Trustees has been delegated the authority to adopt a policy on illegal drugs applicable to all students, faculty and staff. This authority has been delegated to the Chancellor via the UNC Asheville Illegal Drugs Policy.
- Pursuant to UNC Policy 1400.1, the Board of Trustees has been delegated the power to assign responsibility for oversight of information technology governance to a standing committee of the Board with audit responsibility. This responsibility has been assigned to the Board's Audit and Risk Management Committee via the Audit and Risk Management Committee Charter.
- Pursuant to UNC Policy 1400.2, the Board of Trustees has been delegated the power to assign responsibility for oversight of the institution's information security program to a standing committee of the Board with audit responsibility. This responsibility has been assigned to the Board's Audit and Risk Management Committee via the Audit and Risk Management Committee Charter.
- In addition to the duties, responsibilities, and authorities assigned to the Chancellor by the Board of Governors through Section 502 of The Code of the University of North Carolina, and pursuant to N.C.G.S. § 116-31.10 (Powers of Board regarding certain purchasing contracts), the Board of Trustees hereby delegates to the Chancellor full authority, or affirms the Chancellor's inherent authority to sign or execute, or to designate University employees to sign or execute, agreements, contracts, leases, and other official documents with institutions, agencies, corporations, partnerships, individuals, and other legal entities, including all such agreements not required by law or administrative regulation to be otherwise executed; provided, however, that such agreements shall comply with the law of North Carolina, especially the North Carolina General Statutes 143 and 146, when applicable, and with The Code of the University of North Carolina, and policies determined by the Board of Governors or the Board of Trustees. Campus officials designed by the Chancellor to sign official documents on behalf of the University as of the date of this Resolution are found in UNCA Policy 3007: University Contract Policy and supplemental Contract Delegation for Signature Authority.
- Further, all delegations prescribed herein or in the future, may be further delegated consistent with: (1) UNCA's Master Delegation Table which is attached hereto and incorporated by reference as Exhibit A, (2) UNCA's Board of Trustee Committee Charters which are attached hereto and incorporated by reference as Exhibit B, (3)

UNCA's Management Flexibility Plan, which is attached hereto and incorporated by reference as Exhibit C, and (4) applicable University policies.

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 is hereby vested in the authority of the Board of Trustees.

**ADOPTED AND APPROVED** this 29<sup>th</sup> day of October, 2021.

**THE BOARD OF TRUSTEES OF  
THE UNIVERSITY OF NORTH CAROLINA ASHEVILLE**

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Richard J. Lutovsky, Chair

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Nancy J. Cable, Chancellor