OAKLAND UNIVERSITY

ADMINISTRATIVE POLICIES AND PROCEDURES

410 CONTRACTING AND EMPLOYMENT APPOINTMENT AUTHORITY

SUBJECT: Contracting and Employment Appointment Authority

NUMBER: 410

AUTHORIZING BODY: BOARD OF TRUSTEES

RESPONSIBLE OFFICE: GENERAL COUNSEL'S OFFICE

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RATIONALE:

To specify the contracting authority for various administrative functions of Oakland University as authorized and amended on February 2, 2024 by the Board of Trustees.

DEFINITIONS:

POLICY:

1. Contracting Officers

The President shall be the principal contracting officer for the University. The President may delegate this authority to designees when the delegation is specifically described and documented in writing to the Office of the Secretary to the Board. No person may contract pursuant to this authority except as prescribed herein by specific designation or delegation. The Board may in specific instances designate additional contracting officers.

2. Purchase Contracts

A. All contracts for expenditures that aggregate more than $2,500,000 after review by legal counsel must be approved by the Board prior to execution by the President or the President's designee except as provided in 2.C.

B. Contracts for expenditures that aggregate $2,500,000 or less may be executed by the President or the President's designee without Board approval. If any contract under this provision alters or is a departure from a Board approved policy, practice or procedure, or is in conflict with a policy established by the Board, such contract shall be subject to prior Board approval before execution. All contracts for expenditures under this provision that aggregate $1,000,000 or more shall be reported to the Board for informational purposes.

C. In the event of an emergency where it is necessary to conserve University assets, or to protect the interests of the University, or to address the health and safety concerns of the campus population, and there is no regularly scheduled meeting of the Board prior to the time such agreement must be executed, then the President is authorized to contract for the expenditure of funds for goods and services without prior approval of the Board, provided such expenditures are in accordance with the policies and practices established by the Board. Any expenditure or contract entered into pursuant to this authority shall be reported to the Board at its next regular meeting for ratification and any necessary amendment of the budget appropriation.

D. Licensing and lease agreements for the purchase or use by the University of goods, services, or personal property rights are considered contracts under this section.

E. For capital improvement projects that aggregate $2,500,000 or less, the President or designee has the authority to execute all contracts. All capital improvements projects under this provision that aggregate $1,000,000 or more shall be reported to the Board for informational purposes.

For capital improvement projects that aggregate more than $2,500,000, Board authorization shall be obtained at the conceptual stage of the project. At that time, the administration shall present a clear description of the scope of the project, the objectives, the process to be followed for selection of a design, the project schedule, and budget. If the Board approves the project, the President then shall have authority to carry it through to completion within the approved scope and budget.

For any capital improvement project that has major aesthetic considerations, the administration shall obtain Board approval of the schematic design.

3. Employment Appointments and Contracts

A. The authority for the approval of positions and appointments subject to compliance with University policies, procedures, relevant employment contracts and budget authorizations, shall be as set forth below. It is further provided that when such positions and appointments result in a net increase in the total number of full-time positions, the Board shall be notified.

1. (a) Academic dean positions and appointments, academic administrator appointments, and full-time non-visiting faculty appointments including promotions, job security, and tenure actions for all of the above are subject to the recommendation of the President and must be approved by the Board. When it is in the interest of the University, the President or the President's designee may make an offer of employment prior to obtaining Board approval which offer shall be explicitly contingent upon Board action.

(b) The establishment of all academic administrator positions (except full deans as provided in 3.A.1(a) above), faculty and instructional positions and research positions shall be made by the President or the President's designee.

(c) The appointment of full-time visiting faculty, part-time faculty, and Continuing Education instructional staff shall be made by the Executive Vice President for Academic Affairs or a designee. Such appointments shall be made under guidelines established by the President.

2. (a) Vice presidential positions and reclassifications and appointees to these positions are subject to the recommendation of the President and must be approved by the Board.

(b) All administrative-professional and non-academic positions and reclassifications at or equivalent to Administrative-Professional classification level "U" (or its equivalent classification) or above are subject to the recommendation of the President and must be approved by the Board. Appointment of personnel to these positions shall be reported to the Board.

3. The establishment and appointment of all other positions and reclassifications not provided for in 3.1. and 2. above shall be made by the President or the President's designee.

B. Contracts for employment of faculty and staff, subject to compliance with University policies, procedures, relevant employment contracts and budget

authorizations and guidelines established by the President shall be executed as follows:

1. The Executive Vice President for Academic Affairs or a designee shall execute employment contracts for academic deans, academic administrators and all faculty and instructional positions.

2. The President, Vice President for Finance and Administration, or their designee, shall execute employment contracts for all other employees not specified under paragraph 3.B.1. above.

4. Collective Bargaining Contracts:

Collective Bargaining contracts with officially recognized bargaining unit groups are to be signed by the Vice President for Finance and Administration, his/her designee, and the University's chief negotiator (if other than the Vice President for Finance and Administration's designee), subsequent to approval of such contracts by the President and the Board.

5. Contracts for University Facilities and Services

A. Contracts for the lease of University facilities, other than for personal residency, that are for a period of more than five years, are to be executed by the President or the President's designee, subsequent to approval by the Board.

B. Contracts for the lease of University facilities for a period of five years or less and rental agreements for residential purposes are to be executed by the President or the President's designee.

6. Contract/Grant Agreements

Contract/grant agreements relating to educational, research, public service and student financial aid activities of the University are to be executed by the President or the President's designee. Contract/grant agreements which require the actual commitment of University funds are subject to the monetary limitation approval requirements set forth in article 2. Contract/grant agreements under this provision shall be reported to the Board at the earliest meeting date possible.

7. Contracts for the Sale or Disposal of University Assets

A. Subject to the specific prior approval by the Board, compliance with University procedures and policy and review by legal counsel, the President or the President's designee shall have authority to execute agreements for the sale of real property titled to the University.

B. The President, Vice President for Finance and Administration or the Treasurer, when in the interest of the University, shall have the authority to sell, assign or endorse for transfer any certificates representing stocks, bonds or other securities received in kind and held or registered in the name of Oakland University.

C. The President or Vice President for Finance and Administration shall have the authority to sell or dispose of University surplus goods and equipment of less than $100,000 in appraised value for each item in accordance with University policies and procedures when such action is to the benefit of Oakland University.

D. The President or the Vice President for Finance and Administration shall have the authority to sell or dispose of University surplus objects of art, antiques, or collectors' items of less than $100,000 value for each item subject to prior approval of the Board or an ad hoc committee specially appointed by the Board to dispose of such property in the interest of the University.

8. Conformity to Law

All University contracts must be in compliance with the law and with University policies and regulations and shall conform to the legal standards and requirements of the University General Counsel.

SCOPE AND APPLICABILITY:

PROCEDURES:

RELATED POLICIES AND FORMS:

APPENDIX:

Exhibit 1 - Signature Authority Chart