

EVERGREEN

THE EVERGREEN STATE COLLEGE RESOLUTION NO. 2007-04

Resolution of the Board of Trustees of
The Evergreen State College

DELEGATING THE BOARD'S POWERS AND DUTIES

Whereas, it is the intention of the Board of Trustees of The Evergreen State College to concentrate its efforts on strategic direction and major policy making functions and to reaffirm its expectation that the president be responsible for managing the institution and carrying out Board policy; and

Whereas, the Board of Trustees of The Evergreen State College has the authority to delegate its powers and duties under RCW 28B.10.528. And whereas, RCW 28B.10.528 states:

"The governing boards of institutions of higher education shall have the power, when exercised by resolution, to delegate to the President or his" (or her) "designee, of their respective university or college, any of the powers and duties vested in or imposed upon such governing board by law. Delegated powers and duties may be exercised in the name of the respective governing boards";

Be it therefore resolved that pursuant to the authority in RCW 28B.10.528 and RCW 28B.40.120, The Evergreen State College Board of Trustees grants to the President, or to such persons the President declares to be his or her designee, appointing authority for all employment matters relating to all personnel with the exception of the position of President.

Be it further resolved that the Board of Trustees of The Evergreen State College delegates to that person now holding or subsequently appointed to the position of President of The Evergreen State College the authority to exercise in the name of the Board all of the powers and duties, which are required for the effective management of the institution and which do not set major policy or strategic direction, and which are vested in or imposed upon the Board by law which may be delegated, except such powers and duties as the Board shall expressly reserve for the Board.

Be it further resolved that the president may designate other college employees to exercise specific powers and duties delegated to the President.

Be it further resolved that the President will use good faith and judgment in bringing to the Board's attention any new areas of major institutional policy or strategic direction that may from time to time arise.

Be it further resolved that the Board of Trustees has reviewed the legally mandated functions of the board and assessed which areas of this policy-making function are of the long-term strategic nature described and reserves unto itself the following authority:

AUTHORITIES RESERVED BY THE BOARD OF TRUSTEES

1. To organize, administer, and operate the Board of Trustees.
2. To employ the president and set the salary, terms and conditions of employment.
3. To review any additions or changes to the powers and duties assigned to the Board of Trustees as may be required by the enactment of new law or Higher Education Coordinating Board requirements.
4. To review and adopt any changes to Chapter 174, Section 121 of the 1989 Washington Administrative Code, SOCIAL CONTRACT - COLLEGE PHILOSOPHY.
5. To review and approve all changes to the strategic/long-range plan, operating budget requests to the governor and the legislature, and operational expenditure plans regardless of fund sources. This in no way hinders the Board's responsibility to provide strategic leadership to the institution. Initiating changes to the strategic/long-range or expenditure plans is always the prerogative of the Board.
6. To approve all elements of the college campus master plan, 10 year long-range capital plans, modifications to the 10 year long-range capital plan that vary by more than 5% for each individual program project or preservation category, biennial capital budget requests, and capital spending plans regardless of fund source. (Program projects include remodeling to change or improve the use of existing space, or creating a new facility. Preservation projects maintain and preserve college facilities, and do not significantly change the program use of the facility.)
7. To establish academic divisions, schools, departments, programs and institutes connected with the college.

8. To approve the degrees offered by the institution and to award all degrees earned by its students e.g., Masters in Environmental Science, Masters in Public Administration, Masters in Teaching, Bachelor of Arts and Bachelor of Science.
9. To award Emeritus status.
10. To authorize self-supporting programs, services, and facilities. (Funding for self-supported programs is generated by the users of the program through general fees or through payment-for-services fees. Housing, the bookstore, food services, parking facilities, student activities, and summer school are all examples of self-supported programs or services.)
11. To authorize lawsuits and recommend legal defense.
12. To enter into interagency, inter-institutional, and intra-governmental agreements which establish a contractual relationship between The Evergreen State College and another agency, institution, or governmental jurisdiction that extend more than a two-year period or exceed \$150,000 annually.
13. To purchase, sell or lease college real property and to approve entering into leases of real property in excess of \$50,000 per year.
14. To authorize borrowing money and the issuance and sale of revenue bonds.
15. To authorize all non-real property leases that have a total value of \$250,000 or greater over the total life-cycle of the lease agreement.
16. To approve the final design of all major capital program projects with a total project cost exceeding \$1,000,000.
17. To authorize the award of professional architectural, and engineering consulting (A&E) contracts which exceed a total award of \$250,000.
18. To authorize the award of construction contracts which exceed \$500,000.
19. To authorize change orders that would cause a project to exceed the Board approved contract level (including construction contingency) for both the base bid and any bid alternate awards by \$49,999, except as otherwise established by the Board for a specific contract.
20. To approve change order levels not previously approved by the Board when the cumulative amount of change orders for any contractor will exceed \$49,999 within a biennium.

21. Notwithstanding any limitation or reservation of authority to the contrary contained in this Resolution, the Board of Trustees hereby further delegates to the President or the President's designee, as now or hereafter appointed or designated, the emergency power and authority to enter into lawful contracts and agreements, and to incur lawful financial obligations, on behalf of the Trustees and College which are necessary to reduce or eliminate threats of serious injury to persons or property that: (a) are immediate and apparent; and (b) are within the jurisdiction of the College to control. To the extent practicable, the president of the college will consult with the Chair of the Board regarding decisions made under this grant of emergency authority; until such time as a quorum of the full Board can be convened."
22. To approve construction projects not previously reviewed by the Board as part of the regular budget cycle that exceeds \$100,000 regardless of fund source.
23. To adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits, and income of gifts, grants, conveyances, devices, and bequests of real or personal property.
24. To define management's objectives in negotiations, approve the management bargaining team, and approve collective bargaining agreements.
25. To approve general tuition and mandatory fees, as well as Housing and Dining rates.
26. To name college facilities and landmarks, including the naming of buildings, their wings, labs, classrooms, lecture halls, libraries and other interior components; roadways, plazas, gardens, and other outdoor features; and programs, institutes or centers.

* NOTE: Capital projects board approval & delegation of authority attached.

Be it further resolved that the Board of Trustees of The Evergreen State College reserves all rights to revoke or revise this delegation of authority in part or in whole, at any time, at its discretion.

Be it further resolved that nothing in the delegation of authority absolves the Board of Trustees from assuming its ultimate responsibility for the powers and duties as defined under RCW 28B.40.

Be it finally resolved that this resolution rescinds Resolution 2007-03 adopted May 9, 2007 and all other previous resolutions of the Board of Trustees of The Evergreen State College regarding delegating powers and duties of the Board or reserving powers and duties for Board action.

Done in open meeting by the Board this 14th day of June, 2007.

THE EVERGREEN STATE COLLEGE
BOARD OF TRUSTEES

By: _____
Christopher Hedrick, Chair

Attested to by: _____
Marilee K. Roloff, Secretary

Attachment - Capital Projects Board Approval

Revision History:

June 14, 2007: Revised and adopted as Resolution 2007-04
May 9, 2007: Revised and adopted as Resolution 2007-03
May 11, 2005: Revised and adopted as Resolution 2005-02
January 9, 2002: Revised and adopted as Resolution 2002-02
May 14, 1997: Revised and adopted as Resolution 97-10
June 8, 1994: Revised and adopted as Resolution 94-5
March 11, 1992: Adopted as Resolution 92-2
November 20, 1992: Resolution adopted on Board approval of capital projects

CAPITAL PROJECTS BOARD APPROVAL & DELEGATION OF AUTHORITY

<i>ITEM DESCRIPTION</i>	<i>BOARD APPROVAL REQUIRED</i>	<i>BOARD APPROVAL NOT REQUIRED</i>
	<i>At Special or Regular Meeting</i>	<i>Delegated to the President</i>
A. Original Campus Master Plan	X	-
B. Modifications to the Campus Master Plan	X	-
C. Location of Programmatic Projects		
1. According to Previously Approved Master Plan	-	X
2. Not According to Previously Approved Master Plan	X	-
D. Ten Year Comprehensive Capital Plan		
1. All Aspects to the Original	X	-
2. Modifications to original which vary by more than 5% for each Programmatic Project (ie., Longhouse, Etc.)	X	-
3. Modifications to original which vary by more than 5% for any Preservation Category (ie., Life Safety, Etc.)	X	
4. Modifications to original which vary by less than 5% for each Programmatic Project (ie., Longhouse, Etc.)	-	X
5. Modification to original which vary by less than 5% for any Preservation Category (ie., Life Safety, Etc.)	-	X

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<i>ITEM DESCRIPTION</i>	<i>BOARD APPROVAL REQUIRED</i>	<i>BOARD APPROVAL NOT REQUIRED</i>
	<i>At Special or Regular Meeting</i>	<i>Delegated to the President</i>
<i>E. Ensuing Biennium Capital Budget Request</i>		
1. All Aspects to the Original	X	-
2. Modifications to original which vary by more than 5% for each Programmatic Project	X	-
3. Modifications to original which vary by less than 5% for each Programmatic Project	-	X
4. Modification to original which vary by more than 5% for each Preservation Category	X	-
5. Modification to original which vary by less than 5% for each Preservation Category	-	X
<i>F. Biennial Capital Budget Expenditure Plans</i>		
1. All aspects of original scope of work and resulting expenditure plans regardless of funding source	X	-
2. Approve all new un-reviewed programmatic projects that are \$50,000 or greater regardless of funding source	X	-
3. Approve all new un-reviewed programmatic projects that are less than \$50,000 regardless of funding source	-	X

CAPITAL PROJECTS BOARD APPROVAL & DELEGATION OF AUTHORITY

ITEM DESCRIPTION	BOARD APPROVAL REQUIRED	BOARD APPROVAL NOT REQUIRED
	<i>At Special or Regular Meeting</i>	<i>Delegated to the President</i>
4. Approve all change orders that exceed the original contract budget (including contract contingency) by \$50,000 or greater regardless of funding source	X	-
5. Approve all change orders that exceed the original contract budget (including contract contingency) by less than \$50,000 regardless of funding source	-	X
6. Approval of any contract (A&E or Contractor bid award) that are \$250,000 or greater regardless of funding source	X	-
7. Approval of any contract (A& E or Contractor bid award) that are under \$250,000 regardless of funding source	-	X
G. Appointment of Capital Project Designers		
1. Compilation of Potential Designers list	-	X
2. Interviews and Evaluation	-	X
3. Recommendation of top three	-	X
4. Selection if project budget is \$250,000 or greater	X	-
5. Selection if project budget is under \$250,000	-	X
H. Approval of Schematics or Design Development		

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<i>ITEM DESCRIPTION</i>	<i>BOARD APPROVAL REQUIRED</i>	<i>BOARD APPROVAL NOT REQUIRED</i>
	<i>At Special or Regular Meeting</i>	<i>Delegated to the President</i>
1. Approval if project budget is \$250,000 or greater	X	-
2. Approval if project budget is under \$250,000	-	X
<i>I. Approval of Capital Projects Bid Awards</i>		
1. New construction, remodeling, or maintenance improvements where the total award (plus contract contingency) is \$250,000 or greater	X	-
2. New construction, remodeling, or maintenance improvements where the total award (plus contract contingency) is under \$250,000	-	X