AGENDA

FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES
CONFERENCE CALL MEETING

Thursday, June 29, 2017  10 a.m. to (estimated) 11 a.m.

CALL WILL ORIGINATE FROM EDWARDS HALL, CONFERENCE ROOM #309
FLORIDA GULF COAST UNIVERSITY

NOTE: Indicated times within the agenda are approximate and are subject to change.

10 a.m.  Call to Order, and Roll Call – Chair Dudley Goodlette

10:05 a.m.  Finance, Facilities and Administration Committee
           (Includes Public Comment) – Committee Chair Blake Gable

Action Items:
- Regulation: FGCU-PR7.001 Tuition and Fees – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #1)
- Regulation: FGCU-PR7.006 Waivers of Tuition and Fees – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #2)
- Regulation: FGCU-PR1.001 Statement of Agency Organization and Operation – Vice President and General Counsel Vee Leonard (TAB #3)
- Florida Gulf Coast University Board of Trustees Ethics Policy – Vice President and General Counsel Vee Leonard (TAB #4)
- (IF RECEIVED) 2018 Legislative Budget Request – Director of Government Relations Jennifer Goen (TBA)
<table>
<thead>
<tr>
<th>Tab #</th>
<th>Item</th>
<th>Action/Information</th>
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<tbody>
<tr>
<td>1</td>
<td>Regulation: FGCU-PR7.001 Tuition and Fees</td>
<td>Board Action</td>
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<td>2</td>
<td>Regulation: FGCU-PR7.006 Waivers of Tuition and Fees</td>
<td>Board Action</td>
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<td>3</td>
<td>Regulation: FGCU-PR1.001 Statement of Agency Organization and Operation</td>
<td>Board Action</td>
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<td>4</td>
<td>Florida Gulf Coast University Board of Trustees Ethics Policy</td>
<td>Board Action</td>
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<td>5</td>
<td>(IF RECEIVED) 2018 Legislative Budget Request</td>
<td>Board Action</td>
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ITEM: 1

Florida Gulf Coast University Board of Trustees
June 29, 2017

SUBJECT: Regulation: FGCU-PR7.001 Tuition and Fees

PROPOSED BOARD ACTION

(1) Approve amendments to Regulation FGCU-PR7.001, Tuition and Fees; and
(2) authorize the University to promulgate the Tuition and Fee Regulation under
the Florida Board of Governors Regulation Development Procedures.

BACKGROUND INFORMATION

Sections 1001.706 and 1009.24, Florida Statutes, and the Florida Board of
Governors (BOG) Regulation 1.001 require the FGCU Board of Trustees to
establish tuition and fees for the University, in accordance with BOG’s
regulations. The proposed amendments to Regulation FGCU-PR7.001 Tuition
and Fees, attached hereto as supporting documentation, do not impose an
increase for tuition and fees. In addition, the regulation recommences the tuition
waiver of $1.75 per credit hour adopted last fiscal year resulting in the same
tuition cost to students. The regulation also implements an increase in the repeat
course fee to $182.12 as authorized by the BOG.

In accordance the BOG Regulation Development Procedure, the Regulation
changes will become effective upon approval of the BOG or sixty (60) days after
being submitted to the BOG for approval, whichever is earlier, unless the BOG
disapproves the Regulation.

Supporting Documentation Included: (1) Summary Memo, and (2) Notice and
Text for Regulation FGCU-PR7.001 Tuition and Fees

Prepared by: University Controller June Gutknecht

Legal Review by: Vice President and General Counsel Vee Leonard (May 25,
2017)

Submitted by: Vice President for Administrative Services and Finance Steve
Magiera
TO: FGCU Board of Trustees
FROM: Steve Magiera, Vice President Administrative Services and Finance
SUBJECT: Regulation FGCU-PR7.001 Tuition & Fees
DATE: June 13, 2017

Every year the Board is required to approve the Tuition and Fees for the upcoming fiscal year. The University is not requesting any changes; however, there are two items to note. The first is on page 1 of 8 and is the continuation of the $1.75 per hour credit against the tuition charge. The FGCU Board of Trustees established the credit in fiscal year 2013-2014. The second item is on page 2 of 8 and involves an increase of $3.55 for a Repeat Course Fee. This directive from the Board of Governors brings the charge from $177.57 to $181.12.
FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

REGULATION TITLE:
Tuition and Fees

REGULATION NO:
FGCU-PR7.001

SUMMARY:
This Regulation is being amended to increase the per-credit hour cost of a “Repeat Course Fee.”

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

AUTHORITY:
§§1004.07, 1009.01, 1009.21, 1009.24, 1009.26, 1009.27, 1009.28, 1009.285, Florida Statutes; Board of Governors Regulation 7.001

OFFICIAL INITIATING THE PROPOSED/REVISED REGULATION:
David Vazquez, Director, University Budgets

UNIVERSITY OFFICIAL APPROVING THE PROPOSED/REVISED REGULATION:
Steve Magiera, Vice President for Administrative Services and Finance

CONTACT INFORMATION REGARDING THE PROPOSED/REVISED REGULATION:
Mary Kline, Executive Assistant
Office of the General Counsel
10501 FGCU Blvd. S., Fort Myers, FL 33965-6565
(P): 239.590.1101 | (F): 239.590.7470 | Email: mkline@fgcu.edu

Any person may submit written comments concerning a proposed regulation, amendment, or repeal to the contact person identified above within 14 days after the date this notice was posted. The comment(s) must identify the regulation to which you are commenting.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON MAY 26, 2017.
REGULATION: FGCU-PR7.001  
Tuition and Fees  

Effective Date of Regulation: 6/10/2016

A. General

Tuition and fees assessed by the University shall be in accordance with the General Appropriations Act and the regulations and policies of the Board of Governors.

B. Tuition and Fees

1. Tuition and Fee Schedule

The University shall assess the following tuition and fees per credit hour for each regularly enrolled student, depending on whether a student is a resident or non-resident of the State of Florida, unless provided otherwise by law or in this regulation:

<table>
<thead>
<tr>
<th>Tuition/Fee</th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resident</td>
<td>Non-Resident</td>
</tr>
<tr>
<td>Tuition</td>
<td>105.07</td>
<td>709.65</td>
</tr>
<tr>
<td>Tuition Differential</td>
<td>36.38</td>
<td>36.38</td>
</tr>
<tr>
<td>Financial Aid Fee</td>
<td>5.25</td>
<td>35.46</td>
</tr>
<tr>
<td>Transportation Fee</td>
<td>5.95</td>
<td>5.95</td>
</tr>
<tr>
<td>Parking Decal Fee</td>
<td>2.75</td>
<td>2.75</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>6.76</td>
<td>6.76</td>
</tr>
<tr>
<td>Activity and Service Fee</td>
<td>11.50</td>
<td>11.50</td>
</tr>
<tr>
<td>Athletic Fee</td>
<td>13.54</td>
<td>13.54</td>
</tr>
<tr>
<td>NCAA Athletic</td>
<td>4.00</td>
<td>4.00</td>
</tr>
<tr>
<td>Technology Fee</td>
<td>5.25</td>
<td>5.25</td>
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<tr>
<td><strong>Tuition Waiver FY17-FY18</strong></td>
<td>(1.75)</td>
<td>(1.75)</td>
</tr>
<tr>
<td><strong>Total Per Credit Hour</strong></td>
<td><strong>$ 203.94</strong></td>
<td><strong>$ 838.73</strong></td>
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</table>
2. Repeat course fee

A student enrolled in the same undergraduate college credit course more than twice shall be assessed an additional $177.57 per credit hour charge for each such course.

3. Excess hour fee

All state university undergraduate students who entered a postsecondary undergraduate program at any Florida public institution of higher education for the first time in fall 2009 or thereafter and prior to fall 2011 shall pay an excess hour fee equal to 50 percent of the undergraduate tuition for each credit hour in excess of 120 percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

All state university undergraduate students who entered a postsecondary undergraduate program at any Florida public institution of higher education for the first time in fall 2011 or thereafter shall pay an excess hour fee equal to 100 percent of the undergraduate tuition for each credit hour in excess of 115 percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

All state university undergraduate students who entered a postsecondary undergraduate program at any Florida public institution of higher education for the first time in fall 2012 or thereafter shall pay an excess hour fee equal to 100 percent of the undergraduate tuition for each credit hour in excess of 110 percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

C. Payments on Accounts Due the University

Charges against a student's account for loss or breakage of University equipment, lost books, library, or parking fines, and other related charges are due immediately. University policy prohibits registration or release of transcript and diploma for any student whose account with the University is delinquent.

D. Registration

Registration occurs when a student:

1. Selects one or more credit courses approved and scheduled by the University; and,

2. Pays tuition and fees, partial or otherwise, or makes other appropriate arrangements for tuition payment (installment payment, deferment, or third-party billing) for the courses in which the student is enrolled as of the end of the drop/add period. The University does not have a plan for installment payment of fees.
E.  Payment

Tuition and registration fees must be paid in full by the payment deadline date designated in the Academic Calendar as the "last date to pay fees" for each term. Payments shall be made at the Cashier's Office, University Website, or by mail and received no later than that date. The President or designee will extend the deadline for fee payment when payment by the student is delayed due to University action or inaction.

F.  Liability for Payment of Tuition

Liability for payment of tuition is incurred at the point at which the student has completed registration. Students are liable for all fees associated with all courses in which they are registered at the end of the drop/add period.

G.  Cancellation of Registration

A student's course schedule shall be canceled when tuition has not been paid or when arrangements for payment have not been made through the Office of Financial Aid or the Cashier's Office. Students are liable for tuition and fees associated with all courses in which they are registered at the end of drop/add period. A student who has not made any effort to pay their tuition and fees by the published deadline will have all courses canceled. A student whose course schedule has been canceled cannot thereafter attend classes and will not obtain credit for courses. A student whose course schedule has been canceled will be mailed written notice of cancellation from the Registrar’s Office to his/her last known address on record and be given a deadline by which he/she may apply for reinstatement. A student who make an effort to pay, including but not limited to partial payments by credit card, check, or cash, any type of financial aid or scholarship, grants, waivers, third party contracts, Florida Bright Futures, and Florida Pre-paid, by the published deadline will not be cancelled from all courses and are considered fee liable.

H.  Reinstatement

Students may seek reinstatement of their course schedule by following the procedures outlined in this subsection.

1.  Requests for reinstatement. A request for reinstatement must be presented in writing to the Registrar's Office by the deadline given on the notice of cancellation mailed to the student. The request for reinstatement must include all documentation supporting the request. The Reinstatement Appeals Committee will evaluate the request based upon the criteria contained in this rule and notify the student in writing of its decision.

2.  Reinstatement Appeals Committee. A student whose course schedule has been canceled for non-payment may apply for reinstatement of the course schedule to the Reinstatement Appeals Committee. The Committee shall consist of at least three staff members appointed annually by the President, and one student appointed by the
FGCU Student Government. The Committee shall meet as required between the published last day to pay fees and six months after the end of the term for which the reinstatement is requested. The decision of the Committee shall be final.

3. Criteria for Reinstatement. In evaluating a request for reinstatement, the Committee shall apply the following criteria:

a) Reinstatement shall be granted where it is demonstrated that the student's registration was canceled through University error.

b) Reinstatement shall be granted where the student submits documentation demonstrating that the student was prevented from making timely payment due to extenuating circumstances beyond the student's control. Examples of "extenuating circumstances" include:

1) A student was unavoidably out of town during the week prior to the last day to pay fees, or

2) A student was ill and unable to make payment prior to the last day to pay fees.

c) If a student's reinstatement is approved by the Reinstatement Appeals Committee, they must be reinstated for all courses for which they were originally registered.

Where reinstatement is granted, the student shall take the written decision of the Committee to the Cashier's office, pay the fees which are due and complete the registration process with the Registrar's Office.

I. Late Registration Fee

1. A late registration fee of $100 shall be assessed by the University when registration is initiated after the close of the regular registration period.

2. The late registration fee shall be waived when:

   a) The late registration was caused by a University error, or

   b) The student was unavoidably out of town on the last day to register (documentation must be provided), or

   c) The student was ill (documentation must be provided), or

   d) The course was closed and the student was required to wait until classes started (written documentation from the instructor is required), or
e) The student was informed after the published last day to register that a course is necessary in order to graduate, be re-certified, or is a work related requirement (appropriate documentation must be provided).

J. Late Payment Fee

A late payment fee of $100 shall be assessed by the University when:

1. A student pays his/her fees after the published "last day to pay fees", and has been approved for reinstatement pursuant to this rule; or

2. A dishonored check is redeemed after the last date to pay fees.

K. University Loan Program Service Charge

In lieu of interest, a $10 service charge will be assessed to any student participating in the University loan program regardless of the amount of the loan. Students utilizing the university loan program must sign a promissory note which obligates them to the total loan amount including the $10 service charge for each loan issued.

L. Tuition and Fee Appeals

Students may appeal the assessment of fees and request refunds of tuition and fees to the Fee Appeals Committee according to procedures set forth in this subsection.

1. Procedures. A student who seeks review of tuition or a fee assessed shall file a written appeal with the Registrar's Office. The appeal must set forth the basis for seeking a refund and attach all supporting documentation. An appeal must be filed no later than six months following the last day of the term during which the respective tuition or fees were incurred. For the purpose of this regulation, summer terms are considered as one term.

2. Tuition and Fee Appeals Committee. The Tuition and Fee Appeals Committee shall consist of at least three staff members who are appointed annually by the President, and one student appointed by the FGCU Student Government. The Committee shall meet as often as necessary to review and act upon appeals which come before it.

3. Committee Determinations. Each appeal will be initially reviewed by the Registrar or designee. A decision will be made by the Registrar's Office according to criteria established by this regulation. The decision shall be communicated in writing to the student within sixty (60) days from the date the appeal was filed with the University. The Tuition and Fee Appeals Committee shall consider only cases of those students who are appealing the initial decision made by the Registrar's Office. Students may appear in person before the Committee to present their appeal. The decision of the Committee is final.
4. Criteria for Determining Tuition and Fee Appeals. The criteria established by this regulation shall govern decisions by the Registrar and the Tuition and Fee Appeals Committee:

a) An appeal shall be granted when it is demonstrated that tuition or fees were paid as a result of University error.

b) An appeal shall be granted when it is demonstrated that the student was prevented from timely withdrawal from the University due to extenuating circumstances beyond the student's control. Extenuating circumstances include death of the student, or death in the immediate family (parent, spouse, child, sibling) of the student; illness of the student that is of long duration or severity, as confirmed in writing by a physician; or call to, or enlistment in, active military duty.

M. Refunds

Refunds will be processed and mailed to the address shown on the Registrar’s files to all students whose fee accounts show an overpayment after the published last day to pay fees. Students due a refund will not be required to submit a refund request to receive their refund because it will be automatically calculated. If there is a balance due to the University in the accounts receivable system, that amount will be deducted from any refund due. In addition, students shall be entitled to refunds in the following circumstances:

1. 100% of tuition and course related fees will be refunded if notice of complete withdrawal or course withdrawal from the University occurs prior to the end of drop/add period.

2. 25% of tuition and course related fees will be refunded if notice of withdrawal from ALL courses from the University occurs prior to the deadlines as designated by the University or in the Academic Calendar for each term.

3. Students who receive financial aid and subsequently change their enrollment status and this action results in a refund, may have all or a portion of their refund returned to the University's Financial Aid Office in accordance with the terms of their financial aid agreement.

4. 100% of tuition and course related fees if a student withdraws or drops a course due to circumstances which are exceptional and beyond the control of the student. Requests for fee adjustments must meet one of the conditions below to be considered:

5. Death of the student or immediate family member (parent, spouse, child or sibling) as confirmed by documentation indicating the student's relationship to the deceased. A death certificate is required.

   a) Illness of student of such severity or duration to preclude completion of course(s). Written confirmation by a physician required.
b) A situation in which the University is in error as confirmed in writing by the appropriate Vice President or other senior administrator.

N. Deferred Payment Status

Deferred payment status for tuition and registration fees will be granted upon application by the student on the following grounds:

1. Veterans shall be entitled to deferment in accordance with the provisions of Section 1009.27, F.S.
   a) Each student granted a veteran's deferment shall sign a promissory note for the amount of registration and tuition fees due. The promissory note must be presented to the University Cashier's Office before the published last day to pay fees. Failure to present the promissory note by the deadline will result in the student being assessed the $100 late payment fee. If the student does not present an authorized deferment to the Cashier, including the $100 late fee, by the close of the fourth week of classes, the student's registration shall be canceled. The student may request reinstatement by presenting an authorized VA deferment promissory note along with a $100 late registration/late payment fee in lieu of full payment of tuition and registration fees. (See the procedure outlined in Reinstatement.)
   b) If an eligible student's educational benefits are delayed beyond the deferral period, (end of term for which they are enrolled) the deferment will be extended upon request by the student with written verification from the granting entity that the student is eligible to receive benefits and that benefits are being processed for payment. Upon receipt of written verification, the Registrar's Office shall approve the deferment and any request for extension. Additional extensions may be similarly granted until such time that the student begins receiving educational benefits. Failure of the veteran to pay the amount of the authorized deferment by the due date or extended date, whichever is later, will result in the student being assessed the $100 late registration/late payment fee.

2. Third Party Billings. Deferment is permitted when formal contractual arrangements have been made with the University for payments by an approved third party. The President or designee is responsible for negotiating such third party contracts.

3. Delay in Financial Aid Delivery. Deferral of tuition and fees is permitted for those students receiving financial aid from federal, state, or University assistance programs when delivery of the aid is delayed through circumstances beyond the control of the student. Failure to make timely application for such aid shall be insufficient reason to receive such deferral. The Director of Financial Aid shall certify a student's eligibility for deferral to the University Controller or designee for each student for each academic term for which receipt of aid is delayed.
4. Extraordinary circumstances exist and the deferment has the approval of the President or his designee.

O. Withdrawal or Course Changes Due to Military Service

A student who is called to, or enlists in, active military service in the United States Armed Forces may choose to withdraw from the University or any course(s) with a full refund of tuition and fees paid and without academic penalty. In the alternative, a student may elect not to withdraw and to complete the course(s) at a later date. A student who elects to complete the course(s) at a later date shall re-enroll and begin completion of the course(s) requirements no later than within six months after discharge or release from active military duty.

1. Notification of withdrawal or course change(s) due to military service shall be made to the Office of the Registrar as soon as practicable. The student, or a representative of the military service on the student's behalf, shall provide verification of the official active duty orders and/or discharge to the Office of the Registrar.

2. The transcript of a student will be annotated to reflect that the above withdrawal or course change(s) is due to active military service.

3. A student living in University housing or registered for a meal plan will receive a pro rata refund of fees paid based on the date of withdrawal or the date of election to complete the course(s) at a later date, or the terms of the meal plan.

4. The student is responsible for returning any outstanding library materials and University equipment, and for the payment of any parking fines assessed by the University.

Action by Florida Gulf Coast University Board of Trustees
Approved 06/07/2016

Action by the Florida Board of Governors
Approved 06/10/2016

Specific Authority
§§1004.07, 1009.01, 1009.21, 1009.24, 1009.26, 1009.27, 1009.28, 1009.285, Florida Statutes; Board of Governors Regulation 7.001

History of Regulation
New 11/13/05; Amended 6/29/06, 6/19/07, 7/27/07, 6/17/08, 10/27/08, 6/29/09, 6/15/10, 07/05/11, 6/21/12, 6/19/13, 6/18/14, 6/11/15, 06/10/16

Effective Date of Regulation
06/10/2016
Florida Gulf Coast University Board of Trustees
June 29, 2017

SUBJECT: Regulation: FGCU-PR7.006 Waivers of Tuition and Fees

PROPOSED BOARD ACTION

Approve amendments to Regulation FGCU-PR7.006, Waivers of Tuition and Fees to align the University’s regulation with the Florida Board of Governors’ regulation.

BACKGROUND INFORMATION

The proposed Regulation FGCU-PR7.006, Waivers of Tuition and Fees, establishes waivers for tuition and fees created by the legislature and/or Board of Governors. All tuition, non-resident tuition and associated fees waived must be based on regulations that are adopted by the university Board of Trustees and where applicable, consistent with regulations adopted by the Board of Governors.

The amendments to the current regulation will align the University’s regulation with the BOG’s regulation.

Supporting Documentation Included: (1) Summary Memo, and (2) Notice and Text for Regulation FGCU-PR7.006 Waiver of Tuition and Fees

Prepared by: Vice President for Administrative Services and Finance Steve Magiera

Legal Review by: Vice President and General Counsel Vee Leonard (May 25, 2017)

Submitted by: Vice President for Administrative Services and Finance Steve Magiera
TO: FGCU Board of Trustees
FROM: Steve Magiera, Vice President Administrative Services and Finance
SUBJECT: Regulation FGCU-PR7.006 Waivers of Tuition and Fees
DATE: June 13, 2017

This regulation is before you today because the Board of Governors has made a change in their regulation and we are required to align the language. The amendment is on page 3 of 8 under number 5, Florida Department of Children and Families. The modifications include the recognition that the term “associated fees” includes lab fees. In addition, the waiver continues to be in effect up to age 28 but now is no longer limited to 120 credit hours or to undergraduate degree programs. We currently have 44 students receiving this waiver.
REGULATION TITLE: Waivers of Tuition and Fees

REGULATION NO: FGCU-PR7.006

SUMMARY: This regulation is amended to align the University’s regulation with the Board of Governors’ regulation concerning the exemption provided to students who were in custody of the Department of Children and Family Services.

FULL TEXT: The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

AUTHORITY: §§ 1009.26, Florida Statutes; Board of Governors Regulation 7.008

OFFICIAL INITIATING THE PROPOSED/REVISED REGULATION: Steve Magiera, Vice President for Administrative Services and Finance

UNIVERSITY OFFICIAL APPROVING THE PROPOSED/REVISED REGULATION: Steve Magiera, Vice President for Administrative Services and Finance

CONTACT INFORMATION REGARDING THE PROPOSED/REVISED REGULATION:
Mary Kline, Executive Assistant
Office of the General Counsel
10501 FGCU Blvd. S., Fort Myers, FL 33965-6565
(P): 239.590.1101 | (F): 239.590.7470 | Email: mkline@fgcu.edu

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This Notice was posted on the FGCU website on May 26, 2017
REGULATION: FGCU-PR7.006

Waiver of Tuition and Fees

Effective Date of Regulation: 6/10/2016

A. GENERAL STATEMENT

Resident tuition, non-resident tuition, and associated fees may be waived (fully or partially) for purposes that support and enhance the mission of the University. The University Bursar is designated as the University official who is to address student issues and/or questions regarding waivers.

B. WAIVERS

Waivers and exemptions are authorized to include, but not be limited to the following:

1. Sponsored Credit Institutes and Programs – Tuition and associated fees, as well as fees for materials and supplies may be waived for participants in sponsored credit institutes and programs.
   a) Sponsored credit institutes and programs are entities where substantially all the direct costs are paid by the external sponsoring entity, where there is no direct expenditure of Educational and General funds for the conduct of the programs, and where no fees or other assessments are collected from students by the sponsoring entity, the University, or any other entity.
   b) In determining whether the direct costs are paid by the sponsoring entity, funds paid directly to the participants in a form such as, but not limited to, stipends, travel or book allowances should not be taken into account. "Direct costs" refer to the costs associated with the instruction or training which a participant receives. All funds collected from sponsoring entities for sponsored credit institutes will be remitted to the University's contract and grants trust fund and/or auxiliary trust funds.
   c) Funds collected from courses offered through continuing education should be budgeted in the Auxiliary Trust Fund.
   d) Neither the number of participants nor student credit hours in these institutes and programs may be counted for state-funding purposes.

2. Deceased Law Enforcement, Correctional, or Correctional Probation Officers Employed by the State or Political Subdivision thereof – Certain educational expenses that the child or spouse of the deceased officer incurs while obtaining an undergraduate education or a postgraduate education shall be waived if a law enforcement, correctional, or correctional probation officer is accidentally killed or receives accidental bodily injury which results in the loss of the officer's life while engaged in
the performance of the officer's law enforcement duties on or after June 22, 1990, or is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act on or after July 1, 1980, while the officer was employed by a political subdivision of the state.

a) The amount waived by the University shall be an amount equal to the cost of tuition and associated fees for a total of 120 credit hours. The child or spouse may attend on either a full-time or part-time basis. The benefits provided to a child under this section shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.

b) Upon failure of any child or spouse benefited by the provisions of this subsection to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child or spouse and no further funds may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.

c) Only a student in good standing in his or her respective University may receive the benefits.

d) A child or spouse receiving benefits under this subsection must be enrolled according to the customary rules and requirements of the university attended.

3. Deceased Firefighters Employed by the State or a Political Subdivision thereof – Certain educational expenses that the child or spouse of the deceased firefighter incurs while obtaining an undergraduate education or a postgraduate education shall be waived if a firefighter is accidentally killed or receives accidental bodily injury which results in the loss of the firefighter's life while engaged in the performance of the firefighter's duties on or after June 22, 1990, or is lawfully and intentionally killed or dies as a result of such unlawful and intentional act on or after July 1, 1980, while the firefighter was employed by a political subdivision of the state.

a) The amount waived by the University shall be an amount equal to the cost of tuition and associated fees for a total of 120 credit hours. The child or spouse may attend on either a full-time or part-time basis. The benefits provided to a child under this section shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.

b) Upon failure of any child or spouse benefited by the provisions of this subsection to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as
to the child or spouse and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.

d) Only a student in good standing in his or her respective University may receive the benefits.

e) A child or spouse receiving benefits under this subsection must be enrolled according to the customary rules and requirements of the university attended.

4. Acceleration – Tuition and associated fees shall be waived for students who earn credit in courses toward both a Florida high school diploma and an associate or baccalaureate degree, or students enrolled in a dual enrollment or early admission program.

5. Florida Department of Children and Family Service Adoptions – Tuition and associated fees shall be waived for any student who is or was at the time he or she received the age of 18 in the custody of the Department of Children and Family Services, or was adopted from the Department of Children and Family Services after May 5, 1997; or was placed in a guardianship by a court after spending at least 6 months in the custody of the Department after reaching 16 years of age. Additionally, material and supply fees and fees associated with enrollment in career-preparatory instruction shall be waived. Any student requesting such a waiver must provide certification of eligibility from the Department of Children and Family Services to the University. The waiver shall remain valid up until the time the student reaches the age of 28, and shall be limited to undergraduate degree programs, and shall not exceed 120 credit hours.

6. Florida Department of Children and Families – The payment of tuition and associated fees, including lab fees, is exempted for any student who is or was at the time he or she reached the age of 18 in the custody of the Department of Children and Families or a relative or nonrelative under section 39.5085, Florida Statutes, who was adopted from the Department of Children and Families after May 5, 1997; or after spending at least 6 months in the custody of the Department of Children and Families after reaching 16 years of age, was placed in a guardianship by a court. Additionally, material and supply fees and fees associated with enrollment in career-preparatory instruction shall be exempted. Any student requesting this exemption must provide certification of eligibility from the Department of Children and Families or its contracted providers to the University. This waiver shall remain valid up until the time the student reaches the age of 28.

7. School Psychology Training Program – Tuition and associated fees shall be waived for internship credit hours applicable to an internship in the public school system under the supervision of the Florida Department of Education certified school psychologist employed by the school system for any graduate student.

7. Florida Linkage Institutes – These Institutes shall be exempt from non-resident tuition and non-resident financial aid fee up to 25 full-time equivalent students per year.
enrolled through Florida Linkage Institutes Program.

8. Deceased Teacher or School Administrator Employed by a Florida District School Board – Certain educational expenses shall be waived that the child of the deceased teacher or school administrator incurs while obtaining an undergraduate education or a postgraduate education if the teacher or school administrator is killed or is injured and dies as a result of an unlawful and intentional act, provided such killing or injury inflicted by another person and the motivation for the act is related in whole or part to the fact that the individual is a teacher or school administrator, or such act is inflicted while he or she is engaged in the performance of teaching duties or school administration duties while employed by a Florida district school board. The amount waived by the University shall be an amount equal to the cost of tuition and associated fees for a total of 120 credit hours at the University. The child may attend on either a full-time or part-time basis. The benefits provided under this paragraph shall continue until the child's 25th birthday.

   a) Upon failure of any child benefited by the provisions of this paragraph to comply with the ordinary and minimum requirements of the University, both as to discipline and scholarship, the benefits shall be withdrawn as to the child and no further moneys may be expended for the child's benefits so long as such failure or delinquency continues.

   b) A student who becomes eligible for benefits under the provisions of this paragraph while enrolled in the University must be in good standing with the University in order to receive the benefits provided herein.

   c) A child receiving benefits under this paragraph must be enrolled according to the customary rules and requirements of the University.

9. Homeless – Tuition and associated fees for a total of 120 credit hours shall be waived for any student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

10. Purple Heart Recipients – Undergraduate tuition and associated fees shall be waived for each recipient of a Purple Heart, or another combat decoration superior in precedence which was awarded for valor, and who:

   a) Is enrolled as a full-time, part-time, or summer-school student in an undergraduate program that terminates in a degree or certificate;

   b) Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, a
resident of this state; and

c) Submits to the state University the DD-214 form issued at the time of separation from service as documentation that the student has received a Purple Heart or another combat decoration superior in precedence. In situations where admissions or financial aid application deadlines preclude providing a DD-214 in time to meet such a deadline, the official (service specific) transmitting correspondence that would normally accompany such an award to a previously discharged service member would suffice until an updated DD-214 could be obtained and presented to the postsecondary institution. However, the updated DD-214 must be submitted to the postsecondary institution by the start of the student's next term of enrollment for continued eligibility for the waiver. In situations where a service member is on active duty and has not been issued a DD-214, the official (service specific) transmitting correspondence that would normally accompany such an award or a certification of the appropriate combat award by the service specific administrative record holder [e.g., Adjutant, G-1 (general staff officer-personnel), or JAG (Judge Advocate General)] would meet the documentation requirement.

d) A waiver for a Purple Heart recipient or recipient of another combat decoration superior in precedence shall be applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled. This waiver is considered "countable aid" for student financial aid purposes. Therefore, if this waiver is administered by an office other than the college financial aid office, college officials must notify the Director of Financial Aid that a student has qualified for the waiver. The waiver covers only tuition and fees associated with credit hour instruction provided directly by the University and does not include any additional fees that may be charged for specialized programs or by external organizations. This includes, but is not limited to, flight school, study abroad travel and living expenses, and courses taken elsewhere as a transient student.

11. State Employees – The University shall waive tuition and associated fees for up to 6 credit hours per term on a space available basis for state employees.

12. University Employees – The University may allow full-time University employees to enroll in up to 6 credit hours of tuition-free courses per term on a space available basis.

13. Florida residents 60 years of age or older – The University may waive any or all application, tuition, and associated fees for persons 60 years of age or older who are residents of this state and who enroll to audit courses being offered for college credit. No academic credit shall be awarded for attendance in classes for which fees are waived under this subsection. This privilege may be granted only on a space-available basis, if such classes are not filled as of the close of registration. A university may limit or deny the privilege for courses which are in programs for which the Board of
Governors has established selective admissions criteria. Persons paying full fees and state employees taking courses on a space-available basis shall have priority over those persons whose fees are waived in all cases where classroom spaces are limited.

14. Intern Supervisors – Persons who supervise interns for institutions within the State University System may be given one non-transferable certificate (fee waiver) for each full academic term during which the person serves as an intern supervisor. This certificate shall provide for waiver of the basic fee (as defined in Board of Governors Regulation 7.001).

a) Certificate holders are entitled to a waiver of tuition for a maximum of six (6) hours credit instruction (including credit through continuing education) during a single term at any state university.

b) Certificates shall be valid for three years from date of issuance.

c) Eligible recipients of an Intern Participation Certificate may be identified by the University as a person who engages in the direct supervision of at least one university intern for 300 contact hours, which may be accumulated over multiple semesters provided at least 100 contact hours of direct supervision is provided per semester.

d) To be eligible for a Certificate, the internship program must be an essential part of the course of instruction and must be required as part of the degree.

e) The University shall develop procedures and policies to govern the issuance, distribution, security, and redemption of certificates.

f) The University shall maintain accurate data on Intern Participation Certificates and annually submit a report of certificate activity to the Board of Governors according to a prescribed format.

15. Non-resident students – Non-resident students who are non-degree seeking may be entitled to a waiver of the out-of-state fee if the credit hours generated by such students are non-state fundable and the cost for the program of study is recovered from the fees charged to all students.

16. Admissions Deposit – If the University establishes an admissions deposit it must also adopt policies that provide for the waiver of this deposit on the basis of financial hardship.

17. Wrongfully Incarcerated – The University shall waive tuition and associated fees for up to 120 hours of instruction if the wrongfully incarcerated person meets and maintains the regular admission requirements of the university; remains registered and makes satisfactory academic progress as defined by the University. A wrongfully incarcerated
person is someone who has had a felony conviction and sentence vacated by a court and the original sentencing court has issued its order finding that the person neither committed the act, nor did they aid, abet or act as an accomplice or accessory to the act or offense.

18. The University may waive the tuition differential for students who meet the eligibility requirements for the Florida Public Assistance Grant.

19. Public School Classroom Teacher – The University may waive tuition and fees for a classroom teacher who is employed full-time by a school district and who meets the academic requirements established by the University for up to six credit hours per term on a space-available basis in undergraduate courses related to special education, mathematics or science approved by the Department of Education. The waiver may not be used for courses scheduled during the school district's regular school day.

20. Veterans – The University shall waive out-of-state fees for an honorably discharged veteran of the United States Armed and Reserve Forces (Air Force, Army, Coast Guard, Marines, and Navy) and the National Guard (Army and Air) who physically resides in Florida while enrolled at the University. Persons who are entitled to and uses educational assistance provided by the United States Department of Veterans Affairs also qualify for this waiver if they physically reside in Florida while enrolled at the University in any term beginning July 1, 2015. Tuition and fees charged to a veteran or person who qualifies for the out-of-state fee waiver under this section may not exceed the tuition and fees charged a resident student enrolled in the same program.

21. Nonresident Waiver – The University shall waive out-of-state fees, including the out-of-state financial aid fee, for students, including, but not limited to, students who are undocumented for federal immigration purposes, who meet the following conditions:

   a) Attended a secondary school in this state for three consecutive years immediately before graduating from a high school in this state;

   b) Apply for enrollment in an institution of higher education with 24 months after high school graduation; and

   c) Submit an official Florida high school transcript as evidence of attendance and graduation.

The waiver is applicable for 110 percent of the required credit hours of the undergraduate degree or certificate program for which the student is enrolled.

A student who is granted an out-of-state fee waiver under this regulation is not eligible for state financial aid.

The University shall, within its nonresident student enrollment, prioritize the
enrollment of a veteran who is granted an out-of-state fee waiver pursuant to Section 20 above over a student who is granted an out-of-state fee waiver under this Section.

22. Child Protection and Child Welfare Personnel – Employees as defined in section 402.403, Florida Statutes, who are enrolled in an accredited master’s degree in social work or a certificate program, and maintain at least a grade of ‘B’ in all courses shall be exempt from tuition and fees. Eligible employees must have an approved Department of Children and Families, community-based agency or a subcontractor waiver form stating that the necessary employment qualifications have been met to apply for this waiver.

C. REPORTING

The University shall report the purpose, number, and value of all fee waivers granted annually in a format prescribed by the Board of Governors.

D. ADMISSION CRITERIA

All persons eligible for a waiver or exemption for tuition and associated fees must still satisfy the University’s admission criteria.
Florida Gulf Coast University Board of Trustees
June 29, 2017

SUBJECT: Regulation: FGCU-PR1.001 Statement of Agency Organization and Operation

PROPOSED BOARD ACTION

Approve amendments to Regulation FGCU-PR1.001, Statement of Agency Organization and Operation.

BACKGROUND INFORMATION

The proposed changes represent updates made based on observations made in the Board of Governors Inspector General’s Report dated March 28, 2017 and other organizational housekeeping matters.


Prepared by: Vice President and General Counsel Vee Leonard

Legal Review by: NA

Submitted by: Vice President and General Counsel Vee Leonard
FLORIDA GULF COAST UNIVERSITY
NOTICE OF REGULATORY ACTION

REGULATION TITLE:
Statement of Agency Organization and Operation

REGULATION NO:
FGCU-PR1.001

SUMMARY:
The proposed changes represent updates made based on observations made in the Board of Governors Inspector General’s Report dated March 28, 2017, as well as other organizational housekeeping matters.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

AUTHORITY:
Article IX of the Florida Constitution; §1001.706, Florida Statutes; Board of Governors Regulation 1.001

OFFICIAL INITIATING THE PROPOSED/REVISED REGULATION:
Vee H. Leonard, Vice President and General Counsel

UNIVERSITY OFFICIAL APPROVING THE PROPOSED/REVISED REGULATION:
Vee H. Leonard, Vice President and General Counsel

CONTACT INFORMATION REGARDING THE PROPOSED/REVISED REGULATION:
Mary Kline, Executive Assistant
Office of the General Counsel
10501 FGCU Blvd. S., Fort Myers, FL 33965-6565
(P): 239.590.1101 | (F): 239.590.7470 | Email: mkline@fgcu.edu

Any person may submit written comments concerning a proposed regulation, amendment, or repeal to the contact person identified above within 14 days after the date this notice was posted. The comment(s) must identify the regulation to which you are commenting.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON MAY 26, 2017

GC285236
REGULATION: FGCU-PR1.001

Effective Date of Regulation: 02/23/2016

Statement of Agency Organization and Operation

A. GENERAL INFORMATION

Florida Gulf Coast University is a comprehensive public university located in Fort Myers, Florida, awarding associate degrees, bachelor degrees, master degrees, and doctoral degrees. The University’s functions are to educate students, to perform scholarship and research, and to render service to society. The principal office of the University is located at 10501 FGCU Blvd. South, Fort Myers, Florida, 33965-6565, (239) 590-1000. If you are hearing- or speech-impaired, call the appropriate FGCU office via the Florida Relay at 711 (TTY, VCO, HCO, ASCII, or Speech-to-Speech). The University’s website is located on the Internet at http://www.fgcu.edu. The University’s administrative offices are open from 8:00 AM to 5:00 PM, Monday through Friday, except during University holidays.

B. THE FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES

The Florida Gulf Coast University Board of Trustees ("Board of Trustees") is the governing body of the University and is vested with the authority to administer the University in accordance with Art. IX, § 7, Fla. Const., the Florida Education Code, Sections 1001-1013, Fla. Stat., and delegation of the Florida Board of Governors. The Board of Trustees is a public body corporate with all of the powers of a corporation, including the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be implicated in all courts of law or equity, and to give and receive donations. Pursuant to Section 768.28(2), Florida Statutes, and for purposes of sovereign immunity, the Board of Trustees acts primarily as an instrumentality of the State of Florida.

The Board of Trustees consists of thirteen members appointed as follows: six members are appointed by the Governor subject to confirmation by the Florida Senate; five members are appointed by the Board of Governors subject to confirmation by the Florida Senate; the The two remaining members are the president of the Florida Gulf Coast University Faculty Senate; and the president of the Florida Gulf Coast University Student Government. The corporate officers are the Chair and the Vice-Chair, elected only from Trustees appointed by the Governor and the Board of Governors, and as well as the University President ("President") who serves as the Chief Executive Officer of the University and Corporate Secretary of the Board. The Board of Trustees conducts its business in accordance with the Florida Gulf Coast University Board of Trustees Bylaws and Florida Law.

The Board of Trustees has oversight responsibilities for the University’s direct support organizations (“DSO”), which are the Florida Gulf Coast University Foundation, Inc. and the Florida Gulf Coast University Financing Corporation. Florida Law requires that the Board of Directors for each DSO operate the entity in a manner consistent with the goals of the
University and in the best interests of the State of Florida, as determined by the Board of Trustees and the President. The DSOs are formed as not-for-profit corporations under the Florida Not For Profit Corporation Act, Chapter 617, Florida Statutes. The Internal Revenue Service has recognized the DSOs as tax-exempt charitable organizations under Section 501(c)(3) of the Internal Revenue Code.

C. THE UNIVERSITY PRESIDENT

The President, as the Chief Executive Officer of the University and Corporate Secretary of the Board, is responsible for the operation and administration of the University and for setting Board meeting agendas, in consultation with the Board Chair. The President is appointed by the Board of Trustees and serves at its pleasure.

In the absence of the President, the order of succession to the administrative authority and responsibility of the President shall be as follows, pending action by the Board of Trustees:

1. Provost and Vice President for Academic Affairs;
2. Vice President for Administrative Services and Finance;
3. Vice President for Student Affairs;
4. Vice President for University Advancement;
5. Vice President and Chief of Staff; and
6. Vice President and General Counsel.

In an exigent, University emergency, the inability to contact an officer within three hours is adequate justification for the exercise of authority by the next designated officer to assume the authority and responsibility of the President until the Board of Trustees takes further action.

The President exercises his ability to delegate executive authority via delegation memoranda and the approval of official University policies.

D. ADMINISTRATIVE ORGANIZATION OF THE UNIVERSITY

1. President’s Cabinet

Chaired by the President, the President’s Cabinet consists of the following senior administrators who are, individually and collectively, responsible to guide a shared vision and lead institutional operations for the advancement of the University: Provost and Vice President for Academic Affairs; Vice President for Administrative Services and Finance; Vice President for Student Affairs; Vice President for University Advancement; Vice
President and Chief of Staff, and Vice President and General Counsel.

2. President’s Direct Reports

a) Provost and Vice President for Academic Affairs

The Provost and Vice President for Academic Affairs (VPAA) is the chief academic officer of the University and advises the President on academic matters. The Provost assists the President and exercises the functions of the President in the President's absence. The Provost also serves as the President’s liaison to the Faculty Senate. The Associate Provosts/Associate Vice Presidents all share the duties and responsibilities of the Provost, and may be delegated authority to act as the Provost’s designee in his or her absence. The VPAA is assisted in his/her work by two associate provosts: one responsible for faculty affairs and one responsible for planning and institutional performance. In addition, the Director of Budgets and Management Services provides budgeting and accounting experience as well as administrative support concerning operations of the Division of Academic Affairs. The Director of Strategic Initiatives acts as an external liaison for the Provost. Additionally, there is an Associate Vice President for Academic and Curriculum Support. A number of key academic support functions report directly to the Provost and VPAA as well. These include the Deans of the five colleges and their associated offices, the Dean of Library Services, the Associate Vice President for Research and Dean of Graduate Studies, the University Registrar, and the Dean of Undergraduate Studies. The General Manager of the University’s public television and radio stations also reports directly to the Provost. All of these positions and their associated offices (as they appear in the University’s Summary of Organization Chart) assist in the development of policies and ongoing operations in the Vice President’s area of responsibility.

b) Vice President for Administrative Services and Finance and Executive Director of the Financing Corporation

The Vice President for Administrative Services and Finance is the chief fiscal and business officer of the University and is advisor to the President on all fiscal and business matters pertaining to the University. The Vice President for Administrative Services and Finance also serves as Executive Director of the FGCU Financing Corporation. As Executive Director, he or she is responsible to the President for the operational management of the Financing Corporation. This includes, but is not limited to, oversight of student housing planning, financing, construction, and managing the University’s general debt service and other payments as they relate to bonds held in the name of the Financing Corporation. Additionally, the Vice President is responsible for the University’s enrollment management program. To assist the Vice President for Administrative Services and Finance in his/her responsibilities are an Associate Vice President for Administrative Services and Finance, an Assistant Vice President for Business Technology Services, a University Controller, a Director of Financial Aid, a Director of Public Safety, a
Director of University Budgets, a Director of Physical Plant, a Director of Facilities Planning, a Director of Undergraduate Admissions, and a Director of Operations. These positions and their associated offices (as they appear in the University’s Summary of Organization Chart) assist in the development of policies and ongoing operations in the Vice President’s area of responsibility.

c) Vice President for Student Affairs

The Vice President for Student Affairs is responsible for, and directs the operations and services associated with students, their physical and mental health, student conduct, campus residences, recreation, career development, student governance, and student clubs and organizations. To assist the Vice President for Student Affairs in his/her responsibilities are a Dean of Students, a Director of Counseling and Health Services, a Director of Housing and Residence Life, a Director of New Student Programs, a Director of Campus Recreation, and a Director of Career Development Services. These positions and their associated offices (as they appear in the University’s Summary of Organization Chart) assist in the development of policies and ongoing operations in the Vice President’s area of responsibility.

d) Vice President for University Advancement and Executive Director of the FGCU Foundation

The Vice President for University Advancement also serves as Executive Director of the FGCU Foundation. He/She is responsible for, as well as directs and coordinates, the operations associated with the raising, receipt, management, investment and administration of gifts and other resources generated for the benefit of the University by the Florida Gulf Coast University Foundation, Inc. The Vice President and Executive Director of the FGCU Foundation is also responsible for increasing the involvement and support of alumni, donors and other interested individuals, corporations and foundations in Florida Gulf Coast University and its programs. In support of the work of University Advancement and the FGCU Foundation, the Vice President for University Advancement’s direct reports include two Senior Directors of Advancement (Development and Stewardship), a Director of Alumni Relations, an Associate Vice President for University Marketing and Communications, a Director of Athletic Advancement, a Director of Special Events, and an Assistant Vice President and Chief Financial Officer for the Foundation. These positions and their associated offices (as they appear in the University’s Summary of Organization Chart) assist in the development of policies and ongoing operations in the Vice President’s area of responsibility.

e) Vice President and Chief of Staff

The Vice President and Chief of Staff serves as the University’s Spokesperson, communicating to the media and others the University’s official position on matters of importance. The person in this position is also the University’s designated
In addition, the Vice President and Chief of Staff has been delegated the responsibilities of the University Corporate Secretary in matters related to the FGCU Board of Trustees, and provides in the Chief of Staff capacity support to the University President, as directed, in a wide range of duties, including coordination of the President’s Cabinet for meetings, materials, and communications. Reporting to the Vice President and Chief of Staff is a Director of Media Relations and a Director of Board Operations, and Special Projects. This position and his/her associated office (as they appear in the University’s Summary of Organization Chart) assist in the development of policies and ongoing operations in the Vice President’s area of responsibility.

f) Vice President and General Counsel

The Vice President and General Counsel serves as the University’s chief legal officer and provides legal advice, counsel, and representation necessary to the University. As such, s/he reports directly to the President, and also maintains a dotted line to the Board of Trustees. The Vice President and General Counsel manages the promulgation of University policies and regulations and provides advice on governance matters. The Vice President and General Counsel is also responsible for hiring outside legal counsel for all units of the University. The person in this position, along with the Chief of Police for law enforcement records, is also the University’s designated responder for public records requests. The University’s Vice President and General Counsel also serves as General Counsel to the University’s direct support organizations. To assist the Vice President and General Counsel in his/her work is one Assistant and Associate General Counsels and one Associate General Counsel within the Office of the General Counsel. Also reporting to the Vice President and General Counsel is a Director for Institutional Equity and Compliance, and the Assistant Associate Vice President and Director of Human Resources. This position and his/her associated offices (as it appears in the University’s Summary of Organization Chart) assist in the development of policies and ongoing operations in the Vice President’s area of responsibility.

g) Director of Intercollegiate Athletics

The Director of Intercollegiate Athletics is responsible for maintaining a quality athletic program that fits within the mission of the University. The Director of Intercollegiate Athletics oversees fifteen (15) NCAA Division I sports and is responsible for a number of areas including, but not limited to: budgeting and business operations, fund raising, academic and athletic compliance, sports medicine, strength and conditioning, personnel, facilities and operations, and sports information/public relations. Florida Gulf Coast University’s intercollegiate athletic programs include: Men’s Baseball, Women’s Softball, Women’s Volleyball, Women’s Swimming & Diving, Women’s Beach Volleyball, Women’s and Men’s Cross Country, Women’s and Men’s Basketball, Women’s and Men’s Golf, Women’s and Men’s Tennis, and Women’s and Men’s Soccer. The Director also oversees the University’s Cheerleading Program.
h) Director of Internal Audit

The Director of Internal Audit serves as the University’s chief audit executive. As such, s/he reports directly to the President, and also maintains a dotted line to the Board of Trustees. The Director of Internal Audit evaluates the adequacy and effectiveness of the University’s system of internal controls over University funds and assets with the purpose of improving operations and accountability.

i) Director of Compliance and Risk Management Chief Compliance & Ethics Officer

The Director of Compliance and Risk Management Chief Compliance & Ethics Officer serves as the University’s chief compliance officer. As such, s/he reports directly to the President, and also maintains a dotted line to the Board of Trustees. The Director of Compliance and Risk Management Chief Compliance & Ethics Officer oversees the University’s compliance and ethics program and works with all departments across the University to address compliance with federal and state regulations, as well as industry standards.

j) Director of Government Relations

The Director of Government Relations is responsible for advocating the University’s government relations agenda at the local, state, and federal governmental levels, and successfully securing financial and substantive support for the University.

k) Assistant to the President and University Ombuds

The Assistant to the President and University Ombuds provides an avenue for informal, impartial and non-adversarial alternatives for the resolution of problems and conflicts when the parties so request. The Assistant to the President and University Ombuds also handles informal resolution and formal grievances regarding student access to courses and credit toward degree.

l) Executive Director of the FGCU Financing Corporation

3. University Divisions

The University is divided into the following components:

a) The division of the Office of the President – comprised of the Office of the Vice President and Chief of Staff, Intercollegiate Athletics, Internal Audit, Compliance and Risk Management Ethics, Government Relations, Ombuds, and the Financing Corporation.

b) The division of Academic Affairs – comprised of Planning and Institutional
Performance, Academic and Curricular Support, Research and Graduate Studies, Undergraduate Studies, Continuing Education and Off-Campus Programs, International Services, WGCU Public Media, University Registrar, Library Services, as well as the five colleges, their constituent departments, schools and various interdisciplinary centers and institutes.


d) The division of Student Affairs – comprised of the Office of the Dean of Students, Counseling and Health Services, New Student Programs, Office of Housing and Residence Life, Campus Recreation, and Career Development Services.

e) The division of University Advancement – comprised of University Marketing and Communications, Development, Stewardship and Donor Relations, Alumni Relations, Advancement Services, Athletic Gifts, and Special Events.


E. COLLEGIAL GOVERNANCE

The University endorses a collegial system of governance, based on a concept of authority and responsibility shared among colleagues. The University’s representative governance bodies are as follows:

1. The Faculty Senate

Faculty governance at Florida Gulf Coast University provides a structure and process for the faculty to promote a supportive and quality-oriented learning environment for students, staff, community, faculty, and administration, in furtherance of the mission and guiding principles of the University. The faculty governance structure facilitates faculty input to the complementary administrative units of the organizational structure. The Faculty Senate is an autonomous body representing the collective opinion of the faculty of the University to the administration and to the community. Pursuant to Florida Statute, the president of the Faculty Senate is a member of the Board of Trustees. The Provost and Vice President for Academic Affairs serves as the administrative liaison to the Faculty Senate.

2. The Student Government

The Student Government fosters an intellectual, social, and cultural environment that
maximizes student potential and enhances student success. The purpose of the Student Government is to provide equal representation for all students at Florida Gulf Coast University by maintaining high levels of communication between the student body, faculty, staff, and the community. Pursuant to Florida Statute, the president of the Student Government serves as a member of the Board of Trustees. The Dean of Student Affairs serves as the administrative liaison to Student Government.

3. The Staff Advisory Council

The Staff Advisory Council ("SAC") facilitates effective communication between the staff and University administration. SAC also provides a forum to address the issues and concerns of the staff at Florida Gulf Coast University and to ensure a campus climate that reflects a strong, enthusiastic, and positive quality work life. The SAC consists of twenty-four (24) elected or appointed representatives. Representation will be based on the ratio of FTE by Representative Classification for sixteen (16) of these Representatives, with the remaining eight (8) considered at-large, members, twelve SP employees, and twelve A&P employees. The Vice President for Student Affairs serves as the administrative liaison to SAC.

4. Colleges

A College is a unit of the University organized to conduct curricula of study, scholarship/research, and service both public and internal to the university. The faculty and college administration establishes requirements of the college for entrance, graduation, and degrees to be conferred. The faculty determines the arrangement and content of the curricula and recommends to the President, by at least a two-thirds vote, the granting of degrees to those students who have complied with the college’s requirements for degrees.

The dean is the chief administrative officer of a college. A school is a unit subordinate to a college organized for a special program of studies. The administrative officer of a school is the director. The colleges and schools of Florida Gulf Coast University are the following: College of Arts and Sciences and its Bower School of Music and the Arts, Lutgert College of Business and its School of Resort and Hospitality Management, College of Education, U.A. Whitaker College of Engineering, College of Health Professions and Social Work and its School of Nursing, Marieb College of Health and Human Services and its School of Nursing. Assistant and/or associate deans share administrative responsibilities for such matters as assessment, faculty affairs, and budgetary management at the direction of their respective dean.

A department is the fundamental unit of collegiate academic and administrative organization. Academic departments may be found in colleges and schools or they may exist independently and report to the VPAA through an associate vice president or administrative dean. The administrative officers of academic departments in a college are
chairs. Directors are the administrative officers for units other than academic departments.

Chairs and directors have the authority and responsibility for the administration and supervision of activities of the department or unit. Chairs and directors are responsible to their deans.

5. Planning and Budget Council

The Planning and Budget Council (PBC) is a university-wide group chaired by the Provost and Vice President for Academic Affairs charged with updating of the University Strategic Plan. The PBC serves "as the University’s coordinating body for organized efforts, including Continuous Improvement teams, to implement the Florida Gulf Coast University’s Strategic Plan." The Continuous Improvement teams are the six standing committees of the PBC, which includes enrollment and retention management (ERMC); budget; information resources; safety and facilities (SFC); environmental sustainability; and strategic planning and institutional effectiveness (SPIE). The PBC and its six standing committees are comprised of representatives of all University constituencies including senior administration, faculty, staff, and students.

Action by Florida Gulf Coast University Board of Trustees
Approved: 02/23/2016

Specific Authority:
Article IX of the Florida Constitution, Section 1001.706, Fla. Stat., Board of Governors Regulation 1.001

History of Regulation
New 09/17/13; Amended 04/15/14, 02/23/16

Effective Date of Regulation
02/23/2016
Florida Gulf Coast University Board of Trustees  
June 29, 2017

SUBJECT: Florida Gulf Coast University Board of Trustees Ethics Policy

PROPOSED BOARD ACTION

Approve Amendment to Florida Gulf Coast University Board of Trustees Ethics Policy.

BACKGROUND INFORMATION

The Ethics Policy of the FGCU Board of Trustees was created in 2003 and has remained unchanged since then. As part of an investigation conducted by the Inspector General, it was recommended that Section V. of this policy, Employees, Students, and Special Interest Groups, be modified to make clear that Trustees are at liberty to communicate their concerns about employees to the President, but are prohibited from attempting to influence the employment status of employees, excluding the President.

A further review of the policy indicates that in Section I., Conflict of Interest, the language needed to be modified to make it consistent with the current law. Previously, “[n]o state public officer [was] prohibited from voting in an official capacity on any matter.” §112.3143, F.S. (2012). However, as of the date of this meeting, “[a] state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. [Such] . . . officer who abstains from voting . . ., or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency . . . or . . . a relative or business associate of the public officer, shall [. . . prior to the vote] make every reasonable effort to disclose the nature of his or her interest as a public record . . . .If [such disclosure is not possible] before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.” Id. (2016).
Note: A Trustee meets the definition of a public officer, which includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

Supporting Documentation Included: Florida Gulf Coast University Board of Trustees Ethics Policy

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Legal Review by: NA

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The Florida Gulf Coast University Board of Trustees governs Florida Gulf Coast University in the public trust and is responsible for conducting its affairs in a manner that exemplifies the behavior it expects of other participants in institutional governance. The Trustees give of their time and talent for the benefit of the University and serve in a fiduciary capacity. Trustees are expected to set aside personal, business and parochial interests and keep the welfare of the entire University, not a particular constituency, paramount. All decisions of the Board are to be made solely to advance the best interests of the University. This Ethics Policy has been adopted to provide a framework for guiding ethical conduct and procedures for disclosing conflicts of interest.

Article II
Ethics Policy

Section I. Conflict of Interest

Introduction. Trustees shall be governed by the requirements of the Code of Ethics for Public Officers and Employees in Sections 112.31112.3113-112.326112.3261, Florida Statutes. Particular adherence is required to the provisions of Section 112.313, Florida Statutes, as it relates to: solicitation or acceptance of gifts; doing business with one’s agency; unauthorized compensation; salary and expense; misuse of public position; conflicting employment or contractual relationship; and disclosure of financial and gift information to the Commission on Ethics. This policy is intended to supplement and implement these requirements. In the event of a conflict between this policy and the Code, the Code will control.

Elements of a Conflict. A Trustee has a conflict of interest whenever a Trustee, a Trustee’s family member or a business associated with a Trustee or Trustee’s family member has an existing or potential financial interest, or other personal advantage, in a matter pending before the Board of Trustees or the University.
The following definitions are provided:

- **“Family Member Relative”** includes spouse, parents, siblings, aunts/uncles, father-in-law, mother-in-law, son-in-law, daughter-in-law, children, domestic partner and any person residing in a Trustee's household.

- **“Business Associated with a Trustee”** means an organization, corporation, partnership, joint venture, proprietorship or other entity or associate(s) with respect to which either the Trustee or Trustee’s family member Relative:
  1. Receives compensation or has any contractual right to future income (excluding compensation from the University), investment or substantial non-financial consideration and benefits; or
  2. Serves as an owner, officer, director, partner, trustee, agent, employee or has a material economic interest.

- **“Principal by whom retained”** means an individual or entity, other than an agency . . . that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

**Restraint on Participation.** If a conflict arises regarding a matter coming before the board for a vote, the Trustee shall refrain from participating in any deliberations or voting on the matter. "Participation" or any derivation thereof means any attempt to influence the decision by oral or written communication, whether made by the Trustee or at the Trustee’s direction. The Trustee shall disclose the conflict in writing. Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made.

“Special private gain or loss” means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless
the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

If a conflict arises regarding a matter coming before the board for a vote, the Trustee shall refrain from participating in any deliberations or voting on the matter and the Trustee shall disclose the conflict in writing to the President prior to the meeting or request that the conflict be noted in the minutes of the meeting. The Trustee shall not take any action to influence the outcome of the matter.

If a conflict arises in the course of conducting a Trustee’s private or personal business, the Trustee should abstain from participating in decisions to seek or secure business with the Board or the University.

If a conflict arises in the course of conducting University or Board business, the Trustee should abstain from participating in decisions related to the conflict of interest.

Consultation. Prior to any meeting, Trustees will disclose to the President any actual or potential conflicts of interest or uncertainty regarding a conflict of interest. When there is a failure to agree on whether a conflict exists and how it is to be managed, the President may consult the Board Chair and General Counsel.

Section II. Authority of Board Members

Trustees will remember that authority rests with the board as a whole in meetings of the board and not with individual board members. Trustees shall conduct relationships with University staff, students, the citizenry and the media on that basis. Trustees will confine their Board action to policy-making, planning and appraisal and recognize that their responsibility is to ensure that the University is well run, not to run the University.

Section III. Compliance with Laws

It is the firmly established policy of this Board to comply fully with all laws affecting the University and its operations. The consequences to the University and its officers, administrators, faculty and staff of any departure from this policy can be very serious. The effort, energy and expense required to defend
University actions in court or to respond to government inquiries diverts the talents and energy of its employees from the pursuit of the academic mission.

**Section IV. Use of Official Authority**

Trustees shall not use the authority, title, influence or prestige of their position to solicit business for themselves or others or to otherwise obtain a private financial, social or political benefit, which in any manner would be inconsistent with the interest or mission of the University.

With the exception of the Trustees representing the faculty senate and student government, Trustees are not eligible for employment or service contracts with the University or its direct support organizations. If a Trustee wishes to apply for a position with the University or its direct support organizations, the Trustee must immediately resign from the Board.

**Section V. Employees, Students and Special Interest Groups**

Trustees shall use proper channels when dealing with employees, students, citizens and special interest groups. Trustees will not give directions or instructions to University employees, but will provide input and suggestions to the President who is responsible for the day-to-day management of the University.

Trustees should refer direct any grievances or complaints they may received from or about employees, students or University matters to the President. While Trustees are at liberty to communicate their concerns, Trustees shall not attempt to influence the hiring decision or employment status of University employees, except the President. Trustees will support employees in the proper performance of their duties. Trustees shall not attempt to influence decisions related to the admission of students to the University or degree programs, or decisions related to the award of financial aid or scholarships.

**Section VI. Confidential and Other Information**

The Board will frequently receive information in connection with proceedings of the Board or as a result of other official Board duties. Trustees shall not use information acquired as a result of their position to their own advantage or profit.

The Board may occasionally receive confidential information relating to an executive session of the Board or otherwise. Confidential information includes all non-public information that is protected by federal or state law such as work products prepared for collective bargaining negotiations, records containing information reflecting academic evaluations of faculty performance, and student education records. Trustees will not disclose confidential information, in any form, to anyone who does not need to know it to conduct the University’s business, except when disclosure is authorized or legally mandated. Trustees will protect the privacy rights of students and employees granted under federal and state law.
Section VII. Time Commitment

In undertaking the duties of office, Trustees shall make the necessary commitment of time and diligence to carry out public governance responsibilities. It is the responsibility of Trustees to attend all regularly scheduled Board meetings, insofar as possible, and become informed concerning issues to be considered at those meetings. Trustees will endeavor to stay informed about local, state and national issues affecting higher education.

Section VIII. Outside Employment and Activities of the President

The Board Chair or designee shall approve in advance any outside employment of the President, including serving on the board of directors of a corporation.

Section IX. Application and Administration of Policy

This policy shall be interpreted in a manner that will serve the best interests of the University and will be administered by the Board of Trustees.

Section X. Distribution of Policy

A copy of this policy shall be sent to each Board member and the President and shall be electronically posted on the University’s www.fgcu.edu website (Board of Trustees). Subsequently, this policy will be provided to any new Board member or President, and Board members will be reminded of this policy during annual meetings of the Board.