

UNIVERSITY of



DAYTON

Policy on Authority to Formulate and Sign Contracts

Effective Date: October 17, 1974

Approval: August 18, 2014;
University President/Executive
Committee Board of Trustees

Maintenance of Policy: Office of
Legal Affairs

PURPOSE: To protect the interests and manage the risks of the University of Dayton in its agreements with third parties, the University has established who may execute contracts on its behalf as well as the appropriate review of such contracts.

SCOPE: All members of the University of Dayton community and its affiliates, including but not limited to faculty, staff, students, contractors, visiting scholars, visiting researchers, consultants, volunteers and other individuals who work for or visit the University.

POLICY:

1. Consistent with the expenditure levels approved by the Finance Committee or Executive Committee of the Board of Trustees and any applicable requirements of the University's governing documents, the President of the University shall execute contracts between the University and other agencies and individuals to effectuate transactions and may delegate in writing this authority.
2. The President of the University, prior to signing a contract, proposal, etc., which commits major resources which is sensitive to the Board's prerogatives or which is significant from a policy viewpoint shall refer the matter to the Board with his/her recommendation.
3. By separate written instrument or by specific mention on a position description, the President may delegate authority to sign contracts, proposals, and related documents on behalf of the University to the Provost or Vice Presidents, or any subordinate official subject to expenditure levels as approved from time to time by the Finance Committee or Executive Committee of the Board of Trustees.
4. In the event that an Executive Officer listed above desires that a subordinate official should have the authority to execute certain types of contracts and similar documents, the Executive Officer should so recommend to the President, specifying the types of documents and any limitation. The further delegation, if approved, does not relieve the Executive Officer, the President, or even the Board of Trustees of responsibility.

REFERENCE DOCUMENTS:

1. Constitution of the University of Dayton
2. Resolution, Board of Trustees, October 17, 1974
3. Minutes, President's Council, November 2, 1974

POLICY HISTORY:

Approved in its original form:
October 17, 1974;

Approved as amended: June 12,
2000;

Approved as amended: August 18,
2014.

Policy on Authority to Formulate and Sign Contracts, (continued)

POLICY (continued):

5. Any official of the University to whom the President or another authorized official has delegated this type of authority, prior to signing a contract, proposal, etc., which commits considerable resources, which is sensitive to the President's prerogatives or interests, or which may be questionable from a policy viewpoint, will refer the matter to the Office of the President.
6. In case of a question regarding a contract, such as overlapping areas of responsibility or speculative contracts negotiated on a risk basis, the question should be referred to the President for decision and/or for a letter of authorization to the official designated to sign the contract.
7. Each person to whom the authority to sign a contract is delegated must maintain an official document, e.g., a letter from the President or position description approved by the President, as evidence that he/she has been delegated such authority.
8. Any contract which commits considerable resources, which is sensitive to the President's prerogatives, which may be questionable from a policy viewpoint, or involves placing the University in a position of assuming significant legal liability should be sent to the Office of Legal Affairs for review prior to execution.
9. Contracts signed by personnel without proper authority are not binding upon the University.