AGENDA

FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES

Special Committee on Delegations of Authority to University President

Tuesday, March 29, 2016 9 a.m. to Noon
Edwards Hall, Room #309
Florida Gulf Coast University

Committee Members:
- Trustee Christian Spilker – Chair
- Trustee Shawn Felton
- Trustee Dudley Goodlette
- Trustee Kevin Price
- Trustee Ken Smith

NOTE: Indicated times within the agenda are approximate and are subject to change. Agenda items may be taken out of order at the call of the Chair and with the concurrence of the Committee.

9 a.m.  Call to Order, and Roll Call – Chair Christian Spilker

9:05 a.m.  Opening Remarks – Chair Christian Spilker

9:10 a.m.  Presentation of Proposed Resolutions on Presidential Powers and Duties – Vice President and General Counsel Vee Leonard (TAB #1)

9:30 a.m.  Committee Discussion on Proposed Resolutions on Presidential Powers and Duties – Chair Christian Spilker
11:30 a.m.  **ACTION ITEM:** Adoption of Any Recommendation(s) to Full Board on April 19, 2016 for: Resolution on Presidential Powers and Duties – *Chair Christian Spilker*

11:45 a.m. **Old Business** – *Chair Christian Spilker*

11:50 a.m. **New Business** – *Chair Christian Spilker*

11:55 a.m. **Closing Remarks, and Adjournment** – *Chair Christian Spilker*

(END)
ITEM: 1

Florida Gulf Coast University Board of Trustees’ Special Committee on Delegations of Authority to University President March 29, 2016

SUBJECT: Proposed Resolutions on Presidential Powers and Duties

__________________________________________________________

PROPOSED COMMITTEE ACTION

Recommend to the full FGCU Board of Trustees on April 19, 2016, a Resolution on Presidential Powers and Duties, subsuming any duplicated delegations currently in place

BACKGROUND INFORMATION

On February 11, 2016, the Special Committee on Delegations requested that Vice President and General Counsel create and present to the Special Committee draft resolutions with varying levels of authority; light (i.e. broad authority), medium (i.e. moderate authority), and extensive (more restrictive).

The three drafts are being presented today for review. No one Resolution is being recommended. It is anticipated that certain provisions may be moved around, amended, or deleted between the versions as the Committee deems most appropriate for Florida Gulf Coast University.

Supporting Documentation Included: (1) DRAFT Resolution for Presidential Authority (Light); (2) DRAFT Resolution for Presidential Authority (Medium); and (3) DRAFT Resolution for Presidential Authority (Extensive)

Prepared by: Vice President and General Counsel Vee Leonard

Legal Review by: N/A

Submitted by: Vice President and General Counsel Vee Leonard
WHEREAS, effective January 7, 2003, pursuant to Article IX, section 7, Florida Constitution, the Florida Board of Governors was empowered to govern the state university system; and

WHEREAS, effective January 7, 2003, pursuant to Article IX, section 7, Florida Constitution, Florida Gulf Coast University Board of Trustees was empowered to administer Florida Gulf Coast University; and

WHEREAS, by Resolution of the Florida Board of Governors on January 7, 2003, the Board of Governors adopted Florida Statutes, which included Section 1001.75, Florida Statutes that prescribed the university president’s power and duties, as well as other statutes in the K-20 Education Code, Title XLVIII, Florida Statutes; and

WHEREAS, on February 28, 2007, in the case of Floridians for Constitutional Integrity, Inc., et al. v. State Board of Education and Board of Governors, the Circuit Court of the Second Judicial Circuit in and for Leon County, Florida, declared Section 1001.75, Florida Statutes, among others, to be unconstitutional; and

WHEREAS, on January 15, 2008, in response to the unconstitutionality of Section 1001.75, Florida Statutes, and in an effort to address the continued operation of the University, the Florida Gulf Coast University Board of Trustees delegated to Dr. Wilson G. Bradshaw, Ph.D., as University President, Chief Executive Officer and Corporate Secretary of the Board of Trustees “all the powers of the public body corporate ….”

NOW THEREFORE, the Florida Gulf Coast University Board of Trustees hereby amends its previous delegation and delegates to Dr. Wilson G. Bradshaw, as University President, Chief Executive Officer, and Corporate Secretary of the Board of Trustees, responsible for the operation and administration of Florida Gulf Coast University, the following authority, powers, and duties to address all matters related to the operation and administration of the University consistent with the authority delegated to the Board of Trustees by the Board of Governors.

The Florida Gulf Coast University Board of Trustees hereby reaffirms and ratifies all actions within the scope of the Resolution that have been taken by the President or his designees from January 15, 2008, up to and including the date of this Resolution.
The Florida Gulf Coast University Board of Trustees authorizes the President to further delegate to the Vice Presidents and appropriate University personnel the authority, powers, and duties, as described above, in writing with a copy of such delegation to be filed in the Office of the General Counsel. Existing delegations by the President or his designees already in effect as of the date of this Resolution shall remain in effect until such time as it expires or is otherwise withdrawn or nullified in accordance with the terms of the delegation.

No person, except as provided elsewhere by law, rule, regulation, or these policies and procedures, or as otherwise delegated by the University President, is authorized to enter into any agreement, obligation, program, or other legally-enforceable commitment which purports to bind the University. The Board of Trustees’ delegation of any authority or duty to the President or designee shall not limit or divest the Board of Trustees’ right to exercise any such authority or duty.

PASSED AND ADOPTED by the Florida Gulf Coast University Board of Trustees at a public meeting thereof duly called and held this 19th day of April 2016.
 Resolution on Presidential Authority

WHEREAS, effective January 7, 2003, pursuant to Article IX, section 7, Florida Constitution, the Florida Board of Governors was empowered to govern the state university system; and

WHEREAS, effective January 7, 2003, pursuant to Article IX, section 7, Florida Constitution, Florida Gulf Coast University Board of Trustees was empowered to administer Florida Gulf Coast University; and

WHEREAS, by Resolution of the Florida Board of Governors on January 7, 2003, the Board of Governors adopted Florida Statutes, which included Section 1001.75, Florida Statutes, that prescribed the university president’s power and duties, as well as other statutes in the K-20 Education Code, Title XLVIII, Florida Statutes; and

WHEREAS, on February 28, 2007, in the case of Floridians for Constitutional Integrity, Inc., et al. v. State Board of Education and Board of Governors, the Circuit Court of the Second Judicial Circuit in and for Leon County, Florida, declared Section 1001.75, Florida Statutes, among others, to be unconstitutional; and

WHEREAS, on January 15, 2008, in response to the unconstitutionality of Section 1001.75, Florida Statutes, and in an effort to address the continued operation of the University, the Florida Gulf Coast University Board of Trustees delegated to Dr. Wilson G. Bradshaw, Ph.D., as University President, Chief Executive Officer and Corporate Secretary of the Board of Trustees “all the powers of the public body corporate ….”

NOW THEREFORE, the Florida Gulf Coast University Board of Trustees (“the Board”) hereby amends its previous delegation and delegates to Dr. Wilson G. Bradshaw, as University President, the authority, powers, and duties to:

**Presidential Authority**

1. Serve as the Chief Executive Officer and Corporate Secretary of the Board, be responsible to the Board for all operations of the University, and for setting the agenda for meetings of the Board, in consultation with the Chair.

2. Be responsible for the administration of the University in a manner that is dedicated to, and consistent with, the University’s mission which shall be otherwise consistent with the mission and purposes of the State University System as defined by the Board of Governors.
3. Execute all documents and take all actions on behalf of the University and the Board, consistent with the law, Board regulations, policies, and delegations in the best interests of the University.

4. Prepare a strategic plan in alignment with the Board of Governors’ system-wide strategic plan and regulations, and the University’s mission.

5. Review periodically the operations of the University in order to determine how effectively and efficiently the University is being administered and whether it is meeting the goals of its strategic plan adopted by the Board of Governors.

6. Prepare a multi-year work-plan/report that outlines the University’s top priorities, strategic directions, and specific actions and financial plans for achieving those priorities, as well as performance expectations and outcomes on institutional and system-wide goals.

7. Maintain an effective information system to provide accurate, timely, and cost-effective information about the University, and require that all data and reporting requirements of the Board of Governors are met.

8. Recommend the adoption of regulations and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

9. Recommend for promulgation University regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

10. Take routine administrative actions on behalf of the Board related to the development, adoption, amendment, or repeal of University regulations, or any action required under the Florida Administrative Procedures Act, Chapter 120, Florida Statutes, except this authority does not include the final approval of University regulations.

11. Administer traffic regulations on the grounds operated and controlled by the University, as well as maintain order in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.

12. Address campus safety and emergency preparedness, to include safety and security measures for University personnel, students, and campus visitors.

13. Create divisions of sponsored research and establish policies regulating the administration and operation of the divisions of sponsored research.

14. Recommend to the Board the establishment and termination of graduate and undergraduate degree programs within the approved role and scope of the University.
15. Enter into articulation agreements.

16. Award degrees.

17. Govern admission and enrollment of students, subject to law and rules, guidelines, procedures, regulations, and/or policies of the Board and the Florida Board of Governors.

18. Establish minimum academic performance standards for the award of a degree.

19. Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and to enforce the University’s rights therein in accordance with applicable federal and state law.

20. Govern the financial aid process for students to receive financial assistance.

21. Establish and maintain regulations and policies related to student activities and organizations.

22. Maintain student records and reports.

23. Create and maintain antihazing policies, related penalties, and program for enforcement.

24. Develop and maintain a reasonable accommodation of religious observances.

25. Create and maintain a uniform student code of conduct and related penalties.

26. Approve the internal procedures of student government organizations.

27. Effectuate the periodic review and evaluation of the student judicial system.

28. Administer the University’s intercollegiate athletics program in compliance with the rules and regulations of the National Collegiate Athletic Association.

29. Enter into agreements for student exchange programs with other postsecondary educational institutions.

30. Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, in accordance with regulations, rules, or policies approved by the Board and applicable collective bargaining agreements. The President shall consult with the Chair of the Board on the hiring and contracts related to, as well as compensation of senior personnel reporting directly to the President.

31. Serve as the University representative with regard to administering collective bargaining matters.
32. Appoint members to the collective bargaining teams to negotiate agreements on behalf of the Board with bargaining agents duly certified to represent public employees, to regularly inform and consult with the Board on the status of negotiations, and to sign final agreements for the Board after ratification by collective bargaining units.

33. Prepare a budget request and an operating budget for approval by the Board.

34. Sign checks to pay legal obligations of the University.

35. Perform banking transactions provided that all such transactions are in conformance with regulations or policies of the Board.

36. Sign contracts in accordance with University rules, regulations, procedures, and policies.

37. Approve, execute, and administer contracts for and on behalf of the Board for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the University, provided such contracts are in conformance with regulations or policies of the Board and Board of Governors and are for the implementation of approved programs of the University. The President must comply with the provisions of Section 287.055, F.S., for the procurement of professional services and may approve and execute all contracts on behalf of the Board for planning, construction, and equipment. For the purposes of the President’s contracting authority, a “continuing contract” for professional services under the provisions of Section 287.055, F.S., is one in which construction costs do not exceed $1 million or the fee for study activity does not exceed $100,000.

38. Enter into agreements for and accept credit card or other electronic payments as compensation for goods, services, tuition, and fees.

39. Initiate, defend, or settle lawsuits and claims when doing so would be in the best interests of the University, in consultation with the Board Chair, and provide for the payment of the cost of civil actions against officers, employees, or agents of the Board acting within the course and scope of their University duties.

40. Authorize budget transfers from depositories or accounts; to sign checks or otherwise authorize payment of legal obligations of the University; and to perform banking transactions, provided that all such transactions are in conformance with regulations or policies of the Board.

41. Establish a schedule of tuition and fees to be charged by the University, and/or waiver of same, in a manner consistent with the law and with regulations established by the Board of Governors.

42. Account for expenditures of all state, local, federal, and other funds in accordance with...
43. Establish policies and procedures for the performance of annual internal audits of University finances and operations.

44. Act for the Board as custodian of all University property.

45. Adjust property records and dispose of state-owned tangible personal property in the University’s custody in accordance with procedures established by the Board. Notwithstanding the provisions of Section 273.055(5), F.S., all moneys received from the disposition of state-owned tangible personal property shall be retained by the University and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The University shall maintain records of the accounts into which such moneys are deposited.

46. Take charge of any lost or abandoned personal property found on the University campus or on premises owned or controlled by the University or any direct support organization thereof; and if the property is not claimed by the owner within a reasonable period of time as designated by the President or President’s designee, to order it sold at public auction after giving notice of the time and place of sale in a publication of general circulation on the campus. In accordance with the provisions of Florida law, all moneys realized from such sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes.

47. Perform all things necessary for the use, maintenance, protection, and control of, and the imposition of charges for, University-owned or University-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the University.

48. Prepare and recommend for adoption a campus master plan.

49. Prepare and recommend for adoption a campus development agreement.

50. Recommend for adoption, regulations that establish basic criteria related to the procurement of commodities and contractual services.

51. Establish and administer a plan for the fire safety and sanitation of public educational and ancillary plants.

52. Maintain an educational research centers for child development.

53. Establish the internal academic calendar of the University within general guidelines of the Board.
54. Ensure compliance with federal and state laws, rules, regulations, and other requirements which are applicable to the University.

55. Employ private attorney services for the benefit of the University.

56. Secure comprehensive general liability insurance, and other forms of insurance, as necessary.

57. Prepare a capital outlay budget as a part of the annual budget, based upon and in harmony with the University’s capital outlay plan for approval by the Board. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources.

58. Ensure that all plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants conform to the requirements of the Florida Building Code and the Florida Fire Prevention Code. The President is authorized to submit documents to the Florida Board of Governors or State Department of Education, as appropriate, and to award contracts subsequent to and consistent with Board’s approval of the scope, timeframes, funding source, and budget of a survey-recommended project.

59. Close all or portions of the University campus and cease normal operations and services in the event of an emergency, when, in the President’s judgment, such action would protect the safety, health and welfare of the University faculty, students and staff, and the University facilities and grounds. In exercising this authority, the President is authorized to determine and assign those employees who are required to provide essential services.

60. Approve change orders in the name of the Board for amounts not exceeding $250,000.

61. Approve travel in accordance with Section 112.061, Florida Statutes.

62. Employ the services of collection agencies when deemed advisable in collecting delinquent accounts and to charge off and settle accounts when uncollectible.

63. Negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments and donations that may accrue by reason thereof. The President or his or her designee may negotiate, enter into, and execute contracts, including contracts on a cost-reimbursement basis, and may provide temporary financing of such contracts prior to reimbursement from moneys on deposit in a sponsored research development fund, except as may be prohibited elsewhere by law.

64. Exempt purchase by a division of sponsored research of material, supplies, equipment, or services for research purposes from the general purchasing requirements of the Florida Statutes upon certification addressed to the President that it is necessary for the efficient or expeditious prosecution of a research project.
65. Have vested with the President or the President’s designee the powers, duties, and authority that is vested with the University.

66. Comply with all applicable laws, rules, regulations, and requirements.

The Florida Gulf Coast University Board of Trustees hereby reaffirms and ratifies all actions within the scope of the Resolution that have been taken by the President or his designees from January 15, 2008, up to and including the date of this Resolution.

The Florida Gulf Coast University Board of Trustees authorizes the President to further delegate to the Vice Presidents and appropriate University personnel the authority, powers, and duties as described above in writing with a copy of such delegation to be filed in the Office of the General Counsel. Existing delegations by the President or his designees already in effect as of the date of this Resolution shall remain in effect until such time as it expires or is otherwise withdrawn or nullified in accordance with the terms of the delegation.

No person, except as provided elsewhere by law, rule, regulation, or these policies and procedures, or as otherwise delegated by the University President, is authorized to enter into any agreement, obligation, program, or other legally-enforceable commitment which purports to bind the University. The Board’s delegation of any authority or duty to the President or designee shall not limit or divest the Board’s right to exercise any such authority or duty.

PASSED AND ADOPTED by the Florida Gulf Coast University Board of Trustees at a public meeting thereof duly called and held this 19th day of April 2016.
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2. Be responsible for the administration of the University in a manner that is dedicated to, and consistent with, the University’s mission which shall be otherwise consistent with the mission and purposes of the State University System as defined by the Board of Governors.
3. Execute all documents and take all actions on behalf of the University and the Board, consistent with the law, Board regulations, policies, and delegations in the best interests of the University.

4. Prepare a strategic plan in alignment with the Board of Governors’ system-wide strategic plan and regulations, and the University’s mission.

5. Review periodically the operations of the University in order to determine how effectively and efficiently the University is being administered and whether it is meeting the goals of its strategic plan adopted by the Board of Governors.

6. Prepare a multi-year work-plan/report that outlines the University’s top priorities, strategic directions, and specific actions and financial plans for achieving those priorities, as well as performance expectations and outcomes on institutional and system-wide goals.

7. Maintain an effective information system to provide accurate, timely, and cost-effective information about the University, and require that all data and reporting requirements of the Board of Governors are met.

8. Recommend the adoption of regulations and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

9. Recommend for promulgation University regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

10. Take routine administrative actions on behalf of the Board related to the development, adoption, amendment, or repeal of University regulations, or any action required under the Florida Administrative Procedures Act, Chapter 120, Florida Statutes, except this authority does not include the final approval of University regulations.

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23. Create and maintain anti-hazing policies, related penalties, and program for enforcement.

24. Develop and maintain a reasonable accommodation of religious observances.

25. Create and maintain a uniform student code of conduct and related penalties.

26. Approve the internal procedures of student government organizations.

27. Effectuate the periodic review and evaluation of the student judicial system.

28. Administer the University’s intercollegiate athletics program in compliance with the rules and regulations of the National Collegiate Athletic Association.

29. Enter into agreements for student exchange programs with other postsecondary educational institutions.

30. Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, in accordance with regulations, rules, or policies approved by the Board and applicable collective bargaining agreements. The President shall consult with the Chair of the Board on the hiring and contracts related to, as well as compensation of senior personnel reporting directly to the President.

31. Serve as the University representative with regard to administering collective bargaining matters.
32. Appoint members to the collective bargaining teams to negotiate agreements on behalf of the Board with bargaining agents duly certified to represent public employees, to regularly inform and consult with the Board on the status of negotiations, and to sign final agreements for the Board after ratification by collective bargaining units.

33. Perform banking transactions provided that all such transactions are in conformance with regulations or policies of the Board.

34. Sign contracts in accordance with University rules, regulations, procedures, and policies.

35. Approve, execute, and administer contracts for and on behalf of the Board for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the University, provided such contracts are in conformance with regulations or policies of the Board and Board of Governors and are for the implementation of approved programs of the University. The President must comply with the provisions of Section 287.055, F.S., for the procurement of professional services and may approve and execute all contracts on behalf of the Board for planning, construction, and equipment. For the purposes of the President’s contracting authority, a “continuing contract” for professional services under the provisions of Section 287.055, F.S., is one in which construction costs do not exceed $1 million or the fee for study activity does not exceed $100,000.

36. Enter into agreements for and accept credit card or other electronic payments as compensation for goods, services, tuition, and fees.

37. Initiate, defend, or settle lawsuits and claims when doing so would be in the best interests of the University, in consultation with the Board Chair; and to provide for the payment of the cost of civil actions against officers, employees, or agents of the Board acting within the course and scope of their University duties.

38. Authorize budget transfers from depositories or accounts; to sign checks or otherwise authorize payment of legal obligations of the University; and to perform banking transactions, provided that all such transactions are in conformance with regulations or policies of the Board.

39. Establish a schedule of tuition and fees to be charged by the University, and/or waiver of same, in a manner consistent with the law and with regulations established by the Board of Governors.

40. Account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by state or federal law.

41. Establish policies and procedures for the performance of annual internal audits of University finances and operations.
42. Act for the Board as custodian of all University property.

43. Serve, or have a designee serve, on the Board of each direct support organization; receive annual budgets and reports of such organizations, including IRS Form 1023 (Application for Recognition) and IRS Form 990 (Return of Organization Exempt from Income Tax); and submit annual financial statements to the Board of Governors.

44. Adjust property records and dispose of state-owned tangible personal property in the University’s custody in accordance with procedures established by the Board. Notwithstanding the provisions of Section 273.055(5), F.S., all moneys received from the disposition of state-owned tangible personal property shall be retained by the University and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The University shall maintain records of the accounts into which such moneys are deposited.

45. Take charge of any lost or abandoned personal property found on the University campus or on premises owned or controlled by the University or any direct support organization thereof, and if the property is not claimed by the owner within a reasonable period of time as designated by the President or President’s designee, to order it sold at public auction after giving notice of the time and place of sale in a publication of general circulation on the campus. In accordance with the provisions of Florida law, all moneys realized from such sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes.

46. Perform all things necessary for the use, maintenance, protection, and control of, and the imposition of charges for, University-owned or University-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the University.

47. Prepare and recommend for adoption a campus master plan.

48. Prepare and recommend for adoption a campus development agreement.

49. Recommend for adoption, regulations that establish basic criteria related to the procurement of commodities and contractual services.

50. Establish and administer a plan for the fire safety and sanitation of public educational and ancillary plants.

51. Maintain an educational research centers for child development.

52. Establish the internal academic calendar of the University within general guidelines of the Board.
53. Ensure compliance with federal and state laws, rules, regulations, and other requirements which are applicable to the University.

54. Employ private attorney services for the benefit of the University.

55. Secure comprehensive general liability insurance, and other forms of insurance, as necessary.

56. Report annually to the Board the status of accounts receivable charge-offs.

57. Prepare a capital outlay budget as a part of the annual budget, based upon and in harmony with the University’s capital outlay plan for approval by the Board. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources.

58. Prepare a budget request and an operating budget for approval by the Board and to implement the operating budget of the University as prescribed by Florida law, the provisions of the General Appropriations Act and rules, guidelines, procedures, regulations, resolutions and policies of the Florida Board of Governors and the Board. The proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the Board approved operating budget goes below 5 percent (5%), the President shall provide written notification to the Board and the Florida Board of Governors.

59. Ensure that all plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants conform to the requirements of the Florida Building Code and the Florida Fire Prevention Code. The President is authorized to submit documents to the Florida Board of Governors or State Department of Education, as appropriate, and to award contracts subsequent to and consistent with Board’s approval of the scope, timeframes, funding source, and budget of a survey-recommended project.

60. Close all or portions of the University campus and cease normal operations and services in the event of an emergency, when, in the President’s judgment, such action would protect the safety, health and welfare of the University faculty, students and staff, and the University facilities and grounds. In exercising this authority, the President is authorized to determine and assign those employees who are required to provide essential services.

61. Approve change orders in the name of the Board for amounts not exceeding $100,000. All such approvals shall be for the purpose of expediting the work in progress. Change orders for an amount exceeding $100,000 may be made by the President or designee after consultation with and approval of the Chair of the Administration and Finance Committee.

62. Approve travel in accordance with Section 112.061, Florida Statutes.
63. Employ the services of collection agencies when deemed advisable in collecting delinquent accounts and to charge off and settle accounts when uncollectible.

64. Negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments and donations that may accrue by reason thereof. The President or his or her designee may negotiate, enter into, and execute contracts, including contracts on a cost-reimbursement basis, and may provide temporary financing of such contracts prior to reimbursement from moneys on deposit in a sponsored research development fund, except as may be prohibited elsewhere by law.

65. Exempt purchase by a division of sponsored research of material, supplies, equipment, or services for research purposes from the general purchasing requirements of the Florida Statutes upon certification addressed to the President that it is necessary for the efficient or expeditious prosecution of a research project.

66. Have vested with the President or the President’s designee the powers, duties, and authority that is vested with the University.

67. Comply with all applicable laws, rules, regulations, and requirements.

AUTHORITIES RETAINED BY THE BOARD

The Board hereby confirms that it has retained the following authorities, which the Board shall exercise as a full Board or through any Board committees it may authorize and in accordance with applicable laws and Board’s and Board of Governors’ resolutions, regulations, operating memoranda, and policies; and the President shall exercise his or her authorities granted under action of the Board consistently with the Board’s retention of these authorities:

1. Strategic Oversight. The responsibility to establish (subject to Board of Governors approval as applicable, and with the benefit of the President’s advice as hereby deemed appropriate by the Board), and to oversee and govern the strategic goals of the University and to review the performance of the University against such goals, which the Board will exercise by requiring periodic reporting on strategic matters delegated to the President and/or by direct resolution or operating memoranda.

2. Masters and Undergraduate Programs. After considering the recommendation of the President as hereby deemed appropriate by the Board, to approve the creation and termination of masters and undergraduate degree-granting programs of the University, subject to Board of Governors final approval of limited access programs and undergraduate programs requiring more than 120 credits for graduation if and as required by law.

3. Doctoral and Professional Graduate Programs. After considering the recommendation of the President as hereby deemed appropriate by the Board and, if and as required by law,
subject to Board of Governors final approval: (i) to approve the creation and termination of doctoral and professional graduate degree-granting programs of the University; and (ii) if and as required by law, to recommend and seek final Legislative approval for the creation of new colleges, schools and functional equivalents offering a program leading to a degree that is a credential for a specific license issued under a state statute or the state constitution.

4. Graduation Criteria and Awarding Honorary Degrees. After considering the recommendation of the President as hereby deemed appropriate by the Board, (i) to establish the criteria that must be satisfied to earn an undergraduate or graduate degree from the University; and (ii) to finally approve the awarding of honorary degrees by the University.

5. Non-academic Admissions Criteria. After considering the recommendation of the President as hereby deemed appropriate by the Board, to determine and adopt a regulation establishing the non-academic criteria for admission to degree-granting programs of the University and, if Board of Governors approval is required by law, which regulation shall not become effective until the Board of Governors approves the regulation (expressly or by the passage of time without action, as provided in the Board of Governors’ regulation development procedure).

6. Tuition and Student Fees. After considering the recommendation of the President as hereby deemed appropriate by the Board, to approve the creation of tuition and fees by the University; To recommend to the Board of Governors that it grant final approval of such tuition and student fees if and as required by law; and To approve the imposition of such approved tuition and student fees upon appropriation by the Legislature if and as required by law.

7. Vice President Organization and Collective Bargaining. (i) Through the Board, to ratify the organizational structure of the Vice Presidents of the University regarding their reporting relationship to the President as initially approved by the President for final ratification and (ii) To resolve impasses in collective bargaining and, if and as required by law, to ratify collective bargaining agreements.

8. Operating and Capital Budgets and Plan, Campus Master Plan, and Investment Policy. After considering the recommendation of the President as the Board hereby deems appropriate (i) To approve the University’s operating budget and capital budget and plan; (ii) To recommend to the Board of Governors that it grant final approval of such operating budget and capital budget and plan if and as required by law; (iii) To approve the University’s campus master plan and development agreement; and (iv) To approve the University’s investment policy.

9. Naming Buildings. After considering the recommendation of the President as the Board hereby deems appropriate (i) to approve the name of any building, college, school, department, institute, center, park, bridge, recreational complex or road of the University
for any individual, corporation or other entity; and (ii) if and as required by law in connection with living individuals, to recommend such name to the Board of Governors and/or Legislature for its final approval.

10. Real Estate Transactions, Other Than Non-financing Leases, Easements and Licenses, And Power Of Eminent Domain. After considering the recommendation of the President as the Board hereby deems appropriate (i) To approve all acquisitions, dispositions and other transactions involving real property interests and, if and as required by law, to seek final approval of such transactions from the Florida State Internal Improvement Trust Fund, [a] except that donations of real property interests to the University, non-financing leases, easements, and licenses shall not require Board or Trust Fund approval, and [b] except that leases of any kind shall not require Trust Fund approval, and [c] except that an applicable master lease between the University and the Trust Fund may require Trust Fund approval for transactions that otherwise do not require such approval; (ii) To seek final approval of the Board of Governors of all lease purchases by the University if and as required by law; and (iii) To acquire real property interests for the University through the exercise of the power of eminent domain.

11. Serving As Trustee of Trusts of Real and Personal Property. To serve as the trustee of any trust of real and/or personal property; and if and as required by law, to recommend and seek Board of Governors’ approval of any contracts respecting trust property for terms of more than 10 years (including all contracts conveying full title, permanent easements and other interests that last more than 10 years).

12. Construction of Facilities Needing State Operations and Maintenance Funding. After considering the recommendation of the President as the Board hereby deems appropriate, to approve the commencement of construction of any facility that requires and has not yet received state funding by the Legislature for facility operating and maintenance costs.

13. Depository Accounts. After considering the recommendation of the President as the Board hereby deems appropriate, and if and as required by law, to approve the University’s depository accounts with depository institutions.

14. Debt. After considering the recommendation of the President as the Board hereby deems appropriate, (i) engage in sound debt management practices for the issuance of debt by the University and its direct support organizations, and shall comply with the guidelines established by the Board of Governors in connection with the authorization, issuance, and sale of University and direct support organization debt; (ii) To approve and, if and as required by law, to recommend to the Board of Governors for its final approval, the issuance or incurrence of debt by the University or its Direct Support Organizations, except for equipment and software leases and debt secured solely by gifts and donations that satisfy any applicable term limitations, refunding to reduce debt service without extending debt terms, and fully collateralized lines of credit for temporary cash flow, which do not require Board or Board of Governors’ approval; and (iii) if and as required by law, to recommend the issuance of any revenue bonds and other specialized debt to the
Legislature for its final approval.

15. Affiliated Organizations. (i) After considering the recommendation of the President as the Board hereby deems appropriate, to approve the creation and certification, decertification, and dissolution of Direct Support Organizations (and other affiliated organizations of the University whose authorizing legislation or agreement with the University permits University approval), and the construction of any such affiliate’s off-campus facilities that will require state operating funding; (ii) To appoint a representative to the governing boards of each affiliate if desired by the Board; and (iii) To receive and review reports of the President on the budgets and audits of each affiliate.

16. Regulation Development. After considering the recommendation of the President as the Board deems appropriate, to adopt the regulations of the University including, without limitation, those relating to participation in state-wide programs for articulation, access, and accountability, the non-academic criteria for admissions (which, if and as required by law, shall not become effective until receiving Board of Governors approval), the code of student conduct, and those relating to human resources.

The Florida Gulf Coast University Board of Trustees hereby reaffirms and ratifies all actions within the scope of the Resolution that have been taken by the President or his designees from January 15, 2008, up to and including the date of this Resolution.

The Florida Gulf Coast University Board of Trustees authorizes the President to further delegate to the Vice Presidents and appropriate University personnel the authority, powers, and duties as described above in writing with a copy of such delegation to be filed in the Office of the General Counsel. Existing delegations by the President or his designees already in effect as of the date of this Resolution shall remain in effect until such time as it expires or is otherwise withdrawn or nullified in accordance with the terms of the delegation.

No person, except as provided elsewhere by law, rule, regulation, or these policies and procedures, or as otherwise delegated by the University President, is authorized to enter into any agreement, obligation, program, or other legally-enforceable commitment which purports to bind the University. The Board’s delegation of any authority or duty to the President or designee shall not limit or divest the Board’s right to exercise any such authority or duty.

PASSED AND ADOPTED by the Florida Gulf Coast University Board of Trustees at a public meeting thereof duly called and held this 19th day of April 2016.