AGENDA

FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES

Tuesday, September 11, 2018  8:30 a.m. – 11:10 a.m.

COHEN CENTER BALLROOM, ROOM #203
FLORIDA GULF COAST UNIVERSITY

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 Board.

8:30 a.m.  Call to Order, Roll Call, and Opening Remarks – Chair Blake Gable

8:35 a.m.  Call for Executive Session – Vice President and General Counsel Vee Leonard

8:40 a.m.  Executive Session on Collective Bargaining for (1) United Faculty of Florida, and (2) Police Benevolent Association

9 a.m.  Reconvene Regular Meeting at 9 a.m. or immediately upon Conclusion of Executive Session – Chair Blake Gable

9 a.m.  Response to Any Trustee Questions on Student Success – Enrollment Management Initiative – Vice President for Student Success and Enrollment Management Mitchell Cordova

9:05 a.m.  Consent Agenda (Includes Public Comment) – Chair Blake Gable
  - Minutes of June 5, 2018 Meeting (TAB #1)
• Ninth Amendment and Restatement of Florida Gulf Coast University Board of Trustees Bylaws (TAB #2)
• Fourth Amendment and Restatement of Florida Gulf Coast University Financing Corporation Bylaws (TAB #3)
• Appointment of New Directors and Fellows to FGCU Foundation Board of Directors (TAB #4)
• Textbook and Instructional Materials Affordability Annual Report (Academic Year 2017-2018) (TAB #5)

9:10 a.m.  Standing Report from United Faculty of Florida (UFF)/FGCU Chapter – Co-Presidents Win Everham and Morgan Paine

9:15 a.m.  Standing Report from FGCU Foundation Board of Directors – FGCU Foundation Board of Directors Chair David Holmes

9:20 a.m.  Standing Report from FGCU Financing Corporation Board of Directors – FGCU Financing Corporation Board of Directors Chair Joe Catti

9:25 a.m.  Chair’s Report – Chair Blake Gable

9:35 a.m.  President’s Report – President Mike Martin

9:45 a.m.  Academic/Student/Faculty Affairs Committee (Includes Public Comment) – Committee Chair Christian Spilker

Action:
• New Degree Program: Bachelor of Science in Construction Management – Provost and Vice President for Academic Affairs James Llorens (TAB #6)
• IF RECEIVED: 2018-2021 Collective Bargaining Agreement – Florida Gulf Coast University Board of Trustees and United Faculty of Florida/Florida Gulf Coast University Chapter, and 2017-2018 Re-
Opener (Article 23 Salaries, and Article 24 Benefits) – Provost and Vice President for Academic Affairs James Llorens (TAB #7 – TBA)

10 a.m. 

Finance, Facilities and Administration Committee (Includes Public Comment) – Committee Chair Ken Smith

Information:

- Video Presentation for Active Shooter Preparedness Training – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera, and University Police Department Chief Steven Moore
- Finance/Budget Update – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #8)
- 2017-2018 End-Of-Year Budget Report – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #9)
- Carryforward Funds from Fiscal Year Ending June 30, 2018 – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #10)
- FGCU Financing Corporation 2018-2019 Budget – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #11)
- FGCU Foundation 2018-2019 Budget – Vice President for University Advancement, and Executive Director of FGCU Foundation Chris Simoneau (TAB #12)

Action:

- 2018-2021 Collective Bargaining Agreement – Florida Gulf Coast University Board of Trustees and Gulf Coast Police Benevolent Association/Florida Gulf Coast University Chapter – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #13)
• **Regulation: FGCU-PR5.016 Disciplinary Actions** – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #14)

• **Regulation: FGCU-PR5.023 Separations** – Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera (TAB #15)

• **Regulation: FGCU-PR1.001 Statement of Agency Organization and Operation** – Vice President and General Counsel Vee Leonard (TAB #16)

• **Third Amendment and Restatement of Resolutions on Presidential Authorizations** – Vice President and General Counsel Vee Leonard (TAB #17)

• **Florida Gulf Coast University 2018 Florida Equity Report** – Director of Equity, Ethics and Compliance, and Title IX Coordinator Precious Gunter (TAB #18)

10:45 a.m.  
**Audit and Compliance Committee (Includes Public Comment)** – Committee Chair Joseph G. Fogg III

**Action:**

• **Administration of Florida Bright Futures Scholarship Program by Florida’s Public Universities and Colleges Audit** – Director of Internal Audit William Foster (TAB #19)

• **2017-2018 Internal Audit Annual Report** – Director of Internal Audit William Foster (TAB #20)

• **2018-2019 Internal Audit Work Plan** – Director of Internal Audit William Foster (TAB #21)

• **Academic Camps and Conferences Audit** – Director of Internal Audit William Foster (TAB #22)

11 a.m.  
**Old Business** – Chair Blake Gable

11:05 a.m.  
**New Business** – Chair Blake Gable

11:10 a.m.  
**Closing Remarks, and Adjournment** – Chair Blake Gable

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Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: Minutes of June 5, 2018 Meeting

PROPOSED BOARD ACTION

Approve minutes

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees met on June 5, 2018. Minutes of the meeting were kept as statutorily required.

Supporting Documentation Included: Minutes of June 5, 2018 Meeting

Prepared by: Transcription Experts and Assistant Director of Board Operations
Tiffany Jackson

Legal Review: N/A

Submitted by: Vice President and Chief of Staff Susan Evans
FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES

Tuesday, June 5, 2018

COHEN CENTER, ROOM # 213
Florida Gulf Coast University

Meeting Minutes

Members:
Present: Trustee Blake Gable – Chair (in person); Trustee Robbie Roepstorff – Vice Chair (in person); (Trustee Darleen Cors (by phone); Trustee Richard Eide, Jr. (by phone); Trustee Joe Fogg III (by phone); Trustee Mike McDonald (in person); Trustee Leo Montgomery (by phone); Trustee Kevin Price (in person); Trustee Russell Priddy (in person); Trustee Kenneth Smith (by phone); Trustee Stephen Smith (by phone); Trustee Christian Spilker (by phone); and Trustee Jalisa White (in person).

Others:
Staff: President Mike Martin; Provost and Vice President for Academic Affairs James Llorens; Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera; Vice President for University Advancement, and Executive Director of FGCU Foundation Chris Simoneau; Vice President and Chief of Staff Susan Evans; Vice President and General Counsel Vee Leonard; Vice President for Student Success and Enrollment Management Mitchell Cordova; Chief Compliance and Ethics Officer Stacey Chados; Director of Internal Audit Bill Foster; Director of Operations Tiffany Reynolds; Assistant Director of Operations Tiffany Jackson; Project Manager Melissa Pind; and Executive Assistant to the Vice President and Chief of Staff Bruna Ugolotti.

Item 1: Call to Order, Opening Remarks, and Roll Call
Chair Blake Gable called the meeting to order at 8:43 a.m. He requested Vice President and Chief of Staff Susan Evans call the roll and state for the record which trustees were participating by phone. Roll call was taken with all members participating, thus meeting quorum requirements. Those participating by phone are indicated above.

Item 2: Consent Agenda (See Tabs #2-3)
Chair Gable stated there were two items on the Consent Agenda: (1) Minutes of the FGCU Board of Trustees Meeting on April 10, 2018 and (2) Minutes of the FGCU Board of Trustees Conference Call Meeting on May 1, 2018. He called for a motion for approval.
Trustee Russell Priddy made a motion to approve the Consent Agenda. Trustee Mike McDonald seconded the motion. There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

**Item 3: Student Success and Enrollment Management Initiative (TAB #1)**

Chair Gable asked Vice President for Student Success and Enrollment Management Mitch Cordova to present this information.

Dr. Cordova stated he would provide an overview of the following: the direction of the Initiative, a summary of the implementation of the design teams, information about other meetings with campus personnel, the new Student Success and Enrollment Management structure and organization, and the proposed timeline and process.

Dr. Cordova reported that the Student Success and Enrollment Management Action Task Force presented its final report on February 9, 2018; he was officially appointed as Vice President for Student Success and Enrollment Management on February 14, 2018; and the Initiative began when he started his new position on March 1, 2018.

Dr. Cordova explained creation of the design teams was a large part of the Enrollment Management Action Task Force’s recommendation, as well as input from the consultant. He said the design teams were created to address important issues which needed to be dealt with immediately, and also to help build a strong foundation for student success and enrollment management moving forward. He stated that he would report on the activities of each design team and how its work would help the Initiative to move forward.

Dr. Cordova said each of the design teams had been broadly pathed with accomplishing three primary objectives, which were concurrent and performed simultaneously: (1) to create a new culture and mindset around student success on campus; (2) to institute change in critical areas which was guided by the recommendations of the Task Force report; and (3) to help determine the structure and organization of the Student Success and Enrollment Management area. Dr. Cordova reported that some of the design teams also were charged with helping to identify resources that each of the areas would need as the Initiative moved forward. Some of the design teams were working on positions of personnel as it related to new structure and organization as it had developed over the last few months. The design teams were: Acute Needs, Advising, Enrollment Management, Faculty Engagement, First-Year Experience, and Student Engagement.

Dr. Cordova stated the Acute Needs Design Team was charged with identifying issues and improving upon areas which could make an impact immediately on improving student success, including improving performance on the Metric for Four Year Graduation Rate, retention, and persistence. Some areas this team addressed included technology, student interventions, summer classes and space, the 4-Year Graduation
Rate Plan approved in May by the FGCU Board of Trustees (BOT), and financial interventions.

Dr. Cordova explained that he was going to walk through a summary of the teams and stressed that these were the things that the design teams have done since March 1 to make a difference in moving the needle forward and establishing a foundation for student success.

Dr. Cordova shared that the Technology Design Team had done a complete inventory of all technology on campus which directly or indirectly impacted student success and reviewed this technology to understand if improvement or additional technology was needed. He reported part of the issue being discussed was to develop and create a comprehensive campus-wide data analytics reporting structure with a group of individuals whose focus would be understanding what would be needed in terms of metrics and intervention. This would be the analytics, reporting and assessment side of the organization.

Dr. Cordova said with respect to student intervention, in the spring FGCU had done a series of interventions which affected freshmen, sophomores, and seniors. He said the focus was to implement an intervention which would endeavor to improve freshman to sophomore retention, improve persistence from sophomore to junior years, and determine steps which could be taken immediately to improve the four-year graduation rate.

Dr. Cordova stated first the team had focused on the fall 2017 first-time-in-college (FTIC) freshmen (a cohort which had been advised by the First Year Advising Office); the team also intervened on the fall 2016 FTIC cohort (sophomore); and graduating seniors (students who had applied for graduation for spring, summer or fall of 2018, regardless of cohort).

Dr. Cordova explained all FTIC freshmen who began in the 2017 class and who had not enrolled in fall 2018 classes were targeted, which would be a good indication of retention from first year to second year. Of the 1,559 students advised by the First Year Advising team, 1,193 had enrolled in a class for fall 2018 and 366 had not enrolled. Of the 366 students contacted, the First Year Advising Office connected with 210, or 57 percent. Of those students contacted, 77 percent, or 162 students, did plan to enroll or were enrolled for the fall of 2018. This left 48 students, or 23 percent, who did not enroll and were not going to return in the fall. The biggest reasons why students elected not to return in the fall included missing home, finances, and poor grades. He said 28 students chose not to provide a response. He noted that 156 students did not respond to phone calls or emails. Dr. Cordova pointed out that this group of students represented about half of the total freshman cohort and that about 1,000 students not included in this group were students who had either already transitioned into the Colleges or transitioned to Undergraduate Studies (UGS). This was seen as a positive outcome because the students were viewed as connected, enrolled, and on their way.
Next, Dr. Cordova transitioned to sophomore persistence. Dr. Cordova reported of the 2,500 students who began in 2016 and would be juniors in the fall, 1,900 had enrolled in spring of 2018, and 20 had applied for graduation. In the fall, about 1,890 students were expected to enroll, and of those students, 1,534 did enroll in fall or summer. This left 352 students who did not enroll. As of April 20, 352 students who had not yet enrolled for fall 2018 were called or emailed five times; 80 of those students, or 20 percent, were communicated with, and 34 of indicated they would enroll in the fall, 12 were waiting on program admission decisions, and 6 graduated in the spring. Therefore, about 40 students, or 50 percent, had actually been successfully contacted and “saved.” There were 28 students who “stopped out,” which means that they left the University for various reasons.

Dr. Cordova explained that with respect to the senior students, 123 had been contacted because they were performing below average in one or more courses as indicated by Canvas, a learning management system, which was data limited to faculty who were inputting grades through that system. These 123 students represented all students throughout all cohorts, which was 5 percent of the total students who applied for graduation, and 98 students were contacted with various outcomes. There were 39 contacted who did not provide a response. Of those 39 students, 15 of them passed, and 24 of them received a “D,” an “F,” a “W” (withdrew), or an “I” (incomplete). This amounts to a 39 percent pass rate of those students. Overall, about 43 percent of the 98 students contacted through email or by phone passed; and 72 percent of those not contacted passed.

Dr. Cordova reported that the design teams are looking at different tracking systems to help better monitor students and identify where they are not being as successful. One system was Canvas, which gives the capability of identifying students at risk by virtue of how they were performing in classes, as long as faculty continue to use it and keep it up to date. Information could be extracted daily from Canvas on how students were performing. The follow-up for these identified students would include strong intervention advising and determination of what they would need to be successful. Another system they are looking to develop is a Milestone Tracking System where critical milestones or courses for each major would be in place. This would be a system where every student would have a milestone or critical course tracked every term to keep students on track to graduate within four years. Once the system is in place, advisors could then generate an automated list of all advisees who were not performing well, and could then intervene as needed. This system would start tracking freshmen as soon as they arrive. Currently, the University of Florida (UF) and Florida State University (FSU) are the only two schools in the State University System (SUS) that have such a system, and Dr. Cordova has been communicating with FSU about this in the process of developing a system that will work for Florida Gulf Coast University.

Next, Dr. Cordova provided an update on summer classes and maximizing space on campus. He said some scheduling had been rearranged and reevaluated for summer orientation sessions so that more space could be made available and more classrooms could be opened up on campus. He reported the growth rate in Course Reference...
Number (CRN) sections for summer 2018 was 16 percent; headcount went up 5.3 percent, and the total number of seats increased by 12 percent. The tuition dollars (revenue) went up 12.7 percent. He added FGCU's focus would be to have students pass 30 credits a year, which could include summer classes.

Dr. Cordova stated the comprehensive 4-Year Graduation Improvement Plan was approved in May by the FGCU Board of Trustees and developed in response to Senate Bill 4 (SB4). He said this Plan was created to speak to the academic, financial, curricular policy and financial incentives which were defined by legislation. He said this document was important to create because it would be the internal roadmap for the student success journey. He added there would be a workshop for the FGCU Board of Trustees in September to present more detail on this item.

Dr. Cordova explained some of the financial interventions imposed as part of the Acute Needs Design Team were the addition of aid and scholarship programs for summer enrollment created to achieve four primary objectives: (1) improve summer school enrollment, (2) improve quality of FTIC cohort through scholarship programs, (3) improve quality of transfer students through scholarship programs, and (4) increase the probability of success in the Summer Bridge Program by providing six hours of credit.

He reported the summer 2018 financial interventions included a summer grants program, which was a need-based grant for students enrolled in six credits; a Summer Bridge Scholarship fund for students enrolled in the Step Ahead program for six credits; the Florida Bright Futures Academic award, in which students were eligible for 100% tuition and fees if enrolled in at least six credits in the summer; and the Florida Bright Futures Medallion Award, in which students were eligible for funding for at least six credits at $77 per credit. For the summer of 2019, the State of Florida would begin funding the $77 per credit.

Dr. Cordova reported financial interventions that were started for fall 2018 included a transfer student scholarship program funded by FGCU. The Eagle Transfer Gold Scholarship funded $3,000 a year for up to two years for students with a GPA of 3.5 or higher; and the Eagle Transfer Strategic Major Incentive Program, which was an add-on to the Eagle Transfer Gold Program, focused on $500 extra per semester for students who enrolled in programs of strategic emphasis, such as STEM, health, business and education.

Dr. Cordova presented some ongoing financial intervention programs which included the President's Gold and Silver scholarships which were in-state and merit-based, and designed to attract high quality students. He said there were also scholarships for out-of-state students, which included the Blue & Green Scholars Award, and the Blue & Green Directors Award, also merit-based student scholarships.

Dr. Cordova reported that an item the Advising Design Team addressed was creating a new University-wide advising model, which included reorganizing and reclassifying all advisors on campus, adding five new job descriptions, and creating a compensation analysis for all 47 advisors. The Team was working with Human Resources to
individually classify every advisor on campus, and a comparison of current compensation versus what it would become under the new classification.

Dr. Cordova reported the Enrollment Management Design Team discussed a number of issues with respect to the creation of the new Enrollment Management unit. The Enrollment Management Design Team worked on the following items: undergraduate admissions, improving international student admissions, refining and redefining the Office of the Registrar into the Office of Records and Registration, and improving and optimizing the Office of Financial Aid and Scholarships. He said this Team also was examining how it could refocus the University’s customer service approach. As it looked at realigning different offices on campus, the focus on creating a customer service environment would be higher than ever.

Dr. Cordova explained the Faculty Engagement Design Team had been working on primarily the Faculty-Student Mentoring Program with emphasis on the students entering their sophomore year and making sure that the students stayed on track. Also, there would be a focus on utilization of Canvas by the faculty. Finally, an expansion of the First Year Resident Experience (FYRE) program, where faculty taught classes in the residence areas, was planned.

Dr. Cordova said the First Year Experience Design Team was focusing on reconstituting existing programs and formalizing these activities in what would be called the Take Flight Eagles in 22 Program (#Eaglesin22) and would be launched this fall in the orientation for new students. He said this program would be critical to connecting students to campus through organized activities. He said the message of #Eaglesin22 was designed to drive home the idea that if a student started at FGCU in the fall of 2018, then they would graduate in 2022. He explained after the completion of the first-year program, these students could be tracked to see how likely they were to be retained the following year, to persist, and then graduate in four years. He commented the #Eaglesin22 program was part of the First Year Experience Office, which also would oversee Eagle View Orientation (EVO), the Immersion Program, and Eagles Read. Other programs and activities included family programs and living-learning communities. He emphasized these programs were critical to connecting students, and that the First Year Experience Design Team was excited to get the program started.

Dr. Cordova emphasized that the Student Engagement Design Team was critical in the area of student affairs and reestablishing a new culture and focus all around student success. He said this Team would continue to look at enhancing, revitalizing and improving campus life activities because Housing plays a huge role in student engagement. He said health and wellness would be more integrated and the Cohen Center would be better utilized as the Student Union. He said a student advocacy center would be built in the future to provide an area for students with special needs. This would continue to be developed and refined.

Dr. Cordova then presented the organization of the Division of Student Success and Enrollment Management proposed as of May 14, 2018. He explained a chart of the
leadership positions and areas which included Academic Engagement, Student Engagement, and Enrollment Management. He stated there would be an Associate Vice President for each of these three areas: Associate Vice President of Student Engagement, Associate Vice President of Academic Engagement, and Associate Vice President of Enrollment Management. The areas falling under the Associate Vice President of Student Engagement were: Campus Life (led by an Assistant Vice President & Dean of Students), Housing & Residence Life (led by a Director), Health & Wellness (continuing to be developed and would be led by a Senior Director), Student Advocacy (will be established after roll-out and led by a Director) and the Student Union (still being established and will be led by a Director.) The Associate Vice President of Academic Engagement will oversee University Advising Services (which will be led by an Assistant Vice President), Professional & Career Development (which will be led by a Senior Director), Academic Support Programs & Services (which will be led by a Senior Director) and the First Year Experience Office (which will be led by a Director). The Associate Vice President of Enrollment Management would oversee University Admissions (which would be Undergraduate Admissions, the Welcome Center, and Community Outreach; overseen by a Senior Director), Records & Registration (which would be led by the University Registrar), and Financial Aid & Scholarships (which would be led by a Director).

He explained that these job descriptions currently were being created, and that he was working with Human Resources to ensure strong job descriptions for each position was developed. Once this was complete, each position would either be appointed or a search would be started for it. He said the budgets that exist for each area would be realigned under the new Student Success and Enrollment Management Division, along with some of the new funding that FGCU received from the legislative budget. Finally, he said the plan was to roll this out by July 2. Dr. Cordova stated there have been a lot of people involved in the process since last year when former President Wilson Bradshaw created the Task Force to look at student success, and who actively participated on the Design Teams. He thanked and acknowledged all of the individuals who had assisted in this Initiative.

Chair Gable called for questions.

Trustee Darleen Cors asked if new advisors had been engaged or would be engaged. Dr. Cordova responded new advisors in certain areas were definitely needed, but as of now the initial budget called for three new advisors, although more may be necessary. He said once the new Student Success and Enrollment Management Division was rolled out, the design teams would better assess the number of advisors, and FGCU would continue to add advisors to the Colleges and wherever else additional advising support was needed.

Trustee Richard Eide asked what percentage of the new administrative positions would be retitling individuals who were already employed by the University and what percentage would be new hires.
Dr. Cordova responded as of now, two positions most likely would be national searches and most of the other positions would be current employees being assigned new duties than what they previously performed.

Trustee Eide asked for an explanation of the Canvas system.

Dr. Cordova explained Canvas was a learning management system which also allowed faculty members to deliver lectures, didactic material, modules, and create a gradebook for students in their classes.

Trustee Eide asked if there was a uniform system for assigning and entering grades at FGCU or if faculty could use different systems.

Dr. Cordova responded faculty may keep grades the way they see fit and ultimately must report the grades to the Registrar. He said that by and large, faculty members use their own system or method for keeping their grades.

Trustee Eide asked if there was any particular reason it was done this way rather than a uniform method for assigning and posting grades.

Dr. Cordova responded the Faculty Engagement Design Team has been focusing on trying to entice faculty to better utilize Canvas for its gradebook utility, so students could be tracked better. He added this was a work in progress.

With no further questions, Chair Gable thanked Dr. Cordova for his presentation.

Item 4: Standing Report from United Faculty of Florida (UFF)/FGCU Chapter

Chair Gable introduced Dr. Win Everham and Mr. Morgan Paine, Co-Presidents of United Faculty of Florida (UFF)/FGCU Chapter, to give the report, which was being made in conjunction with the Collective Bargaining Agreement provision that provides an opportunity to speak to FGCU Board of Trustees agenda items which affect the wages, hours, and other terms and conditions of employment of employees. “Employees” is defined as a member of the bargaining unit. As a reminder to the trustees, Chair Gable stated FGCU currently was engaged in negotiations with the UFF/FGCU Chapter, so it would be inappropriate to enter into any discussion with the co-presidents regarding bargaining items.

Mr. Paine reported the 2017-2018 academic year had been a remarkable year and would be remembered as being the year in which the winds of change altered leadership, financial circumstances, and the outlook on the future. He expressed his gratitude to all the people who had contributed to the improved circumstances. He reported UFF dues-paying membership had grown by 12 percent the past year and now represented 52 percent of in-unit faculty. He said UFF/FGCU Chapter understood the making of a University was a complicated, honorable task. He said the job was not to
Mr. Paine said his purpose in attending the FGCU Board of Trustees meeting was to convey the temperament of the faculty, the status of the collective morale, and the growing sense of optimism. He reported the mood of the faculty had been better in the past year than he had ever experienced. He attributed this good attitude to better leadership and a forecast of better days ahead. He said faculty agreed they were currently part of an organization which responded to the insights and perspectives of those who were doing the central, crucial work of the University, namely providing an education to students that they deserve and need. He said the bargaining team over the last 18 months was being led by Mr. Patrick Niner, an instructor in the Department of Language and Literature, and Dr. Scott Michael, a professor in the Department of Biological Sciences, and supported by more than seven others who have rotated through the weekly meetings. He said in working with Associate Provost and Associate Vice President for Academic Affairs Tony Barringer, the Management Team’s Chief Negotiator, since November significant improvement had been made in the language of the contract, and he expected that before the end of the summer to present a document to the faculty for a vote and then to the FGCU Board of Trustees for ultimate approval.

Mr. Paine reported the Grievance Committee was continuing its work to resolve issues related to the Collective Bargaining Agreement at the lowest possible level, engaging in clarification of disputes and limiting the escalation process. He said the Labor Management Team had been reactivated in order to help resolve issues by investigating the backgrounds of areas which seemed to be institutionally broken.

Mr. Paine reported President Martin in cooperation with both the Faculty Senate and UFF/FGCU Chapter had instituted the Professional Development Enhancement Award, which was a $1,000 award available to all full-time faculty to support individual effort to invest in their own professional development. He stated these were concrete accomplishments assisted by UFF/FGCU Chapter which would continue to make FGCU a more vibrant and robust learning environment.

Mr. Paine stated it was important to note UFF/FGCU Chapter and the Administration had been in animated discussions about the still developing Student Success and Enrollment Management plans. To be clear, he commented that UFF/FGCU Chapter supported the idea of student success. He said the crux of the disagreement on this point centered on the classification status of the academic advisors, who had been given too large of a workload and double the recommended number of advisees, and were woefully undercompensated. He added UFF/FGCU Chapter was eager to find a way forward to create an advising core which was capable of giving each student the support needed to advance the metrics. He said UFF/FGCU Chapter was committed to obtaining the wages, hours, terms and conditions of employment for the FGCU community which would attract and retain the best collective faculty.
Item 5: Standing Report from FGCU Foundation Board of Directors

Chair Gable called on Vice President for University Advancement, and Executive Director of FGCU Foundation Chris Simoneau to give this report on behalf of Foundation Board of Directors Chair David Holmes.

Mr. Simoneau reported the Foundation Board had not met since the last FGCU Board of Trustees meeting, but several committees had met and he would provide this information. He said tomorrow morning the Foundation Board would meet to finalize the work of the committees.

Mr. Simoneau stated the Foundation Board would finalize a Five-Year Strategic Plan for the Foundation, and the primary element of this plan was to generate the resources to support the University's Strategic Plan.

Mr. Simoneau thanked the FGCU Board of Trustees again for approving all the members for the Foundation at the April 10 FGCU Board of Trustees Meeting. He said tomorrow this core of new members would be presented to the Foundation Board. He reported Kimberly Reese and Nancy Wickham as new members of the Foundation Board, and reappointing to a second term, Joe Gammons, Dean Fjestul and Lee Seidler. He said the Foundation Board also would be asked to approve the nomination of three members as Foundation Fellows; they are David Lucas, Bernie Lester, and Dudley Goodlette. He said all of these individuals will need approval by the FGCU Board of Trustees at its September meeting.

Mr. Simoneau reported after 15 years with the same audit firm, the Foundation had selected a new audit firm, Cherry Bekaert.

Mr. Simoneau reported the Finance Committee would propose the FY 2019 Foundation Budget, which would include increases to the scholarship reserve as well as investments to further the strategic plan. He said the Development Committee would propose a fundraising goal for next year of $25 million. He added the Real Estate Committee has created policies and procedures for the procurement and acceptance of real estate into the Foundation, which would need approval by the Foundation Board of Directors. Final reports for the year would be given by the Eagles Club Board of Advisors and the Alumni Association Chair. He said a new fundraising event will be a clay pigeon shooting tournament in Charlotte County.

Mr. Simoneau stated FY 2018 had been a challenging year. He reported that Hurricane Irma understandably redirected philanthropy towards human service agencies. He said President Martin had been successfully introduced to the donor and alumni community.

Mr. Simoneau added the Foundation also had suffered significant personnel losses. However, the Foundation would start FY 2019 with a full complement of staff, and it anticipated a successful fundraising year.
Item 6: Standing Report from FGCU Financing Corporation Board of Directors

Chair Gable called on Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera to present the report on behalf of FGCU Financing Corporation Board of Directors Chair Joe Catti.

Mr. Magiera reported the Financing Corporation had not met since the last FGCU Board of Trustees meeting, and would be meeting tomorrow. He said Director of Housing Brian Fisher reported currently Housing was at 95.6 percent occupancy for fall 2018, and he projected that number to rise to 98 percent occupancy. He said Housing originally projected a lot lower occupancy due to concerns about competition, but they have added about 1,500 beds in the last two years and are staying competitive despite the addition of other housing in the area. He said the high occupancy was attributable to a larger FTIC class this year, the significant improvements made at North Lake Village (mainly the Boardwalk and the diner), and the plan put in place for full-sized beds at North Lake Village. He shared that 600 students had signed up for the full-sized beds. Mr. Magiera stated that Dr. Fisher expects this number to increase in January once other students see the full-sized beds. He said ultimately the key to success was largely due to the significant amount of money ($2 million a year), time and effort spent in maintaining the buildings. He said thanks to these improvements, FGCU residence halls have a competitive edge.

Item 7: Chair's Report

Chair Gable stated in the interest of time, he would make some comments later. He congratulated Trustee Jalisa White on her appointment as Chair of the Florida Student Association, which meant she would be a voting member of the Florida Board of Governors (BOG).

Item 8: President's Report

President Martin gave further congratulations to Trustee White. He also noted that the new Faculty Representative on the Board of Governors was former FGCU Faculty Senate President Shawn Felton. President Martin also thanked Teri Bigos for her service as President of the Staff Advisory Council (SAC).

President Martin reported he was anticipating approval from the Army Corps of Engineers for the permits for the Wellness Center. He said he was working on an MOU with Lee County Public Schools which focused on FGCU’s commitment to work together long term in a lab school setting. He said this would not be a typical lab school in that FGCU was not asking for a charter nor for direct operational support from the State. He said if and when Lee County built a new school close to FGCU, the University would be a joint designer and participant in using the school to learn how better to make students in Southwest Florida learn. He said a version of this agreement would be before the FGCU Board of Trustees soon.
President Martin announced that Vice President for Student Affairs Mike Rollo, as part of the new organizational structure, had agreed to become the Senior Vice President for Strategy and Program Innovation. He said he had seven projects for him to work on, and one was a partnership with Arthrex, Inc. in Naples. He said we were going to see if we could flesh that out to prepare students to be engineers as well as operators in terms of finance and a variety of other things in a rapidly growing industry.

President Martin stated the FGCU BOT would be given a budget update which was 96 percent of the budget. He asked the FGCU BOT to understand he was holding a little bit of unallocated funds for the moment which later would be allocated, but there were a number of uncertainties, including two union negotiations, whether some additional funding was coming from performance funding, and funding to assist academic program development to support the Strategic Plan.

President Martin announced the campus was being reorganized. He said the goal was to have all student services available in one place.

He said it had been determined, without any State support, that we could build an additional permanent building near the Family Resource Center to house all of the counseling programs. He said this would free up space in the campus core and send a message that FGCU was committed to counseling and educating future counselors.

President Martin emphasized a new approach was being created both physically and institutionally to all things student service.

President Martin stated he wanted to explore a calendar which was a trimester. He said this would allow students to carry a full-load in a true semester system as well as a partial-load in mini semesters.

**Item 9: Academic/Student/Faculty Affairs Committee**

Chair Gable called on Academic/Student/ Faculty Affairs Committee Chair Christian Spilker to give this report.

Trustee Spilker stated there was one information item which would be presented by Provost and Vice President for Academic Affairs James Llorens.

Provost Llorens said he would be announcing the promotions of faculty. He said the process was an opportunity for all faculty members to present their credentials and achievements. He explained that the process covers advisors all of the way up to professors. He said the process involves the faculty putting together portfolios detailing their accomplishments over the past years in terms of teaching, research, and service. The criteria is set, and faculty have an opportunity to present and make their case to a peer review committee, followed by a determination from the Chair, then on to the Dean, and then to the Provost for final approval and recommendation to the President.
Provost Llorens said he was proud to announce that he had approved 45 recommendations for promotions this year including: 2 Advisors to the rank of Advisor II, 15 Associate Professors to the rank of Professor, 17 Assistant Professors to the rank of Associate Professor, 7 Instructors to the rank of Instructor II, and 4 Instructor II to the rank of Instructor III. This represented 9 percent of the total faculty. He explained that the promotions carry with it a percentage of a salary increase: promotion to Associate Professor was a salary increase of 9 percent, promotion to full Professor was a salary increase of 12 percent, promotion of level I Instructor to level II Instructor and for level I Advisor to level II Advisor was 9 percent, and promotion from level II Instructor to level III Instructor and level II Advisor to level III Advisor was 12 percent. He said the total cost of the promotions was a little over $400,000 for the academic year. He said that it was a process that he believed was fair, as it was his first time going through the process and reading through about 50 portfolios. He said that it provided great feedback to him regarding the quality of the faculty at FGCU and the effort that was put into their performance. He said that Academic Affairs did not approve all of the promotions, but did have discussions with those individuals who were denied promotion to explain the reasons why and prepare them for the next round of promotions.

Trustee Roepstorff congratulated all of the faculty who worked so hard and diligently; and for wanting to grow with the University and in their own professional careers. She said that it benefits the students for faculty members to continually grow and further their own education. Trustee Roepstorff also thanked the leadership that inspired the faculty.

**Item 10: Audit and Compliance Committee (See Tabs #5-6)**

Chair Gable called on Audit and Compliance Committee Chair Joseph Fogg to present this report.

Trustee Fogg updated the Board on the Audit and Compliance Committee’s recent Executive Session on Security of Data and Information Technology on May 16. The Committee members met with President Martin and his team, including Chief Information Officer (CIO) Mary Banks, to discuss that important topic, which was included in the Committee’s Charter. Specifically, the Charter called for the Committee to, “Consider the effectiveness of the University and its Direct Support Organizations’ (DSOs’) internal control environment, including information technology security and control.” The Committee planned to hold a second Executive Session on Security of Data and Information Technology. It would be held on the same day as the FGCU Board of Trustees regular meeting on September 11, and all trustees were invited to attend.

Trustee Fogg called on Director of Internal Audit Bill Foster to present the action items.
Mr. Foster reported the audit of FGCU’s Financial Statements for Fiscal Year ending June 30, 2017 had been performed by the Auditor General every year in accordance with Section 11.45 of the Florida Statutes. He directed the Board to the summary page of the audit which contained the key points of the financial audit. He said the opinion showed the auditors had determined the financial statements present the financial position of the University fairly. He stated this was known as a clean opinion and was what the finance and accounting area strived for each year.

He pointed out pages 4–15 contained the Management’s Discussion and Analysis, where management described in reader friendly terms what had occurred in the last fiscal year. He added this section pointed out major transactions and presented comparative figures from the prior year. He said pages 16–17 were the statement of the position, and that years ago, this statement was known as the Balance Sheet. The first column was titled “University,” and contained figures for the University and the FGCU Financing Corporation. The second column was titled “Component Unit” and represented the Foundation’s information. He said at year end, there were total assets of $647 million and $127 million, total liabilities of $306 million and $3 million, with net position of $368 million and $124 million, respectively for the “University” and the “Component Unit” columns. He explained the figures on these pages, and on the following page 18, Statement of Revenues, Expenses and Changes in Net position. He said the statement was formerly known as an Income Statement. For the year, FGCU had $120 million and $14 million in operating revenue, $225 million and $17 million operating expenses, net non-operating revenue $97 million and $9 million. He said pages 20–21 were the Statement of Cash Flow, which showed the effects to cash from the financial transactions during the year. The net effect was a $34,000 decrease in cash and cash equivalents for the year. Pages 22-52 contained Notes to the Financial Statements, which contained a significant amount of information to explain the various line items in the Financial 3 Statements. He said compared to Management’s Discussion and Analysis, these notes were not necessarily as reader friendly. He added that pages 53-55 Supplementary Information was the information the State of Florida had used to determine pension and health insurance subsidy liabilities. He concluded by noting that pages 56-57 were the Auditor’s Report on Internal Control and Compliance, and that this report related financial reporting and compliance with Government Auditing Standards. He said there were no deficiencies in the internal controls noted.

Trustee Fogg stated the Audit and Compliance Committee had reviewed the document and was recommending its approval to the FGCU Board of Trustees.

Trustee Cors made a motion to accept the FGCU Audited Financial Statements for the Fiscal Year Ended June 30, 2017. Trustee Leo Montgomery seconded the motion. There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.
State of Florida Compliance and Internal Controls over Financial Reporting and Federal Awards Audit (TAB #6)

Mr. Foster reported this audit was conducted for the entire 12 state universities as a whole. He explained as a condition of receiving federal funds, the U.S. Office of Management and Budget required an audit of the State of Florida’s financial statements and major federal awards programs. This audit used to be known as the “Federal A 133.” He said there were compliance requirements for federal awards programs established in the U.S. Office of Management and Budget (OMB) Compliance Supplement which included: activities allowed or unallowed, allowable costs/cost principles, cash management, eligibility, matching, level of effort, earmarking, period of performance, procurement, suspension and debarment, and reporting.

He reported this audit had one finding related to financial assistance for students, referenced on page 183 of the agenda packet. This situation involved a student who was due a refund; the refund check was issued, but the check was not cashed in a timely manner as required by federal guidelines. He explained as a result of this finding, enhanced procedures for handling unclaimed checks containing Title IV Higher Education funds had been put in place. These included monthly reviews which would be conducted to identify and check unclaimed checks starting at 60 days after they were issued. He reported routine and systematic attempts would be made by letter, email and phone from one contact point to notify a student or parent of an unclaimed check. Should the check remain uncashed, sufficient time will be allocated to process the return of the funds to the applicable program and additional attempts to contact the student will cease. These procedures would provide for the return of all unclaimed checks within the allowable time frame.

Trustee Montgomery made a motion to accept the State of Florida Compliance and Internal Controls over Financial Reporting and Federal Awards Audit. Trustee Kevin Price seconded the motion. There was no public comment, or Board discussion. The vote was 13-0 in favor of the motion.

Item 11: Finance, Facilities and Administration (See Tabs #7-16)

Finance, Facilities, and Administration Committee Chair Ken Smith requested that Chair Gable handle the Committee items since Trustee Smith was participating by phone in the meeting.

President’s Performance Evaluation for 2017-2018 (TAB #7)

Chair Gable stated one of the most important statutory duties of the FGCU Board of Trustees (BOT) was hiring, evaluating and compensating the University President. The FGCU BOT had conducted annual performance evaluations of each FGCU President since the Board’s creation in 2001, and would evaluate President Mike Martin for 2017-2018. As a reminder of the process used this year, he stated all trustees had completed an evaluation form for the President’s performance. Additionally, as required by Board of Governors (BOG) Regulation, Chair Gable said he had consulted extensively with BOG Chair Ned Lautenbach and Chancellor Marshall Criser to get their input on
President Martin's performance. He stated from the constituency in Tallahassee to the Chancellor to the BOG Chair, all had been extremely pleased with the President's performance over the course of the first year, and unanimously agreed FGCU was headed in the right direction. He added the BOG was behind FGCU and appreciated all the work faculty and staff had done with Dr. Cordova. The response to President Martin's first year at FGCU had been overwhelmingly positive.

Chair Gable asked for comments from the Trustees.

Trustee Priddy echoed Chair Gable's comments that FGCU was headed in the right direction, and has received positive feedback from the community regarding the changes that have been made on campus.

Trustee White stated she had received great feedback from students who believed the President was transparent and innovative in leadership.

Trustee Stephen Smith said as the newest trustee, the President and his team had done a great job helping him understand the University and better understand the role he might be able to play.

Trustee Price also echoed the positive comments and the great movement in the first year.

Trustee Robbie Roepstorff said it was equally important for community acceptance, and President Martin's transition into the community had been one of the best she had experienced through a business career. She added faculty had embraced him and wanted to go into the next chapter in a positive manner. The faculty appreciated President Martin's vast experience.

President Martin thanked the FGCU Board of Trustees for all of the kind comments. He especially thanked Trustee White for polling students and getting their input as student opinion was very important. He said where FGCU was now was the result of the hard work which had been done for the last 20 years. He pointed out any accolades or criticism recognized the fact they were in this together as a team. He said he took pride in the fact he was able to get people to lead. He stated his mantra had always been to take opportunities which were interesting, rewarding and fun. He finished by saying that the comments of the FGCU BOT were important because it showed that the Board was taking the time to be engaged. He thanked the FGCU BOT, the faculty and staff on campus, everyone that he worked with every day, and lastly, the wonderful legacy that had already been established.

Chair Gable said he would recommend a motion be made to the effect that President Martin had performed in an outstanding manner for the 2017-2018 year.
Trustee Priddy made a motion President Martin had performed in an outstanding manner for the 2017-2018 year. Trustee White seconded the motion. There was no public comment or further Board discussion. The vote was 13-0 in favor of the motion.

Chair Gable stated that before he recommended the next motion, he wanted to make clear that any changes to the President’s contract required Board of Governors’ approval, and what he was recommending was within the construct of the contract which the President had signed and the Board had approved.

Chair Gable said that he would recommend the following motion: that the Board award President Martin a $100,000 performance bonus in accordance with his employment contract.

Trustee Priddy made a motion to award President Martin a $100,000 performance bonus in accordance with his employment contract. Trustee McDonald seconded the motion. There was no public comment or Board discussion. The vote was 13-0 in favor of the motion.

Chair Gable stated the President did have a few items he would like to have addressed in his contract, and it was agreed these would be revisited at a future point in time.

Trustee Fogg stated he had waited to this point to comment he had been on a number of boards and compensation committees, and for a decision of this magnitude, the process was very different in Florida due to the Sunshine Laws. He said he would like the FGCU BOT to have a discussion in the future about how it could better work as colleagues to talk about an issue like this in light of the Sunshine Laws.

Chair Gable responded this issue would be discussed in the future.

Transcript of the Executive Session for Cody Childers vs. Florida Gulf Coast University Board of Trustees, Ronald B. Toll, Mitchell L. Cordova, Joan Glacken, Eric Shamus and Arie Van Duijn (TAB #8)

Chair Gable called on Vice President and General Counsel Vee Leonard to present these information items.

Ms. Leonard said this matter had been concluded and the transcript was being provided for information only.

Transcript of the Executive Session for Kathy Norris vs. Florida Gulf Coast University (TAB #9)

Ms. Leonard said this matter had been concluded and the transcript was being provided for information only.

Finance Budget Update (TAB #10)

Chair Gable called on Mr. Magiera to present this item.
Mr. Magiera stated there were two ways to handle budgets: One way was quarterly transfers; the other way was to leave the budget as original and then explain variances. The practice at FGCU has been the second approach. He said the update showed a projection to year end, and this was a projection for the month of June, FGCU's most volatile month. He said he would bring the FGCU Board of Trustees actual numbers in September when the year had closed. He pointed out there were more variances than in the past and provided an explanation for each of those variances in the agenda packet.

Mr. Magiera asked if there were any questions.

Trustee S. Smith asked if Mr. Magiera could explain the difference and the need to break out a Grand Summary and then a Subset of General Revenue.

Mr. Magiera explained since this was a university, he was using fund accounting where money was put into “buckets.” He said that the first page is the Grand Summary, which showed all of the funds at the university regardless of what “bucket” it was from. The second page showed the General Revenue. He said that was the biggest portion and consisted of the State appropriations, tuition and fees, and the lottery money. He said pages 3 and 4 discussed local funds, such as athletics and contracts and grants, which were different types of funds than the General Revenue money. General Revenue money goes away at the end of the year, but auxillaries carry over from year to year.

Trustee S. Smith commented on page 2 the expense categories were virtually identical with page 1, and he questioned if those expenses were associated with those revenue sources.

Mr. Magiera responded that was correct.

**Carryforward Funds FY 2017-2018 (TAB #11)**

Mr. Magiera stated this page showed the projected carryforward, and exact numbers would be provided in September. He stated that the carryforward balance was projected to be about $15.2 million, of which $7.6 million was required to be reserved as part of the State statutes (must maintain 5 percent of the budget). This was the General Education ledger. Several years ago after a substantial budget cut by the State of Florida, the FGCU Board of Trustees (BOT) required a reserve to be established. The goal of the reserve was to eventually match the State requirement. The FGCU BOT Reserve was at $5 million at this time.

Mr. Magiera said that the next two items were the Graduate Programs and the Talent Gap Programs, which was money left over from those programs that had not been spent yet. Graduate Program money was State restricted and could only be spent for graduate programs in the College of Business. The Talent Gap program money could only be spent on Construction Management, Supply Chain Management, and Data Analytics.
Mr. Magiera pointed out that the only real money that had flexibility to it was the $88,000, which was allocated toward renovations as part of the Student Success and Enrollment Management Initiative.

Chair Gable called on Mr. Magiera to present the action items.

**Regulation: FGCU-PR7.001 Tuition and Fees (TAB #12)**

Mr. Magiera said that every year the FGCU Board of Trustees was required to approve the tuition and fees for the upcoming fiscal year. He reported there were no increases in fees and tuition. He said there was one change on page 2 of the document, which was that the Board of Governors (BOG) had authorized an increase in the Repeat Course Fee. It would be changing from $181.12 to $190.84.

Trustee K. Smith made a motion to approve Regulation: FGCU-PR7.001 Tuition and Fees. Trustee Price seconded the motion. There was no public comment or Board discussion. The vote was 13-0 in favor of the motion.

**2018-2019 Operating Budget (TAB #13)**

Mr. Magiera directed the FGCU Board of Trustees (BOT) to the agenda packet for a copy of this document. He said the first page of the four pages talked about where the money came from. He highlighted these sources for the FGCU BOT. He concluded new money in total, if given the proposed money, would amount to $17.5 million.

Mr. Magiera said the next page showed expenses. He highlighted that $5 million was the academic portion, and non-academic staff and promotions were about $950,000.

Mr. Magiera highlighted additional items on each of the pages. On the last page, the expense page, he stated the budget had been built with a 2 percent employee pay increase, or $1,200 (whichever was greater). Anyone making over $200,000 would get a 1 percent increase, and there will be no increase for anyone earning more than $300,000 per year. He pointed out negotiations with campus police and faculty had not been concluded, and so this figure was uncertain.

Mr. Magiera noted the $12 million increase in salaries and benefits. He explained total raises across all fronts would be about $3 million. He said budget projections for salaries and benefits had been missed last year, which was primarily due to the increase in summer classes and for advertising for new positions.

Mr. Magiera explained as the unallocated money was spent he would inform the FGCU BOT at each quarterly meeting on how it was spent.

Trustee Priddy thanked Mr. Magiera and said that in the few years FGCU has had money available to allocate for pay raises, Trustee Priddy had been an advocate for the ceiling approach.
Trustee McDonald asked Mr. Magiera to give some details about the transfers to the Financing Corporation.

Mr. Magiera responded this had to do with Housing, which was run as an auxiliary function of the University, but the debt was held in the Financing Corporation, which made the bond and interest payments. He said at the end of the year, money was transferred from the Housing operation auxiliary to the Financing Corporation.

Trustee Cors said she understood there was nothing in the budget for raises for those who had salaries of $300,000 or more. She asked how many individuals were in this category and what their reaction was.

Mr. Magiera responded there were four people in that category. He said he only knew one personally, and that they did not have an issue with it. Trustee Cors stated she felt that those individuals worked as hard as anyone else.

Trustee Roepstorff asked how many new positions for faculty and staff would be added over the next year.

Mr. Magiera responded, as President Martin had indicated, this was not certain yet, and FGCU was waiting for the rest of the money to be distributed.

Trustee Roepstorff asked if it was estimated there would be a net gain. Mr. Magiera responded affirmatively.

President Martin stated FGCU was sending a message to the Legislature that it was doing what it said it would do with the money it had received by allocating the first chunk of money to the Student Success & Enrollment Management Initiative.

Trustee Roepstorff asked about the status of Block Tuition that was previously discussed.

Mr. Magiera responded as of this point, he had not heard it was moving forward.

Trustee Priddy said the University charged the Finance Corporation 8 percent of this money for providing housing and parking, and he said there had been some offsets to this with the University assuming some expenses which used to be paid by the Finance Corporation, and he asked if this would continue. Mr. Magiera responded affirmatively.

Trustee Priddy made a motion to approve the 2018-2019 Operating Budget. Trustee Price seconded the motion. There was no public comment or further Board discussion. The vote was 13-0 in favor of the motion.

Building for Student and Community Counseling Center (TAB #14)

President Martin said this action came from the Student Success and Enrollment Management Initiative recognizing the need to provide an appropriate home for
counseling and counseling education and a way to create a “downtown” mall for student services. He reported the building was 18,000 gross square feet, 14,000 net square feet, two stories, on a site next to the Family Resource Center, and would cost close to the same as additional modular space.

Mr. Magiera said if the FGCU Board of Trustees (BOT) approved this building moving forward, it would go to the Financing Corporation for its approval. He said the Financing Corporation would finance the building which would be $5 million maximum, and repayment would be $1 million a year out of auxiliary funds.

Trustee Priddy said he was supportive of the concept of the building, but he suggested making it larger at three stories because the University was running out of land, and there would be more needs in the future.

Mr. Magiera responded there were issues to be considered. One was the amount of money available, but even more so was perception because the Integrated Watershed and Coastal Studies building (AB9) was the number one funding priority with the State.

Trustee Priddy asked if there was a way to design the building so a third floor could be added in the future, if needed.

President Martin responded that they would find out more information regarding those questions.

Trustee Cors also agreed with exploring the possibility of a third story.

Chair Gable asked what it would do to the timeline to explore the possibility of a third floor.

Mr. Magiera responded it would add two or three weeks.

President Martin said that was not a bad outcome in order to explore the option of a third floor more completely. Chair Gable said that he understood the sense of urgency, but also wanted to make sure that they were thinking about the building long term.

Trustee McDonald asked if parking had been considered for this building.

Mr. Magiera responded there was some parking there, but not enough. He believed that the plans for the building included about 65 additional spaces.

Trustee McDonald asked how this would impact the Family Resource Center parking.

Mr. Magiera responded that the building for the Student and Community Counseling Center is further down from the site for the new building, so the parking for the Family Resource Center would not be affected.
President Martin said this would be explored to find out two things: Should there be three stories now or could there be in the future; and, to emphasize to everyone this was in no way a substitute for AB9, but in response to the Board of Governors (BOG) desire for there to be a high visibility mental health and counseling system on at the universities.

Trustee Cors said she supported a third story and also would like to know the cost.

Trustee Priddy made a motion to approve the Building for the Student and Community Counseling Center. Trustee White seconded the motion. There was no public comment or further Board discussion. The vote was 13-0 in favor of the motion.

**2019-2020 Fixed Capital Outlay Budget Request (TAB #15)**

Mr. Magiera stated that the Capital Improvement Plan (CIP) was required each year. He said there were a few minor changes to the document. He said because of the delay in building AB9, the cost by the BOG’s estimate had increased $3.6 million and so this was added to the project cost. He said the Health Sciences building also was increased by 7 percent. He said the Student Health and Life Fitness Center, for which the BOG had no standard measure of cost per foot for recreation buildings, was also increased 7 percent. He explained the last change was the Student and Community Counseling Center, which would be added to the Master Plan next year.

Trustee White asked for an explanation of the addition of Parking Garage 5.

Mr. Magiera responded many things were put on the list which may not be completed, but if they were not on the list, they could become problematic if decided in the future. He was not sure yet what will be done with that parking garage in the future.

Trustee Roepstorff asked to see a floorplan for what would be put in the Student Health and Life Fitness Center in the future, as she believed this would create excitement for the project. She also asked if any of the new buildings had meeting space available. She said that she kept hearing that with the additions of new fraternities and sororities, meeting space was limited and students often had to go off campus to meet because of the lack of rooms available.

Mr. Magiera responded the new buildings did not have meeting space, and although he recognized this need, classroom space and labs took higher priority.

Trustee Roepstorff asked if the Cohen Center ballroom in the Student Union was the largest room on campus. Mr. Magiera responded it was.

Trustee Roepstorff asked if the University had control over the number of sororities and fraternities which were allowed on campus.

Mr. Magiera responded he did not know, but he would find out.
Trustee White made a motion to approve the 2019-2020 Fixed Capital Outlay Budget Request. Trustee Priddy seconded the motion. There was no public comment or further Board discussion. The vote was 13-0 in favor of the motion.

2019 Legislative Budget Request Submission for Board of Governors (TAB #16)
Chair Gable thanked Charlie Dudley of Floridian Partners, and Director of Government Relations Jennifer Goen for their tremendous efforts in Tallahassee. He asked Ms. Goen to present this item.

Ms. Goen said with the three-year plan developed by President Martin to secure $32 million to address operational funding needs at FGCU, and with President Martin’s leadership and the hard work by the Southwest Florida delegation and approval by Governor Scott, FGCU had secured $13.7 of that $32 million. She said Phase 2 of the three-year plan would be a $12.3 million operational request in recurring funds, as indicated in the agenda materials. The funding would provide the necessary recurring resources to improve the 4-year graduation rate, improve the retention rate, continue the implementation of the FGCU Student Success & Enrollment Management Initiative, target programs and workforce development, provide further applied research and scholarship offerings, and provide adequate infrastructure for the University. Ms. Goen stated that all of those components would promote student success at FGCU.

Trustee White made a motion to approve the 2019 Legislative Budget Request Submission to the Board of Governors (BOG). Trustee Cors seconded the motion. There was no public comment or further Board discussion. The vote was 13-0 in favor of the motion.

Chair Gable called on Vice President and Chief of Staff Susan Evans to make her suggestion regarding the new building and the addition of a third floor.

Ms. Evans suggested Chair Gable, working with President Martin, be authorized by the FGCU Board of Trustees (BOT) to make any changes which would come about as a result of the new information received.

Trustee McDonald asked if a third floor would make the building large enough to come back under a review process by the Board of Governors.

Mr. Magiera said he would check, but he was pretty sure it would not.

Trustee Cors made a motion to authorize Chair Gable to act on behalf of the FGCU Board of Trustees regarding any needed changes to the building for the Student and Community Counseling Center. Trustee Roepstorff seconded the motion. There was no public comment or further Board discussion. The vote was 13-0 in favor of the motion.

Chair Gable commented that once the building information is received he would communicate back to the FGCU BOT.
Item 12: Old Business
There was no old business for discussion.

Item 13: New Business
There was no new business for discussion.

Item 14: Chair’s Closing Remarks & Meeting Adjournment
Chair Gable announced the next scheduled meetings to include a voluntary workshop on the Four-Year Graduation Rate Improvement Plan on Monday, September 10 at 9 a.m., and on September 11, the Audit and Compliance Committee at 8:30 a.m., followed by the FGCU Board of Trustees regular meeting. He said at the conclusion of the FGCU BOT meeting, the Audit and Compliance Executive Session on Security of Data and Information Technology would take place, and all trustees were invited to attend.

President Martin said his tradition had been to participate in freshman move-in day. He said he would hand out water to the students and assist them. He invited the trustees to join him and said that he would send them the dates.

Chair Gable adjourned the meeting at 11:18 a.m.

Minutes prepared by Transcription Experts, and reviewed by Tiffany Jackson, FGCU Assistant Director of Board Operations.

Agenda Items:
A. See Tabs #1 – 16

B. Handouts

Attachment:
A. Record of Votes
**Record of Votes**  
FGCU Board of Trustees  
**DATE: 6/5/2018**

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ITEM: 2

Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: Ninth Amendment and Restatement of Florida Gulf Coast University Board of Trustees Bylaws

PROPOSED BOARD ACTION

Approve the Ninth Amendment to the Florida Gulf Coast Board of Trustees Bylaws, which provides for the appointment of at least one representative to the Board of Directors of the direct support organizations, as well as to require the approval of all members of the Board of Directors of the direct support organizations. The Bylaws also acknowledges the new designated chief compliance officer.

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees Bylaws was amended to insure consistency with the recent legislation regarding direct support organizations. There were also organizational changes to the compliance area, which needed to be recognized in this document.

Supporting Documentation Included: Ninth Amendment and Restatement of Florida Gulf Coast University Board of Trustees Bylaws

Prepared by: Vice President and General Counsel Vee Leonard

Legal Review by: N/A

Submitted by: Vice President and General Counsel Vee Leonard
EIGHTH-NINTH AMENDMENT
AND RESTATEMENT OF
FLORIDA GULF COAST UNIVERSITY
BOARD OF TRUSTEES
BYLAWS
I. Organization

The Florida Gulf Coast University Board of Trustees ("the Board") is established as a public body corporate, with all of the powers of a body corporate as provided by Florida law. The Board is vested with the authority to administer Florida Gulf Coast University ("University" or "FGCU") in accordance with the Florida Constitution, Florida law, and delegation of the Florida Board of Governors. The Board is a corporation primarily acting as an instrumentality of the State of Florida pursuant to Section 768.28(2), Florida Statutes, for purposes of sovereign immunity.

II. Trustees

The Board is comprised of thirteen (13) trustees, six appointed by the Governor, five appointed by the Florida Board of Governors, one member who is the President of the Faculty Senate and one member who is the President of the Student Government. Trustees who are appointed by the Governor and the Florida Board of Governors shall be appointed for staggered five-year terms and are subject to confirmation by the Florida Senate. Trustees shall continue to hold office until their successors have been appointed.

III. Powers and Duties of the Board

The Board shall serve as the governing body of Florida Gulf Coast University. It shall select the President of Florida Gulf Coast University to serve at the pleasure of the Board and shall hold the President responsible for the University’s operation and management, performance, its fiscal accountability, and its compliance with federal and state laws and regulations, including those of the Board of Governors. The Board shall approve all members of a University direct support organization’s Board of Directors. The Board shall have the authority to carry out all lawful functions permitted by Bylaws, its Operating Procedures, Board of Governors regulations, or law. The Board may adopt regulations, rules, and policies consistent with the University mission, with law, and with the regulations and rules of the Board of Governors, in order to effectively fulfill its obligations under the law.

IV. Officers

A. The corporate officers are the Chair, the Vice-Chair, and the University President ("President") who serves as the Chief Executive Officer and Corporate Secretary of the Board. The Chair and Vice-Chair shall be elected from the members appointed by the Governor and the Board of Governors at the first meeting after January 1. Bi-annually thereafter in even numbered years, the Board shall select the Chair and Vice-Chair. The term of office for Chair and Vice-Chair shall begin on February 1 and expire on the last day of January in the final year of said term. The Chair shall serve for two (2) years and may be re-elected to serve three (3) additional consecutive two-year terms. Vacancies may be filled at any time by a majority vote of the members of the Board. The Chair and Vice-Chair will continue to hold office until their
successors have been elected. Officers may be removed at any time by the affirmative vote of a majority of the members of the Board.

B. The Chair appoints the members of and serves as an ex officio voting member of all committees of the Board. The Chair will appoint all committee chairs. The Chair shall appoint at least one representative to the Board of Directors and the Executive Committee of each direct support organization.

C. The Vice-Chair performs the duties of the Chair with full authority during the absence or disability of the Chair.

D. The President serves as the Chief Executive Officer and Corporate Secretary of the Board. The President shall be responsible to the Board for all operations and administration of the University and for setting the agenda for meetings of the Board in consultation with the Chair. The President may designate certain functions of the Corporate Secretary.

V. Meetings

A. Regular Meetings – At the first meeting of the calendar year, the Board shall establish a schedule of meetings for the ensuing year which shall provide for a minimum of four regular meetings; at least one scheduled in each quarter of the fiscal year (July 1 – June 30). The Chair shall notify the Governor or the Board of Governors, as applicable, in writing whenever a Board member has three consecutive unexcused absences from regular Board meetings in any fiscal year which may be grounds for removal by the Governor or the Board of Governors, as applicable.

B. Annual Meeting – The annual meeting shall be the last regular meeting scheduled in the fiscal year.

C. Special Meetings – The Board will meet in special meetings, including hearings and workshops, at a time and place designated by the Chair.

D. Emergency Meetings – An emergency meeting of the Board may be called by the Chair upon no less than twenty-four (24) hours’ notice whenever, in the opinion of the Chair, an issue requires immediate Board action. Whenever such emergency meeting is called, the Chair will notify the President who will immediately serve either verbal or written notice upon each member of the Board, stating the date, hour and place of the meeting and the purpose for which the meeting has been called. No other business will be transacted at the meeting unless additional emergency matters are agreed to by a majority of those Board members in attendance. The minutes of each emergency meeting will show the manner and method by which notice of such emergency meeting was given to each member of the Board.

E. Meetings of the Board are open to the public and all official acts, other than those
exempted by Florida Statutes, shall be taken at public meetings. As required by law, minutes of Board meetings shall be kept by the Corporate Secretary or designee, who shall cause them to be printed and preserved. Within two (2) weeks after a Board meeting, detailed meeting minutes for all meetings, including the vote history and attendance of each trustee, shall be posted prominently on the University’s website. The schedule of meetings shall also be available on the University’s website at http://www.fgcu.edu (Board of Trustees).

F. Executive Sessions – As provided by law, the Board may conduct closed executive sessions when it meets to consider or discuss such matters as pending litigation, collective bargaining, or evaluation of claims filed with a risk management program.

G. Notice of Meetings

1. Notice of regular meetings, committee meetings, and special meetings of the Board will be given not less than seven (7) days before the event and will include the Agenda or a statement of the general subject matter to be considered.

2. Whenever an emergency meeting is scheduled to be held, the Corporate Secretary will notify with a press release all media outlets in the five (5) county FGCU service area, including the time, date, place, and purpose of the meeting.

3. Notwithstanding anything in these bylaws to the contrary, all such notice matters shall meet the requirements of Florida law regarding public meetings and public records.

H. Meetings by means of Telephone Conference Calls and other Communications Media Technology

1. The Board may use telephone conference calls and other communications media technology to conduct Board business in the same manner as if the proceeding were held in person.

2. To attend a meeting of the Board by telephone conference or other means of communications media technology, the member shall provide the President or designee a written request to attend the Board meeting by telephone conference or other means of communications media technology at least fourteen (14) days in advance. A member may attend a meeting by telephone conference or other means of communications media technology provided that the member can hear and speak to all other members (allowing for simultaneous transmission). Participation by a member by telephone conference or other means of communications media technology shall constitute attendance in person at the meeting.

3. The Board may participate in and hold a meeting of which all members
participating in the meeting can hear and speak to each other (allowing for simultaneous transmission) provided that thirty (30) days’ notice is given to the President. Participation in such meeting shall constitute attendance in person at the meeting. The notice of any meeting which is to be conducted by means of communication media technology, will state where and how members of the public may gain access to the meeting and such notice shall meet the requirements of paragraph IV(G) above.

I. Quorum – A majority of the members of the Board must be present and voting to constitute a quorum for the transaction of business. No business will be transacted without an affirmative vote of the majority of the members of the Board present at a meeting where a quorum of the Board is present. The use of proxies for purposes of determining a quorum, for voting, or any other purpose is prohibited.

J. Parliamentary rules – The most recent edition of “Roberts Rules of Order” will be followed in conducting the meetings of the Board, unless otherwise provided by the Board.

VI. Agenda

A. The President or designee shall prepare the agenda for meetings of the Board in consultation with the Chair. Any request by a trustee to include an item on the agenda shall be made in writing to the President sufficiently in advance of the meeting to permit a determination to be made as to the propriety and practicability of including that item on the agenda. In consultation with the Chair, the President or designee will assemble the items received with sufficient time to prepare the agenda in advance of each meeting and provide a copy of the agenda to each member of the Board at least seven (7) days prior to the meeting. If additional items or supporting documentation become available, a supplemental agenda will be provided at least two (2) days prior to the meeting.

B. Unless otherwise stated by the Board, the agenda for the Board meetings shall include:

1. Opening Remarks by the Chair
2. Standing Reports
3. President’s Report
4. Consent Agenda
5. Academic/Student/Faculty Affairs Committee
6. Finance, Facilities, and Administration Committee
7. Audit and Compliance Committee
8. Old Business
9. New Business
10. Closing Remarks by the Chair
11. Adjourn
C. Unless otherwise noted on the agenda, public comment on an agenda item will be heard during the appropriate committee in accordance with Section VI, Appearances Before the Board.

D. Upon approval of the Board Chair, Board committee chairs may bring additional items not included on the published agenda to the full Board meeting.

E. The Board may also consider agenda items, not included in the published agenda, that are emergencies. The agenda item will include a statement of the nature of the emergency requiring Board action. Information relating to an emergency item will be distributed to the Board prior to or at the beginning of the meeting.

VII. Appearances Before the Board

A. The Board will afford to each individual and representatives of groups a reasonable opportunity to be heard on any agenda item. Public input will be accepted by the Board immediately following committee discussion on each item and before any votes. An individual or representatives of groups may be heard on any Board agenda item by completing a request form and submitting it prior to the Agenda item being heard. The request form will include the individual’s name, address, and agenda item to be addressed. Speaker’s comments will be subject to a three (3) minute maximum time limitation. Speakers shall confine their remarks only to the agenda item being addressed. If it appears that there are more speakers desiring to speak than may be accommodated, the Board may reduce the maximum amount of time allowed each speaker, or limit the number of speakers that may address an agenda item or topic. In order to proceed with the essential business of the Board in an orderly manner, any speaker who attempts to disrupt a Board meeting will be subject to appropriate action (including removal) pursuant to law.

B. An individual or group representative who desires to submit an item for the Board’s Agenda concerning a subject within the Board’s jurisdiction must submit a written request to the President, 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565. The written requests must state the individual’s name, address, the item that they would like the Board to consider placing on the agenda, and the reasons thereof. Requests received later than twenty-one (21) days before the meeting may be deferred to the next meeting for consideration. The President, in consultation with the Chair, will determine if and when the item will be heard and may decline to hear any matter determined to be outside the Board’s jurisdiction.

VIII. Committees

A. The Finance, Facilities, and Administration Committee shall review and recommend for consideration by the Board policies related to the financial and administrative functions of the University. The Chair shall appoint any number of Trustees to the
Finance, Facilities, and Administration Committee and designate one (1) to serve as the Committee Chair. The Vice President for Administrative Services and Finance shall serve as staff to the Finance, Facilities, and Administration Committee.

B. The Academic/Student/Faculty Affairs Committee shall review and recommend for consideration by the Board policies related to the academic and student affairs functions of the University. The Chair shall appoint any number of Trustees to the Academic/Student/Faculty Affairs Committee and designate one (1) to serve as the Committee Chair. The Provost and Vice President for Academic Affairs shall serve as staff to the Committee for purposes of academic and faculty affairs matters. The Vice President for Student Affairs shall also serve as staff to the Committee for purposes of student affairs issues.

C. The Audit and Compliance Committee shall review and recommend for consideration by the Board, charters, plans, policies, and other documents related to the audit, as well as the compliance functions of the University. The Chair shall appoint any number of Trustees to the Audit and Compliance Committee and designate one (1) to serve as the Committee Chair. The Director of Internal Audit as well as the Chief Compliance Officer shall serve as staff to the Committee for purposes of audit and compliance responsibilities and functions.

D. The Chair may establish additional ad hoc committees as deemed necessary for the orderly conduct of the business of the Board. Each ad hoc committee shall have a minimum of three members of the Board. In addition, the Chair may appoint to any standing or ad hoc committee (including the Finance, Facilities, and Administration Committee, the Academic/Student/Faculty Affairs Committee, and the Audit and Compliance Committee) one or more member(s), who shall serve on said committee(s) for a term designated by the Chair, or if no term is designated until removed by the Chair.

E. Authority – No committee has the power or authority to commit the Board to any policy or action unless specifically granted such power or authority by the Board. Committee Chairs will report committee action as a recommendation for consideration and action by the Board. If the Board, however, authorizes a committee to act on a matter referred to it, the Committee Chair will report the action taken to the Board at its next scheduled meeting.

F. The Board may act as a Committee of the Whole. In the event the full Board is serving on any committee, the action of the committee by a majority of the committee members where a quorum is present shall constitute the action of the Board without further action.

IX. Committee Meetings
A. Any committee of the Board may meet upon call of its Chair to carry out its duties and responsibilities. Meetings shall be noticed under the procedures established for the Board.

B. Quorum – A majority of the members of a committee must be present and voting to constitute a quorum for the transaction of business.

C. Persons desiring to appear before a committee of the Board shall make such written request to the President, Florida Gulf Coast University, 10501 FGCU Blvd., South, Fort Myers, FL, 33965-6565 following the procedure specified for Board meetings in paragraph VI above.

D. Persons desiring to place a new item before a committee shall make such a written request to the President, Florida Gulf Coast University, 10501 FGCU Blvd., South, Fort Myers, FL, 33965-6565 following the procedure specified for Board meetings in paragraph VI above.

X. Communications Policy

A. Communication with Board – It is the policy of the Board that there shall be a useful exchange of information between the Board and the various constituencies served by the University. The purpose of this policy is to enable the Board to make informed judgments in taking actions that affect the governance of the University. To this end, the President, as chief executive officer, is charged with the responsibility of maintaining communication between the Board and the various University constituencies, including students, faculty, staff, alumni, and others, as appropriate.

B. The President is expected to inform the Board in an accurate and timely fashion of the views of various University constituencies and to apprise and educate the Board concerning significant issues, opportunities, achievements, and concerns that have or will confront the University and those constituencies. To aid in that process, the President is encouraged to invite other members of the University community to attend and participate in meetings of the Board or its committees. The President, in choosing representatives of constituencies to participate in meetings, may select representatives from existing support organizations now serving the University, such as: Faculty Senate, Student Government, Staff Advisory Council, Alumni Association, the Florida Gulf Coast University Financing Corporation, and the Florida Gulf Coast University Foundation Inc. In addition, when relevant and appropriate, the President may, from time to time, arrange for other informed students, faculty, staff, alumni, benefactors, and interested parties to present views to the Board or its committees.

C. Spokesperson for the Board – The Board’s designated spokesperson shall be its duly elected Chair, or if delegated by the Chair, its Vice-Chair. Individual Board members may speak as such to the public and media, but speaking for the Board is the...
responsibility of the Chair.

D. Any public records requests made of the Board are to be directed to the University President or designee, in accordance with Florida’s statutorily-defined terms and provisions related to records of public entities. The University President or designee will inform the Board of any such request, and provide copies of responses as applicable.

XI. Miscellaneous Provisions

A. Amendments – These bylaws may be altered, amended, or repealed by the affirmative vote of a majority of the Board members voting in any regular or special meeting having a quorum.

B. Indemnification – Whenever any civil (including administrative) or criminal action or threat of action has been asserted against a current or former Trustee or President for any act or omission arising out of and in the course of the performance of his or her University duties and responsibilities, the University shall defray all cost of defending such action or threat of action, including reasonable attorney’s fees and expenses together with cost of appeal, and shall save harmless and protect such person from any financial loss resulting from the performance of his or her duties and responsibilities unless (a) indemnification is prohibited by law, or (b) the Board determines by a vote of at least two-thirds (2/3) of its members then serving that said individual acted in bad faith or with willful misconduct. Claims based on such actions or omissions may be settled prior to, during, or after the filing of suit or commencement of other formal process thereon. The Board may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses. University duties and responsibilities shall include service to other entities, including service on affiliate boards or committees, where such service is assigned, required or requested by the University or is due to University responsibilities or roles. Nothing in this provision shall waive or derogate from the application or protection of insurance, or of sovereign or other immunity under any law or constitution. Any available insurance and immunity shall provide primary protection. However, indemnification under this provision shall be provided to an affected current or former Trustee or President who qualifies for indemnification under this Section when he or she is not promptly or adequately protected by insurance or immunity on the following condition. The indemnified person shall first agree in writing to use best reasonable efforts to provide, to the extent possible, for the University to obtain the benefit of the indemnified person’s right to insurance coverage or other protection, whether by assignment, cooperation, subrogation or other means.

C. Limitation of Liability – The Board is a public body corporate primarily acting as an instrumentality or agency of the state pursuant to Florida law for purpose of sovereign immunity.
D. Ethics Policy – Trustees stand in a fiduciary relationship to the University. Therefore, Trustees shall act in good faith with due regard for the interests of the University and shall be guided by the provisions set forth in Florida law for the conduct of public officers. The Board shall adopt a written ethics policy, as well as a written conflict of interest policy that will be included in these bylaws which will be reviewed periodically and revised as necessary.

E. Suspension of bylaws – Any provision of these bylaws may be suspended in connection with the consideration of a matter before the Board by an affirmative majority vote of the members then serving.

F. Service of Process – In all suits against the Board, service of process shall be made on the Office of the General Counsel on the Main Campus located at 10501 FGCU Boulevard South, Fort Myers, FL, 33965-6565.

G. Corporate Seal – The Board’s corporate seal shall be used only in connection with the transaction of business of the Board and the University. The President or designee may affix the seal on any document signed on behalf of the corporation. Permission may be given by the President or designee for the use of the seal in the decoration of any University Building or in other special circumstances. The corporate seal of the Board shall be consistent with the following form and design:
PROPOSED BOARD ACTION

Approve the revised FGCU Financing Corporation Bylaws

BACKGROUND INFORMATION

Upon request from the Florida Board of Governors, the FGCU Financing Corporation existing bylaws were changed to reflect the appointment of at least one member by the FGCU Board of Trustees and approval by the Board of Trustees of any appointments to the Financing Corporation Board.

Supporting Documentation Included: (1) Summary Memo, and (2) Fourth Amendment and Restatement of FGCU Financing Corporation Bylaws (with changes redlined)

Prepared by: Vice President and General Counsel Vee Leonard

Legal Review: N/A

Submitted by: Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera
TO: FGCU Board of Trustees  
FROM: Steve Magiera, Vice President Administrative Services and Finance  
SUBJECT: FGCU Financing Corporation Bylaws  
DATE: September 11, 2018  

The bylaws originally stated the Board of Directors of the Corporation shall consist of at least five but no more than seven. The change removes the no more than seven clause. It also states that at least one director shall be appointed by the Chair of the Board of Trustees. Other revisions regarding the appointments and elections, removals, and fillings of vacancies shall be recommended to the Board of Trustees for approval. The Financing Corporation Board approved these changes at their June 6, 2018 meeting.
Florida Gulf Coast University
Financing Corporation
THIRD-FOURTH AMENDMENT AND RESTATEMENT OF BYLAWS FOR FLORIDA GULF COAST UNIVERSITY FINANCING CORPORATION

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THIRD-FOURTH AMENDMENT AND RESTATEMENT OF BYLAWS
FOR FLORIDA GULF COAST UNIVERSITY FINANCING CORPORATION
GC312009

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AMENDMENT AND RESTATEMENT OF BYLAWS FOR
FLORIDA GULF COAST UNIVERSITY FINANCING CORPORATION

ARTICLE 1 - NAME

The name of the Corporation shall be Florida Gulf Coast University Financing Corporation, a Florida not for profit corporation (the "Corporation"). The Corporation shall maintain a registered office in the State of Florida and a registered agent at such office.

ARTICLE 2 - MEMBERS

The Corporation shall have no Members.

ARTICLE 3 - BOARD OF DIRECTORS

SECTION 3.1 General Powers. The business, property, affairs and funds of the Corporation shall be managed, supervised and controlled by its Board of Directors subject only to applicable law and the limitations contained in the Articles of Incorporation of the Corporation and these Bylaws and the powers and duties reserved to The Florida Gulf Coast University Board of Trustees (the "Board of Trustees") and the President of Florida Gulf Coast University (the "University") in regards to this Corporation. The Board of Directors shall have the authority to adopt policy for the Corporation, consistent with the Articles of Incorporation of the Corporation and these Bylaws.

SECTION 3.2 Reserved Powers. The President of the University shall have the following specific powers and duties with regard to this Corporation:

(a) To monitor and control the use of the University's resources by this Corporation;
(b) To control the use of the University name by this Corporation;
(c) To monitor compliance of this Corporation with federal and state laws;
(d) To recommend an annual budget to the Board of Directors of this Corporation;
(e) To review and approve quarterly expenditure plans of this Corporation; and
(f) To approve the contribution of funds or supplements to support intercollegiate athletics.

SECTION 3.3 Number. The Board of Directors of the Corporation shall consist of at least five but no more than seven voting directors.
SECTION 3.4 Appointment and Election of Directors and Terms of Office.

3.4.1 Effective as of the date of the confirmation by the University Board of Trustees of this Restatement, the current directors of the Corporation for the fiscal year ending 2011 shall have the status of new members and shall be appointed or elected in the following manner.

(a) At least one director shall be appointed by the Chair of the Board of Trustees;
(b) One director shall be the President of the University;
(c) Two directors shall be recommended by the President of the University to the Board of Trustees for appointment;
(d) Up to three additional directors may be elected at a regular meeting of the Board of Directors by the then current members of the Board of Directors;

3.4.2 Terms of office of the members of the Board of Directors shall be four years in length and shall be consistent with the fiscal year of the Corporation. A director shall not be eligible to serve more than two consecutive terms. A director who has served two terms consecutively may be re-appointed or re-elected to the Board of Directors after the expiration of one-year following the end of his or her last previous term and will have the status of a new member. Notwithstanding the foregoing, the President of the University shall serve until the earlier of his or her resignation, removal from office, or death. A vacancy on the Board of Directors with respect to elected members may be filled by a vote of the remaining directors at their sole and absolute discretion. The Chair of the Board of Trustees and the President of the University shall designate or recommend, as appropriate, replacements for the directors appointed by them. If a director is appointed to fill a vacancy before the end of the term of their predecessor, such director shall serve for the remainder of the term of the director being replaced. Vacancies filled with less than one year of the term remaining shall not be counted as a term for purposes of eligibility to serve two terms consecutively. All of the aforesaid appointments and elections of members of the Board of Directors shall act as recommendations to the Board of Trustees for approval.

SECTION 3.5 Removal of Directors. A director may resign at any time by submitting a written resignation to the Chairperson and the Executive Director. Any voting director, other than the director appointed by the Chair of the Board of Trustees or the President of the University, may be removed from the Board of Directors at any time with or without cause by a two-thirds vote of the Board of Directors. Such removal will act as a recommendation requiring further approval by the Board of Trustees.
SECTION 3.6  Conflicts and Duality of Interest. No contract or other transaction between the Corporation and one or more of its directors or any other corporation, firm, association or entity in which one or more of its directors are directors or officers or are financially interested is either void or voidable because of such relationship or interest, because such director or directors are present at the meeting of the Board of Directors or a committee thereof that authorized, approved or ratified such contract or transaction, or because his or their votes are counted for such purpose, if the contract or transaction is approved in compliance with the provisions of Section 617.0832 of the Florida Not For Profit Corporation Act, or any successor provision.

SECTION 3.7  Conflict of Interest Policy. The Board of Directors shall adopt and keep in full force and effect a substantial conflict of interest policy for its directors and principal officers in accordance with rules and regulations of the Internal Revenue Service applicable to tax exempt organizations.

SECTION 3.8  Directors' Meetings. An annual meeting of the Board of Directors (the last meeting of the fiscal year), shall be held within the State of Florida. All meetings of the Board of Directors must be held, with written notice to the public, at such time and place as from time to time shall be determined by the Chairperson of the Board or by the Executive Director. Such notices shall be provided no less than seven (7) days in advance. Special meetings of the Board of Directors may be called by the Chairperson of the Board or the Executive Director or Secretary of the Corporation or any two directors. Meetings may be conducted by telephone conference or similar communications equipment provided all persons participating in such meetings are able to hear each other and a roll call vote is taken.

At all meetings of the Board of Directors, the presence of a majority of the total number of voting directors shall be necessary and sufficient to constitute a quorum for the transaction of business. Directors attending by telephone shall be considered as being present at the meeting. Unless otherwise required by the Articles of Incorporation, these Bylaws or Florida Statutes, the act of a majority of the directors present shall be the act of the Board of Directors. In the absence of a quorum, a majority of the voting directors present may adjourn the meeting from time to time until a quorum shall be present for the transaction of business.

SECTION 3.9  Executive Director. The Executive Director shall be the University Vice President for Administrative Services and Finance and shall be staff to the Board of Directors. He or she shall be responsible for the general, day-to-day management of the affairs of the Corporation, reporting directly to the President of the University. He or she shall exercise such authority to accept gifts, collect revenues and make expenditures as he or she deems necessary.
The Executive Director is authorized to direct the sale of real estate of the Corporation and is also authorized to execute, in the name of Florida Gulf Coast University Financing Corporation, with the Secretary attesting, all certificates, contracts, leases, deeds, notes and other documents or legal instruments. He or she shall be responsible for the maintenance and management of the Corporation's activities and personnel. Any vacancy in the Executive Director position will be filled by the President of the University, in consultation with the Board of Directors.

ARTICLE 4 - OFFICERS

SECTION 4.1 Officers. The officers of this Corporation shall be a Chairperson, a Secretary, a Treasurer and such other officers as may be determined by the Board of Directors. Only voting members of the Board of Directors of the Corporation may be elected as an officer of the Corporation pursuant to this Article 4. All officers shall have such authority and perform such duties as described below.

4.1.1 Chairperson. The Chairperson shall preside at all meetings of the Board of Directors and shall do and perform such other duties as may be assigned by the Board of Directors.

4.1.2 Secretary. The Secretary shall keep full and accurate minutes for all meetings of the Board of Directors and the Executive Committee. He or she may sign documents with the Executive Director in the name of the Corporation. The Secretary shall have charge of all official records of the Corporation that shall be at all reasonable times open to examination of any director, and shall in general perform all duties incident to management of the office of Secretary for the Board of Directors.

4.1.3 Treasurer. The Treasurer shall be a member of the Finance Committee, if any, of the Corporation. He or she shall present the financial statements of the Corporation to the Board of Directors at each regular meeting of the Board of Directors and at such other times as the Board of Directors may determine. He or she shall ascertain that a full and accurate account is made of all monies received and paid out on accounts administered by the Corporation, and shall, in general, perform all duties incident to management of the office of Treasurer for the Board of Directors.

SECTION 4.2 Election of Officers and Term of Office. At the meeting nearest the end of the fiscal year, the Board of Directors shall elect, as necessary, in the manner hereinafter prescribed, officers of the Corporation who shall serve terms of two years, each commencing immediately following their election or appointment. Such election or appointment shall act as a recommendation to the Board of Trustees for final approval.
SECTION 4.3 Removal. Any officer may be removed by two-thirds vote of the Board of Directors whenever, in its judgment, the best interests of the Corporation would be served. **Such removal shall act as a recommendation to the Board of Trustees for approval.**

SECTION 4.4 Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise may be filled by **a recommendation of** the Board of Directors **to the Board of Trustees for approval.**

ARTICLE 5 - COMMITTEES

SECTION 5.1 Creation of Committees. The Board of Directors may, by resolution passed by a majority of the whole Board, designate an Executive Committee and one or more other committees, each to consist of one or more of the directors of the Corporation.

SECTION 5.2 Executive Committee. The Executive Committee, if there shall be one, shall consult with and advise the officers of the Corporation in the management of its business and may exercise, to the extent provided in the resolution of the Board of Directors creating such Executive Committee, such powers of the Board of Directors as can be lawfully delegated by the Board. The Chair of the Board of Trustees' appointee and the President of the University shall serve as members of the Executive Committee.

SECTION 5.3 Other Committees. Such other committees shall have such functions and may exercise the powers of the Board of Directors as can be lawfully delegated and to the extent provided in the resolution or resolutions creating such committee or committees.

SECTION 5.4 Meetings of Committees. Regular meetings of the Executive Committee and other committees shall be held with notice at such time and at such place as shall from time to time be determined by the Executive Committee or such other committees, and special meetings of the Executive Committee or such other committees may be called by any member thereof upon two days' written notice to the public.

SECTION 5.5 Vacancies on Committees. Vacancies on the Executive Committee or on such other committees shall be filled by the Board of Directors when in office at any regular or special meeting. However, if the vacancy on the Executive Committee is with respect to the director appointed by the Chair of the Board of Trustees, then the Chair of the Board of Trustees shall designate a replacement.

SECTION 5.6 Minutes of Committees. The Executive Committee, if there shall be one, and such other committees shall keep regular minutes of their proceedings and report the same to the Board of Directors when required.
ARTICLE 6 - INDEMNIFICATION

**Indemnification.** The Corporation shall indemnify each director, officer, employee and agent of the Corporation, and may indemnify any other person, to the full extent permitted by the Florida Not For Profit Corporation Act and any applicable laws. The rights conferred by this Section 6.1 shall not be exclusive of any other right that any director, officer, employee, agent or other person may have or hereafter acquire under the Florida Not For Profit Corporation Act, any other statute or agreement, pursuant to a vote of disinterested directors, or otherwise. No repeal or modification of this Section 6.1 shall limit the rights of any director, officer, employee or agent to indemnification with respect to any action or omission occurring prior to such repeal or modification.

ARTICLE 7 - AMENDMENT

These Bylaws may be amended by the vote of a majority of the Board of Directors of this Corporation, but only if confirmed by the Board of Trustees of the University after submission to them by the President of the University.

ARTICLE 8 - QUARTERLY EXPENDITURE PLANS

This Corporation shall prepare and submit to the President of the University, no later than the first day of each quarter of the Corporation's fiscal year, a quarterly expenditure plan that delineates planned actions that would cause a commitment of University resources or represent a significant commitment of the resources of this Corporation, including:

(a) Major fund raising events and campaigns and their purpose;
(b) Compensation and benefits to University employees and employees of the Corporation;
(c) Capital projects, including land acquisition, construction, renovation or repair; and
(d) Other major commitments of the resources of this Corporation.

ARTICLE 9 - FISCAL YEAR AND FINANCIAL AUDITS

**SECTION 9.1 Fiscal Year.** The fiscal year of the Corporation begins on July 1 and ends on June 30 of the following year.

**SECTION 9.2 Financial Audits.** After the close of each fiscal year, the Corporation shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant pursuant to Section 1004.28, Florida Statutes, as may be amended or supplemented, and in accordance with the rules adopted by the Auditor General.
pursuant to Section 11.45, Florida Statutes, as may be amended or supplemented. The President of the University shall submit the annual audit report to the Board of Trustees and the Auditor General within nine months after the end of the fiscal year. In addition, the Corporation shall provide a copy of its federal Application for Recognition of Exception (form 1023) and each year shall provide a copy of its Form 990, Return of Organization Exempt from Federal Income Tax, to the President of the University and the State Board of Education and/or the Board of Governors, as required by applicable laws of the State of Florida.

ARTICLE 10 - EMPLOYEES

Any person employed by the Corporation shall not be considered an employee of the State of Florida or an employee of the University by virtue of his or her employment by the Corporation. The Corporation shall provide equal employment opportunities to all persons regardless of race, color, religion, gender, age or natural origin.

ARTICLE 11 - PARLIAMENTARY RULES

The most recent edition of "Roberts Rules of Order" shall be followed in conducting the meetings of the Board of Directors, unless otherwise provided in these bylaws.

ARTICLE 12 - RESTATEMENT

This Third-Fourth Amendment and Restatement of Bylaws shall supersede the original and all amendments and restatements thereto.

CERTIFICATION

The undersigned, as Secretary of the Corporation, hereby certifies that the foregoing Third-Fourth Amendment and Restatement of the Florida Gulf Coast University Financing Corporation Bylaws were approved by no less than a majority vote of the members of the Board of Directors of the Corporation at their regular quarterly meeting held on June 7, 2018. Revised Date: June 7, 2017.
Florida Gulf Coast University Board of Trustees  
September 11, 2018  

SUBJECT: Appointment of New Directors and Fellows to FGCU Foundation Board of Directors  

PROPOSED BOARD ACTION  
On recommendation by the Foundation Board of Directors, approve the recommendation of Kimberly Reese and Nancy Wickham as new Foundation Board members, the re-appointment of Dr. Lee Seidler, Joseph Gammons, and Dean Fjelstul to a second term on the Foundation Board, and the appointment as Foundation Fellows of Dr. David Lucas, Dr. W. Bernard Lester, and J. Dudley Goodlette.  

BACKGROUND INFORMATION  
On June 6, 2018 the Foundation Board of Directors approved the nomination of Ms. Reese and Ms. Wickham to the Foundation Board of Directors Class of 2022. The Foundation Board also approved the re-appointment to a second term for directors Lee Seidler, Joseph Gammons, and Dean Fjelstul. Finally, the Board approved the nomination of David Lucas, Dudley Goodlette, and Bernie Lester as Foundation Fellows. All nominations were made at the recommendation of the Nominating and Governance Committee, confirmed by the Executive Committee, and thereafter by the full Foundation Board of Directors.  

Supporting Documentation Included: Bios on each Appointee  

Prepared by: Vice President for University Advancement and Executive Director of FGCU Foundation Chris Simoneau  

Legal Review: N/A  

Submitted by: Vice President for University Advancement and Executive Director of FGCU Foundation Chris Simoneau
**Foundation Board of Directors’ Nominees**

Kimberly Reese is a partner with RiteAire TEK, a distributor of RiteAire TEK Know-It-All plugs which monitor air, power, and water leaks on yachts using cellular technology. She and her husband, Ted, moved to Fort Myers from Indiana where he founded Cadence Environmental Energy. Kim previously served on the FGCU Foundation Development Committee as a non-board member. Kimberly and Ted have been supporting FGCU since 2013.

Nancy Wickham is a resident of Sanibel. She and her husband, Jeff, moved to Sanibel from Connecticut. For over 30 years, Jeff worked for IBM in a variety of global management positions and was responsible for managing sales and business development strategies for IBM’s customers in the energy and utilities industry. Nancy’s father, John Opel, served as Chief Executive of IBM in the 80s and continued to serve on the board until 1993. Jeff and Nancy are active in the Sanibel community as members of clubs and supporters of community initiatives.

**Foundation Board of Directors’ Term Renewals**

Three directors of the Foundation Board Class of 2018 - Mr. Dean Fjelstul, Mr. Joseph Gammons and Dr. Lee Seidler - have completed their first 4-year term. Each director was approached and expressed interest to serve a consecutive 4-year term placing them in the Class of 2022. Mr. Fjelstul and Mr. Gammons serve on the Development Committee and Dr. Seidler serves as chair of the Audit Committee.

**Foundation Board of Directors’ Foundation Fellows Nominees**

Dr. W. Bernard Lester and Dr. David Lucas each have rotated off two consecutive terms on the Board and are held in high regard for their philanthropy and support of Florida Gulf Coast University. The Foundation would like to continue to have Drs. Lester and Lucas provide wisdom, knowledge and expertise in their new capacity.

J. Dudley Goodlette is a former Foundation Board of Directors member and former Board of Trustees chair. The Foundation is seeking continuance of Mr. Goodlette’s institutional knowledge and support.

The Foundation Bylaws do not limit the number of Foundation Fellows on the Board. The approval of these three members will bring the total to seven Foundation Fellows.
Florida Gulf Coast University Board of Trustees
September 11, 2018


PROPOSED BOARD ACTION

Approve the reporting document that is in response to the mandate set forth in House Bill 7019 (Education Access and Affordability). The report must be submitted to the Board of Governors by September 30, 2018.

BACKGROUND INFORMATION

In an ongoing effort to ensure that textbooks and instructional materials are affordable to the State University System’s students, House Bill 7019 was passed in 2016. In response to the passing of the House Bill, the Board of Governors convened a workgroup consisting of representatives from each of the System’s universities. The charge of the workgroup was to discuss and devise a reporting structure that would analyze wide cost variances across different sections of the same course. The cost variance analysis is for all general education courses offered by each respective institution.


Prepared by: Associate Provost and Associate Vice President Tony Barringer

Legal Review: N/A

Submitted by: Provost and Vice President for Academic Affairs James Llorens
State University System of Florida  
Textbook and Instructional Materials Affordability  
Annual Report  
Statutory Due Date: September 30

Florida Gulf Coast University  

Fall 2017 and Spring 2018

<table>
<thead>
<tr>
<th>University Submitting Report</th>
<th>Semester(s) Reported*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Approved by the University Board of Trustees</td>
<td>Signature of Chair, Board of Trustees</td>
</tr>
<tr>
<td>Signature of President</td>
<td>Date</td>
</tr>
</tbody>
</table>

*Report Fall and Spring data separately to allow for Fall to Fall semester comparison and Spring to Spring semester comparison.

Definitions:
- **Wide cost variance** is defined as a cost per course section of $200 or more over the median average cost of textbooks and instructional materials for the same course.
- **High enrollment** is defined as the top 10% of courses ordered by headcount enrollment.

1) **Required and Recommended Textbooks and Instructional Materials for General Education Courses**

a) Report on the course sections identified as wide cost variance and include the number of course sections within a course \((n)\). An explanation may be provided for sections with wide cost variance (e.g. honors course, economics text for two courses).

Methodology: Identify the median average cost for textbooks and instructional materials for all course sections of a course. Exclude sections with Open Educational Resources (OER) or no required materials from wide cost variance analysis. Course sections with a cost of $200 or more over the median cost are considered wide cost variance.

- Required (Req) Textbooks and Instructional Materials
- Recommended (Rec) Textbooks and Instructional Materials
**Fall 2017**

After a careful and thorough cost variance analysis of the data provided by the University bookstore in regards to textbook and instructional material adoption(s) for general education courses, it is determined that there were no courses offered during the Fall 2017 term that yielded a cost variance equal to or greater than $200.00 between different sections of the same course.

**Spring 2018**

After a careful and thorough cost variance analysis of the data provided by the University bookstore in regards to textbook and instructional material adoption(s) for general education courses, it is determined that were no courses offered during the Spring 2018 term that yielded a cost variance equal to or greater than $200.00 between different sections of the same course.

b) Describe the textbook and instructional materials selection process for general education courses with a wide cost variance among different sections of the same course.

Although the University does not have any general education courses deemed to have a wide cost variance between and amongst related sections, the process for selecting course materials is consistent across the University since the process includes an active and intentional faculty role in selecting course materials each semester.

c) Report the course title(s) and number of section(s) that do not require or recommend the purchase of a textbook(s) and/or instructional material(s).

<table>
<thead>
<tr>
<th><strong>Fall 2017</strong></th>
<th><strong>Spring 2018</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Course Titles not Requiring or Recommending Purchase of Texts/Instructional Materials</strong></td>
<td><strong>Course Titles not Requiring or Recommending Purchase of Texts/Instructional Materials</strong></td>
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<tr>
<td>Intro. to Archaeology</td>
<td>Intro. to Archaeology</td>
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<tr>
<td>Art Appreciation</td>
<td>Art Appreciation</td>
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<tr>
<td>History of Visual Arts</td>
<td>Painting I</td>
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<tr>
<td>Biological Sciences</td>
<td>Environmental Geology</td>
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<tr>
<td>Course</td>
<td>Credits</td>
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<td>---------------------------------------------</td>
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</tr>
<tr>
<td>Biological Science Lab</td>
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<tr>
<td>Gen. Chemistry I Lab</td>
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<tr>
<td>Gen. Chemistry II Lab</td>
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<tr>
<td>Organic Chemistry I Lab</td>
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<tr>
<td>Organic Chemistry II Lab</td>
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<td>Intro to Creative Writing</td>
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<td>Composition I</td>
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<tr>
<td>Composition II</td>
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<td>Environmental Geology</td>
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<td>Global Studies</td>
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<td>Foundation of Phy Science</td>
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<td>General Psychology</td>
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<td>Social Science Stats</td>
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<td>Social Problems</td>
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<tr>
<td>Intro. To Space Science</td>
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<td>Intro. To Astrobiology</td>
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<td>Composition II</td>
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<td>Environmental Humanities</td>
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<td>Global Studies</td>
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<td>Foundation of Phy. Science</td>
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<td>Social Problems</td>
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<td>Play Production</td>
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<tr>
<td>Acting I</td>
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<tr>
<td>Rehearsal and Performance</td>
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</tbody>
</table>
Note: The number to the right of the course title represents the number of course sections that either did not require or recommend a textbook or other instructional material(s). In several instances, there were other sections of the listed courses; greater in section number than the number indicated above for no required material(s), that actually required material(s).

d) What measures, if any, are being taken by the university to reduce wide cost variance among different sections of the same general education course?

Although the University did not identify any courses with a wide cost variance of $200 or greater for Fall 2017 or Spring 2018, there will be a continued effort to monitor cost and to ensure affordability along with academic freedom. The Colleges will continue to work closely with the bookstore in order to become more aware of potential cost-saving options. Over the past summer, the University has been exploring Discover through Follett/Bookstore in order to assess how that system might make course related materials even more affordable.

e) Describe the textbook and instructional materials selection process for general education high enrollment courses.

   Methodology: Order courses (course prefix/number) by headcount enrollment, excluding honors courses. The top 10% of courses are determined as high enrollment. Provide the number of courses (n) reported on.

   Fall 2017:
   With new guidance based on the methodology offered by the Board of Governors, the University took the top 10% of the general education sections with the higher enrollments to determine how high enrollment would be defined at the University. There were a total of 580 general education sections so the top 10% yielded 58 high enrollment sections. In order to drill down further, the high enrollment sections were assigned to their respective course number and it was revealed that the University has 21 high enrollment courses as the 58 sections fell within those 21 courses. Based on that analysis, high enrollment is defined as courses with an enrollment of seventy-one (71) or higher. The range here at Florida Gulf Coast University is 71-179.

   Although the University does not have any high enrollment courses deemed to have a wide cost variance, the process for selecting course materials is consistent across the University in that the process includes an active and intentional faculty role in selecting course materials each semester.
Spring 2018:

Using the same methodology, the high Enrollment number(s) held fairly constant for the Spring 2018 semester as the number of sections was 52 and the range was 66-168 enrolled students.

2) Specific Initiatives of the University Designed to Reduce the Costs of Textbooks and Instructional Materials for General Education Courses

a) Describe specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials.

There have been numerous continuous initiatives implemented by the University in order to foster textbook affordability and achieve the primary goal of offering textbooks and course materials at the least expensive rate possible. The following list of efforts/initiatives provides examples but is in no way an exhaustive list.

Lending libraries

Reserved copies in the library

Bookstore personnel provides a list of all available options to faculty

Bookstore personnel attend University meetings to explore and discuss cost saving measures

Course coordinator in general education examines and monitors materials/textbooks being used as well as associated cost

Textbook affordability policy and regulation followed

Frequent reminders about on-time adoptions which allows more time for students to decide on available options

Faculty and students are apprised of any cost savings obtainable through choosing digital versus print

University is currently considering Discover as an adoption system
b) With implementation of the initiatives, has there been any reduction in cost of textbooks and instructional materials to the students? If there has been a reduction in cost, what is the average cost savings? Describe the average cost savings comparing fall semester to fall semester and spring semester to spring semester.

The current analysis shows that the University has provided low cost options to the students and will continue to monitor and look for ways to always provide options for the students that are least expensive regardless of his/her chosen section of a particular course. The cost variance between the sections have remained constant over this cycle as required course materials are not being changed on a frequent basis. By not changing the course materials too frequently and having standardized, agreed upon syllabi for a bulk of the general education courses, the cost is kept down as students can find used instructional materials and there’s a norming of the cost associated with different sections. This leads to more consistency in cost and lessens the likelihood of increased cost variance.

c) With implementation of the initiatives, describe any reduction in cost variance among different sections of the same general education course. Describe the reduction in cost variance comparing fall semester to fall semester and spring semester to spring semester.

The cost variance has remained fairly constant as there appears to be a concerted effort of utilizing the same materials for many of the general education courses with multiple sections. This has been a primary focus as we try to keep down the cost of instructional materials. This is rewarding to see as we continue to foster and support academic freedom. Additionally, there is limited fluctuation from Fall to Fall and Spring to Spring semesters as the vast majority of the course schedule is rolled over and closely reflects the previous year’s semester schedule. Again, this helps in normalizing cost and creating opportunities for students to purchase used materials.

3) University Policies for the Posting of Textbooks and Instructional Materials

a) Describe policies implemented to ensure the posting of textbook and instructional materials for at least 95% of all courses and course sections 45 days before the first day of class. For course sections that require or recommend textbooks and/or instructional materials based on student individual needs (e.g. audition/performance, directed independent study, research topic) that may miss the posting date, please reference these as exceptions in 3(d).

It is ultimately the responsibility of the respective unit’s dean to make certain that all textbook adoptions occur within the timeframe(s) stipulated in legislative mandates. This
responsibility is stipulated in the University’s textbook adoption and affordability policy and regulation which state:

1. The University shall publish the textbook ordering and textbook adoption dates for the fall, spring and summer terms of each academic year in the University Academic Calendar or other University approved publication(s).

2. Course assignments will be made by Chairs/Directors in accordance with the Collective Bargaining Agreement and submitted to the Office of the Registrar.

3. No later than the published textbook ordering date for each term, each faculty member, or the department where applicable, shall identify the textbook and other course related materials required for the course by completing the Course Textbook Adoption request page on the University Bookstore website or other University determined location(s). *

4. The Bookstore will provide periodic updates in regards to the progress of adoptions for any given semester.

5. The dean or designee of each college and/or unit will monitor the completion of the course textbook ordering application to ensure that each faculty member with an instructional assignment complies with the requirements for timely submission of the information required by the textbook adoption process.

6. Each college/unit dean will exercise the necessary administrative and corrective actions in order to ensure compliance.

*There is an exception to the above protocol when a new course is added after the textbook adoption deadline.

b) Are the policies effective in meeting the reporting requirement? If not, what measures will be taken by the university to increase faculty and staff compliance for meeting the reporting requirement?

Given that the adoption rate by the established deadline was at 68% a few years back, 89.2% fall of 2016 and 97.4% for Spring 2017, the percentages suggest that the revision of the policy and more administrative oversight has generated much improvement.

c) Report the number of course sections and the total percentage of course sections that were able to meet the textbook and instructional materials posting deadline for the academic year. Note: A course section is in compliance if all textbooks and instructional materials in the course section have been entered by the deadline.
Historical Trend

Fall 2016

Taking into account that the new deadline of 45 days occurred after the course adoptions had already begun with the 30-day deadline as the standard, the adoption rate at 45 days out of the start of classes for fall 2016 was at 89.2% which would be 1802 of the 2030 classes that required adoptions.

During this textbook and instructional material analysis, it was discovered that the adoption rate is adversely affected by the reserved courses that are listed and that has contributed to the adoption rate that has been reported. In an effort to improve the timely adoption rate and to ensure accuracy, the University will revisit the practice of reserving courses.

Spring 2017

For the Spring 2017 semester, 97.4% of adoptions were completed with requisite information posted at least 45 days out of the start of classes for Spring 2017. The raw number(s) was 1413 out of 1451. Courses that were cancelled (n=19) have been factored into the reported numbers

Fall 2017

For the Fall of 2017, there were 1706 sections that required course materials. Of the 1706 sections, course materials were ordered and requisite information was posted for 1620 of the sections yielding a 95% timely adoption rating.

Spring 2018

For Spring 2018, there were 1667 sections that required course materials. Of the 1667 sections, course materials were ordered and requisite information was posted for 1434 of the sections yielding an 86% timely adoption rating.

d) Report the number of course sections and the total percentage of course sections that were not able to meet the textbook and instructional materials posting deadline for the academic year. Provide an explanation as to why the course sections were not able to meet the posting deadline. Note: A course section is not considered in compliance if all textbooks and instructional materials in the course section(s) were not entered by the deadline.
Fall 2017

There were 86 (5%) course sections that did not have timely course adoptions due to neglect or processing error. This number represented 5% of all the courses that required adoptions for that given semester. The vast majority of those course sections were internships, practicums, and independent studies which did not require course materials but were not noted properly in the system that’s utilized for adopting material(s).

Spring 2018

For the Spring 2018 semester, 223 course sections did not have timely adoptions. This number represented 14% of all the courses that required adoptions for that given semester. As with the Fall 2017 semester, some of those courses were actually internships, practicums, and independent studies which did not require course materials but were not noted properly in the system that’s utilized for adopting material(s). It was also noted that one unit that had gone through a leadership transition had an unusual number of missed adoptions. A conversation has been had with that College’s leadership in order to prevent future occurrence(s).

e) Report the number of courses that received an exception to the reporting deadline. Provide a description of the exception(s).

There were seven (7) courses added after the deadline thus they received the exception to policy designation.
SUBJECT: New Degree Program: Bachelor of Science in Construction Management

PROPOSED BOARD ACTION

Approve the Bachelor of Science in Construction Management (B.S.C.M.) new degree program including limited access status and exception for this program to exceed 120 credits.

BACKGROUND INFORMATION

FGCU is requesting permission to offer the B.S.C.M. as described in the Executive Summary.

Supporting Documentation Included: (1) Executive Summary; (2) Board of Governors Regulation 8.013; (3) Board of Governors Regulation 8.014; and (4) Board of Governors Regulation 8.011

Prepared by: Associate Vice President for Academic and Curriculum Support Cathy Duff

Legal Review: Vice President and General Counsel Vee Leonard (August 27, 2018)

Submitted by: Provost and Vice President for Academic Affairs James Llorens
Florida Gulf Coast University

Executive Summary
Bachelor of Science in Construction Management (B.S.C.M.)
August 16, 2018

Major: Construction Management
Degree: Bachelor of Science in Construction Management (B.S.C.M.)
Concentrations: None
College: U.A. Whitaker College of Engineering
Department: Construction Management
Anticipated Implementation Date: Summer 2019
Suggested Classification of Instructional Programs (CIP) Code: 15.1001 (Construction Engineering Technology/Technician)

Introduction

The proposed degree program is a Bachelor of Science in Construction Management (B.S.C.M.) [referred to in this document as BSCM]. Students will develop technical skills in construction engineering in combination with management and business skills. Graduates will seek employment in the construction industry where they will plan, coordinate, and supervise construction projects from beginning to end. Graduates will also be prepared to pursue advanced construction management degrees.

The current pace of residential, commercial, and infrastructure construction in Southwest Florida, and most of the remainder of Florida, is robust. There is an ongoing need for well-educated construction managers in the Florida construction industry. Launching a nationally accredited American Council for Construction Education (ACCE) BSCM program at FGCU will address this unfulfilled demand for qualified construction managers in Southwest Florida and beyond. Having a successful BSCM program at FGCU will provide opportunities for talented students in Southwest Florida to receive a high quality baccalaureate education in construction management locally, followed by gainful employment in well-paid professional positions with construction companies operating in the region.

Limited access status (BOG Regulation 8.013) is requested for this program due to limitations in resources, classroom capacity, and laboratory safety. The program will utilize the covered, outdoor, 5,500 ft² Construction Methods Laboratory next to Holmes Hall to host large-scale construction equipment and construction demonstration projects. Student safety is essential when working with heavy equipment, construction materials, and construction equipment. Therefore, class sizes must be limited when delivered in the Construction Methods Laboratory.

An exception to 120 credits for the baccalaureate degree (BOG Regulation 8.014) is requested for this program. The proposed BSCM will be 126 credits. The request for an exception is consistent with baccalaureate program length in CIP 15.1001 at other State University System of Florida (SUS) institutions: 124 credits at Florida Agricultural and Mechanical University (FAMU); 125 credits at Florida International University (FIU), 125 credits at University of Florida (UF), and 126 credits at University of North Florida (UNF). The additional credits are needed to comply with ACCE accreditation requirements and to provide the multidisciplinary curriculum that requires proficiency in mathematics, physical sciences, construction engineering, and business. An expert in the field of construction management served as a consultant during the curriculum development process (Mr. Fred Gould, P.E., C.P.C., Ahlborg Professor of...
Construction Management and Program Coordinator in the School of Engineering, Computing and Construction Management, Roger Williams University, Bristol, Rhode Island). The FGCU Construction Management Advisory Committee comprised of business and industry professionals in Southwest Florida also provided feedback regarding the curriculum.

The proposed BSCM is consistent with BOG Regulation 8.011 Authorization of New Academic Degree Programs and Other Curriculum Offerings. The pre-proposal was reviewed by the Council of Academic Vice Presidents Academic Program Coordination Review Group on September 25, 2015. No concerns were noted. The curriculum and program requirements were approved by the U.A. Whitaker College of Engineering Curriculum Committee on August 13, 2018, and the university-wide Undergraduate Curriculum Team on August 14, 2018.

**Consistency with Strategic Plan and Priorities**

The 2025 SUS Strategic Plan (amended March 2016) identifies three critical points of emphasis: Excellence, Productivity, and Strategic Priorities for a Knowledge Economy. These points of emphasis are supported by individual goals in the areas of Teaching and Learning; Scholarship, Research, and Innovation; and Community and Business Engagement. The proposed BSCM directly supports these strategic priorities and goals in numerous ways including the expansion of quality undergraduate education at FGCU; providing greater research opportunities at the undergraduate level; integrating scholarship into the classroom; increasing offerings and degrees awarded in areas of strategic emphasis; responding to expressed needs of regional businesses and the community; and supporting diversified regional economic growth.

The following are examples of how the proposed BSCM supports FGCU’s 2017-2022 FOCUS Strategic Plan: (a) providing students with a program that leads to high-wage, high-demand jobs; (b) expanding internship opportunities; (c) fostering faculty research and scholarship while also expanding opportunities for undergraduate student research; (d) strengthening outreach, engagement, and ties to the Southwest Florida region; and (e) building partnerships and relationships with area business and organizations to optimize opportunities to put FGCU expertise to work to support the region’s economy, model innovation and sustainable practices, and advance the community. The program specifically supports Pillar 1 (Student Success), Pillar 2 (Academic Excellence), and Pillar 5 (Community Engagement and Outreach).

The proposed CIP for the BSCM is 15.1001, an area of strategic emphasis in the category of Economic Development – STEM (science, technology, engineering, and math). The establishment of this program directly supports SUS and FGCU goals of increased production of degrees in STEM areas and increased access to STEM programs within the Southwest Florida region.

**Need and Demand**

Currently, only four Florida public universities offer baccalaureate degrees in CIP 15.1001: FAMU, FIU, UF, and UNF. These are the only four programs in Florida that are accredited by the ACCE. No ACCE accredited degree program is offered in the Southwest Florida region. The proposed BSCM program would be a great benefit for place-bound or non-traditional students.

The Bureau of Labor Statistics (BLS) estimates employment in construction management will grow 16% from 2012 to 2022 (equivalent to 78,000 jobs nationally). Job opportunities are abundant and are anticipated to increase in the coming years. Therefore, student demand for this major is predicted to be strong. Salaries in the industry range from $85,000 - $150,000 annually, depending upon seniority and the nature of the project. Demand should also be strong because BSCM will be unique within the region.


Enrollment, Resource, and Budget Projections

Enrollment projections are based on inquiries received throughout the academic year in the U.A. Whitaker College of Engineering advising office, inquiries during Eagle Expo, and feedback from the university admissions office. A secondary aspect of enrollment projections is based on the historical headcounts for the college. When the engineering program began in 2006, the initial class was 25 students. Enrollment projections of new majors (student headcount [HC]) include 30 in Year 1 and 35 in Year 2. A HC of 45 is planned in each of Years 3-5 due to limitations associated with resources, classroom capacity, and safety.

The corresponding annual student FTE (full-time equivalency) generated by the BSCM is associated with courses in the major (traditionally, the last two years) and four new courses specific to construction management that are lower division common prerequisites. Projected FTE is 8 in Year 1; 18.33 in Year 2; 52.50 in Year 3; 90.50 in Year 4; and 105.50 in Year 5.

The proposed BSCM will operate using regular tuition rates established by FGCU. The source of funds is New Recurring Education & General for Year 1 and Continuing Base E&G for Year 5. Existing classroom, laboratory, and administrative space are sufficient to implement and sustain the program through Year 5. No additional specialized services or equipment are needed.

New faculty to be hired to support the program include a department chair in construction management and four assistant/associate professors in construction management. One new faculty will have a specialty in virtual reality and another will have a specialty in sustainability.

The calculated cost for Year 1 of program operation is $188,388. This includes (a) $42,120 for faculty teaching three lower-division construction management courses offered during Summer 2019 and Spring 2020 of Year 1; (b) $105,000 in A&P salary and benefits for a full-time laboratory manager ($60,000) and a full-time outreach and internship coordinator ($45,000); (c) $40,000 in USPS salaries and benefits for a full-time office manager; and (d) $1,268 in Library expense for annual subscriptions to Building Green, online campus-wide access ($995/year) and Building Construction Costs with RS Means Data, print book published yearly ($272.99/year).

The calculated cost for Year 5 of program operation is $514,818. This includes (a) $368,550 for faculty teaching multiple sections of construction management and business courses needed for new and continuing students in the major during Summer 2023, Fall 2023, and Spring 2024 of Year 5; (b) $105,000 in A&P salary and benefits for a full-time laboratory manager ($60,000) and a full-time outreach and internship coordinator ($45,000); (c) $40,000 in USPS salaries and benefits for a full-time office manager; and (d) $1,268 in Library expense for annual subscriptions to Building Green, online campus-wide access ($995/year) and Building Construction Costs with RS Means Data, print book published yearly ($272.99/year).

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8.013 Limited Access

(1) The Board of Governors may declare certain degree programs as limited access programs, upon request by university board of trustees. University degree programs may be approved as limited access programs for the following reasons:

(a) The number of students who have met all the requirements for admission to the university and to the program in excess of available resources (examples are: space, equipment or other instructional facilities; clinical facilities; adequate faculty to meet acceptable student-faculty ratios; fiscal or other resource limitations). In the case of such programs, selection for admissions shall be competitive. The selection criteria may vary from term to term depending on the number of student spaces available and the quality of the applicant pool. The selection criteria shall be published in the university catalogue along with the standards used for admissions decisions at the time the catalogue is published.

(b) The program is of such nature (normally in the fine or performing arts) that applicants must demonstrate through an audition or submission of a portfolio that they already have the minimum skills necessary for them to benefit from the program.

(c) The program is of such nature that in order to demonstrate potential for success in the program, applicants must attain a grade point average (GPA) and/or other standards (e.g., standardized test scores) that are above those required for admission to the university offering the program. [Note: Teacher preparation programs are mandated by Section 1004.04 (4) (b), F.S., to maintain certain admission requirements, and, therefore, will be classified and reported as limited access programs only if enrollment is limited for reasons (e.g., limited resources) that exceed statutory requirements. Teacher preparation programs will be monitored for compliance with requirements of Subsection 1004.04 (4) (b), F.S., through a report which is separate from the limited access reports.

(d) When an institution has exceeded its upper-level FTE enrollment limit as assigned by the Legislature by more than five percent, programs which have not normally been designated as limited access programs may need to limit enrollment. If the institution’s actual student credit hour productivity exceeds the institution’s funded enrollment to this extent, the institution may take corrective actions in subsequent terms such as limiting admission of new students into upper level programs, limiting course loads of enrolled students and/or other measures as may be necessary to stay within funded enrollment levels.
(e) In the case of programs for which prerequisite courses are required for admission, the prerequisites, and grades for the prerequisite courses determined acceptable by the program, by themselves, will not cause a program to be declared limited access. That is, if all the applicants completing prerequisite courses, with any specified grade requirement, are admitted to the program, the program need not be designated a limited access program. Associate in Arts graduates from Florida public community colleges and universities who have not completed prerequisite courses for a given major shall be admitted to a university in order to complete those prerequisite courses, after which program admission can be determined.

(2) Programs assigned limited access status will be reviewed by the university in the course of its cyclical program review process to determine if there is a need for the program to remain limited access. The university will report to the Board of Governors by October 1 each year with a list of all limited access programs, the minimum admissions standards for each program, the reasons the program is designated as limited access, and a copy of the most recent review demonstrating the need for retention of limited access status.

(3) Selection criteria for admission into limited access programs shall be appropriate indicators of academic ability, creativity, or talent to perform required work within the program and of the potential for success.
   (a) Such criteria shall not discriminate against community college transfers with Associate in Arts degrees from Florida public community colleges in favor of SUS students who are applying for admission or plan to continue enrollment after completion of 60 semester credits at the lower division level.
   (b) Selection criteria for limited access programs shall be publicized in catalogues, counseling manuals, and other appropriate publications with sufficient time for prospective students to adjust programs to meet criteria.
   (c) Where necessary to achieve established equal access enrollment goals, up to ten percent of the students may be admitted to a limited access program with different criteria.
   (d) Each university shall advise students who meet the minimum requirements for admission to the upper division of a state university, but are denied admission to limited access programs, of the availability of similar programs at other State University System institutions and the admission requirements of such programs.
(e) Florida community colleges Associate in Arts graduates and university students who have successfully completed 60 semester credit hours of course work, including the 36 credit hour General Education Requirement, and met the requirements of Section 1008.29, F.S., shall receive priority for admission to such limited access programs over out-of-state and transfer students from private institutions.

Authority: Section 7(d), Art. IX, Fla. Const.; History: New 3-29-07
8.014 Bachelors’ Degree Exceptions to 120 Credit Hours Requirement

(1) The Board of Governors may approve a request by a university board of trustees for a bachelor’s degree program to exceed 120 credit hours to degree. Programs may be approved for the following reasons:
   (a) Additional courses are required to meet specialized accreditation standards for program content and such accreditation is expected or required for program graduates to become employed in the profession for which they are being prepared (e.g., Engineering, Architecture); or
   (b) Additional courses are required to meet state or federal mandated criteria for professional licensing (e.g., Teacher Education); or
   (c) The degree program offers a unique and innovative learning experience, such as honors programs, individualized study, and other non-traditional approaches to education.

(2) Approval to exceed 120 credit hours to degree applies to the degree program and each of its majors as defined in Board of Governors Regulation 8.011 New Academic Program Authorization. In the request for approval, the university must identify all majors within the degree program and the number of credit hours required for each major. The highest number of credit hours will be recorded in the State University System Academic Degree Program Inventory and used for state-level accountability calculations. Universities shall not implement majors within a degree program that exceed the recorded maximum number of credit hours for the degree program without following the processes described herein, as appropriate.

(3) The Board recognizes that degree program curricula are dynamic and often require revision to meet new accreditation standards, state or federal mandates, or the incorporation of emerging knowledge within the discipline. For this reason each university is authorized to make incremental adjustments when necessary to the credit hour length of bachelor’s programs previously approved to exceed 120 credit hours without seeking additional board approval. To ensure state-level data accuracy, each university shall report any such changes in the credit hour length to the Board of Governors Office prior to implementation of the change.

(4) The Chancellor is authorized to establish an administrative process to review university requests for incremental adjustments to the recorded maximum number of credit hours for bachelor’s degree programs previously approved to exceed 120 credit hours to degree.
   (a) The process shall set thresholds for incremental adjustments that do not require Board of Governors approval, and adjustments that do require Board of Governors approval. Any adjustment that will extend the number of semesters required to complete a degree program must be approved by the Board of Governors in
advance of implementation.
(b) Degree programs that revert to 120 credit hours to degree at any time must follow the appropriate process herein to exceed 120 credit hours.

Authority: Section 7(d), Art. IX, Fla. Const.; History: New 3-29-07; Amended 9-22-16.
8.011 Authorization of New Academic Degree Programs and Other Curricular Offerings.

(1) New Academic Degree Program Authorization - To ensure that new academic programs implemented by a state university are of the highest quality and are aligned with the Board of Governors and university strategic plans, the following criteria and administrative processes for new academic program authorization are established.

(2) Definitions - Within the context of this regulation, academic degree programs are defined as follows:
   (a) Degree Program – An organized curriculum leading to a degree in an area of study recognized as an academic discipline by the higher education community, as demonstrated by assignment of a Classification of Instructional Programs (CIP) code by the National Center for Educational Statistics or as demonstrated by the existence of similar degree programs at other colleges and universities. An argument may also be made for a truly unique degree program, based upon emerging research trends or occupational demand. Each degree program shall have designated faculty effort and instructional resources and shall be assigned a CIP code and included in the State University System Academic Degree Program Inventory. Each degree program shall include at least one program major as defined in paragraph (2) (b), but may have multiple majors.
   (b) Program Major – An organized curriculum offered as part or all of an existing or proposed degree program. A program major shall be reasonably associated with the degree program under which it is offered and shall share common core courses with any other majors within the same degree program. Although in some cases the major and the degree program names are synonymous, only the degree program shall be assigned a CIP Code and shall be included in the State University System Academic Degree Program Inventory as a stand-alone program. The number of credit hours for a program major for each degree level shall be established by the university within the parameters of paragraph (3)(a) 6c.

(3) Criteria for New Degree Program Approval – A proposal for a new degree program shall be approved by a university board of trustees and the Board of Governors only if it meets the following criteria:
   (a) Institutional and State-Level Accountability
      1. The Program is Consistent with the State University System Strategic Plan, and the University Mission, University Strategic Plan, and University Work Plan. – The proposal shall demonstrate that the goals of the program are consistent with current State University System strategic planning goals by identifying which of the goals the program will directly advance. Additionally, the proposal shall demonstrate that the program goals are aligned with the university’s
mission and strategic planning goals and relate to specific institutional strengths, and that the program is consistent with the program list provided in the university work plan required by Board of Governors Regulation 2.002.

2. **There is a Demonstrated Need for Program Graduates, Research, and/or Service.** - The proposal shall demonstrate a need for more individuals to be educated in the program at the level proposed, provide an estimate of the headcount and full-time equivalent (FTE) for students who will major in the program, and indicate steps to be taken to achieve a diverse student body. If an argument is made for the program based upon research or service need, then specific supporting information shall be provided. In analyzing the need for the proposed program, the university shall consider whether similar programs are offered at other postsecondary institutions in Florida and what impact, if any, such programs may have on the proposed program, and shall include this analysis in the proposal to substantiate the need for the program.

3. **The Program Does Not Unnecessarily Duplicate Existing State University System Degree Programs.** - If the program duplicates another degree program at a state university in Florida which has a substantially similar curriculum, evidence shall be provided that the university has investigated the potential impact on that program, has discussed opportunities for collaboration with the affected university, and can substantiate a need for duplication. If the proposed program curriculum substantially duplicates an existing program at a historically black university in the State University System, an analysis shall be conducted to determine whether the proposed program may adversely affect that university’s ability to achieve or maintain student diversity in its existing program.

4. **Financial Planning and Resources are Sufficient for Implementation.** - The proposal shall include a complete budget for the program which is comparable in cost to similar existing programs, reflects the purpose of the proposal, and provides evidence that, in the event resources within the institution are redirected to support the new program, such a redirection will not have an unjustified negative impact on other programs.

5. **There is a Sufficient Projected Benefit of the Program to the University, Local Community, and State.** - The proposal shall describe the projected benefit to the university, local community, and the State if the program is implemented. The proposal should demonstrate efficient use of resources and justification for the investment. The projected benefit may be both quantitative (data driven) and qualitative in nature.

6. **Access and Articulation are Maintained for All Programs.**
   a. In a proposal for a baccalaureate program, all prerequisite courses shall
be consistent with common prerequisites for similar degree programs within the State University System and the Florida College System, or an exception shall be sought through the Articulation Coordinating Committee in accordance with Board Regulation 8.010.

b. In a proposal for a baccalaureate program, if limited access status is sought in accordance with Board Regulation 8.013, adequate justification shall exist for such a designation, and evidence shall be provided that diversity, articulation, and workforce issues are appropriately addressed.

c. In a proposal for a baccalaureate program, the total number of credit hours shall not exceed 120, or an exception shall be sought from the Board of Governors in accordance with Board Regulation 8.014.

d. A proposal for any degree level shall include a plan to achieve a diverse student body in the program.

(b) Institutional Readiness

1. The Institution Demonstrates an Ability to Implement a High-Quality Program. - The proposal shall provide evidence that the institution has the resources in place, or will make the necessary investments, to ensure that the proposed program will be of high quality. If appropriate, the proposal shall provide evidence that the proposed program will specifically relate to existing institutional strengths such as other academic programs that have achieved national recognition, or related institutes and centers. If program reviews or accreditation activities in the discipline pertinent to the proposed program or in related disciplines have included recommendations affecting the proposed program, the proposal shall provide evidence that progress has been made in implementing those recommendations.

2. The Curriculum is Appropriate for the Discipline and Program Level. - The proposal shall describe a sequenced course of study with expected student learning outcomes, including any appropriate industry-driven competencies for advanced technology and related disciplines, as well as a strategy for assessing student learning. Admissions and graduation criteria shall be clearly specified and appropriate. The course of study and credit hours required should include a timeframe consistent with similar programs. In cases in which specialized accreditation is available, evidence shall be provided that the program will seek accreditation, or a rationale shall be provided as to why the program will not seek specialized accreditation as required by Regulation 3.006.

3. Sufficient Qualified Faculty is Available. - The proposal shall demonstrate that sufficient qualified faculty is available to initiate the program based on estimated enrollments, and that, if appropriate, there is a commitment to hire additional faculty in later years. The proposal shall demonstrate that the
academic unit or units associated with this new degree have been productive in teaching, research, and service. For a research or professional doctoral program, evidence shall be provided that the faculty in the aggregate has the necessary instructional experience, as well as research and grant activity, to sustain a doctoral program.

4. *Sufficient Institutional Resources are Available.* - The proposal shall demonstrate that the necessary library volumes and serials; classroom, teaching laboratory, research laboratory, office, and any other type of physical space; equipment; and appropriate clinical and internship sites shall be available to implement the program. For a graduate-level program, the proposal shall indicate whether appropriate fellowships, scholarships, and graduate assistantships are in place, or if the university has made sufficient plans for their existence when student support is the norm in similar programs in the discipline.

(4) New Degree Program Approval Authority and Process –

(a) *All Degree Programs* - Each university shall submit a new academic degree program pre-proposal for review by the academic program coordination work group established by the Council of Academic Vice Presidents pursuant to Regulation 8.004 (1) in order to facilitate collaboration, articulation, and coordination of new academic degree programs across the State University System. This action should be taken prior to a new degree program under consideration being moved into the one-year category on the university annual work plan.

(b) *Professional and Research Doctoral Degree Programs* – Each university board of trustees shall approve new research and professional doctoral degree programs for submission to the Board of Governors for authorization, in accordance with the criteria outlined in section (3) of this regulation. In approving a new doctoral degree program, the Board of Governors shall consider the sufficiency of the university proposal evaluation process, the distinctive mission of the university, alignment with the State University System and university strategic plans, and the extent to which the program will contribute to the economic development of the local community and the state as demonstrated by its alignment with the Areas of Programmatic Strategic Emphasis adopted as part of the State University System Strategic Plan.

1. A proposal that is complete and has been determined by Board staff to meet all criteria for new program authorization shall be considered by the Board of Governors for approval and, subsequent to a program’s approval, an institution may offer the new program at a date no sooner than that specified in the proposal.

2. If a university contemplates implementing a master’s or specialist program and a doctoral program in the same discipline simultaneously, a single proposal for both degree levels should be developed, differentiating elements...
within the proposal as necessary. Both degree levels shall be approved by the university board of trustees prior to submitting the doctoral program proposal to the Board of Governors for consideration.

3. New doctoral programs shall be considered by the Board of Governors only at the June and November meetings, unless extenuating circumstances justify the need for Board consideration during a different timeframe. The Chancellor shall establish deadlines for university submission of new degree proposals for consideration.

(c) Bachelor’s, Master’s, Advanced Master’s, Specialist and other Non-Doctoral Degree Programs – Each university board of trustees shall approve for implementation new degree programs at the bachelor’s, master’s, advanced master’s, and specialist levels in accordance with sections (3) and (5) of this regulation.

(d) University Policies for New Degree Program Authorization - Each university board of trustees shall ensure that university policies for new degree program planning and approval are consistent with this regulation and provide a copy of the policies to the Board of Governors Office. The university policies shall include at a minimum:

1. A formal process for determining degree programs that the university will explore for implementation over the period covered by the university strategic plan and the university work plan;
2. A formal process for review and approval of proposed programs by the appropriate curriculum, financial, and administrative entities of the university
3. A formal written review of doctoral program proposals by a qualified external consultant prior to consideration of the proposal by the board of trustees. Alternatively, institutions may utilize a cross-section of visiting experts who contribute to the proposal development process. Their contribution to the must be documented and described in the proposal;
4. A process for final consideration by the board of trustees that includes review of the proposed program by the full board or a designated committee with regard to Board of Governors approval criteria and implementation costs; and
5. Adoption of a common State University System new degree proposal format developed by Board staff in collaboration with university academic affairs officers.

(e) State University System Academic Degree Program Inventory –

1. The Board Office shall maintain a State University System Academic Degree Program Inventory that will identify the approved degree programs for each university and that will be used by the universities for reporting enrollments, degree completions, and other information related to instructional delivery. Within four weeks of approval of a bachelor’s, master’s, specialist, or advanced master’s degree by the university board of
trustees, a university shall notify the Board of Governors Office in writing and provide an electronic copy of the proposal for each program, along with related board of trustees approval documents. For baccalaureate programs, the notification shall include any request for approval of limited access status, exceptions to the 120 credit hours to degree, and exceptions to the established statewide common prerequisite courses. A CIP code for each program shall be assigned by the Board of Governors Office in consultation with the university.

2. Upon resolution of any outstanding issues regarding the program, it shall be added to the State University System Academic Degree Program Inventory and a letter of notification shall be provided to the university.

3. The Board of Governors recognizes that academic disciplines and degree program curricula evolve over time to align with emerging knowledge in the field or changing workforce requirements. Existing programs’ curricula may also evolve over time in response to faculty research interests and student demand. On occasion a new CIP code is created by the National Center for Educational Statistics which is a better fit for an existing program than the one assigned when it was approved. Accordingly, the Chancellor, or designee, is authorized to approve CIP code changes requested by a university for an existing degree program in the State University System Academic Degree Program Inventory and to establish a process for university and state-level review to ensure the program is properly coded. A CIP code change cannot have the net effect of adding a new degree program to the academic program inventory by changing the code for a major offered under a currently approved program. The new CIP code will be used for state-level accountability calculations starting with the effective term.

(5) Independent Degree Programs at Branch Campuses and Off-Campus Sites - Complete degree programs, or substantially complete degree programs, having designated faculty lines with independent curricular decision-making authority, designated facilities and instructional resources, and a designated student body, shall not be implemented at a branch campus or other off-campus instructional location unless approved by the university board of trustees, even if the university already has authority to offer the degree program at another location. Each such program shall meet the Board of Governors’ new degree program approval criteria and follow the same approval process as other new program offerings at the university. This requirement does not apply to programs currently approved for one location that share faculty and students between or among instructional locations.

(6) Each university shall establish policies for academic degree program offerings away from the main campus which are in compliance with Board of Governors Regulations
8.002 Continuing Education, 8.004 Academic Program Coordination, and 8.009 Educational Sites.

(7) Authorization of Other Academic Curricular Offerings - Each university board of trustees shall ensure that the university has policies consistent with this regulation and applicable accreditation standards for the approval, implementation, and review of other types of academic curricular offerings as defined in sections (7) (a)-(c) of this regulation. Copies of each university’s policies for approving other academic curricular offerings shall be provided to the Board of Governors Office.

(a) Program Minor, Concentration, Area of Emphasis, Track, or a similar curricular offering. - Any organized curriculum that is offered as part of a degree program and enhances or complements the degree to be awarded in a manner which leads to specific educational or occupational goals. Such a curricular offering shall be as defined by the university with the credit-hour length set in accordance with university policy, except that the number of credit hours shall not equal or exceed the number of credit hours established for a program major at the same degree level.

(b) College Credit Certificate Program - An organized curriculum of college credit courses offered as a distinct area of study that leads to specific educational or occupational goals, and for which the university awards a certificate, diploma, or similar form of recognition upon completion. College credit certificate programs may consist of courses that are part of a degree program or distinct courses that are created outside of any degree program. The number of credit hours for a college credit certificate program shall be set by the university within guidelines established by this regulation.

(c) Non-College-Credit Certificate – An organized curriculum of study of any length that is offered for non-college credit (as measured through clock hours, continuing education units, competency exams, etc.), that leads to specific educational or occupational goals, and for which the university awards a certificate or diploma upon completion. The length of a non-college-credit certificate program shall be set by the university.

Authority: Section 7(d), Art. IX, Fla. Const.; History: New 3-27-07, Amended 3-24-11, Amended 9-22-16.
ITEM: __7__

Florida Gulf Coast University Board of Trustees  
September 11, 2018

SUBJECT:  2018-2021 Collective Bargaining Agreement – Florida Gulf Coast University Board of Trustees and United Faculty of Florida/Florida Gulf Coast University Chapter, and 2017-2018 Re-Opener (Article 23 Salaries, and Article 24 Benefits)

PROPOSED BOARD ACTION

Approve ratification of the agreed upon changes to the 2015-18 Collective Bargaining Agreement which yielded the new 2018-2021 Collective Bargaining Agreement. Additionally, ratify the Agreement and closure of the 2017-18 re-opener.

BACKGROUND INFORMATION

With assistance from the Federal Mediation and Conciliation Service (FMCS), Florida Gulf Coast University and the United Faculty of Florida/Florida Gulf Coast University Chapter (UFF) negotiated concurrently on the 2017-2018 re-opener, and the 2018-2021 (full-book) Collective Bargaining Agreement. The parties started negotiations in October of 2017 and reached a tentative agreement (TA) on August 20, 2018. A FGCU faculty vote to ratify the 2018-2021 Collective Bargaining Agreement (CBA) and closure of the 2017-18 re-opener will be conducted in early September 2018. If ratified and recommended for approval by FGCU President Mike Martin, the Agreement will be considered for approval by the FGCU Board of Trustees during its September 11, 2018 meeting.

Supporting Documentation Included: (1) Briefing Document: Executive Summary Chart with Substantive Changes - Prepared by Florida Gulf Coast University; and (2) UFF-FGCU Chapter Ratification Bulletin from UFF to In-unit faculty.

NOTE: The text of the complete 2018-2021 Collective Bargaining Agreement can be viewed at: https://www2.fgcu.edu/Provost/collectivebargaining.html
Prepared by: Associate Provost & Associate Vice President for Academic Affairs and Chief Negotiator Tony Barringer

Legal Review by: Vice President and General Counsel Vee Leonard (September 3, 2018)

Submitted by: Provost and Vice President for Academic Affairs James Llorens
<table>
<thead>
<tr>
<th>Article</th>
<th>Management Proposal</th>
<th>UFF Proposal</th>
<th>Action Taken</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble</td>
<td>Retain current language with correction to font in Title PREAMBLE</td>
<td>Retain current language with change to font in Title PREAMBLE</td>
<td>TA</td>
<td>Corrected font in Article title</td>
</tr>
<tr>
<td>Article 1 Recognition</td>
<td>Retain current language</td>
<td>Add a provision that would allow access to the BOT. Potentially have a representative attend briefings</td>
<td>TA</td>
<td>After the article was discussed at the table, both parties agreed that the provision (Process for UFF to communicate with the BOT) existed in the current language as well as within the BOT's By-laws. No further desire for UFF representative to attend to attend briefings</td>
</tr>
<tr>
<td>Article 2 Consultation</td>
<td>To re-establish the Labor Management Committee and requiring by-laws for operating procedures</td>
<td>To re-establish the Labor Management Committee and requiring by-laws for operating procedures</td>
<td>TA</td>
<td>With minor changes to the current language, the Labor-Management Committee has been reconvened and is fully operational</td>
</tr>
<tr>
<td>Article 3 UFF Privileges</td>
<td>Retain current language</td>
<td>To clarify UFF's communications allowances and capabilities in regards to communicating with faculty</td>
<td>TA</td>
<td>Clarified existing language and removed the restriction of UFF not being able to communicate with all University faculty through email</td>
</tr>
<tr>
<td>Article 4 Reserved Rights</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>After review, No changes were made to this article.</td>
</tr>
<tr>
<td>Article 5 Academic Freedom and Responsibility</td>
<td>Retain current language</td>
<td>To address clarify faculty's academic freedom as it relates to selection of course materials</td>
<td>TA</td>
<td>A new section was added that addresses the parameters of academic freedom as it relates to course material adoptions, etc. Emphasis was placed on adhering to State and accrediting requirements</td>
</tr>
<tr>
<td>Article 6 Nondiscrimination</td>
<td>Review language to ensure compliance with federal and state laws and university policies and procedures. Re-emphasize Article 6.6 &quot;Duty to Report&quot; new language that all University employees are encouraged to take the necessary steps to prevent discrimination, harassment, or sexual misconduct from occurring and report to the Director of Institutional Equity and Compliance</td>
<td>Update harassment language</td>
<td>TA</td>
<td>After discussing the article, it was agreed upon that the current language addressed UFF's concern.</td>
</tr>
<tr>
<td>Article 7 Minutes, Regulation, Policies, and Budgets</td>
<td>Retain current language</td>
<td>Improve financial transparency</td>
<td>TA</td>
<td>After discussion, it became apparent that UFF wanted easier access to finding and viewing the University's budget. It was agreed upon that a link to Budget would be placed on several places on FGCU's website (i.e. BOT homepage)</td>
</tr>
<tr>
<td>Article 8 Appointment</td>
<td>Review offer letters to make sure that all information is clear in terms of release time, years in rank, etc.</td>
<td>&quot;Employment Contract&quot;: review language required for the employment contract. 8.4 (F) &quot;Summer Appointment Policy&quot; Discuss equity. Discuss the compensation formula when one goes from 12 to 9 months. Discuss the process of determining years in rank upon being hired. Discuss the possibility of granting tenure.</td>
<td>TA</td>
<td>Discussion held about the 12 to 9 month conversion formula as well as how years toward rank/promotion are determined upon being hired. Agreed that current language is fine. Overload pay for instructional activities set at a minimum of $1200 per credit</td>
</tr>
<tr>
<td>Article 9 Assignment of Responsibilities</td>
<td>General review</td>
<td>Discuss &quot;uncompensated&quot; efforts (independent studies, thesis and dissertation committee work, etc.) and develop language that provides guidance for addressing the issue. Discuss distance learning and related faculty responsibilities.</td>
<td>TA</td>
<td>Cleaned up language regarding period of an instructional assignment during an academic year, added language about changes to a published calendar, added language that requires Colleges,units to have a process in place to address compensation for activities that are in excess of faculty's full academic assignment</td>
</tr>
<tr>
<td>Article 10 Employee Performance Evaluations</td>
<td>Clarify observation and visitation for online courses. Discuss sustained performance for tenured faculty.</td>
<td>Clarify rules on supervisory observations. Clarify on campus service expectations for online faculty. Discussed the incorporation of raises into sustained performance reviews.</td>
<td>TA</td>
<td>Added language regarding observation/visitation of online course</td>
</tr>
<tr>
<td>Article 11 Evaluation File</td>
<td>Retain current language but remove the reference(s) to student evaluations</td>
<td>Retain current language</td>
<td>TA</td>
<td>Made language consistent with current practice by removing references to Student Evaluation</td>
</tr>
<tr>
<td>Article 12 Non-Reappointment</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>Removed statement in 12.2 about soft money as it was no longer relevant. Clarified the initiation of a grievance filing in 12.3</td>
</tr>
<tr>
<td>Article 13 Layoff and Recall</td>
<td>Retain current language</td>
<td>Clarify layoff process</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 14 Promotion Procedure</td>
<td>Clarify the role of electronic vs. paper copy of the promotion document(s)</td>
<td>Discuss a potential promotion appeal process, the scrapping of the pre-promotion process, and clarify the out of unit promotion procedures.</td>
<td>TA</td>
<td>Made language consistent with current practice by removing references to Student Evaluation. Made pre-promotion process optional for faculty applying for promotion in 2019-20 and beyond.</td>
</tr>
<tr>
<td>Article 15 Multi-Year Appointments and Tenure Status: Extension, Probation, Reappointment</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 16 Disciplinary Action and Job Abandonment</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>Added the process of Coaching as a precursor to disciplinary action when appropriate. Placed in the concept and practice of progressive discipline as</td>
</tr>
<tr>
<td>Article 17 Leaves</td>
<td>Retain current language</td>
<td>Article 17.7 &quot;Parental Leave&quot; Add language for a paid parental leave program</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 18 Inventions and Works</td>
<td>Retain current language</td>
<td>Discuss incentives for research, external funding, and intellectual property. Thorough conversation on inventions and work.</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article</td>
<td>Management Proposal</td>
<td>UFF Proposal</td>
<td>Action Taken</td>
<td>Comments</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>--------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>Article 19 Conflict of Interest/Outside Activity</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 20 Informal Resolution, Grievance, and Arbitration Procedures</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 21 Other Employee Rights</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 22 Professional Development Program and Sabbaticals</td>
<td>Add a statement concerning the provision of faculty requesting feedback from the sabbatical committee</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 23 Salaries</td>
<td>General discussion</td>
<td>Discussion on overload pay, the regular completion of equity studies (market, gender, compression and inversion), and raises.</td>
<td>TA</td>
<td>2% across the board raise, minimum raise of $1,500.00. Promotion rank increases from 9% and 12% to 13% and 13% starting with faculty promoted in the 2018/19 promotion cycle, Instructor I base salary adjusted to a minimum of $41,000 (9mos.) Instructor II base salary adjusted to a minimum of $44,690 (9mos.) Salary assessment and and diversity studies conducted on a regular basis (at a minimum every four years).</td>
</tr>
<tr>
<td>Article 24 Benefits</td>
<td>Retain current language</td>
<td>Discuss tuition waivers</td>
<td>TA</td>
<td>Retired faculty have to request a University email address as part of a courtesy appointment. Age of 63 as expiration for being eligible to participate in phased retirement removed. Language updated on employee Tuition and Fee Voucher Program</td>
</tr>
<tr>
<td>Article 25 Payroll Deduction</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 26 Maintenance of Benefits</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 27 Miscellaneous Provisions</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 28 Severability</td>
<td>Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 29 Amendment and Duration</td>
<td>Change dates as needed: Language remains the same.</td>
<td>Change dates as needed: Language remains the same.</td>
<td>TA</td>
<td>Dates changed to reflect new Agreement (2018-2021)</td>
</tr>
<tr>
<td>Article 30 Definitions</td>
<td>Review and revise definitions to reflect new terminology from modified articles (i.e. Article 8)</td>
<td>Clarify semester length</td>
<td>TA</td>
<td>No changes made</td>
</tr>
<tr>
<td>Article 31 Totality of Agreement</td>
<td>Change dates: Retain current language</td>
<td>Retain current language</td>
<td>TA</td>
<td>No changes made</td>
</tr>
</tbody>
</table>
| Appendix A Position Classification in the Bargaining Unit | Add Clinical rank in order to accommodate faculty in health profession | Retain current language | TA | Added "Clinical ranks to faculty ranks in order to accommodate Health Profession faculty."

FGCU Board of Trustees - September 11, 2018
Notes:

TA = Tentative agreement reached
Retain current language = Parties decided to keep current language but had a cursory examination of the article
RATIFICATION BULLETIN

UFF/FGCU Chapter and FGCU Board of Trustees
2018-2021 Collective Bargaining Agreement

On August 20, 2018, the United Faculty of Florida at FGCU (UFF/FGCU) and the FGCU Board of Trustees (BOT) negotiators reached a tentative agreement on the 2017-2018 re-opener and 2018-2021 full-book Collective Bargaining Agreement. All employees in the bargaining unit are eligible to vote to accept or to reject the tentative agreement reached on the Collective Bargaining Agreement.

Vote on your Re-Openers August 28 through noon on September 6, 2018
All votes will be counted on September 7, 2018, and be made public immediately.

If you vote “YES” to ratify, and the University Board of Trustees does so as well, the new Collective Bargaining Agreement (CBA) will go into effect immediately. A “NO” vote means that any changes or contract improvements will not go into effect, and the negotiators must return to the bargaining table.

Joint UFF-FGCU Chapter Executive Summary

Article 2 Consultation. With minor changes to the current language, the Labor-Management Committee has been reconvened and is fully operational.

Article 3 UFF Privileges. Clarified existing language and removed the restriction of UFF not being able to communicate with all University faculty through email.

Article 5 Academic Freedom and Responsibility. A new section was added that addresses the parameters of academic freedom as it relates to course material adoptions, etc. Emphasis was placed on faculty ability to choose course material and adhering to State and accrediting requirements.

Article 8 Appointment. Overload pay for instructional activities set at a minimum of $1200 per credit.

Article 9 Assignment of Responsibilities. Cleaned up language regarding period of an instructional assignment during an academic year. Added language about changes to a published calendar, added language that requires Colleges and units to have a process in place to address compensation for activities that are in excess of faculty’s full academic assignment.

Article 10 Employee Performance Evaluations. Added language regarding observation/visitation of online course.

Article 11 Evaluation File. Made language consistent with current practice by removing references to Student Evaluation.

Article 12 Non-Reappointment. Removed statement in 12.2 about soft money as it was no longer relevant. Clarified the initiation of a grievance filing in 12.3.


Article 16 Disciplinary Action and Job Abandonment. Added the process of Coaching as a precursor to disciplinary action when appropriate. Added the concept and practice of progressive discipline.

Article 23 Salaries. 2% across the board raise, minimum raise of $1500.00, Promotion rank increases from 9 and 12% to 13 and 13% starting with faculty promoted in the 2018/19 promotion cycle, Instructor I base salary adjusted to a minimum of $41,000 (9mos.) Instructor II
base salary adjusted to a minimum of $44,690 (9mos.). Salary market assessment, compression and inversion, and diversity studies conducted on a regular basis (at a minimum every four years).

**Article 24 Benefits.** Retired faculty have to request a University email address as part of a courtesy appointment. Age of 63 as expiration for being eligible to participate in phased retirement removed, language updated on employee Tuition and Fee Voucher Program.

**Appendix A Position Classification in the Bargaining Unit.** Added “Clinical” to faculty ranks in order to accommodate Health Profession faculty.

**Appendix I** Added Section on progressive discipline to CBA for reference and informational purposes.
SUBJECT: Finance/Budget Update

PROPOSED BOARD ACTION

Information Only

BACKGROUND INFORMATION

This report details the fiscal activities of the institution through the close of August 31, 2018.

Supporting Documentation Included: (1) Summary Memo, and (2) Finance/Budget Update

Prepared by: Chief Budget Officer David Vazquez

Legal Review: N/A

Submitted by: Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera
TO: FGCU Board of Trustees
FROM: Steve Magiera, Vice President for Administrative Services
SUBJECT: Finance Budget Update
DATE: September 11, 2018

We are presenting to you the budget update projected through the end of August 2018. We are only sixty days into the new fiscal year. It is not very practical to discuss variances now because the numbers are very small. Therefore, rather than discuss line items, I will focus on the totals.

Revenue – Projected for the end of August, we have collected $60.7 million of our annual projection of $263 million. We have a positive variance of .99% or $595,000.

Expenditures – Projected for the end of August, we have spent $53.7 million of our annual projected $258 million. We have a positive variance of 1.89% or $1 million.

You will note that Dr. Martin has allocated $8.4 million of the previously unallocated $12.8 million.

There are not any concerns at this point in the budget.
## Grand Summary

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19 Original Budgeted Revenues</th>
<th>FY 18-19 Amended Budgeted Revenue</th>
<th>Budgeted Revenue Through August</th>
<th>Projected Revenue Through August</th>
<th>Projected Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>87,427,428</td>
<td>87,427,428</td>
<td>15,299,800</td>
<td>15,306,483</td>
<td>0.04%</td>
</tr>
<tr>
<td>Tuition &amp; Fees</td>
<td>58,120,724</td>
<td>58,120,724</td>
<td>22,074,251</td>
<td>22,274,149</td>
<td>0.91%</td>
</tr>
<tr>
<td>Lottery</td>
<td>7,633,918</td>
<td>7,633,918</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Carryforward</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Student Activity Revenue</td>
<td>4,360,490</td>
<td>4,360,490</td>
<td>1,580,678</td>
<td>1,583,259</td>
<td>0.16%</td>
</tr>
<tr>
<td>Athletic Revenue</td>
<td>12,113,799</td>
<td>12,113,799</td>
<td>2,755,889</td>
<td>2,661,713</td>
<td>-3.42%</td>
</tr>
<tr>
<td>Concessions</td>
<td>335,000</td>
<td>335,000</td>
<td>33,500</td>
<td>28,773</td>
<td>-14.11%</td>
</tr>
<tr>
<td>Financial Aid Revenue</td>
<td>30,030,000</td>
<td>30,030,000</td>
<td>2,687,685</td>
<td>2,565,070</td>
<td>-4.56%</td>
</tr>
<tr>
<td>Grant Associated Revenue</td>
<td>12,714,989</td>
<td>12,714,989</td>
<td>1,652,949</td>
<td>1,643,902</td>
<td>-0.55%</td>
</tr>
<tr>
<td>Auxiliary Revenue</td>
<td>50,161,157</td>
<td>50,161,157</td>
<td>14,045,124</td>
<td>14,661,448</td>
<td>4.39%</td>
</tr>
<tr>
<td><strong>Summary of Revenues</strong></td>
<td>262,897,505</td>
<td>262,897,505</td>
<td>60,129,875</td>
<td>60,724,797</td>
<td>0.99%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19 Original Budgeted Expenditures</th>
<th>FY 18-19 Amended Budgeted Expenditures</th>
<th>Budgeted Expenditures Through August</th>
<th>Projected Expenditures Through August</th>
<th>Projected Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>132,473,580</td>
<td>137,356,463</td>
<td>24,592,088</td>
<td>23,883,901</td>
<td>-2.88%</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>12,477,729</td>
<td>11,978,635</td>
<td>2,303,584</td>
<td>2,086,915</td>
<td>-9.41%</td>
</tr>
<tr>
<td>General Expense</td>
<td>47,905,051</td>
<td>50,735,100</td>
<td>7,683,504</td>
<td>7,313,065</td>
<td>-4.82%</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>1,064,167</td>
<td>1,174,191</td>
<td>192,854</td>
<td>93,807</td>
<td>-51.36%</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>31,466,771</td>
<td>32,579,285</td>
<td>13,087,027</td>
<td>13,611,665</td>
<td>4.01%</td>
</tr>
<tr>
<td>Library Resources</td>
<td>1,740,377</td>
<td>1,737,932</td>
<td>517,904</td>
<td>455,168</td>
<td>-12.11%</td>
</tr>
<tr>
<td>Unallocated, General Revenue</td>
<td>12,781,565</td>
<td>4,347,634</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transfer to DSO</td>
<td>18,395,928</td>
<td>18,395,928</td>
<td>6,400,098</td>
<td>6,298,757</td>
<td>-1.58%</td>
</tr>
<tr>
<td><strong>Summary of Expenditures</strong></td>
<td>258,305,168</td>
<td>258,305,168</td>
<td>54,777,059</td>
<td>53,743,279</td>
<td>-1.89%</td>
</tr>
</tbody>
</table>
### General Revenue

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19 Original Budgeted Revenue</th>
<th>FY 18-19 Amdended Budgeted Revenue</th>
<th>Budgeted Revenue Through August</th>
<th>Projected Revenue Through August</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>87,427,428</td>
<td>87,427,428</td>
<td>15,299,800</td>
<td>15,306,483</td>
</tr>
<tr>
<td>Tuition &amp; Fees</td>
<td>58,120,724</td>
<td>58,120,724</td>
<td>22,074,251</td>
<td>22,274,149</td>
</tr>
<tr>
<td>Lottery</td>
<td>7,633,918</td>
<td>7,633,918</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Carryforward</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total E&amp;G Revenue</strong></td>
<td>153,182,070</td>
<td>153,182,070</td>
<td>37,374,051</td>
<td>37,580,632</td>
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</table>

### E&G Expense

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19 Original Budgeted Expenditures</th>
<th>FY 18-19 Amdended Budgeted Expenditures</th>
<th>Budgeted Expenditures Through August</th>
<th>Projected Expenditures Through August</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>106,183,809</td>
<td>109,373,057</td>
<td>19,536,363</td>
<td>18,751,520</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>6,892,640</td>
<td>6,393,546</td>
<td>1,229,528</td>
<td>1,113,083</td>
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<tr>
<td>General Expense</td>
<td>25,020,762</td>
<td>26,182,137</td>
<td>3,347,478</td>
<td>3,335,561</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>451,146</td>
<td>441,170</td>
<td>168,351</td>
<td>56,117</td>
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<tr>
<td>Financial Aid/Scholarship</td>
<td>111,771</td>
<td>1,224,285</td>
<td>467,714</td>
<td>164,587</td>
</tr>
<tr>
<td>Library Resources</td>
<td>1,740,377</td>
<td>1,737,932</td>
<td>517,904</td>
<td>455,168</td>
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<tr>
<td>Unallocated</td>
<td>12,781,565</td>
<td>7,829,943</td>
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<td>-</td>
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<tr>
<td><strong>Total E&amp;G Expenditures</strong></td>
<td>153,182,070</td>
<td>153,182,070</td>
<td>25,267,338</td>
<td>23,876,036</td>
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</table>
### Student Related Activities

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19 Original Budgeted Revenues</th>
<th>FY 18-19 Amended Budgeted Revenue</th>
<th>Budgeted Revenue Through August</th>
<th>Projected Revenue Through August</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Fund Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Activity Revenue</td>
<td>4,360,490</td>
<td>4,360,490</td>
<td>1,580,678</td>
<td>1,583,259</td>
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<tr>
<td>Athletic Revenue</td>
<td>12,113,799</td>
<td>12,113,799</td>
<td>2,755,889</td>
<td>2,661,713</td>
</tr>
<tr>
<td>Concessions</td>
<td>335,000</td>
<td>335,000</td>
<td>33,500</td>
<td>28,773</td>
</tr>
<tr>
<td>Financial Aid Revenue</td>
<td>30,030,000</td>
<td>30,030,000</td>
<td>2,687,685</td>
<td>2,565,070</td>
</tr>
<tr>
<td><strong>Total Local Fund Revenues</strong></td>
<td>46,839,289</td>
<td>46,839,289</td>
<td>7,057,752</td>
<td>6,838,815</td>
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<tr>
<td><strong>Student Activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits</td>
<td>1,237,437</td>
<td>1,237,437</td>
<td>237,969</td>
<td>251,640</td>
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<td>Other Personal Services</td>
<td>751,580</td>
<td>751,580</td>
<td>144,535</td>
<td>120,521</td>
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<tr>
<td>General Expense</td>
<td>2,061,865</td>
<td>2,061,865</td>
<td>206,187</td>
<td>145,696</td>
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<td><strong>Total Student Activities Expenditures</strong></td>
<td>4,050,882</td>
<td>4,050,882</td>
<td>588,690</td>
<td>517,857</td>
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<tr>
<td><strong>Intercollegiate Athletics</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits</td>
<td>5,727,450</td>
<td>5,727,450</td>
<td>1,101,433</td>
<td>1,069,246</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>1,102,942</td>
<td>1,102,942</td>
<td>212,104</td>
<td>170,594</td>
</tr>
<tr>
<td>General Expense</td>
<td>3,608,407</td>
<td>3,608,407</td>
<td>676,576</td>
<td>528,708</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>100,000</td>
<td>100,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>1,575,000</td>
<td>1,575,000</td>
<td>720,563</td>
<td>700,567</td>
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<tr>
<td><strong>Total Intercollegiate Athletics Expenditures</strong></td>
<td>12,113,799</td>
<td>12,113,799</td>
<td>2,720,676</td>
<td>2,479,116</td>
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<tr>
<td><strong>Concessions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Expense</td>
<td>209,200</td>
<td>209,200</td>
<td>52,300</td>
<td>65,024</td>
</tr>
<tr>
<td><strong>Total Concession Expenditures</strong></td>
<td>209,200</td>
<td>209,200</td>
<td>52,300</td>
<td>65,024</td>
</tr>
<tr>
<td><strong>Financial Aid</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>330,000</td>
<td>330,000</td>
<td>63,462</td>
<td>38,215</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>29,700,000</td>
<td>29,700,000</td>
<td>11,880,000</td>
<td>12,727,361</td>
</tr>
<tr>
<td><strong>Total Financial Aid Expenditures</strong></td>
<td>30,030,000</td>
<td>30,030,000</td>
<td>11,943,462</td>
<td>12,765,576</td>
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<tr>
<td><strong>Student Related Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits</td>
<td>6,964,887</td>
<td>6,964,887</td>
<td>1,339,401.35</td>
<td>1,320,885.93</td>
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<tr>
<td>Other Personal Services</td>
<td>2,184,522</td>
<td>2,184,522</td>
<td>420,104</td>
<td>329,330</td>
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<tr>
<td>General Expense</td>
<td>5,879,472</td>
<td>5,879,472</td>
<td>935,063</td>
<td>739,429</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>100,000</td>
<td>100,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>31,275,000</td>
<td>31,275,000</td>
<td>12,600,563</td>
<td>13,427,929</td>
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<tr>
<td><strong>Total Student Related Expenditures</strong></td>
<td>46,403,881</td>
<td>46,403,881</td>
<td>15,305,127</td>
<td>15,827,574</td>
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</tbody>
</table>
Grant and Auxiliary Activities

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19</th>
<th>FY 18-19</th>
<th>Budgeted Revenue Through August</th>
<th>Projected Revenue Through August</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant and Auxiliary Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant Associated Revenue</td>
<td>12,714,989</td>
<td>12,714,989</td>
<td>1,652,949</td>
<td>1,643,902</td>
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<tr>
<td>Auxiliary Revenue</td>
<td>50,161,157</td>
<td>50,161,157</td>
<td>14,045,124</td>
<td>14,661,448</td>
</tr>
<tr>
<td>Total Grant and Auxiliary Revenues</td>
<td>62,876,146</td>
<td>62,876,146</td>
<td>15,698,073</td>
<td>16,305,350</td>
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</tbody>
</table>

Grant Activities

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19</th>
<th>FY 18-19</th>
<th>Budgeted Expenditures Through August</th>
<th>Projected Expenditures Through August</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>7,226,118</td>
<td>7,226,118</td>
<td>1,389,638</td>
<td>1,443,392</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>1,141,071</td>
<td>1,141,071</td>
<td>219,437</td>
<td>210,540</td>
</tr>
<tr>
<td>General Expense</td>
<td>4,072,200</td>
<td>4,072,200</td>
<td>814,440</td>
<td>721,450</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>200,600</td>
<td>200,600</td>
<td>2,006</td>
<td>2,006</td>
</tr>
<tr>
<td>Scholarships</td>
<td>75,000</td>
<td>75,000</td>
<td>18,750</td>
<td>19,150</td>
</tr>
<tr>
<td>Total Grant Activities Expenditures</td>
<td>12,714,989</td>
<td>12,714,989</td>
<td>2,444,271</td>
<td>2,396,538</td>
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</table>

Auxiliary Activities

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19</th>
<th>FY 18-19</th>
<th>Budgeted Expenditures Through August</th>
<th>Projected Expenditures Through August</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>12,098,766</td>
<td>12,098,766</td>
<td>2,326,868</td>
<td>2,368,103</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>2,259,496</td>
<td>2,259,496</td>
<td>434,518</td>
<td>433,962</td>
</tr>
<tr>
<td>General Expense</td>
<td>12,932,617</td>
<td>12,932,617</td>
<td>2,586,523</td>
<td>2,516,625</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>312,421</td>
<td>312,421</td>
<td>12,497</td>
<td>25,684</td>
</tr>
<tr>
<td>Scholarships</td>
<td>5,000</td>
<td>5,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transfer to DSO</td>
<td>18,395,928</td>
<td>18,395,928</td>
<td>6,400,098</td>
<td>6,298,757</td>
</tr>
<tr>
<td>Total Auxiliary Activities Expenditures</td>
<td>46,004,228</td>
<td>46,004,228</td>
<td>11,760,322</td>
<td>11,643,132</td>
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</table>

Grant & Auxiliary Activities

<table>
<thead>
<tr>
<th></th>
<th>FY 18-19</th>
<th>FY 18-19</th>
<th>Budgeted Expenditures Through August</th>
<th>Projected Expenditures Through August</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>19,324,884</td>
<td>19,324,884</td>
<td>3,716,324</td>
<td>3,811,495</td>
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<tr>
<td>Other Personal Services</td>
<td>3,400,567</td>
<td>3,400,567</td>
<td>653,955</td>
<td>644,502</td>
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<tr>
<td>General Expense</td>
<td>17,004,817</td>
<td>17,004,817</td>
<td>3,400,963</td>
<td>3,238,075</td>
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<tr>
<td>Capital Expenditures</td>
<td>513,021</td>
<td>513,021</td>
<td>14,503</td>
<td>27,690</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>80,000</td>
<td>80,000</td>
<td>18,750</td>
<td>19,150</td>
</tr>
<tr>
<td>Transfer to DSO</td>
<td>18,395,928</td>
<td>18,395,928</td>
<td>6,400,098</td>
<td>6,298,757</td>
</tr>
<tr>
<td>Total Grant &amp; Auxiliary Expenditures</td>
<td>58,719,217</td>
<td>58,719,217</td>
<td>14,204,593</td>
<td>14,039,669</td>
</tr>
</tbody>
</table>
SUBJECT: 2017-2018 End-Of-Year Budget Report

PROPOSED BOARD ACTION

Information Only

BACKGROUND INFORMATION

This report details the fiscal activities of the institution through the close of June 30, 2018.

Supporting Documentation Included: (1) Summary Memo, and (2) 2017-2018 End-Of-Year Budget Report

Prepared by: Chief Budget Officer David Vazquez

Legal Review: N/A

Submitted by: Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera
As we discussed at the June meeting, we are bringing the actual year-end numbers to the September Board meeting.

History: It has always been our practice not to make budget adjustments from the original budget but to explain any variances that are 5% or above with line items budgeted at $2 million or more.

FY 17-18 was an unusual year because we needed to approve our budget before the Governor had approved the State budget. The budget contained new money, budget cuts, non-recurring money and fenced money. We had last minute money for Honors Programs, Talent Gap Programs, World Class Faculty and Graduate Programs. The reason I am explaining this is that I hope it will help with the explanation of expenditure the variances. We explained last June that these programs were budgeted before they had been fully vetted. This resulted is funds being budgeted in one line item but spent in another or not spent at all. I will give you more details in the body of this report.

Revenues:

The only revenue line item with a variance greater than 5% and $2 million is Financial Aid. The variance is favorable at 12.29% and the dollar amount is $3.4 million. As in previous discussions, the budgeting for Financial Aid is very challenging as we prepare it in May and try to anticipate the needs of the students who do not arrive until August. An increase in the Financial Aid revenue will usually correspond to an increase in Financial Aid expenditures and it does. Overall revenues have a positive variance of 1.27% or $3.1 million on a total revenue budget of $242 million.
Expenditures:

The majority of the expenditure line items have a variance of greater than 5% and $2 million. The overarching reason is those four programs were not fully vetted before they were budgeted.

Other Personal Services: A positive variance of 8.81% or $1.2 million. This is a result of underspending on part-time workers and spending more on full time workers, which is reflected in the Salaries and Benefits line, which is over budget.

General Expense: A positive variance of 9.79% or $4.8 million. This is a little bit higher than normal but remember that this is a cash basis report and we have between $3 million and $4 million in year-end encumbrances.

Capital Expenditures: A positive variance of 70.59% or $3.7 million. The four programs outlined earlier had a total of $2.6 million budgeted in Capital Expenditures and spent $1.4 million. This explains the majority of the variance.

Financial Aid/Scholarship: A negative variance of 9.43% or $2.8 million. The overspending of this line item is directly related to the increase in Financial Aid revenue as previously discussed.

Library Resources: A positive variance of 5.67% or $125,000. The library uses this line to purchase materials and licenses. Although the percentage is above 5%, the dollar amount is relatively low.

Overall: We have a positive variance of 1.83% or $4.4 million on a total expenditure budget of $238 million.
### Grand Summary

#### Summary of Revenues

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>FY 17-18 Budgeted Revenue</th>
<th>FY 17-18 Actual Revenue</th>
<th>% Budget Revenue Collected</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>65,760,187</td>
<td>65,705,164</td>
<td>99.92%</td>
<td>(55,023)</td>
</tr>
<tr>
<td>Tuition &amp; Fees</td>
<td>57,453,104</td>
<td>58,342,855</td>
<td>101.55%</td>
<td>889,751</td>
</tr>
<tr>
<td>Lottery</td>
<td>6,383,204</td>
<td>6,383,204</td>
<td>100.00%</td>
<td>-</td>
</tr>
<tr>
<td>Carryforward</td>
<td>6,000,000</td>
<td>6,000,000</td>
<td>100.00%</td>
<td>-</td>
</tr>
<tr>
<td>Student Activity Fees</td>
<td>4,236,983</td>
<td>4,305,180</td>
<td>101.61%</td>
<td>68,197</td>
</tr>
<tr>
<td>Athletic Revenue</td>
<td>11,870,840</td>
<td>11,137,320</td>
<td>93.82%</td>
<td>(733,520)</td>
</tr>
<tr>
<td>Concessions</td>
<td>335,000</td>
<td>335,076</td>
<td>100.02%</td>
<td>76</td>
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<tr>
<td>Financial Aid Revenue</td>
<td>27,323,428</td>
<td>30,680,218</td>
<td>112.29%</td>
<td>3,356,790</td>
</tr>
<tr>
<td>Grant Associated Revenue</td>
<td>12,545,674</td>
<td>11,505,757</td>
<td>91.71%</td>
<td>(1,039,917)</td>
</tr>
<tr>
<td>Auxiliary Revenue</td>
<td>50,015,039</td>
<td>50,605,869</td>
<td>101.18%</td>
<td>590,830</td>
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#### Summary of Revenues

<table>
<thead>
<tr>
<th>Summary</th>
<th>FY 17-18 Summary</th>
<th>FY 17-18 Summary</th>
<th>% Budget Revenue</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>241,923,459</td>
<td>245,000,643</td>
<td>101.27%</td>
<td>3,077,184</td>
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</table>

#### Summary of Expenditures

<table>
<thead>
<tr>
<th>Expenditure Source</th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>120,674,914</td>
<td>122,661,851</td>
<td>101.65%</td>
<td>1,986,937</td>
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<tr>
<td>Other Personal Services</td>
<td>13,200,906</td>
<td>12,037,966</td>
<td>91.19%</td>
<td>(1,162,940)</td>
</tr>
<tr>
<td>General Expense</td>
<td>49,210,601</td>
<td>44,394,143</td>
<td>90.21%</td>
<td>(4,816,458)</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>5,181,297</td>
<td>1,523,881</td>
<td>29.41%</td>
<td>(3,657,416)</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>29,269,228</td>
<td>32,029,719</td>
<td>109.43%</td>
<td>2,760,491</td>
</tr>
<tr>
<td>Library Resources</td>
<td>2,202,431</td>
<td>2,077,624</td>
<td>94.33%</td>
<td>(124,807)</td>
</tr>
<tr>
<td>Transfer to DSO</td>
<td>17,969,931</td>
<td>18,622,396</td>
<td>103.63%</td>
<td>652,465</td>
</tr>
</tbody>
</table>

#### Summary of Expenditures

<table>
<thead>
<tr>
<th>Summary</th>
<th>FY 17-18 Summary</th>
<th>FY 17-18 Summary</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>237,709,308</td>
<td>233,347,580</td>
<td>98.17%</td>
<td>(4,361,728)</td>
</tr>
</tbody>
</table>
## General Revenue

### Education and General (E&G) Revenue

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Revenue</th>
<th>FY 17-18 Actual Revenue</th>
<th>% Budget Revenue Collected</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>65,760,187</td>
<td>65,705,164</td>
<td>99.92%</td>
<td>(55,023)</td>
</tr>
<tr>
<td>Tuition &amp; Fees</td>
<td>57,453,104</td>
<td>58,342,855</td>
<td>101.55%</td>
<td>889,751</td>
</tr>
<tr>
<td>Lottery</td>
<td>6,383,204</td>
<td>6,383,204</td>
<td>100.00%</td>
<td>-</td>
</tr>
<tr>
<td>Carryforward</td>
<td>6,000,000</td>
<td>6,000,000</td>
<td>100.00%</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total E&amp;G Revenue</strong></td>
<td><strong>135,596,495</strong></td>
<td><strong>136,431,223</strong></td>
<td><strong>100.62%</strong></td>
<td><strong>834,728</strong></td>
</tr>
</tbody>
</table>

## E&G Expense

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>95,241,572</td>
<td>98,039,308</td>
<td>102.94%</td>
<td>2,797,736</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>8,353,442</td>
<td>6,845,477</td>
<td>81.95%</td>
<td>(1,507,965)</td>
</tr>
<tr>
<td>General Expense</td>
<td>25,173,182</td>
<td>20,367,768</td>
<td>80.91%</td>
<td>(4,805,414)</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>4,397,187</td>
<td>1,294,001</td>
<td>29.43%</td>
<td>(3,103,186)</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>228,681</td>
<td>283,553</td>
<td>123.99%</td>
<td>54,872</td>
</tr>
<tr>
<td>Library Resources</td>
<td>2,202,431</td>
<td>2,077,624</td>
<td>94.33%</td>
<td>(124,807)</td>
</tr>
<tr>
<td><strong>Total E&amp;G Expenditures</strong></td>
<td><strong>135,596,495</strong></td>
<td><strong>128,907,731</strong></td>
<td><strong>95.07%</strong></td>
<td><strong>(6,688,764)</strong></td>
</tr>
</tbody>
</table>
## Student Related Activities

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Revenue</th>
<th>FY 17-18 Actual Revenue</th>
<th>% Budget Revenue Collected</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Fund Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Activity Fees</td>
<td>4,236,983</td>
<td>4,305,180</td>
<td>101.61%</td>
<td>68,197</td>
</tr>
<tr>
<td>Athletic Revenue</td>
<td>11,870,840</td>
<td>11,137,320</td>
<td>93.82%</td>
<td>(733,520)</td>
</tr>
<tr>
<td>Concessions</td>
<td>335,000</td>
<td>335,076</td>
<td>100.02%</td>
<td>76</td>
</tr>
<tr>
<td>Financial Aid Revenue</td>
<td>27,323,428</td>
<td>30,680,218</td>
<td>112.29%</td>
<td>3,356,790</td>
</tr>
<tr>
<td><strong>Total Local Fund Revenues</strong></td>
<td>43,766,251</td>
<td>46,457,794</td>
<td>106.15%</td>
<td>2,691,543</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student Activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits</td>
<td>1,218,046</td>
<td>1,244,300</td>
<td>102.16%</td>
<td>26,254</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>701,901</td>
<td>584,468</td>
<td>83.27%</td>
<td>(117,433)</td>
</tr>
<tr>
<td>General Expense</td>
<td>2,090,865</td>
<td>2,272,860</td>
<td>108.70%</td>
<td>181,995</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Student Activities Expenditures</strong></td>
<td>4,010,812</td>
<td>4,101,628</td>
<td>102.26%</td>
<td>90,816</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Intercollegiate Athletics</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits</td>
<td>5,392,156</td>
<td>5,479,482</td>
<td>101.62%</td>
<td>87,326</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>1,150,725</td>
<td>1,027,878</td>
<td>89.32%</td>
<td>(122,847)</td>
</tr>
<tr>
<td>General Expense</td>
<td>3,580,359</td>
<td>3,516,145</td>
<td>98.21%</td>
<td>(64,214)</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>100,100</td>
<td>5,627</td>
<td>5.62%</td>
<td>(94,473)</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>1,647,500</td>
<td>1,575,381</td>
<td>95.62%</td>
<td>(72,119)</td>
</tr>
<tr>
<td><strong>Total Intercollegiate Athletics Expenditures</strong></td>
<td>11,870,840</td>
<td>11,604,513</td>
<td>97.76%</td>
<td>(266,327)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Concessions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Expense</td>
<td>191,600</td>
<td>183,512</td>
<td>95.78%</td>
<td>(8,088)</td>
</tr>
<tr>
<td><strong>Total Concessions Expenditures</strong></td>
<td>191,600</td>
<td>183,512</td>
<td>95.78%</td>
<td>(8,088)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Financial Aid</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>300,000</td>
<td>334,389</td>
<td>111.46%</td>
<td>34,389</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>27,193,047</td>
<td>29,938,181</td>
<td>110.09%</td>
<td>2,745,134</td>
</tr>
<tr>
<td><strong>Total Financial Aid Expenditures</strong></td>
<td>27,493,047</td>
<td>30,272,570</td>
<td>110.11%</td>
<td>2,779,523</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student Related Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits</td>
<td>6,610,202</td>
<td>6,723,782</td>
<td>101.72%</td>
<td>113,580</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>2,152,626</td>
<td>1,946,735</td>
<td>90.44%</td>
<td>(205,891)</td>
</tr>
<tr>
<td>General Expense</td>
<td>5,862,824</td>
<td>5,972,517</td>
<td>101.87%</td>
<td>109,693</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>100,100</td>
<td>5,627</td>
<td>5.62%</td>
<td>(94,473)</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>28,840,547</td>
<td>31,513,562</td>
<td>109.27%</td>
<td>2,673,015</td>
</tr>
<tr>
<td><strong>Total Student Related Expenditures</strong></td>
<td>43,566,299</td>
<td>46,162,223</td>
<td>105.96%</td>
<td>2,595,924</td>
</tr>
</tbody>
</table>
### Grant and Auxiliary Activity

**Grant and Auxiliary Revenue**

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Revenue</th>
<th>FY 17-18 Actual Revenue</th>
<th>% Budget Revenue Collected</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant Associated Revenue</td>
<td>12,545,674</td>
<td>11,505,757</td>
<td>91.71%</td>
<td>(1,039,917)</td>
</tr>
<tr>
<td>Auxiliary Revenue</td>
<td>50,015,039</td>
<td>50,605,869</td>
<td>101.18%</td>
<td>590,830</td>
</tr>
<tr>
<td><strong>Total Grant and Auxiliary Revenue</strong></td>
<td><strong>62,560,713</strong></td>
<td><strong>62,111,626</strong></td>
<td><strong>99.28%</strong></td>
<td><strong>(449,087)</strong></td>
</tr>
</tbody>
</table>

**Grant Activities**

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>7,051,603</td>
<td>6,248,283</td>
<td>88.61%</td>
<td>(803,320)</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>399,071</td>
<td>1,078,530</td>
<td>270.26%</td>
<td>679,459</td>
</tr>
<tr>
<td>General Expense</td>
<td>4,495,000</td>
<td>4,139,664</td>
<td>92.09%</td>
<td>(355,336)</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>350,000</td>
<td>64,267</td>
<td>18.36%</td>
<td>(285,733)</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>200,000</td>
<td>232,604</td>
<td>116.30%</td>
<td>32,604</td>
</tr>
<tr>
<td><strong>Total Grant Activities Expenditures</strong></td>
<td><strong>12,495,674</strong></td>
<td><strong>11,763,348</strong></td>
<td><strong>94.14%</strong></td>
<td><strong>(732,326)</strong></td>
</tr>
</tbody>
</table>

**Auxiliary Activities**

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>11,771,537</td>
<td>11,650,478</td>
<td>98.97%</td>
<td>(121,059)</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>2,295,767</td>
<td>2,167,224</td>
<td>94.40%</td>
<td>(128,543)</td>
</tr>
<tr>
<td>General Expense</td>
<td>13,679,595</td>
<td>13,914,194</td>
<td>101.71%</td>
<td>234,599</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>334,010</td>
<td>159,986</td>
<td>47.90%</td>
<td>(174,024)</td>
</tr>
<tr>
<td>Transfer to DSO</td>
<td>17,969,931</td>
<td>18,622,396</td>
<td>103.63%</td>
<td>652,465</td>
</tr>
<tr>
<td><strong>Total Auxiliary Activities Expenditures</strong></td>
<td><strong>46,050,840</strong></td>
<td><strong>46,514,278</strong></td>
<td><strong>101.01%</strong></td>
<td><strong>463,438</strong></td>
</tr>
</tbody>
</table>

**Grant & Auxiliary Activity**

<table>
<thead>
<tr>
<th></th>
<th>FY 17-18 Budgeted Expenditures</th>
<th>FY 17-18 Actual Expended</th>
<th>% Actual to Budget Spent</th>
<th>Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>18,823,140</td>
<td>17,898,761</td>
<td>95.09%</td>
<td>(924,379)</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>2,694,838</td>
<td>3,245,754</td>
<td>120.44%</td>
<td>550,916</td>
</tr>
<tr>
<td>General Expense</td>
<td>18,174,595</td>
<td>18,053,858</td>
<td>99.34%</td>
<td>(120,737)</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>684,010</td>
<td>224,253</td>
<td>32.79%</td>
<td>(459,757)</td>
</tr>
<tr>
<td>Financial Aid/Scholarship</td>
<td>200,000</td>
<td>232,604</td>
<td>116.30%</td>
<td>32,604</td>
</tr>
<tr>
<td>Transfer to DSO</td>
<td>17,969,931</td>
<td>18,622,396</td>
<td>103.63%</td>
<td>652,465</td>
</tr>
<tr>
<td><strong>Total Grant &amp; Auxiliary Activity</strong></td>
<td><strong>58,546,514</strong></td>
<td><strong>58,277,626</strong></td>
<td><strong>99.54%</strong></td>
<td><strong>(268,888)</strong></td>
</tr>
</tbody>
</table>
ITEM: __10__

Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: Carryforward Funds from Fiscal Year Ending June 30, 2018

PROPOSED BOARD ACTION

Information Only

BACKGROUND INFORMATION

Each year the University is required to submit to the Board of Governors the intended uses of the Carryforward balances. Carryforward is a state term for cash balance of the Educational and General Revenue Funds of the University. These funds are composed of State Appropriations, Lottery Money, and Tuition. These are the first three line items on your budget reports. There are statutorily required reserves, FGCU Board of Trustees required reserves, and then requested projects. This is an update on projects from the June 5, 2018 BOT meeting.

Supporting Documentation Included: Carryforward Funds June 30, 2018

Prepared by: Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera

Legal Review: N/A

Submitted by: Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera
Carryforward Funds
June 30, 2018

Carryforward Funds (Cash Balance) at June 30, 2018 $13,409,909

Uses of Funds:

**Statutory Reserve Requirement** – 5% of current Budget $7,897,573

**FGCU Board of Trustees Reserve Requirement** – Several years ago after a substantial budget cut by the State of Florida, the FGCU Board of Trustees required a reserve to be established. The goal of the reserve was to eventually match the State requirement. 5,000,000

**Talent Gap Programs** – We were given a non-recurring appropriation specifically for the Talent Gap Programs. One of those programs was Data Analytics. The program is not fully underway and therefore some funds remained unspent. 512,336

Total Uses of Funds $13,409,909
Florida Gulf Coast University Board of Trustees  
September 11, 2018

SUBJECT: FGCU Financing Corporation 2018-2019 Budget

PROPOSED BOARD ACTION

Information Only

BACKGROUND INFORMATION

The FGCU Financing Corporation has approved the annual operating budget for the fiscal year 2018-2019 at its June 6, 2018 meeting. This item is for information only.

Supporting Documentation Included: FGCU Financing Corporation 2018-2019 Budget

Prepared by: University Controller June Gutknecht

Legal Review: N/A

Submitted by: Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera
Florida Gulf Coast University Financing Corporation  
Fiscal Year 2018-2019 Budget  

<table>
<thead>
<tr>
<th>REVENUES:</th>
</tr>
</thead>
</table>
| Net Rental Income Received from University | 18,395,928  
| Interest Income | 471,412  
| **Total Revenues** | **18,867,340**  

<table>
<thead>
<tr>
<th>EXPENSES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenses:</td>
</tr>
</tbody>
</table>
| Debt Service | 8,525,610  
| Financing Lease Amortization | 6,435,000  
| Personnel Expenses | 132,000  
| Contractual Expenses | 21,350  
| Insurance | 162,000  
| Other Expenses | 25,000  
| **Total Operating Expenses** | **15,300,960**  

<table>
<thead>
<tr>
<th>Non-Operating Expenses:</th>
</tr>
</thead>
</table>
| Presidential Compensation | 140,000  
| President Bonus | 50,725  
| Parking Capital Improvement | 100,000  
| Housing Capital Improvement | 1,954,529  
| Housing Full Size Bed Option | 392,000  
| **Total Non-Operating Expenses** | **2,637,254**  

**Total Expenses** | **17,938,214**  

| Excess Revenues over Expenditures | **929,126**  

**Total Expenditures and Excess Revenues** | **18,867,340**
Florida Gulf Coast University Board of Trustees  
September 11, 2018

SUBJECT: FGCU Foundation 2018-2019 Budget

PROPOSED BOARD ACTION

On recommendation by the Foundation Board of Directors, approve the proposed Foundation budget for fiscal year 2019.

BACKGROUND INFORMATION

On June 6, 2018 the Foundation Board of Directors approved the proposed fiscal year 2019 Foundation budget. Due to increased endowment values and rising interest rates, the top line revenue has increased, allowing for additional investment in fundraising and university operations as well.

Supporting Documentation Included: Foundation FY19 Budget

Prepared by: Vice President for University Advancement and Executive Director of FGCU Foundation Chris Simoneau

Legal Review: N/A

Submitted by: Vice President for University Advancement and Executive Director of FGCU Foundation Chris Simoneau
## Florida Gulf Coast University Foundation, Inc.
### 2018-19 Proposed Budget

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Budget Fiscal Year 2017-18</th>
<th>Budget Fiscal Year 2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest (Net)</td>
<td>144,000</td>
<td>256,200</td>
</tr>
<tr>
<td>Foundation Management Fees</td>
<td>1,432,000</td>
<td>1,614,800</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>1,576,000</strong></td>
<td><strong>1,871,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th>Budget Fiscal Year 2017-18</th>
<th>Budget Fiscal Year 2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>President's Discretionary</td>
<td>45,000</td>
<td>60,000</td>
</tr>
<tr>
<td>President's Compensation &amp; Reserve</td>
<td>220,000</td>
<td>220,000</td>
</tr>
<tr>
<td>Academic Affairs</td>
<td>40,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Administrative Services</td>
<td>10,000</td>
<td>12,500</td>
</tr>
<tr>
<td>Advancement</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Chief of Staff/BOT</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Division of Legal Affairs</td>
<td>12,500</td>
<td>10,000</td>
</tr>
<tr>
<td>Student Affairs</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Student Success &amp; Enrollment Management</td>
<td>-</td>
<td>10,000</td>
</tr>
<tr>
<td>Alumni Affairs</td>
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Florida Gulf Coast University Board of Trustees  
September 11, 2018  

**SUBJECT:** 2018-2021 Collective Bargaining Agreement – Florida Gulf Coast University Board of Trustees and Gulf Coast Police Benevolent Association/Florida Gulf Coast University Chapter

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**PROPOSED BOARD ACTION**

Approve ratification of the agreed upon 2018-2021 Collective Bargaining Agreement based on negotiations.

**BACKGROUND INFORMATION**

The parties reached a tentative agreement (TA) on July 25, 2018. The FGCU University Police Department (UPD) vote was concluded on August 8, 2018, with the UPD voting to ratify the 2018-2021 Collective Bargaining Agreement.

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**Supporting Documentation Included:** 2018-2021 Collective Bargaining Agreement – Florida Gulf Coast University Board of Trustees and Gulf Coast Police Benevolent Association/Florida Gulf Coast University Chapter

**Prepared by:** Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera

**Legal Review:** Vice President and General Counsel Vee Leonard (August 26, 2018)

**Submitted by:** Vice President for Administrative Services and Finance, and Executive Director of FGCU Financing Corporation Steve Magiera
COLLECTIVE BARGAINING AGREEMENT

BETWEEN

FLORIDA GULF COAST UNIVERSITY
BOARD OF TRUSTEES

AND

GULF COAST
POLICE BENEVOLENT ASSOCIATION

2018 - 2021
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Article 1
Recognition

(A) The University hereby recognizes the Gulf Coast Police Benevolent Association (PBA) as the exclusive representation for the purposes of collective bargaining with respect to wages, hours, and terms and conditions of employment for all employees included in the FGCU law enforcement bargaining unit (Union) as defined in Certification No. 1918 issued by the Florida Public Employees Relations Commission (PERC).

(B) This Collective Bargaining Agreement (Agreement) includes all full-time sworn law enforcement employees of the FGCU Police Department (UPD) certified pursuant to Chapter 943, Florida Statutes, in the classifications of law enforcement officer and sergeant.

(C) This Agreement excludes employees with managerial, confidential, temporary (OPS), or emergency status. The Agreement specifically excludes the chief of police and lieutenant classifications as well as the police communications officer and police communications supervisor classifications.

Article 2
Gender Reference

All references in this Agreement to employees of the male gender are used for convenience only and shall be construed to include both male and female employees.

Article 3
Non-Discrimination

(A) The right of the employees to belong to, participate in, or refrain from belonging to the Union shall not be prohibited, abridged, or interfered with by the PBA or Florida Gulf Coast University Board of Trustees (FGCU or University).

(B) The PBA will not discriminate with regard to representation of its members, or with regard to the terms and conditions of membership on the basis of race, color, creed, national origin, marital status, political affiliation, ethnicity, religion, age, disability, sex gender identity/expression, sexual orientation, veteran status, or genetic predisposition.

(C) FGCU and the PBA agree that the provisions of this Agreement shall be applied to all employees in the bargaining unit without regard to race, color, creed, gender, national origin, marital status, political affiliation, ethnicity, religion, age, disability, sex, gender identity/expression, sexual orientation, veteran status, or genetic predisposition.
Article 4
Management Rights

(A) The PBA agrees that FGCU has and will continue to retain, whether exercised or not, the right to determine unilaterally the purpose of each of its constituent agencies, set standards of services to be offered to the public, and exercise control and discretion over its organization and operations. It is also the right of FGCU to direct its employees, take disciplinary action for just cause, and relieve its employees from duty because of lack of work or for other legitimate reasons, except as abridged or modified by the express provisions of this Agreement; provided, however, that the exercise of such rights shall not preclude an employee or employee representative from raising a grievance on any such decision which violates the terms and conditions of this Agreement.

(B) If it is determined that civil emergency conditions exist, including riots, civil disorders, hurricane conditions, similar catastrophes or disorders, the provisions of this Agreement may be suspended by the University during the time of the declared emergency, provided that wage rates, overtime, and other monetary benefits shall not be suspended and provided further that any disciplinary action shall be grievable at the end of the declared emergency in accordance with the provisions of this Agreement.

Article 5
Employee Representation and PBA Activities

SECTION 1 – Definitions

(A) The term “employee”, as used in this Agreement, shall mean an employee included in the bargaining unit represented by the PBA.

(B) The term “Grievance Representative”, as used in this Agreement, shall mean an employee designated by the President of the PBA to represent a grievant at Step 1 meetings on grievances which has been properly filed under Article 5 of this Agreement, where the PBA has been selected as the employee’s representative.

SECTION 2 – Representation

The PBA President shall select three PBA Representatives, and shall furnish to the University and keep up-to-date a list of employees authorized as PBA Representatives. The PBA shall furnish to the University and keep up-to-date a list of PBA Staff Representatives. Where PBA representation is requested by an employee, the representative shall be a person designated by the PBA President.

SECTION 3 – Representative Access

The University agrees that recognized representatives of the PBA shall have access to the premises of the University which are available to the public. If an area of the University’s
premises is restricted to the public, permission must be requested to enter the area. Access shall be during the regular work hours of the employee and shall be restricted to matters related to the application of this Agreement.

SECTION 4 – Documents

The University shall provide the PBA with the website of the University’s regulations and policies.

SECTION 5 – Bulletin Boards

(A) Where requested in writing, the University agrees to provide space for PBA notices on current Public Safety bulletin boards.

(B) The PBA bulletin space may be used only for the following notices:

1. Recreation and social affairs of the PBA.
2. PBA meetings,
3. PBA elections,
4. Reports of PBA committees,
5. Benefits of PBA membership,
6. Current PBA contract,
7. PBA paid training and educational opportunities, and
8. Other materials pertaining to the welfare of PBA members.

(C) Notices shall not contain anything that violates or has the effect of violating any law, policy, or regulation. No materials shall be posted which is derogatory to any person or organization, or which constitutes election campaign materials for or against any person or organization or faction thereof.

SECTION 6 – Employee Lists

Upon request of the PBA, the University will provide it with bargaining unit personnel data from Human Resources. This data will include employees’ names, classification, and titles. The information will be prepared on the basis of the latest information available in the database at the time of the request.

SECTION 7 – Negotiations

(A) The PBA agrees that all collective bargaining is to be conducted with the University designee designed for that purpose by the FGCU Board of Trustees and/or University President. Negotiation meetings shall be held at the University unless the University and the PBA agree to meet elsewhere at a facility or other location which involves no rental cost to the University. There shall be no negotiation by the PBA at other levels of the University.
(B) Employees may request accrued annual leave for the purpose of attending PBA conventions, conferences, meetings, and negotiation meetings in the same manner and under the same conditions as are applicable to other annual leave requests. Upon the approval of the Police Chief or designee, members of the PBA negotiation committee may be permitted to adjust their work schedules to accommodate negotiation meeting dates and times in order to retain their full-time work hours for the pay period, without use of personal leave. Under no circumstances will the Police Chief approve schedule adjustments for a participating or non-participating bargaining unit member for attendance at negotiating sessions where it is determined that such approval would result in additional costs to UPD or the reduction of on-duty staff to an unacceptable level.

(C) No employees shall leave their work location for the purpose of investigating, presenting, handling, or settling a grievance without the express permission from the Police Chief or designee.

(D) The time in attendance at negotiation meetings shall not be counted as hours worked for the purpose of computing compensatory time or overtime.

(E) Negotiation Committee members shall not be reimbursed by the University for travel, meals, lodging, or any expense incurred in connection with attendance at negotiation sessions or meetings connected to a grievance, petition to PERC by the PBA, or other PBA dispute.

Article 6
Grievance Procedure

SECTION 1 – General

(A) A grievance is defined as an allegation of misapplication or misinterpretation of this Agreement.

(B) The employee covered by this Agreement shall present the grievance within seven (7) calendar days of the date from which the act or omission giving rise to the grievance in the following manner:

(C) Probationary employees are not subject to the grievance procedure.

SECTION 2 – Informal Resolution

The employee will schedule a meeting with the Patrol Lieutenant to discuss the allegation, act, or omission in an attempt to resolve the issue. The Patrol Lieutenant shall be given a reasonable time to address the concern; however, no more than seven (7) calendar days to provide a response to the employee. No union representation is required at this step.
SECTION 3 – Formal Resolution

(A) Step One:

If the issue is not resolved during Informal Resolution, the employee shall present the grievance in writing within seven (7) calendar days of the date from which the informal response was provided to the employee to the Patrol Lieutenant.

1. A grievance form shall be submitted to the Shift Commander containing the following information:

   a. The specific citation within the Agreement, the article, or section (if applicable) alleged to have been violated;
   b. A statement of the grievance and the facts upon which it is based;
   c. The remedy or adjustment requested; and
   d. The signature of the aggrieved employee.

2. Once a written grievance has been filed, no changes, amendments, or revisions to it will be accepted by the University.

(B) Step Two:

If the grievance is not resolved by the grievant’s Patrol Lieutenant within seven (7) calendar days, the aggrieved employee with or without the Union representative will meet with the Police Chief. The Police Chief will schedule a meeting with the grievant and Union representative, if requested by the grievant, within seven (7) calendar days to discuss the grievance. The Police Chief will provide a response, in writing, on the grievance form within seven (7) calendar days of the grievance meeting.

(C) Step Three:

1. If the grievance has not been resolved at Step Two, the grievance is submitted to the Associate Vice President, Human Resources within seven (7) calendar days from the Step Two response.

2. The Associate Vice President, Human Resources will schedule a meeting with the grievant and Union representative, if requested by the grievant, within seven (7) calendar days. The Associate Vice President, Human Resources will provide a written response to the grievant within seven (7) calendar days of the grievance meeting.

(D) Arbitration:

1. If the grievance was not resolved in Step Three, it may then be submitted to Arbitration for binding disposition within seven (7) calendar days after a decision is provided in Step Three. The PBA shall maintain sole authority regarding whether
grievances may be forwarded to arbitration.

2. The Arbitrator shall be an impartial, neutral, and mutually accepted by the parties from a panel of seven (7) arbitrators provided by the Federal Mediation and Conciliation Service (FMCS). The parties shall select the Arbitrator through the use of the alternate striking method wherein issues of contract disputes the University shall strike first, and in issues regarding disciplinary matters, the PBA shall strike first. Both the University and the PBA shall have the right to reject one complete panel per arbitration. The parties further agree to accept the Arbitrator’s decision as final and binding.

3. The cost for the services of the Arbitrator, fees and expenses, the court reporter and the costs associated with providing the arbitrator with a copy of the transcript (if he/she requests a copy), shall be shared equally by both parties to the arbitration. Any party desiring a transcript of the hearing shall bear the cost of its transcript unless both parties mutually agree to share the cost. Each party shall bear the expense of its own witness(es) and of its own representative(s) for purposes of the arbitration hearing. In the event the grievance is withdrawn after the selection of the Arbitrator, the party withdrawing the grievance shall be responsible for the full cost of the Arbitrator’s fee (if any). Each party shall also be responsible for their own attorney fees.

4. The Arbitrator shall not have the power to add to, subtract from, modify, or alter the terms of this Agreement and shall determine the question of arbitrability first, if the question is raised by either party.

5. Where a University official has made a judgment involving the exercise of discretion, the Arbitrator shall not substitute its judgment for that of the University official, nor shall the Arbitrator review such decision except for the purpose of determining whether the decision has violated the Agreement.

6. The Arbitrator shall issue the decision within thirty (30) days of the close of the hearing on the substantive issue(s) or the submission of briefs, whichever is later, unless additional time is agreed to by the parties in writing. The Arbitrator’s decision shall be in writing and shall set forth findings of fact, reasoning, and conclusions on the issues submitted. In rendering its decision, the Arbitrator shall refrain from issuing any statements of opinion or conclusions not essential to the determination of whether the act or event giving rise to the grievance violated a provision of this Agreement. The Arbitrator may not issue declaratory opinions and shall confine the decision exclusively to the question which is presented. The issue before the Arbitrator shall be whether a specific provision of this Agreement was violated.

7. With respect to an Arbitrator’s award for back wages or retroactive adjustment, no Arbitrator shall have the right to determine that back wages or retroactive adjustment be awarded for a period in excess of one (1) month prior to the date of the grievance filing.
8. Any grievance not answered by Management within the time limits provided above will automatically advance to the next step of the grievance procedure, except in the case where arbitration is the next step in the grievance procedure.

9. Grievances not appealed to the next step as provided in this Article shall be considered settled on the basis of the last decision.

10. This grievance procedure shall be available to both the Union and Non-Union employees pursuant to Chapter 447 of the Florida Statutes.

11. The time limits provided in this Article shall be strictly observed unless extended by written agreement by the parties. Either party may request an extension of timelines at any step in the grievance procedure.

12. All grievances shall be processed during times which do not interfere with, or cause interruption to, an employee’s work responsibilities.

13. The filing of a grievance shall in no way interfere with the right of FGCU to carry out its management responsibilities. Employees will follow all written and verbal orders given by supervisors, even if such orders are alleged to be in conflict with this Agreement. The employee shall abide by the Management decision involved in any grievance prior to and during the time a grievance has been filed, and shall not discontinue his/her duties prior to or during the time a grievance is being processed. Compliance with such orders will not prejudice the right to file a grievance within the time limits contained herein, nor shall compliance affect the ultimate resolution of the grievance.

14. The date of disposition shall be the date on which the immediate supervisor or other management official delivers the disposition to the PBA or grievant, whichever is appropriate, or the date of postmark in those instances where delivery is by U.S. Mail.

15. The commencing of legal proceeding against FGCU in a Court of law or equity, administrative or judicial, or before PERC, or any other administrative agency, by an employee of the Commission, or any other administrative agency, by an employee of the PBA, for an allegation of misapplication or misinterpretation of the terms of this Agreement, shall be deemed an election of remedy and shall be deemed a waiver by said employee or the PBA of their right to resort to the grievance and arbitration procedure contained in this Agreement.

**Article 7**

**Internal Investigations**

Investigations will be conducted as outlined in applicable Florida Statutes and the UPD General Orders.
Article 8
Work Force Reduction

(A) Seniority shall be defined as the total length of continuous full-time service in classification with UPD. Seniority shall continue to accrue during all types of compensable leave approved by the University. Approved leaves of absence without pay shall not count towards the accrual of seniority. Probationary employees are excluded toward the accrual of seniority until such time as the employee satisfactorily completes probation; once completed, seniority will accrue from the date of continuous service in the classification.

(B) Employees shall lose their seniority as a result of the following:

1. Termination;
2. Retirement (with the exception of those entering the Deferred Retirement Option Program (DROP));
3. Resignation;
4. Layoff exceeding twelve (12) months; or
5. Failure to report to the Office of Human Resources intention of returning to work within three (3) work days of the employee’s receipt of recall, as verified by Certified Mail Return Receipt.

(C) The University will determine the classification and numbers of employees to be laid off. When the layoff occurs, probationary employees shall be laid off first, and then regular full time employees, in the inverse order of their seniority at the time of the layoff. Probationary employees shall have no recall rights.

(D) In the event of a layoff, an employee so affected may roll back into a lower classification with the bargaining unit provided the employee has greater seniority.

(E) Recall – Regular full-time employees on layoff status will retain recall rights for twelve (12) months. Recall will be made by Certified Mail, return receipt requested, to the last known address in the employer’s record. Within three (3) work days of a Certified Receipt date, laid off employees must signify, in writing, their intention of returning to work to the Office of Human Resources. Failure to respond to the notice within the prescribed time limits previously stated shall constitute a resignation by the employee.

(F) Recall will be offered to laid off employees, other than those employees who were on probationary status at the time of layoff, provided they have the ability to perform all of the duties of the job at the time of layoff.

(G) When employees are recalled from layoff, the employee with the greatest seniority in that classification shall be recalled first.
Article 9
Disciplinary Action

(A) The University reserves the right to discipline employees for just cause.

(B) Each employee shall be furnished a copy of all disciplinary actions placed in their official personnel file and shall be permitted to respond thereto within a reasonable timeframe, not to exceed one (1) month.

(C) An employee may request that a PBA Staff Representative be present during any University disciplinary meeting in which the employee is being questioned relative to alleged misconduct of the employee, or during a predetermination conference in which suspension or dismissal of the employee is being considered. The PBA Staff Representative may not interfere, inhibit, or control the University’s meeting.

Article 10
Classification Review

Employees shall be required to perform the duties set forth in their position description and the UPD General Orders and such other duties related to the public safety at the University.

Article 11
Personnel Records

(A) There shall be only one official personnel file for each employee, which shall be maintained by the employing agency Office of Human Resources. Information in an employee’s official personnel file may be maintained in electronic, as well as paper, form.

(B) If a disciplinary action is placed in an employee’s official personnel file, a copy will be provided to the employee. The employee will have the right to respond to any such document filed, and the employee’s response will be attached to the file copy. Such response must be submitted within a reasonable timeframe, not to exceed thirty (30) days.

(C) An employee will have the right to review his official personnel file at reasonable times under the supervision of the Office of Human Resources.

(D) Where the Police Chief or designee, the University, the Florida Public Employees Relations Commission, the Courts, an Arbitrator, or other statutory authority determines that disciplinary action against an employee is not sustained, or is unfounded, or is otherwise invalid, or when an employee is exonerated of a charge brought in a disciplinary action, the record copy of such action shall be considered null and void. If the employee was suspended without pay, the record will be kept as documentation for
internal and external audit purposes.

Article 12
Safety

SECTION 1 – Vehicle and Vessel Safety

University vehicles used by employees, whether issued to the employee or not, shall be maintained in safe operating condition. Vehicles shall be operated in accordance with safety standards.

SECTION 2 – Firearms Safety

(A) In order to promote safety in the use of firearms by employees, the University will adhere to the Commission for Law Enforcement Accreditation (CFA) standards.

(B) The University shall issue new factory ammunition for on-duty use every 12 months from the previous issue date.

SECTION 3 – Fitness for Duty

The University desires to provide a healthy and safe workplace. To achieve this goal, it is necessary that employees report to work fit to perform their jobs in a safe, secure, productive, and effective manner. Bargaining unit employees must follow University policy, Fitness for Duty.

Article 13
Seniority

SECTION 1 – Definition

(A) Seniority shall be defined as the total length of continuous full-time service in classification with UPD. Seniority shall continue to accrue during all types of compensable leave approved by the University. Approved leaves of absence without pay shall not count towards the accrual of seniority. Probationary employees are excluded toward the accrual of seniority until such time as the employee satisfactorily completes probation; once completed, seniority will accrue from the date of continuous service in the classification.

(B) Employees shall lose their seniority as a result of the following:

1. Termination;
2. Retirement (with the exception of those entering DROP);
3. Resignation;
4. Layoff exceeding twelve (12) months; or
5. Failure to report to the Office of Human Resources intention of returning to work within three (3) work days of the employee’s receipt of recall, as verified by Certified Mail Return Receipt.

Article 14
Hours of Work, Leave, and Job-Connected Disability

SECTION 1 – Work Period

(A) The work period for employees shall be a period of fourteen (14) consecutive calendar days and the regular work schedule during that period shall consist of eighty (80) hours.

(B) Overtime shall be calculated in accordance with the Fair Labor Standards Act. Overtime compensation shall be earned at the rate of time and one-half and paid in accordance with University regular payroll practice. The University reserves the right to credit the employee with compensatory time rather than the payment of overtime.

SECTION 2 – Shift Trades

Shift trades will be administered as outlined in the UPD General Orders.

SECTION 3 – Special Detail

An employee reporting for duty to a special event outside their regular work hours shall be guaranteed four (4) hours of pay if the event is cancelled or concluded prior to the end of the four (4) hours period. Special Detail shall be paid at time and a half.

SECTION 4 – Court Appearances

If an employee is subpoenaed to appear in court as a witness in a job-related court case, the employee will be compensated a minimum of two (2) hours.

SECTION 5 – Overtime

(A) The normal work period for each full-time employee shall be eighty (80) hours.

(B) Time worked over an eighty (80) hour work period will be compensated at time and a half.

SECTION 6 – Leave and Holidays

(A) The University shall recognize the following paid holidays:

1. New Year’s Day
2. Martin Luther King, Jr. Day  
3. Memorial Day  
4. Independence Day  
5. Labor Day  
6. Veteran’s Day  
7. Thanksgiving Day  
8. Friday after Thanksgiving Day  
9. Christmas Day  

(B) Administrative Closure Days  

Bargaining unit members are subject to University policy regarding administrative closure days as well as departmental policy concerning the application of administrative closure days (the business days designated by the University between December 25 and January 1).

(C) Personal Day  

A personal day (earned each fiscal year beginning July 1) must be taken as a full day based on the number of hours in the employee’s regular workday. The personal day must be taken by the employee before the close of business on June 30 each year or it will be forfeited.

(D) If a holiday falls on a scheduled workday, the employee will receive hourly compensation for the total hours worked plus special compensatory leave, hour for hour, for the number of hours the employee worked.

(E) When a holiday falls on an employee’s regularly scheduled day off, the employee will be granted special compensation hours equal to the number of hours the employee normally works to be used at a later date.

(F) When an employee is normally assigned to work a holiday and the employee is granted the day off, the employee will be paid his regular pay for the day.

(G) Holiday pay shall be paid for the entire shift or assignment of work.

SECTION 7 – Special Compensatory Leave  

Bargaining unit employees will be subject to University policy concerning special compensatory leave with the exception that employees shall decide the order in which Special Compensatory Leave is used until the maximum allotted for special compensatory leave is reached or as under the discretion of the Police Chief.

SECTION 8 – Annual, Sick, Bereavement, and Job-Related Disability Leaves  

Annual, sick, bereavement, and job-related disability leave shall be governed by University
SECTION 9 – Vacation Time

Full-time Officers shall receive annual leave accrual based on University policy for support personnel.

Article 15
Personal Property – Replacement and/or Reimbursement

SECTION 1 – Policy

An employee, while on duty and acting within the scope of employment, who suffers damage or destruction of the employee’s watch, cell phone, prescription eyewear, or such other items of personal property as have been given prior approval by the University as being required by the employee to adequately perform the duties of the position, will be reimbursed or have such property repaired or replaced as provided herein. A written report must be filed with the Patrol Lieutenant detailing the circumstances under which such property was damaged or destroyed.

SECTION 2 – Specific Reimbursement Allowances and Approvals

Upon submission of proper documentation by the employee of the amount expended to the Patrol Lieutenant, the University shall authorize reimbursement for repair or replacement of such property, not to exceed the following amounts:

1. Watch - $75;
2. Prescription eyewear - $200 (including any required examination);
3. Cell phone - $100 (or deductible amount up to $100);
4. Other items – The Police Chief shall have final authority to determine the reimbursement value of any other items; and
5. Total allowable per incident - $500.

Article 16
Training Opportunities

The University and the PBA recognize the importance of training programs to develop skills in law enforcement officers and supervisors. The University will make reasonable efforts to continue existing training programs in law enforcement techniques and to develop new programs and to ensure that opportunities to attend law enforcement and salary incentive training programs are equitably distributed among employees.
Article 17  
Compensation for Temporary Special Duty in Higher Level Position 

SECTION 1 – Eligibility 

If an employee is officially appointed by the Police Chief to act in a temporary capacity in an established higher level bargaining unit classification, the employee will be compensated at a rate of 5% additional pay for a period designated by the Police Chief. Once the temporary appointment ends, the employee will revert to the pay rate of their current position.

Article 18  
Uniforms and Accessories 

SECTION 1 – Uniform – Standard Issue 

(A) All employees shall receive a standard issue of uniforms and uniform accessories.

(B) The University shall provide uniforms for its female officers in the appropriate sizes, designed and cut for females. If a female officer is required to wear a bulletproof vest, it shall be designed and fitted for a female.

SECTION 2 – Uniform and Clothing Maintenance Allowance 

The University will provide employees who are furnished and required to wear a uniform, or those employees assigned to full-time plain clothes positions, a maintenance, clothing and shoe allowance in the amount of $500 annually, unless laundry and dry cleaning facilities are available and the service is furnished by the agency without cost to the employees.

Article 19  
Grooming 

Employees are permitted to wear a goatee or beard-maintained at a length and pattern so as not to detract for the officer’s professional appearance. Facial hair shall be neat, trimmed, and maintained at a length not to exceed one-half inch. Beards must be trimmed above and below, and shall not be permitted below the Adam’s apple or on the neck.

Article 20  
Benefits 

SECTION 1 – State Employee Health Insurance Program 

Employees will receive the benefits offerings and premium share as set by the Department of State Group Insurance.
SECTION 2 – Death in the Line of Duty Benefits

Funeral and burial expenses, education benefits and the State Employees Group Health Self-Insurance Plan premium for the employee’s surviving spouse and children will be provided in accordance with applicable Florida Statutes (Sections 112.19 and 110.123). The surviving spouse and family shall be directly assisted by UPD and the Office of Human Resources in obtaining all applicable survivor’s benefits.

SECTION 3 – Tuition Waiver Program

Eligible employees may receive the tuition voucher as outlined in FGCU policy.

Article 21
Travel Expenses

With the prior approval of the Police Chief, travel expenses of employees incurred in the performance of their University responsibilities will be paid their hourly rate for the time spent in travel during their normal work day. Travel reimbursements will be administered in accordance with University policies and procedures.

Article 22
Drug Testing

(A) Per the Drug-Free Workplace Act, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, is prohibited in the workplace. In addition, the use or possession of alcoholic beverages (including during break and meal periods) while on duty is expressly prohibited.

(B) The University and the PBA agree to drug testing of employees in accordance with Section 112.0455, Florida Statutes, and the Drug-Free Workplace Act.

(C) An employee covered by this Agreement shall be subject to a blood, urine, hair or intoxilizer test accomplished by certified and qualified operators if there is a reasonable suspicion on the part of the employee’s Patrol Lieutenant and the Police Chief or designee that the employee is under the influence of alcohol, drugs or controlled substance(s) while on duty is in violation of Section A of this Article. For purposes of determining reasonable suspicion, UPD will use the standards described under Section 112.0455, Florida Statutes.

(D) Testing will be performed at the University’s expense, except where the employee disputes the test results and requests a second test of the sample originally taken, in which case the employee is responsible for the expense. If the test results establish that an employee is present, on duty, at work with the presence of alcohol and/or drugs in his or her system, the employee may be disciplined or terminated.
The failure or refusal of an employee to submit to a blood, urine, hair, or intoxilizer test when ordered to take such test shall result in termination.

In the event that an employee informs the University of his or her abuse of alcohol and/or drugs prior to reporting for duty and prior to testing, disciplinary action may be taken, up to and including termination. The University may, at its sole discretion, allow an employee the option of enrolling in a bona fide rehabilitation or treatment program. Failure to successfully complete the rehabilitation or treatment program, as verified by the Associate Vice President, Human Resources, shall result in termination. Sick leave and/or vacation may be used for rehabilitation and treatment. If sick leave and vacation have been exhausted, the employee may be granted a leave of absence without pay. Leaves under this Section may be designated as FMLA where permitted or required by law. All applicable University policies concerning the use of FMLA must be followed. If a rehabilitation opportunity is afforded, it shall only be afforded once during employment.

### Article 23
**No Strike**

**SECTION 1** – No Strike Agreement

Neither the PBA nor any of its officers or agents, nor members covered by this Agreement, nor any other employees covered by this Agreement, will instigate, promote, sponsor, or engage in any prohibited activities as defined in Section 447.203(6), Florida Statutes.

**SECTION 2** – Penalty

Employees who violate any provision of this law prohibiting strikes, or of this Article, will be subject to disciplinary action up to and including discharge, and any such disciplinary action by the University shall not be subject to the grievance procedure established herein.

### Article 24
**Ratification Procedure**

This Collective Bargaining Agreement shall become a tentative contract upon being signed by the University Representative(s) and the PBA Representative(s) and shall become a final contract upon ratification by a majority of the employees in the Union and approval of the Florida Gulf Coast University Board of Trustees at its first regular meeting following ratification of the contract by the employees.
Article 25  
Dues Deduction  

FGCU and the PBA agree to the following procedure for the deduction and remittance of Union membership dues.

(A) During the term of this Agreement, the University agrees to deduct once monthly the Union membership dues in an amount established by the PBA and certified in writing to be current by the Treasurer of the PBA from the pay of those employees in the bargaining unit who individually and voluntarily make such request in writing to the University.

(B) The University will not be required to process an employee’s written authorization if it is: (1) incorrect and/or incompletely written; (2) postdated; or (3) submitted to the University more than sixty (60) calendar days following the date of the employee’s signature.

(C) Deductions will be made monthly beginning with the first paycheck of the month commencing at least seven (7) days following receipt of authorization by the University. The PBA shall give written notice to the University of any changes in its dues at least forty-five (45) days prior to the effective date of any such changes.

(D) The dues shall be remitted to the PBA monthly within thirty (30) days following the pay date. The University, at its option, shall remit all funds using either electronic funds transfer (EFT) or by University vendor check. At the time of each remittance, a list of the employees whose wages such deductions were made and the amounts deducted shall be provided to the PBA.

(E) In the event an employee’s wages within any paycheck are not sufficient to cover dues, it will be the responsibility of the PBA to collect its dues for that pay period directly from the employee.

(F) The PBA shall indemnify, defend, and hold FGCU, the State of Florida, and their officers, officials, agents, and employees harmless against any claim, demand, suit, or liability (monetary or otherwise), and for all legal costs arising from any action taken or not taken by FGCU, the State of Florida, or their officials, agents, and employees in complying with this Article. The PBA shall promptly refund to FGCU any funds received in accordance with this Article which are in excess of the amount of dues that the University has agreed to deduct.

(G) The University’s responsibility for deducting dues from an employee’s wages shall terminate automatically upon either:

1. Thirty (30) days written notice from the employee to the University requesting termination of deduction, or

2. The employee is no longer part of the bargaining unit, or
3. The employee is on leave without pay.

(H) The University will not deduct any PBA fines, penalties, or special assessments from the pay of any employee.

(I) The University’s responsibilities under this Article shall terminate automatically upon:

1. Decertification of the Union or the suspension or revocation of its certification by the Florida Public Employees Relations Commission, or

2. Revocation of the PBA’s deduction privilege by the Florida Public Employees Relations Commission.

**Article 26**

**Savings Clause**

If any provision of this Agreement, or the application of such provision, should be rendered or declared invalid, unlawful, or not enforceable, by any court action or by any reasons of any existing or subsequently enacted legislation; or if the appropriate governmental body, having amendatory power to change a law, rule or regulation which is in conflict with a provision of this Agreement, fails to enact or adopt an enabling amendment to make the provision effective, in accordance with Section 447.309(3), Florida Statutes; then such provision shall not be applicable, performed or enforced, but the remaining parts or portions of this Agreement shall remain in full force and effect for the term of this Agreement.

**Article 27**

**Duration**

(A) This Agreement shall be effective on the date subsequent to ratification by the Union and approval by the Florida Gulf Coast University Board of Trustees and shall remain in full force and effect through and including June 30, 2021. For FY20 and FY21, the parties agree to a wage reopener plus two non-economic articles.

(B) Negotiations for a wage reopener or successor agreement shall begin on a mutually agreed upon date between the University and the PBA. The mutually agreed upon date shall be no earlier than June 1, unless otherwise agreed upon by the parties.

**Article 28**

**Totality of Agreement**

(A) FGCU and the PBA acknowledge that, during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to present proposals with respect to any and all matters lawfully subject to collective bargaining, and that all of
the understandings and agreements arrived at by FGCU and the PBA thereby are set forth in this Agreement, and that it shall constitute the entire and sole agreement between the parties for its duration.

(B) FGCU and the PBA, during the term of this Agreement, voluntarily and unqualifiedly waive the right, and agree that the other shall not be obligated to bargain collectively with respect to any subject or matter whether or not referred to or covered by this Agreement, even though such subject or matter may not have been within the knowledge or contemplation of the parties at the time they negotiated or signed this Agreement.

(C) Nothing herein shall preclude FGCU or the PBA from mutually agreeing to alter, amend, supplement, delete, enlarge, or modify any of the provisions of this Agreement in writing.

Article 29
Wages

SECTION 1 – Wages

(A) FY19: Effective on the first payroll period following approval by the Florida Gulf Coast University Board of Trustees, a one-time salary adjustment will be made to the current salary of bargaining unit employees. The total increase includes the FY19 pay increase established by the University (2% or $1,200, whichever is greater). The salary increase and the salary adjustment will be effective July 1, 2018. (See Wage Addendum)

FY20: Wage Reopener plus up to two non-economic articles.

FY21: Wage Reopener plus up to two non-economic articles.

(B) Pay range for the Officer and Sergeant positions are as follows:

1. Law Enforcement Officer: $40,000 - $60,000;
2. Law Enforcement Officer (Detective): $40,000 - $60,000 + $3,500; and
3. Sergeant: $52,000 - $78,000.

(C) An Officer receiving a promotion to Sergeant would receive the higher of either the minimum Sergeant rate or 3% above their current rate.

(D) A Law Enforcement Sergeant who fails to complete the probationary period for a non-disciplinary reason(s), shall return to their rank and pay prior to promotion.

SECTION 2 – Eligibility Criteria for Salary Increases

Eligibility criteria as established by the University.
Wage Addendum
(July 25, 2018)

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The total increase includes the FY19 pay increase established by the University (2% or $1,200, whichever is greater).

The Law Enforcement Officer Detective salary includes the $3,500 increase for the Detective assignment.
Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT:  Regulation: FGCU-PR5.016 Disciplinary Actions

PROPOSED BOARD ACTION

Approve amendment to Regulation FGCU-PR5.016 Disciplinary Actions to make it consistent with the changes proposed in Regulation FGCU-PR5.023, Separations.

BACKGROUND INFORMATION

Changes were made to Regulation FGCU-PR5.023, Separations, to eliminate the option of a ninety (90) days’ notice and to only provide separation with a ninety (90) day severance payment in lieu of notice. This Regulation (FGCU-PR5.016) is being modified to provide for consistency between both regulations.

Supporting Documentation Included:  Notice and Text for Regulation FGCU-PR5.016 Disciplinary Actions

Prepared by:  Vice President and General Counsel Vee Leonard

Legal Review by:  N/A

Submitted by:  Vice President for Administrative Service and Finance Steve Magiera
FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

REGULATION TITLE:
Disciplinary Actions

REGULATION NO:
FGCU-PR5.016

SUMMARY:
This Regulation is being amended to make it consistent with the changes proposed in Regulation FGCU-PR5.023, Separations. Changes were made to FGCU-PR5.023, Separations, to eliminate the option of a ninety (90) days’ notice and to only provide separation with a ninety (90) day severance payment in lieu of notice.

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:
§§215.425 and 1001.706, Florida Statutes, Board of Governors Regulation 1.001

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

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

CONTACT INFORMATION REGARDING THE PROPOSED/REVISED REGULATION:
M. Todd Caraway
Office of the General Counsel
10501 FGCU Blvd. S., Fort Myers, FL 33965-6565
(P): 239.590.1101 | (F): 239.590.7470 | Email: gco@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 AUGUST 10, 2018.

GC351789
A. SCOPE AND AUTHORITY

1. This regulation applies to all out-of-unit Faculty, Administrative and Professional (A&P), Support Personnel (SP), and Executive Service employees of the University. Employee discipline is considered to be a very serious action that is undertaken with care, objectivity, and full consideration for the rights and interests of both the employee and the University. Discipline shall be administered in a judicious manner that strives to achieve equitable treatment for all employees.

2. The authority to discipline employees is vested in the University President. The level of delegation authority varies with the severity of the particular disciplinary action. The President has delegated authority to Vice Presidents to approve disciplinary actions within the administrative area for which he/she is responsible, regarding the demotion, suspension, and termination of any SP, A&P, and out of unit faculty employee. In the case of Executive Service employees, disciplinary action remains with the President. Authority has been delegated to Department Heads and/or immediate supervisors to administer oral and written reprimands.

B. STANDARDS OF CONDUCT

Employees shall respect the rights of others, exhibit a level of behavior supporting the University Mission, Guiding Principles and best interests of the University, perform assigned duties in an orderly and efficient manner, and adhere to all University regulations, policies and directives.

C. DISCIPLINARY PROCEDURES

1. An employee, who repeatedly violates the University’s standards of conduct, whether of the same or different nature, and who, despite repeated warnings, fails to correct his or her behavior to conform to reasonable conduct or work standards may be subject to progressive and cumulative disciplinary action.

2. In general, disciplinary actions are based on the concept of progressive and cumulative discipline. Progressive discipline is based on the principle that employees have been informed of the performance and behavior expected of them. As offenses occur appropriate discipline will be administered in a progressive manner. Penalties shall be appropriate to the circumstances of the offense.

3. These standards do not preclude the imposition of more or less severe penalties depending
upon all circumstances surrounding a particular incident.

a) Job-Related Offenses

Generally, the standards for disciplinary action apply to offenses that occur while the employee is at work. For offenses occurring off the job, disciplinary action will be determined based on the facts and circumstances of each situation, including but not limited to, the employee’s ability to continue to perform his/her current job, and whether it adversely affects the University’s ability to carry out its assigned mission.

b) Counseling

Except for offenses which warrant immediate disciplinary action, supervisors may counsel an employee and provide an opportunity for him or her to comply with the instructions before administering disciplinary action. If the problem is not resolved, the supervisor will notify the employee that disciplinary action will be taken.

c) Investigatory Interview

Investigatory interviews may be used to determine whether the employee committed the alleged offense. The provisions of Part VI of Chapter 112, F. S., shall apply to law enforcement employees covered by that statute.

d) SP Probationary Employees

The probationary period for each SP employee is intended to be a working test period following appointment to any class in which the employee does not hold regular status. Probationary employees may be disciplined without a right of appeal and are subject to dismissal for any single offense or for failure to meet required performance levels during the probationary period. For purposes of discipline, regular status refers to an employee’s status in the Support Personnel and not a specific job. Consequently, an employee with regular status in SP, but serving in probationary status in a class may be removed from the class during this probationary period, without the application of these standards. New employees, in probationary status in the SP classification, may be dismissed during this probationary period without the use of these standards and without the right of appeal. If dismissed within the first ninety (90) days of hire for unsatisfactory work performance, the University will not have its account charged for any unemployment benefits for which an employee is later determined to be eligible.

D. TYPES AND GUIDELINES FOR DISCIPLINARY ACTION

1. All forms of disciplinary action shall be in a memorandum format, informing the employee of the nature of the offense that was violated, briefly noting the specific incident, the corrective action expected, and the possible consequences if the offense is repeated. This document shall be signed by the immediate supervisor with a signature line for the
employee to acknowledge receipt. A copy shall be provided to the employee with a copy to Human Resources for inclusion in the employee’s personnel file.

2. Oral Reprimand

This is the least severe type of disciplinary action and is administered to bring about a change in inappropriate behavior.

3. Written Reprimand

A written reprimand is a more significant type of disciplinary action designed to correct continued or more serious offenses.

4. Suspension

This is a severe form of discipline which can be administered as a step in the progressive and cumulative discipline procedure following one or more written reprimands, or for the first commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay.

5. Dismissal

This is the final and most severe form of discipline that can be imposed on an employee. Dismissal is defined as the action taken by the University to separate an employee from employment. Employees dismissed for cause are not eligible for rehire.

E. WRITTEN NOTICE

1. For dismissals, written notice shall be provided consistent with Regulation FGCU-PR5.023, Separations.

2. For suspensions without pay, following written notice, but prior to the date of dismissal or suspension without pay of an out-of-unit faculty, regular SP, A&P, or Executive Service employee, one of the following options may be used by the University:

   a) Retain the employee in his/her usual duties;

   b) Temporarily assign the employee to other duties; or

   c) Place the employee on administrative leave with pay; or opt to provide a lump sum amount to be paid to the employee in lieu of providing the applicable time as notice of separation, subject to limitations under Section 215.425, Florida Statute, if applicable. In the case of exigent circumstances,
The University reserves the right to suspend or terminate an employee without notice.

F. STANDARDS FOR DISCIPLINARY ACTION

The following standards for disciplinary action shall be used by supervisors to strive to achieve uniformity in treatment in the most common disciplinary problems. The list of offenses is not exclusive and the disciplinary action selected for a particular offense will be chosen based on the facts of the specific situation taking into consideration any extenuating circumstances. These standards do not preclude the imposition of more or less severe penalties depending upon all circumstances surrounding a particular incident. In prescribing disciplinary actions it is recognized that some offenses are so serious that suspension or dismissal may be warranted on the first occurrence even though the employee has no prior record of having been disciplined. All offenses can have a cumulative effect and offenses need not be identical to impose a penalty more severe than prescribed for a similar offense. These standards are meant to be illustrative of the most common disciplinary problems and the actions to be taken. Failure to follow the standards for disciplinary action shall not be grounds to invalidate the disciplinary action unless the failure materially prejudices the employee’s rights.

1. Employees who violate the University’s standards with respect to the following offenses will be subject to disciplinary action:

   a) Excessive Tardiness

      As determined by the workplace supervisor, the repeated failure of an employee to follow established work schedules including, reporting late at the beginning of the work schedule, or leaving early or returning late from breaks or lunch, or leaving work early at the end of the schedule, without approval, shall constitute tardiness, subject to disciplinary action.

   b) Excessive Absenteeism

      Excessive absenteeism is the inability or unwillingness of an employee to report to work with a reasonable degree of regularity. It also occurs when an employee demonstrates a pattern of absences, whether necessary or excusable, or in instances where the employee does not have sufficient accrued leave to cover the period of absence.

   c) Loafing

      Frequent or significant idleness or non-productiveness during working hours which diverts the employee from performing assigned tasks. This includes, but is not limited to, wasting time when there is assigned work to be performed, engaging in idle talk or gossip, or conducting personal business during the work period.

   d) Unauthorized Distribution and Solicitation
The distribution of written, printed or reproduced material of any kind, sales to, or solicitation of, students or employees by another employee, for any purpose not specifically authorized by the University, while either employee is on duty shall constitute unauthorized distribution and solicitation.

e) Improper Uniform or Untidy Appearance

Non-compliance with a Department's uniform and dress appearance code shall be subject to disciplinary action.

f) Leaving the Work Station or Duty Assignment Without Authorization

The unauthorized absence by an employee from the work station or duty assignment during the established work period, or the leaving of the work station without being properly relieved, if that station must be maintained during such period.

g) Horseplay

Inappropriate acts, such as pranks, whether intended to be mischievous or malicious, that result in disruption or have the effect of disrupting the work place. If any personal injury or damage to property results, more severe disciplinary actions may be taken on the first occurrence.

h) Violation of Safety Practices

The failure to adhere to or follow established safety practices. This includes the performance of unsafe acts or failure to wear or use safety equipment, including but not limited to vehicle safety belts.

i) Negligence

Carelessness in, omission of, or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence, or discretion.

j) Disruptive Conduct

Behavior that interferes with the employee’s work performance or the work performance of others. This may include but is not limited to: loud, boisterous language; creating a disturbance; throwing objects; slamming doors, or other activities which would have a detrimental effect on the work environment.

k) Failure to Report Revocation or Suspension of Driver's License
The failure to immediately report the revocation or suspension of an employee's driver's license to a supervisor shall be subject to disciplinary action where driving is a job-related function or the employee operates University owned vehicles.

l) Improper or Careless Use or Operation of State Property or Equipment

The negligent, improper, or careless use of State property or equipment, abuse or misuse, including but not limited to failure to observe the established speed limit while driving a State vehicle. If the violation causes personal injury, more severe discipline may be imposed.

m) Absence Without Authorized Leave

Failure to obtain approval prior to any absence from work, to notify or call the appropriate supervisor or the supervisor's designee on the first day of an absence or obtaining leave based upon a misrepresentation or falsification. In the case of a proven emergency, an employee who must be absent, prior to receiving approval from the proper authority, shall not be subject to disciplinary action. This regulation shall apply, but shall not be limited to, employees who fail to return to work as specified in an approved leave of absence.

n) Unauthorized Use of State Property, Equipment or Personnel

The use of any State property, equipment, or personnel for any purpose other than official University business.

o) Sleeping on Duty

The failure of an employee to remain awake or alert while on duty during the established work period.

p) Insubordination

The deliberate and indefensible refusal or failure to obey a reasonable order which relates to an employee's job function. An unwillingness to submit to authority, and both an expressed refusal to obey a proper order, as well as a deliberate failure to carry out an order.

q) Threatening or Abusive Language

The use of language which is threatening or abusive, whether directed towards a supervisor, fellow employee or any other person. It includes but is not limited to offensive language, whether or not directed towards anyone in particular, regardless of the intent.
r) Conduct Unbecoming a Public Employee

Conduct, whether on or off the job, which adversely affects the employee's ability to continue to perform his/her assigned duties, the University's ability to carry out its assigned mission, or which tends to promote mistrust or embarrassment of the University.

s) Failure to Report Bribe

Failure of an employee to immediately report any bribe or attempted bribe of a department employee or public official.

t) Abuse of Position or Unauthorized Use of Department Identification

The abuse of an employee's University position or identification to obtain personal gain or influence or to avoid the consequences of unlawful acts, including but not limited to, soliciting or accepting any gratuity, gift, loan, reward, promise of future employment, favor or service that would cause the employee to be influenced in the exercise of official duties or that is based on any understanding that any official action or judgment of the employee may be influenced thereby or the use of name, photograph, or title which identifies one as an employee of the University or a department in connection with testimonial, advertisements of any commodity or service, commercial enterprise, charity or other public or private uses without the written approval of the University.

u) Unlawful or Careless Use or Display of a Weapon

The failure of an employee who is required to carry a weapon during the performance of duties to use or display the weapon in a lawful manner or under circumstances which negligently endanger the lives or safety of others.

v) Handling of Evidence by Law Enforcement Officers

Failure by a University law enforcement officer to inventory, process and reasonably care for recovered or seized property or any act which displays an intent to convert, falsify, conceal, destroy or withhold any property or evidence which belongs to another or which is taken into custody by the University.

w) Failure to Give Truthful or Requested Information During Internal Investigation

Failure of an employee, including a law enforcement officer, to timely respond to or give truthful information during the course of an internal investigation concerning matters which occurred during the performance of his or her duties.

x) Possession of Unauthorized Weapons and/or Firearms on University Property
Possession or use of firearms, fireworks of any description, explosives, chemicals which are disruptive, explosive, or corrosive in nature, or any weapon other than a common pocket knife on University premises or during University-related activities.

y) Display of Uncooperative or Antagonistic Attitude

Display of words or actions by an employee which flouts authority, is disruptive to the work place, and/or has the effect of causing dissension among fellow employees and/or which is rude to the public.

z) Failure to Make Restitution of Debts

Failure upon the accumulation of debts owed to the University or State of Florida by an employee to make appropriate arrangements for payment or for restitution. Nothing herein restricts the right of the University or the State to set off debts owed by the employee against wages or any sums due to the employee.

aa) Falsification of Records

The willful and deliberate misrepresentation, falsification or omission of any fact whether verbal, written, or communicated in some other medium, including but not limited to application, time and attendance, employment status, travel, or work and production records.

bb) Violation of a Provision of Law or University Regulation

The violation of the provisions of law or University regulation including, but is not limited to discrimination in employment, sexual harassment, illegal campaigning, or any other act or omission which could constitute a violation of Federal, State Laws or University Regulations or Policy.

cc) Fighting on the Job, Battery or Threat

The commission of any oral or written threat of injury to another, or the commission of an actual physical battery against another employee or member of the public, except when justified in the interest of self-defense.

dd) Drinking on the Job or Reporting to Work under the Influence of Alcohol

Drinking of any alcoholic beverage on the job or reporting to work under the influence of alcohol is prohibited and subject to disciplinary action. An employee exhibiting a pattern of alcohol abuse to the extent that it affects work performance shall not be subject to disciplinary action, unless the employee has refused to recognize his or her alcoholism and cooperate by seeking help, fails to complete the program of treatment,
or unless treatment has proved unsuccessful.

ee) Reporting to Work Under the Influence or Use of Illegal Drugs

The use of any illegal drug on the job or reporting to work under its influence is prohibited.

ff) Misdemeanor or Felony Incident

A conviction for, or plea of nolo contendere (no contest), to a misdemeanor or felony which substantially affects an employee’s ability to perform his or her job duties or for a crime which involving moral turpitude or which would tend to promote public mistrust or embarrassment to the University.

gg) Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs

The possession, sale, or distribution of illegal drugs on University property or on the job is prohibited at all times. Possession, sale, or distribution of alcoholic beverages except at authorized events is prohibited.

hh) Divulging Confidential Information or Unauthorized Release of Records

The dissemination, release, alteration, defacement, or removal of official University records by an employee without proper authorization.

ii) Sabotage

Participation in a deliberate act of destruction or attempted destruction of University property or equipment which obstructs University operations.

jj) Theft or Stealing

The unauthorized taking of any property of the University, including surplus or salvage, or of any other person or entity.

kk) Strike

Instigating or supporting in any manner a strike, as defined in Chapter 447, Florida Statutes.

ll) Substandard Performance of Assigned Duties or Failure to Maintain Minimum Qualifications for Job

The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee's duties and responsibilities, with or without use of progressive
discipline, failure to follow oral or written instructions from supervisory personnel, or failure to maintain the minimum qualifications set for a position by either the University or a certifying agency.

mm) Criminal Background Check

Failure to comply with the requirements of the criminal background check as outlined in FGCU Policy #3.037.

G. EXTRAORDINARY SITUATIONS

When circumstances exist whereby the retention of an employee would result in imminent injury or the threat of imminent injury to the employee or another person, damage to property, or be detrimental to the best interests of the University.

H. INVESTIGATORY LEAVE

An employee may be placed on administrative leave when the employee is under investigation by the University for violation of the University's Standard of Conduct and it is determined that the employee's absence from the worksite is determined to be in the best interest of the University.

I. DEMOTION

Demotion is defined as moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower salary range maximum. An employee shall not be demoted as a form of disciplinary action. Demotion shall also be used to remove an employee from his or her class when the employee fails to achieve performance standards in his or her assigned duties.

J. GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION

The following chart is intended to provide suggested guidelines for progressive disciplinary action with reference to procedures fully outlined in Section (6) Standards for Disciplinary Action, of this Regulation PR5.016 Disciplinary Actions.

<table>
<thead>
<tr>
<th>Examples of Offenses</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd Offense</th>
<th>4th Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excessive Tardiness</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
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<tr>
<td>Excessive Absenteeism</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
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<tr>
<td>Loafing</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
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<td>Examples of Offenses</td>
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<tr>
<td>Unauthorized Distribution or Solicitation</td>
<td>Oral to written reprimand</td>
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<td>Suspension</td>
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</tr>
<tr>
<td>Improper Uniform or Untidy Appearance</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Leaving the Workstation or Duty Assignment Without Authorization</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
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<tr>
<td>Horseplay</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Violation of Safety Practice</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Negligence</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Disruptive Conduct</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Failure to Report Revocation or Suspension of Driver’s License</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Improper or Careless Use or Operation of State Property</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Absence Without Authorized Leave</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Unauthorized Use of State Property, Equipment or Personnel</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Sleeping on Duty</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Insubordination</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Threatening or Abusive Language</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Conduct Unbecoming a Public Employee</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Failure to Report Bribe</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Abuse of Position or Unauthorized Use of Department Identification</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Unlawful or Careless Use or Display of a Weapon</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Handling of Evidence by Law Enforcement Officers</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Failure to Give Truthful or Requested Information During Internal Investigation</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Possession of Unauthorized Weapons and/or Firearms on University Property</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Display of Uncooperative or Antagonistic Attitude</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Failure to Make Restitution of Debts</td>
<td>Written reprimand if restitution is not arranged to the satisfaction of the University</td>
<td>Dismissal if restitution is not made after second notice to pay the debt</td>
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<tr>
<td>Falsification</td>
<td>Written reprimand to dismissal</td>
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<td>Dismissal</td>
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<tr>
<td>Violation of a Provision of Law or University Regulation</td>
<td>Written reprimand to dismissal</td>
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<td>Dismissal</td>
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<tr>
<td>Fighting on the Job, Battery or Threat</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Drinking on the Job or Reporting to Work under the Influence of Alcohol</td>
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<td>Reporting to Work Under the Influence or Use of Illegal Drugs</td>
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<td>Misdemeanor or Felony Incident</td>
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<td>Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs</td>
<td>Suspension to Dismissal</td>
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<td>Divulging Confidential Information or Unauthorized Release of Records</td>
<td>Suspension to Dismissal</td>
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<td>Sabotage</td>
<td>Dismissal</td>
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<td>Theft or Stealing</td>
<td>Dismissal</td>
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<td>Strike</td>
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<td>Substandard Performance of Assigned Duties or Failure to Maintain Minimum Qualifications for Job</td>
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<td>Dismissal</td>
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</tbody>
</table>

Action by Florida Gulf Coast University Board of Trustees:
Approved: 06/18/13

Law Implemented: Specific Authority
Sections 215.425, 1001.706, Florida Statutes,
Board of Governors Regulation 1.001

History of Regulation:
New 01/15/08; Amended 06/17/08, 10/21/08, 06/18/13

Effective Date of Regulation: 06/18/13

Florida Gulf Coast University
FGCU-PR5.016 Disciplinary Actions
GC351787
Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: Regulation: FGCU-PR5.023 Separations

PROPOSED BOARD ACTION

Approve revisions to this Regulation to address changes to the notice provision of the Regulation on Separations.

BACKGROUND INFORMATION

Previously, an employee could be separated from employment through, among other means, a ninety (90) days’ notice or a ninety (90) day severance payment in lieu of notice. This Regulation is being amended to eliminate the option of a ninety (90) days’ notice and to only provide separation with a ninety (90) day severance payment in lieu of notice.

Supporting Documentation Included: Notice and Text for Regulation FGCU-PR5.023 Separations

Prepared by: Vice President and General Counsel Vee Leonard

Legal Review by: N/A

Submitted by: Vice President for Administrative Services and Finance Steve Magiera
FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

REGULATION TITLE:
Separations

REGULATION NO:
FGCU-PR5.023

SUMMARY:
This Regulation is being amended to eliminate the option of a ninety (90) days’ notice and to only provide separation with a ninety (90) day severance payment in lieu of notice.

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:
§§1001.706 and 215.425, Florida Statutes; Board of Governors Regulation 1.001

UNIVERSITY 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:
M. Todd Caraway
Office of the General Counsel
10501 FGCU Blvd. S., Fort Myers, FL 33965-6565
(P): 239.590.1101 | (F): 239.590.7470 | Email: gco@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 AUGUST 10, 2018.
A. GENERAL STATEMENT

This Regulation applies to all employees who are not subject to a collective bargaining agreement, unless otherwise indicated, and encompasses actions separating an employee from the University or from their current position while remaining an employee ("reassignment"). If there is a conflict between any contract and this Regulation, the Regulation will control.

B. SEPARATIONS FROM EMPLOYMENT

The following separations from employment shall be administered consistent with the following provisions:

1. Resignation

Whenever possible, employees are encouraged to provide at least two weeks advance notice of resignation to the University. Once tendered, a resignation, whether communicated verbally or in writing, is deemed accepted, and may not be rescinded by the employee without concurrence of the President for a President’s direct report, or the appropriate Vice President. Employees resigning in lieu of termination are not eligible for rehire.

2. Job Abandonment

An employee who is absent without approved leave for three (3) or more consecutive workdays may be considered to have abandoned the position and has therefore resigned from the University, unless the employee, or designee, provides information regarding the existence of an emergency situation or medical condition that impaired the employee’s ability to contact his/her supervisor. Employees separating due to job abandonment are not eligible for rehire.

3. Separation During Probationary Period

Employees serving in a probationary period in any position or classification may be separated from employment at any time, for any non-discriminatory reason. Separations during the probationary period do not require notice and may not be appealed.
4. Layoffs

Layoffs shall be administered consistent with the following provisions. Additional guidance may be provided in a University policy.

a) Employees may be laid off at any time.

b) The President or designee shall notify any appropriate employee organizations when layoffs are to take place.

c) Layoff units may be at an organizational level such as a division, college, school, department, area, program, unit or other level of organization as the University President or designee deems appropriate.

d) In designating the employees for layoff, the President or designee may take into consideration the qualifications and relevant experiences required for specific positions and exclude such from layoff.

e) The President or designee may make reasonable efforts to locate appropriate alternative/equivalent employment within the University for laid-off employees, where possible.

5. Notice of Separation

a) Separation with Written Advance Notice

   1) Non-Unit Faculty, Administrative & Professional (A&P), Support Personnel (SP), and Executive Service employees may be separated from the University without cause, effective immediately, with as long as written notice is provided, and a lump sum severance payment according to the following schedule:

      i) Employees in their initial year of employment shall be given no less than a lump sum severance payment equal to thirty (30) days of the employee’s current salary upon notice prior to the effective date of separation without cause.

      ii) Employees with more than one year of employment shall be given a lump sum severance payment equal to no less than ninety (90) days of the employee’s current salary upon notice prior to the effective date of separation without cause; or

      iii) Employees in the Executive Service shall be given a lump sum severance payment equal to no less than sixty (60) days salary upon notice prior to the effective date of separation without cause, unless there exists an applicable contract in which case the terms of the contract will govern any severance payment. This notice shall indicate whether the separation is
from employment or removal from the executive service position with a reassignment to a non-executive service position, if applicable.

2) An employee who has received a separation from employment notice may be reassigned to other duties, responsibilities and locations for the duration of the notice period, and during the notice period shall not be eligible for pay increases or bonuses and benefits designated for employees “in good standing.”

3) 2) In providing any The University may opt to provide a lump sum severance payment amount to be paid to the employee in accordance with section 5 (a) (1) above in lieu of providing the applicable time as notice of separation. If applicable, such lump sum shall not exceed 20 weeks of pay, subject to limitations under Section 215.425, Florida Statutes.

b) Fixed Term Appointments

Persons appointed to fixed term appointments, including but not limited to visiting appointments and employees in positions funded through contracts and grants, sponsored research funds, trust funds, auxiliary, or local funds, shall be provided notice that employment will cease on a specific date where no further notice of cessation of employment is required in an employment agreement, offer letter, or other document.

c) Other Personal Services (OPS) Employment

1) Persons appointed to OPS employment category are provided notice upon hire that such appointment is temporary in nature and may end at any time without notice and with no right to appeal.

2) Persons appointed to Adjunct faculty are hired for one academic term at a time and are provided notice upon hire that such appointment may end due to lack of enrollment, funding, or reassignment of faculty workload.

6. Dismissal for Cause

Non-Unit Faculty, A&P, SP, and Executive Service employees dismissed for cause are not entitled to advance notice and may be dismissed at any time during their employment in accordance with this Regulation. Employees dismissed for cause are not eligible for rehire. Dismissal for cause is addressed in FGCU-PR5.016, Disciplinary Actions.

C. EXIT INTERVIEW

Individuals who separate from employment are encouraged to complete the Exit
Interview Process through the Department of Human Resources.

D. SEPARATION CLEARANCE

1. Faculty (including in-unit), A&P, and SP employees separating from employment with the University shall return all University property in their possession and settle their financial accounts with the University prior to receipt of any final payments due them. The Department Head shall work in collaboration with the Department of Human Resources and all applicable University departments to ensure the timely return of all University property and/or to activate the appropriate measures to collect such. The employee’s immediate supervisor is responsible for ensuring proper separation procedures are followed and for notifying the Department Head if property or keys are not returned or accounts are not settled.

2. The University reserves the right to deduct any amounts owed to the University or to deduct an amount to compensate for unreturned property from any funds, which may be due the employee (i.e., final pay, leave payout).

Action by Florida Gulf Coast University Board of Trustees
Approved 04/19/16

Specific Authority
Sections 1001.706 and 215.425, Florida Statutes
Board of Governors Regulation 1.001

History of Regulation
New 06/17/08; Amended 06/18/13; 04/21/15, 04/19/16

Effective Date of Regulation
04/19/16
Florida Gulf Coast University Board of Trustees  
September 11, 2018

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

PROPOSED BOARD ACTION

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

BACKGROUND INFORMATION

The above-referenced Regulation was amended in compliance with the Board of Trustees Resolution on Presidential Authorizations requiring a statement of the University’s organizational structure and operation. This Regulation has been updated to address the changes to various structural division changes.

Supporting Documentation Included: Notice and Text for Regulation FGCU-PR1.001 Statement of Agency Organization and Operation

Prepared by: Vice President and General Counsel Vee Leonard

Legal Review by: N/A

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:
This regulation is amended to update organizational changes within various divisions.

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

UNIVERSITY 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:
M. Todd Caraway
Office of the General Counsel
10501 FGCU Blvd. S., Fort Myers, FL 33965-6565
(P): 239.590.1101 | (F): 239.590.7470 | Email: gco@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 AUGUST 10, 2018.
A. GENERAL INFORMATION

Florida Gulf Coast University (“FGCU”) 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 impleaded 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: 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 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, 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
The University and in the best interests of the State of Florida, as determined by the Board of Trustees and the President, as well as State law. 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 Success and Enrollment Management;
4. Vice President for University Advancement;
5. Senior Vice President for Strategy and Program Innovation;
6. Vice President and Chief of Staff; and
7. 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 or her 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; Senior Vice President for Strategy and Program Innovation; 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 or her responsibilities by the following direct reports:

1) Senior Associate Provost and Associate Vice President for Planning and Institutional Performance;

2) Associate Provost and Associate Vice President for Faculty Affairs;

3) Associate Vice President for Academic and Curriculum Support;

4) Associate Vice President for Research, and Dean of Graduate Studies;

5) Dean of the College of Arts and Sciences;

6) Dean of the Lutgert College of Business;

7) Dean of the College of Education;

8) Dean of the U.A. Whitaker College of Engineering;

9) Dean of the Marieb College of Health & Human Services;

10) Dean of Library Services; and

11) Dean of Undergraduate Studies.

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 the 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 is supported in his/ or her responsibilities by the following direct reports:

1) Associate Vice President and Chief Information Officer (CIO) for Business Information Technology Services;

2) Associate Vice President for Administrative Services and Finance;

3) Associate Vice President for Human Resources;

4) University Controller;

5) Director of Facilities Planning;

6) Director of Operations;

7) Director of Physical Plant;

8) Director of Public Safety and
9) Director of University Budgets

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 Success and Enrollment Management Affairs

The Vice President for Student Success and Enrollment Management Affairs is responsible for, and directs the operations and services associated with, the delivery of all policies, programs, and activities that promote and advance the University’s mission for improving student success. As such, the Vice President for Student Success and Enrollment Management ensures that the campus environment supports and nurtures the personal, cultural, health, and general well-being of the student body while sustaining a positive environment for supporting the academic progression of students. Moreover, the Vice President for Student Success and Enrollment Management directs all operations related to successfully recruiting and admitting students to the university while ensuring that all available financial aid and scholarship funds are disbursed accordingly. Lastly, the Vice President for Student Success and Enrollment Management provides leadership in ensuring that all aspects in the management of student records and registration are functioning at the highest levels of 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 Success and Enrollment Management Affairs is supported in his or her responsibilities by the following direct reports:

1) Associate Vice President for Academic Engagement;

2) Associate Vice President for Enrollment Management; and

3) Associate Vice President for Student Engagement, 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 or 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 for University Advancement, 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, and is responsible for the external community relations, marketing, communications, and media relations for the University. In support of the work of University Advancement and the FGCU Foundation, The Vice President for University Advancement’s direct reports include two. is supported in his or her responsibilities by the following direct reports:

1) Associate Vice President for University Marketing and Communications;

2) Assistant Vice President for University Advancement, and Chief Financial Officer for the Foundation;

3) Senior Directors of Advancement (Development and Stewardship);

4) Director of Alumni Relations;

5) Director of Athletic Advancement;

6) Director of Community Relations;

7) Director of Special Events;

8) General Manager of WGCC Public Media.

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) Senior Vice President for Strategy and Program Innovation

The Senior Vice President for Strategy and Program Innovation is responsible for exploring opportunities to develop collaborative initiatives within the University, as well as through partnerships in the Southwest Florida business and educational environment. These may include but are not limited to new strategies for course delivery, formal relationships with academic institutions and local businesses, and programmatic opportunities to raise the visibility of Florida Gulf Coast University throughout the service delivery region. The Senior Vice President for Strategy and Program Innovation serves as the administrative liaison to SAC.

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 also coordinates with the Office of the General Counsel, the University’s designated responder for public records requests made by the media. 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 Operations, 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.

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, he or she reports administratively to the President, and reports directly to the Board of Trustees through its Chair. 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 are Assistant and Associate/Assistant General Counsels, 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 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.

Director of Intercollegiate Athletics

The Director of Intercollegiate Athletics is responsible for maintaining a quality athletics 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, marketing, ticket and corporate sales, sports medicine, strength and conditioning, personnel, facilities and operations, and sports information and public relations. The Director of Intercollegiate Athletics also oversees the University’s Cheerleading Program.

Florida Gulf Coast University’s intercollegiate athletics programs include:

1) Men’s Baseball;
2) Women’s Softball;
3) Women’s Beach Volleyball;
4) Women’s Swimming & Diving;
5) Women’s Volleyball;
6) Women’s and Men’s Basketball;
7) Women’s and Men’s Cross Country;
8) Women’s and Men’s Golf;
9) Women’s and Men’s Soccer; and
10) Women’s and Men’s Tennis.

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, he or she reports functionally to the Audit and Compliance Committee through its Chair and administratively to the President, and also reports functionally 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 Equity, Ethics, and Compliance, and Title IX Coordinator

The Chief Compliance & Ethics Officer, Director of Equity, Ethics, and Compliance, and Title IX Coordinator is responsible to the President for all matters related to equal
opportunity and Title IX, and also serves as the University’s chief compliance officer, overseeing the University’s compliance and ethics program. As such, the chief compliance officer he or she reports functionally to the Audit and Compliance Committee through its Chair, on behalf of the Board of Trustees, and administratively to the President, and also reports functionally to the Board of Trustees. The Chief Compliance & Ethics Officer oversees the University’s compliance and ethics program and, Additionally, in regards to discrimination and Title IX matters, she or he reports solely and directly to the President. The Director of Equity, Ethics, and Compliance works with all departments across the University to address compliance with federal and state regulations, as well as industry standards.

**Director of Government Relations**

The Director of Government Relations serves as the advocate for the University at the local, state, and federal levels. As such, he or she is responsible for providing necessary information and input to the President for the collaborative development of the University’s official government relations agendas that include; the State Legislative Budget Requests (LBR’s) and strategic state and federal advocacy plans for implementation. The Director collaborates with students, faculty, staff, and other stakeholders to develop and execute the University’s advocacy activities and events to support its legislative agendas that promotes the University’s mission and vision. Additionally, she or he works as a liaison to the Board of Governors’ staff and Student Government to facilitate partnerships that support the University’s legislative agendas and enhance student success. The Director also manages, coordinates, and advances the University’s legislative internship programs, 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.

**Assistant to the President and University Ombuds**

The Assistant to the President helps resolve concerns and complaints raised by parents and community members to the President, and works on projects and initiatives connected to the President’s Office. The University Ombuds, as a neutral party, provides informal resolution of conflict and concerns for the University community and advocates for fair and equitable administration of processes. Students, staff, and faculty may raise concerns and complaints with the Ombuds on a confidential basis, as provided by applicable law. The Ombuds will also work with visitors to explain policies, define options, and help create strategies to resolve problems. The Ombuds raises issues with the President and members of the campus community that may affect student success and other goals of the University. He or she also brings systemic concerns to the attention of the University administration for resolution, including assisting in the development of related policies. Consistent with the University’s policies and procedures, students may appeal to the Ombuds, a decision related to a student’s access to courses and credit granted toward the degree.
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.

3. University Divisions

The University is divided into the following components:

a) The division of the Office of the President – comprised of the Senior Vice President for Strategy and Program Innovation, Office of the Vice President and Chief of Staff, Intercollegiate Athletics, Internal Audit, Compliance and Ethics Office of Institutional Equity and Compliance, Government Relations, and University 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, and Library Services, as well as the five colleges, their constituent departments, schools, and various interdisciplinary centers and institutes.


d) The division of Student Success and Enrollment Management Affairs – comprised of Academic Engagement, Student Engagement, and Enrollment Management, 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, Community Relations, Development, Stewardship and Donor Relations, Alumni Relations, Advancement Services, Athletic Gifts, and Special Events, and WGCU Public Media.


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 Assistant Vice President for Campus Life and 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. The Senior Vice President for Student Affairs Strategy and Program Innovation 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, and 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 Provost and Vice President for Academic
Affairs 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 (SPIEC). 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: 10/10/2017

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, 06/29/17, 10/10/17, __________

Effective Date of Regulation

10/10/2017___________
ITEM: 17

Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: Third Amendment and Restatement of Resolutions on Presidential Authorizations

PROPOSED BOARD ACTION

Approve the Third Amendment and Restatement of the Resolutions on Presidential Authorizations.

BACKGROUND INFORMATION

In the spring of 2018, the Legislature passed Senate Bill 4 which, among other things, required approval by the FGCU Board of Trustees of prospective members of its affiliate organizations, the appointment of at least one or more appointees, as well as other matters relating to the affiliate organizations' Board of Directors.

Supporting Documentation Included: DRAFT Third Amendment and Restatement of the Resolutions on Presidential Authorizations

Prepared by: Vice President and General Counsel Vee Leonard

Legal Review: N/A

Submitted by: Vice President and General Counsel Vee Leonard
FLORIDA GULF COAST UNIVERSITY
BOARD OF TRUSTEES
SECOND-THIRD AMENDMENT AND RESTATEMENT OF THE RESOLUTIONS ON PRESIDENTIAL AUTHORIZATIONS
ADOPTED ON MAY 10, 2016

The Florida Gulf Coast University Board of Trustees hereby adopts at a duly called meeting on September 11, 2018 June 13, 2017, the following Second-Third Amendment and Restatement of the aforementioned resolutions:

I. Authorization of the President

RESOLVED: That, effective as of September 11, 2018 June 13, 2017, any individual while holding the office of President of Florida Gulf Coast University (“University”) is hereby authorized, in the name and on behalf of the Florida Gulf Coast University Board of Trustees (“Board”) and the University, to exercise the following authorities and to take the following actions, all as the President deems appropriate, advisable and in the interests of the University:

A. General Requirement

1. To exercise any and all authorities granted to the President by the Board subject to, and with accountability to the Board as required by, any applicable resolutions, regulations, operating memoranda and policies of the Board and the Florida Board of Governors (“BOG”) (which Board and BOG documents may provide additional authority as well as imposing additional restrictions), and in accordance with applicable law; and

2. Serve as the Chief Executive Officer and Corporate Secretary of the Board of Trustees, and shall be responsible for the operation and administration of the University consistent with the authority delegated as may be made by the Board from time to time; and

3. The Vice President and General Counsel of the University from time to time as necessary, shall prepare, update (every three years), and provide to the Board, the President, his/her delegates and their delegates on file in the Office of the Vice President and General Counsel, a schedule listing the principal Board and BOG resolutions, regulations, operating memoranda, and policies that govern the authorities granted by the Board’s resolutions.

B. General Limitation

1. To exercise any and all of the authorities granted by the Board to the President within the overall, total spending limitations imposed by the University’s Board and BOG-approved capital and operating budgets;
2. Perform other such duties as are not retained by the Board and as may be necessary or appropriate for the administration of the University, in compliance with any applicable laws, Board and BOG regulations, policies, and resolutions; and

3. Nothing in this regulation should be construed as limiting or divesting the Board’s right to exercise any authority or responsibility as deemed appropriate.

C. General Authority of the President

1. To manage and administer the University and to exercise all of the powers, duties, and authorities of the University, except to the extent that such powers, duties, and authorities are required to be exercised by the Board or the BOG according to their respective resolutions, regulations, operating memoranda, and policies, and/or applicable law; and the fact that some actions are specifically authorized shall not derogate from this general authorization; and

2. Consult with the Board in a timely manner on any matters appropriate to its policy-making and fiduciary functions.

D. Academic and Research Authorities of the President

1. Shared Governance

   In the exercise of authorities related to relevant academic affairs, to effect and determine appropriate shared governance with the faculty;

2. Masters and Undergraduate Programs

   a) To develop, approve, and recommend to the Board for its final approval (and, if and as required by law in connection with limited access programs and undergraduate degree programs requiring more than 120 credits for graduation, for the Board’s recommendation to the BOG for its final approval), the creation

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1 Reauthorized the President or designee, after receiving the advice of the General Counsel, as well as providing advance notification by the President to the Board, to approve the commencement of legal proceedings or the appeal of an adverse ruling against the University when so doing is in the best interest of the University or is necessary to avoid application of a legal time bar such as a statute of limitations. The President or designee shall report the commencement or appeal of legal proceedings to the Board of Trustees as soon as practicable following such action. (Item 3 – 2/23/2016)

2 Reauthorized the President to execute the Memorandum of Agreement between the Florida Gulf Coast University Board of Trustees and the South Florida Water Management District and in so doing, to designate additional conservation areas on all University properties, if necessary. (Item 15 – 2/23/2016)

3 Reauthorized the President to develop and implement university institutes and centers and to annually present to the Board, as an information item, the annual report required by the Board of Governors. (Item 7 – 2/23/2016)

4 Reauthorized the President to settle litigation up to $100,000. (From the Floor, as part of Item 24 – 1/15/2008)

5 See Appendix B for Regulation Annotations

6 See Appendix B for Regulation Annotations
and termination of masters and undergraduate degree-granting programs of the University;

b) To implement and govern or terminate such programs as approved by the Board and, as applicable, the BOG; and

c) To develop, approve, implement, and govern the curriculum and academic and administrative terms, policies, procedures, and systems for any such approved programs consistently with their approvals.

3. Doctoral and Graduate Professional Programs

a) To develop, approve, and recommend to the Board for its approval (and, if and as required by law, for the Board’s recommendation to the BOG for its final approval), the creation and termination of doctoral and professional graduate degree-granting programs of the University;

b) To develop, approve, and recommend to the Board for its approval (and, if and as required by law, for the Board’s recommendation to the BOG for its approval and recommendation to the Legislature for its final approval), the creation of any new college, school, or functional equivalent offering a program leading to a degree that is a credential for a specific license issued under a state statute or the state constitution;

c) To implement and govern or terminate such programs, schools, and colleges as approved by the Board and, as applicable, the BOG and/or the Legislature; and

d) To develop, approve, implement, and govern the curriculum and academic and administrative terms, policies, procedures, and systems for any such approved programs, schools, and colleges consistently with the Board’s and, as applicable, the BOG’s and/or the Legislature’s approvals.

4. Other Programs

a) To develop, approve, implement, and govern non-degree granting educational programs of the University; and

b) To develop, approve, implement, and govern student exchange programs, including without limitation those that are ancillary to the degree and non-degree granting programs of the University.

5. Student Evaluations

To develop, approve, implement, and govern grading, other academic performance criteria, and student evaluation criteria, policies, procedures, and systems for all relevant programs of the University.
6. Faculty Evaluations and Promotions

To develop, approve, implement, and govern evaluation and promotion criteria, policies, procedures, and systems for all employees carrying faculty rank, excluding those employees with faculty rank who are also Direct Reports of the President.

7. Awarding Degrees

To award degrees and certificates or other evidence of satisfying the graduation criteria approved by the Board for degree-granting programs or of satisfying the completion criteria approved by the President for non-degree granting programs; to initially approve and recommend to the Board for its final approval all honorary degrees (including posthumous and in memoriam); and to develop, approve, implement, and govern the administrative and academic terms, policies, procedures, and systems for awarding such degrees and certificates consistently with the Board’s approval as applicable.

8. Admissions

a) To develop, approve, implement, and govern the academic criteria for admitting students to degree-granting programs of the University;

b) To develop, approve, and recommend to the Board for its approval (and, if and as required by law, for the Board’s recommendation of related regulations to the BOG for its final approval), the non-academic criteria for admitting students to such degree-granting programs;

c) To implement and govern such Board and BOG-approved non-academic criteria for admitting students to such degree-granting programs, and to develop, approve, implement, and govern the related administrative terms, policies, procedures, and systems;

d) To consider an applicant’s misconduct in the admissions process and/or prior to applying to the University, in determining whether to admit the applicant;

e) To develop, approve, implement, and govern the admissions process; and

f) To develop, approve, implement, and govern all of the criteria for admitting students to non-degree granting programs.

9. Enrollment

a) To develop, approve, implement, and govern student enrollment goals, programs, and implementation strategies for the University consistently with the Board-approved strategic goals of the University, provided that the President shall report to the Board concerning any decision of the President to change enrollment goals, programs, or strategies that will significantly affect the
strategic goals of the University; and

b) The President shall report annually to the full Board concerning the status of enrollment as it relates to the University’s strategic goals.

10. Articulation

To provide for and recommend to the Board for its approval of related regulations (subject to the BOG’s final approval of such regulations, if and as required by law), the University’s participation in state-wide programs that advance articulation, access, financial assistance, and accountability in and concerning the State of Florida’s higher education system; and to develop, approve, implement, and govern the associated terms, policies, procedures, and systems consistently with such regulations and the University’s strategic goals.

11. Academic Calendar

To establish the academic calendar for the University.

12. Financial Aid

a) To develop, approve, implement, and govern financial aid goals, programs, and strategies for students of the University consistently with the Board-approved strategic goals of the University, provided that the President shall report to the Board concerning any decision of the President to create a new, or make any substantial change in any existing, financial aid goal or program that will significantly affect the University’s strategic goals; and

b) The President shall report to the Board annually concerning the adequacy of financial aid to meet the University’s strategic goals.

13. Tuition and Student Fees

a) To develop, approve, and recommend to the Board for its approval (and, if and as required by law, for the Board’s recommendation to the BOG for its final approval) the determination of tuition charges and the types and amounts of student fees, subject to appropriation by the Legislature if and as required by law;

b) To develop, approve, implement, and govern the administrative terms, policies, procedures, and systems for assessing and collecting tuition and fees consistent with prior approval, including without limitation by accepting credit card payments for tuition and fees; and

c) To develop, approve, implement, and govern the application of tuition and fees to the needs of the University within the approved budgets and any required
Legislative appropriations.

E. Research, Intellectual Property, and Technology Authorities of the President

1. To develop, approve, implement, and govern the University’s research programs and agreements, terms, policies, procedures, and systems, including without limitation, the solicitation, negotiation, and administration of contracts, grants, and other awards by, to, with, and from the University, the federal and state governments, foreign governments, and/or private individuals and entities, and the fixing, collection, and use of associated direct and indirect cost recovery terms and fees that may accrue by reason thereof; to negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of such cost prior to reimbursement from moneys on deposit in a sponsored research development fund, except as may be prohibited elsewhere by law;

2. a) To develop, approve, implement, and govern the programs and agreements, terms, policies, procedures, and systems for the acquisition, development, sale, disposition, transfer, management, accounting, use, access to, and administration of work products, technology, and intellectual property interests by or of the University, including without limitation, licenses, leases, assignments, and other agreements relating to such work products, technology, and intellectual property; and

   b) To impose fees and other charges, collect, expend, dispose of, manage, administer, and utilize funding and any revenues associated with such work products, technology, and intellectual property interests; and

3. The President shall report to the Board periodically, at least annually, concerning the status and adequacy of the University’s research program and intellectual property programs, and their funding and associated costs and cost recovery, in relation to the University’s strategic goals and funding needs.

F. Student Affairs Authorities of the President

1. To develop, approve, implement, and govern programs, terms, policies, procedures, and systems for student curricular and co-curricular affairs of the University, including without limitation:

   a) Establishing a committee with at least half of the members being students appointed by the student body president to periodically review and evaluate the student judicial system;

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7 Reauthorized the President to approve the submission of Research Commercialization Assistance Grant Program proposals. (Item 6 – 1/15/2008)
8 See Appendix B for Regulation Annotations
9 See Appendix B for Regulation Annotations
b) Approving the internal purchasing, contracting, budgetary and other procedures for student government;

c) Prohibiting hazing;

d) Creating a code of conduct and academic honesty for students and student organizations;

e) Providing for reasonable accommodation of religious observance and belief in connection with admissions, class attendance, and scheduling examinations and work;

f) Protecting the privacy of student education records, and

g) Concerning other student affairs such as student services, activities, organizations, housing, discipline, and government;

2. The Board shall have final approval of the code of conduct through its adoption of University regulations; and

3. The President shall report periodically, at least annually, to the Board concerning the status of student affairs at the University as they relate to the University’s strategic goals.

G. Human Resources Authorities of the President

1. To develop, approve, implement, and govern human resources and employment programs of the University, and the related terms, policies, procedures, and systems, including without limitation those relating to the administrative and academic structure and organization of the University (subject to ratification by the Board of the organization of the Vice Presidents as provided below), the creation of positions, recruiting, hiring, appointment, promotion, demotion, transfer, terms and conditions of employment, evaluation, discipline, demotion, termination of employment, compensation (subject to the requirements set forth below for compensation of Direct Reports to the President); in accordance with regulations and policies of the Board and the BOG;

2. To negotiate, develop, approve, and recommend to the Board related contracts and related collective bargaining agreements and relations with employee unions, subject to the Board’s approval of retained authority to ratify collective bargaining agreements if and as required by applicable law and to resolve impasses in collective bargaining;

3. The President shall report to the Board concerning his or her decisions on those

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10 See Appendix B for Regulation Annotations
human resources matters that will significantly affect the strategic goals of the University, and the President shall report annually to the Board concerning the status of any human resources matters that significantly affect the strategic goals of the University; and

4. As changes are approved by the Chair of the Board, and no less than once annually, the President shall provide a list setting forth the compensation of Direct Reports to the President and any changes thereto; and

G-1. Certain Human Resources Authorities of the President Concerning Senior Executives

In addition to the authorities under Part I.G relating to all employees of the University:

1. Consult with the Chair of the Board, or other Trustee designee, on the hiring, dismissal, and compensation of any person to serve in a Vice President capacity, including the Athletic Director, or other direct report position to the President or the Board. The following positions shall have a reporting relationship to the Board in addition to reporting to the President: the Vice President and General Counsel, the Chief Audit Executive and the Chief Compliance and Ethics Officer;

2. To approve, and forward to the full Board for final ratification, the organizational structure of the Vice Presidents of the University regarding their reporting relationship to the President;

3. To determine and adjust compensation of Direct Reports to the President, provided that:

   a) The President shall have market justification for any such compensation determination or adjustment (based on all relevant factors for each such determination including, without limitation, market data on comparable positions (if any), unique skills and contributions, marketability of the individual, relevant discipline, experience of the individual, and other relevant factors); and

   b) The President shall discuss with and obtain the approval of the Chair of the Board (or his or her designee) regarding any such compensation determination or adjustment before implementing it.

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11 The President is to obtain approval of the Chair of the Board prior to entering into an employment agreement, or the renewal or extension of any employment agreement, with any individual whose position is one that reports directly to the President. Moreover, the President’s employment contracting authority shall not be re-delegated. (Item 10 – 2/23/2016)

12 See Appendix B for Regulation Annotations
H. Financial and Asset Management and Debt Authorities of the President\textsuperscript{13} 14 15 16

1. Accountability to the Board

\begin{itemize}
\item[a)] The President shall report to the Board, on a quarterly basis, the status, performance, and adequacy of the operating and capital budgets, investments, debts, finances, assets, and facilities construction activities of the University and any direct support organization ("DSO") certified by the Board or affiliated organizations subject to the oversight of the Board; \textbf{and}
\item[b)] Consult with the Chancellor of the State University System prior to recommending any acquisition, establishment, reclassification, relocation, or closure of additional campuses or special purpose centers to the Board,\textsuperscript{17}
\end{itemize}

2. Operating Budget, Capital Budget and Plan, Campus Master Plan, and Investment Policy

\begin{itemize}
\item[a)] To develop, approve, and recommend to the Board for its approval (and, if and as required by law, for the Board’s recommendation to the BOG for its final approval and for the BOG’s recommendation to the Legislature for appropriation) the University’s annual operating budget and capital plan and budget (including without limitation, facilities capital plan);
\item[b)] To develop, approve, and recommend to the Board for its final approval the University’s campus master plan, development agreement, and investment policy;
\item[c)] To develop, approve, implement, govern, and make investments, and to take actions under the budgets, capital and campus master plans, and development agreement, for the University consistently with their Board approvals (and any additional authority and requirements imposed in related Board operating memoranda or University regulations) and, as applicable, consistently with their BOG approvals; and
\item[d)] To develop, approve, implement, and govern the associated administrative programs, terms, policies, procedures and systems for, to impose fees and other charges for, and to expend funds under, such budgets, plans, agreement, and policy, consistently with their Board approvals and, if applicable for the
\end{itemize}

\textsuperscript{13} Reauthorized the approval of a resolution authorizing the President or designee to invest and administer funds with the State Board of Administration, and to take all actions and execute any instruments or other documents necessary, convenient, or proper to effectuate the intent and purposes of the resolution. (Item 6 – 2/23/2016)
\textsuperscript{14} Authorized the President to amend the Sponsored Research and Financial Aid Budgets in accordance with funding and awards that may be received during the fiscal year. (Item 16 – 6/17/2014)
\textsuperscript{15} Reauthorized Wilson G. Bradshaw, as President, and Steve Magiera, as Vice President for Administrative Services and Finance, to sign checks to pay the legal obligations of the University. (Item 8 – 2/23/2016)
\textsuperscript{16} See Appendix B for Regulation Annotations
operating and capital budgets, consistently with their BOG approval.

3. Administration of Real and Personal Property and Other Assets

a) To develop, approve, implement, and govern the programs, terms, policies, procedures, and systems for, and to manage, account for, administer, impose charges for, determine and restrict the use of and access to, and govern all of the real, personal, tangible, and intangible property, intellectual property, trademarks, and other assets of the University;

b) To serve as the custodian of all property and assets of the University;

A_ditionally, in accordance with Section 705.18, Florida Statutes, and BOG regulation, 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 DSO thereof. If the property is not claimed by the owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the President, the President or his or her designee shall dispose of or make use of the property in accordance with established policies and procedures that best meet the needs of the University.

c) To develop, approve, implement, and govern appropriate accounting and operational controls and systems for such assets and property of the University;

d) To approve and recommend to the Board for its final approval (and, if and as required by law, for the Board’s recommendation to the BOG and/or Legislature for its final approval in connection with living individuals), the naming or renaming of any building, college, school, department, institute, center, park, bridge, recreational complex, or road of the University when named for any individual, corporation, or other entity; and

e) To approve

1) The naming or renaming of any building, college, school, department, institute, center, park, bridge, recreational complex, or road of the University when not named for an individual, corporation, or other entity;

2) The naming or renaming of any space within a building or other facility; and

3) The naming or renaming of any other area or program of the University and the names of endowed chairs, which shall not require Board approval.

4. Land, Facilities, and Equipment Construction, and Operations

In accordance with BOG Regulation:

a) To develop, approve, implement, and govern the programs, terms, policies,
procedures, and systems for the operation, use, maintenance, and construction of land, facilities, furnishings, and equipment to meet the needs of the University, subject to any parameters established in the Board-approved campus master plan, budgets, and development agreement; and To impose fees and other charges and collect, expend, dispose of, manage, administer, and utilize funding and any revenues associated with such property; and

b) Administer a program for the maintenance and construction of facilities pursuant to Chapter 1013, Florida Statutes; certify to the BOG or Department of Education, as requested, a project’s compliance with the requirements for expenditure of Public Education Capital Outlay (PECO) funds;

5. Real Property Acquisitions and Dispositions

a) To approve and recommend to the Board for its approval (and, if and as required by law, for the Board’s recommendation to the Board of Trustees of the Internal Improvement Trust Fund (“Trust Fund”) for its final approval), all acquisitions, dispositions, and other transactions involving real property interests, including without limitation interests held in trust (other than donations of real property interests to the University, non-financing leases, easements, and licenses which shall not require Board or Trust Fund approval, and leases of any kind which shall not require Trust Fund approval, unless Trust Fund approval is required under any applicable master lease between the University and the Trust Fund); and To implement and govern such transactions consistently with their Board and/or Trust Fund approvals, as applicable, and to develop, approve, implement, and govern all associated programs, terms, policies, procedures, and systems consistently with such approvals;

b) To approve and recommend to the Board for its approval (and, if and as required by law, for the Board’s recommendation to the BOG for its final approval) all real estate lease purchases; and To implement and govern such transactions consistently with their Board and, as applicable, BOG approvals, and to develop, approve, implement, and govern all associated programs, terms, policies, procedures, and systems consistently with such approvals;

c) To develop, approve, implement, and govern all non-financing leases, easements, licenses, and donations of real property interests (unless Trust Fund approval is required under any applicable master lease between the University and the Trust Fund), and all associated programs, terms, policies, procedures, and systems; and

d) To collect, expend, dispose of, manage, administer, and utilize funding and any revenues associated with such property; and

e) To lease real property with an annual lease payment not to exceed $250,000; If lease payment exceeds $250,000, approval to exceed the limit must be approved.
in consultation with the Board Chair and the President.

6. Personal Property Acquisitions and Dispositions

a) To develop, approve, implement, and govern all personal property acquisitions and dispositions for the University and all associated programs, terms, policies, procedures, and systems; and

b) To collect, expend, dispose of, manage, administer, and utilize funding and any revenues associated with such property.

7. Depository Accounts and Disbursements

To take the following actions, and to develop, approve, implement, and govern all related programs, policies, procedures, terms, systems, and dealings:

a) Establish, manage, control, amend, and terminate all University depository accounts at State of Florida-qualified depository institutions, subject to ratification by the Board if and as required by law,

b) Deposit, transfer, withdraw, and control funds and other assets to, from, and among any University depository accounts; and

c) Sign checks and authorize and control disbursements and electronic and other forms of transfers, provided that there shall be no further delegation of the authority to withdraw funds or other assets from a University account at a depository institution given to any position other than the Controller or a Vice President of the University, except to transfer funds or other assets among University accounts or as permitted by the delegation criteria in Attachment A to these resolutions, by operating memoranda of the Board, by University regulations or by resolutions of the Board.

8. Debt

a) To approve and recommend to the Board for its approval (and, if and as required by law, for the Board’s recommendation to the BOG for its final approval), all debt proposed to be incurred by the University or its Direct Support Organizations, other than debt for which neither Board nor BOG approval is required (i.e., 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 BOG approval and shall be authorized by the President);

b) In connection with revenue bonds and other specialized debt if and as required by law, the President’s recommendation and the Board’s approval are for the
BOG’s recommendation to the Legislature for its final approval;

c) To implement and govern all authorized debt consistently with the relevant Board and, as applicable, BOG and/or Legislative approvals; and

d) To develop, approve, implement, and govern all associated programs, terms, policies, procedures, and systems; and

e) Ensure the Board is presented with sufficient information for prudent decision-making for projects subject to the BOG Debt Management Guidelines and Public-Private Partnership Guidelines, as well as the University Debt Management Guidelines.

9. Internal Audit

a) Establish policies and procedures for the performance of annual internal audits of University and DSOs' direct support organizations' finances and operations. All reports generated from such audits must be submitted to the BOG after review and acceptance by the Audit and Compliance Committee and the Board; and

b) Establish policies and procedures for the implementation of appropriate financial controls, with review by the University’s Internal Auditor.

I. Insurance and Indemnification Authorities of the President

1. To develop, approve, implement, and govern insurance programs, terms, policies, procedures, systems, and coverages, including without limitation the procurement of insurance contracts and the establishment of self-insurance programs, for the property, exposures, and liabilities of the University, its affiliates and contractors, and their respective trustees, directors, officers, employees, students, and agents, as deemed appropriate by the President; and

2. To develop, approve, implement, and govern programs, terms, policies, procedures, and systems providing for the civil indemnification of the University’s trustees, directors, officers, employees, students, agents, and contractors in connection with their scope of activities for, or in furtherance of the interests of, the University and its affiliates, as deemed appropriate by the President; and

3. The President shall report annually to the Board concerning the status and adequacy of such insurance programs and coverages, and on any uninsured indemnification provided by the University to any such trustees, directors, officers, employees, students, agents, or contractors.

J. Compliance Responsibilities of the President
1. To develop, approve, implement, and govern the programs, terms, policies, procedures, and systems to support the University’s compliance with applicable federal, state, and local laws and regulations; and

2. Prepare and periodically update a policy addressing conflicts of interest for the Board and University employees.

K. Contracting for Commodities, Good and Services, and Travel and Purchasing Authorities of the President

1. To negotiate, enter into, implement, amend, terminate, and govern all programs, terms, policies, procedures, systems, and contracts for procuring commodities, goods and services for the University, including without limitation outside professional and attorneys services after consulting with the University’s General Counsel, services of collection agencies in collecting delinquent accounts and charging off and settling accounts when uncollectable. The President shall annually report the status of accounts receivable charge-offs to the Board, which may be provided through the University’s financial status or reports; and

2. To develop, approve, implement, and govern the University’s travel and purchasing programs, terms, policies, procedures, and systems;

3. To approve change orders in the name of the Board for amounts not exceeding ten percent (10%) of the guaranteed maximum price and further delegate change order approval authority to the Vice President of the Office of Administrative Services and Finance; Any request for a change order exceeding ten percent (10%) of the guaranteed maximum price will require consultation with the Board Chair and the President; and

4. To develop, approve, and recommend to the Board for its final approval, a list of projects to be addressed through the spending of surplus revenue (i.e. carry-forward); and

5. If any additional contract or other matter of the University, a DSO, or other University affiliated entity, beyond ordinary standards and not covered by specific standards, would be considered material to the University and/or a DSO, or University affiliated entity, including its resources or reputation, or would generate significant media attention, the President or designee is expected to confer with the Board Chair and to notify the Vice Chair of the Board. Also, if any matter is expected to generate significant media attention outside of the ordinary course, the President is expected to notify the full Board. The Board Chair and the President shall collaborate over time to support their mutual understanding of this expectation, recognizing that there are judgments involved for both of them.

See Appendix B for Regulation Annotations
L. Information Systems and Dissemination, and Recordkeeping Authorities of the President

1. To develop, approve, implement, and govern the programs, systems, terms, policies, procedures, and strategies related to data and technology, including information systems, communication systems, computer hardware and software, and networks, as well as obtaining, managing, maintaining, and disseminating information for, about, and of the University to support its undertakings and the University’s Board-approved strategic goals;

2. To develop, approve, implement, and govern the recordkeeping systems, terms, policies, and procedures for the University;

3. The President shall report periodically, at least annually, to the Board on the status and adequacy of the University’s information systems and on the strategies for disseminating information about the University in furtherance of its strategic goals; and

4. The President shall provide, every three years, a report from an independent third party regarding the University’s information systems.

M. President’s Authority for Research Centers for Child Development

To establish, and to develop, approve, implement, and govern the programs, terms, policies, procedures, and systems for the establishment of, educational research centers for child development for the purpose of providing child care services for members of the University community as well as providing research and internship opportunities.

N. Athletics Program Authority of the President

1. To develop, approve, implement, and govern all aspects of intra-collegiate athletics programs, policies, and procedures of the University;

2. To develop, approve and recommend to the Board for its final approval, the creation of new NCAA sanctioned, D-1 sports program; and

3. Periodic reports to the Board on the operations of the program including, but not limited to, finances, audit and compliance, and changes in key personnel.

O. Authorities of the President Concerning Affiliated Organizations

18 See Appendix B for Regulation Annotations
19 See Appendix B for Regulation Annotations
20 Changes to this language was modified pursuant to a board action on January 10, 2017
1. To approve and recommend to the Board for its final approval, the creation and certification, as well as the decertification and dissolution, of Direct Support Organizations (and any other affiliated organization of the University whose authorizing legislation, bylaws, or agreement with the University permits University approval) in order to serve the needs or in furtherance of the interests of the University;

   a) Accept gifts, grants, bequests, and devises on behalf of the University;

   b) In accordance with the terms specified by the donor, to designate the purpose for which, and the location at which, the income and/or principal of a gift shall be used and to make allocations in accordance therewith; and

   c) To determine, consistent with any expressed intent of the donor, the purpose for which, and the location at which, a gift shall be used, to determine whether income and/or principal shall be used, and to make allocations and reallocation in accordance therewith, to the extent not specified by the donor of a gift;

2. To develop, approve, implement, and govern the programs, terms, policies, procedures, and systems for the University’s interactions with and oversight of such affiliates, consistently with the Board’s approvals;

3. a) To serve, and/or to recommend to the Board for appointment, one or more appointees to serve, on the FGCU Financing Corporation governing board and executive committee of such or its affiliates; and

   b) To serve, or to recommend to the Board of Directors for appointment, one or more appointees to serve, on the governing board and executive committee of the Foundation or its affiliates;

4. To review the budgets, audit reports, and mission of all such affiliates, to approve the budgets, review the audit reports and approve the mission of Direct Support Organizations (and any other affiliates whose authorizing legislation, bylaws, or agreement with the University permits University approval of budgets and mission), and to review the performance of all affiliates;

5. Except as otherwise indicated in paragraph O.3 above, to ratify or approve the appointment of the members of the governing boards, of members of the board committees, and of the chief executive officers of Direct Support Organizations (and any other affiliate whose authorizing legislation, bylaws, or agreement with the University permits University approval of such appointments) based on the recommendations of their governing boards, to ratify or approve the charters of such affiliates’ audit committees, and to remove any such affiliate’s board members, committee members, and/or chief executive officer for cause and its chief executive officer for unacceptable performance;
6. To require the chief executive officers of Direct Support Organizations (and any other affiliate whose authorizing legislation, bylaws, or agreements with the University permits such University oversight or supervision) to report to the University’s President or his or her delegee, as well as to the affiliates’ governing boards;

7. To monitor Direct Support Organizations’ compliance with applicable laws, and to monitor and control such affiliates’ use of the University’s resources, name and trademarks;

8. To accomplish any of the programs or undertakings of the University through agreements with its affiliates, provided that the President shall develop, approve, implement, and govern appropriate oversight and controls to support achievement of the University’s objectives for programs or undertakings operated by its affiliates; and

9. The President shall report to the Board periodically, at least annually, concerning the purpose, budget, financial performance, and material audit results of each affiliate, and shall make the audit report and budget available to the Board.

P. Authorities of the President Regarding Regulatory Development

1. To develop, approve, and recommend to the Board for its final approval all regulations of the University; and

2. To implement and govern such Board-approved regulations, and to develop, approve, implement, and govern the academic and administrative programs, terms, policies, procedures, and systems for the implementation, application, and administration of such regulations, consistently with the Board’s approval.

Q. Reporting

Wherever reporting to the Board is required by the foregoing resolutions, reporting may be made to the Board, to a relevant Committee of the Board, to the Chair of the Board, or to the relevant Committee Chair, as determined appropriate for the matter by the Chair of the Board and the President.

R. Miscellaneous Powers and Duties

1. Govern traffic on the grounds of the University and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement

21 Reauthorized the President or designee to act on behalf of the FGCU Board of Trustees with respect to the development of regulations, except that the Board of Trustees reserves the authority to approve, modify, or reject the proposed adoption, amendment, or repeal of a regulation. (Item 4 – 2/23/2016)
agencies;

2. Establish the program for campus safety and emergency preparedness, including safety and security measures for University personnel, students, and campus visitors;

3. Close all 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 students, faculty, and staff, and the University facilities and grounds. In exercising this authority, the President, or his or her designee, is authorized to determine and assign those employees who are required to provide essential services;

4. Exercise responsibility for the fire, safety, and sanitation of public educational and ancillary plants;

5. Comply with all applicable laws, rules, regulations, and requirements; and

6. Minimize University risk and manage the University’s risk management program.

II. Retained Authorities of the Board

RESOLVED: That the Board hereby confirms that it has retained the following authorities, which the Board shall exercise as a full Board, through a Board appointed designee, or through any Board committees it may authorize and in accordance with applicable laws and Board and BOG resolutions, regulations, operating memoranda, and policies, as well as any expenditures in excess of those amounts authorized to the President in this Resolution; and the President shall exercise his or her authorities granted under resolutions of the Board consistently with the Board’s retention of these authorities:

A. Strategic Oversight

1. The responsibility to establish (subject to BOG 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 within six (6) months prior to submission to the BOG; and

2. Prepare a multi-year workplan for consideration and approval by the Board for submission to the BOG 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. The workplan shall reflect the University’s distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs, as well as national and global needs, as applicable to the University’s mission.

B. 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 BOG final approval of limited access programs and undergraduate programs requiring more than 120 credits for graduation if and as required by law.

C. 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 BOG methodology and final approval:

1. To approve the creation and termination of doctoral and professional graduate degree-granting programs of the University; and

2. 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.

D. Graduation Criteria and Awarding Honorary Degrees

After considering the recommendation of the President as hereby deemed appropriate by the Board:

1. To establish the criteria that must be satisfied to earn an undergraduate or graduate degree from the University; and

2. To finally approve the awarding of honorary degrees (including posthumous and in memoriam) by the University.

E. 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 BOG approval is required by law, which regulation shall not become effective until the BOG approves the regulation (expressly or by the passage of time without action, as provided in the BOG’s regulation development procedure).
F. 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 and a schedule of such tuition and fees to be charged by the University; To recommend to the BOG that it grant final approval of such tuition and student fees if and as required by law; to recommend a regulation for the waiver for tuition and fees pursuant to laws and regulations established by the BOG; and To approve the imposition of such approved tuition and student fees upon appropriation by the Legislature if and as required by law.

G. Hiring and Evaluating the President

1. Through the Chair of the Board, to establish a search committee to make recommendations to the Board of candidates for the University’s presidency;

2. To hire an individual to serve as the University’s President after, if and as required by law, recommending such individual as President to the BOG and receiving the BOG’s ratification; and

3. To evaluate the President’s performance annually against the strategic goals of the University, to approve compensation of the President, and, if and as required by law, to provide a copy of such evaluation to the BOG.

H. Vice President Organization and Collective Bargaining

1. Through the Chair of 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; and

2. To resolve impasses in collective bargaining and, if and as required by law, to ratify collective bargaining agreements.

I. 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:

1. To approve the University’s operating budget and capital budget and plan;

2. To recommend to the BOG that it grant final approval of such operating budget and capital budget and plan if and as required by law;

3. To approve the University’s campus master plan and development agreement;

4. To approve the University’s investment policy; and
5. To approve the University’s fiscal year’s carry forward spending plan.

J. Naming Buildings

After considering the recommendation of the President as the Board hereby deems appropriate:

1. To approve the naming or renaming 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

2. If and as required by law in connection with living individuals, to recommend such name to the BOG and/or Legislature for its final approval.

K. 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:

1. 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 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; and

2. To seek final approval of the BOG of all lease purchases by the University if and as required by law; and

3. To acquire real property interests for the University through the exercise of the power of eminent domain.

L. 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 BOG 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).
M. 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.²

N. 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.²

O. Debt

After considering the recommendation of the President as the Board hereby deems appropriate:

1. To approve and, if and as required by law, to recommend to the BOG 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 BOG approval; and

2. 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.²

P. Affiliated Organizations²²

1. After considering the recommendation of the President as the Board hereby deems appropriate:

   a) 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

   b) To approve the construction of any such affiliate’s off-campus facilities that will require state operating funding; and

2. a) To appoint at least one representative to the governing boards of each affiliate

²² Changes to this language was modified pursuant to a board action on January 10, 2017
if desired by the University’s Board; and

b) To approve the appointees recommended by the DSOs’ Board of Directors and its affiliated organizations to serve on their respective Boards Processing Corporation Board of Directors; and

3. To receive and review reports of the President on the budgets and audits of each affiliate.

Q. 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 BOG approval), the code of student conduct, and those relating to human resources.

III. Delegation Authority

RESOLVED: That any individual while holding the office of President of the University is hereby authorized, in the name and on behalf of the Board and the University, as he or she deems appropriate, advisable, and in the interests of the University:

A. 1. To delegate electronically or in writing to any employee of the University who:

a) Is a Vice President or presidential direct report with responsibility in an area relating to the subject matter of the resolution; or

b) Is a manager with responsibility in an area relating to the subject matter of the resolution who reports directly to a position at or above the level of Vice President, or

e) Holds a position at the University that is equivalent in seniority or responsibility to a Vice President or such manager, as determined by the President or the Assistant Vice President and Director, Human Resources (“HR Director”) of the University; and

d) Is deemed to have appropriate capabilities by the President, the authority (but not further delegation authority except as provided in the next resolution) granted to the President under that resolution; and

2. Provided that the delegation shall:

23 The President’s employment contracting authority shall not be re-delegated. (Item 10 – 2/23/2016)
a) Specify the date of the delegation, the name and title of the delegee, the particular resolution, and the authority or portion of authority thereunder being delegated, as permitted by this resolution on delegations as well as the particular resolution relating to the delegated authority; and

b) A copy of such delegation shall be filed with the delegee, in the records of the Board and with the Vice President and General Counsel of the University; and

B. To terminate electronically or in writing any such delegation of authority, provided that such termination shall specify the effective date of the termination and shall be filed with the delegee, in the records of the Board and with the Vice President and General Counsel;

and

C. The delegation and termination of delegation filing requirements shall also apply to any further delegation authorized under the next resolution.

RESOLVED: That any such delegee of the President under the immediately preceding resolution may further delegate electronically or in writing the authority delegated by the President, or a portion thereof, to any employee of the University whom the President’s direct delegee deems appropriate, provided that such employee and the authority being delegated satisfy the criteria set forth in any relevant Board resolution or operating memorandum, in any relevant University regulation or in Attachment A, as applicable, and also satisfy the filing requirements in the immediately preceding resolution.

IV. Authorization and Incumbency Certificates Issued by the President and Certain Other Officers

RESOLVED: That any individuals while holding the offices of the President, and the Vice President and General Counsel of the University are, and each of them acting singly is, hereby authorized to certify as to the substance, date and continuing effectiveness of any Board authorization and any permitted related delegation (whether that authorization and/or delegation are given before, simultaneously with, or after this resolution) under which the President or any other individual or position is authorized, as to the incumbent of the office of President or other position, as to the individual authorized, and that a true copy of the authorization and any permitted related delegation are attached to the certification; and such certification shall be conclusive for any person receiving and relying on it as to the authority of the President or other position and individual.
RESOLVED: That, in making such a certification, the President, and the Vice President and General Counsel are, and any one of them acting singly is, hereby authorized to certify as to his or her own authority under any Board authorization and any permitted related delegation.

V. **Authorization and Incumbency Certificates Issued by the Vice President and Chief of Staff**

RESOLVED: Without derogating from the authority of the Vice President and Chief of Staff under law in the absence of a specific authorization by the Board, it is hereby confirmed:

That any individual while holding the position of Vice President and Chief of Staff is authorized, in connection with any authorization given by the Board and any permitted related delegation (whether that authorization and/or delegation are given before, simultaneously with or after this resolution) under which an individual or position is authorized, as to the authorization’s and any permitted related delegation’s substance, date and continuing effectiveness, as to the incumbent of the position authorized, as to the individual authorized, and that a true copy of the authorization and any permitted related delegation are attached to the certification; and such certification shall be conclusive for any person receiving and relying on it as to the authority of the position and individual; and

VI. **Effective Date**

RESOLVED: That the foregoing resolutions will become effective upon adoption by the Board. Any delegation of authority provided in other existing resolutions and operating memoranda shall continue to be effective unless and until the Board takes separate action to rescind such authority. Any delegations of authority that have been previously made to Vice Presidents or employees of the University, and any delegations of authority that are later made, under any delegation of authority conferred by other resolutions or operating memoranda of the Board, under University regulations, or under applicable law, shall remain in effect unless and until further action to rescind such other delegation of authority is taken by the Board or the President.
ATTACHMENT A

Delegation Authority by Vice Presidents, Deans or their Direct Reports to Other Employees

Pursuant to Part III of the above-referenced resolution, the President is authorized singly to delegate authority to Vice Presidents and their direct reports in the areas of their responsibility and capability, subject to the additional controls in Part III of the resolution and to the limitations on delegation of authority for disbursements and transfers of assets under Part I.H.7.

I. Sub-Delegations – Generally Applicable Controls

In addition, (i) the President may singly delegate to Deans and their direct reports authority that is properly delegated to Vice Presidents and their direct reports under the same terms and conditions as apply in Part III of the resolution; and (ii) Vice Presidents, Deans, and their direct reports to whom authority is properly delegated under this Part I of Attachment A or Part III of the resolution ("direct delegee") may further delegate limited authority to any individual who is an employee of the University ("sub-delegee"), subject to the following additional limitations:

A. The direct delegee must determine that the sub-delegee has responsibility in the relevant area and appropriate capabilities and the direct delegee shall retain responsibility for appropriate oversight of the sub-delegee’s activities;

B. The delegation to the sub-delegee must also satisfy:

1. The filing requirements of Part III of the resolution;

2. All requirements of any applicable laws, University regulations, and Board resolutions and operating memoranda; and

3. Any limitations established in the delegation made to the direct delegee; and

C. The President may directly delegate or give any approval that a direct delegee may delegate or give, under any part of this Attachment; and

D. If relating to making purchases of goods and services or imposing on the University financial obligations to third parties, then, unless the authority of (or delegation of authority to) an employee is authorized by any other Board resolution or operating memorandum or by any applicable University regulation or law, any delegation to a sub-delegee must satisfy all of the criteria set forth in Part II of this Attachment A and, as applicable, all of the criteria set forth in Part III.
II. Sub-delegations for All Not Otherwise Authorized Purchases and Financial Obligations

If relating to making a purchase of goods or services from a third party or imposing on the University financial obligations to a third party, unless otherwise authorized in a relevant Board resolution or operating memorandum, University regulation or applicable law, a direct delegee may authorize a sub-delegee to make purchases of goods and services on behalf of the University or otherwise to incur or contractually bind the University to financial obligations only subject to the following limitations:

A. Such delegation to a sub-delegee shall be made to a named individual while s/he holds a particular position at the University and shall automatically lapse for the named individual upon the individual’s ceasing to be employed by the University or ceasing to hold the relevant position at the University;

B. In addition, such delegation to a sub-delegee may be effective for up to one year, and may be automatically renewed for successive periods as long as the individual holds the same position. Renewals must satisfy all requirements applicable to the initial delegation. The delegation may be revoked if such action is warranted;

C. To the extent applicable, the sub-delegee of purchasing authority shall have acknowledged the University’s and the state’s conflict of interest regulations, policies, and laws and signed the University’s and the state’s outside activities and financial interests disclosure forms, or certified that s/he has no outside activities or financial interests required to be disclosed, prior to the delegation taking effect and prior to each renewal (and shall have the obligation to update the forms as appropriate and to comply with the underlying policies and laws);

D. In addition, any sub-delegee who authorizes University expenditures internally (under University purchase orders or other obligation documents) shall be a different person than the person who signs any related contract or obligation document with third parties; and

E. In addition, the sub-delegee’s purchase from third parties or imposition on the University of financial obligations to third parties on any particular occasion must:

1. Be subject to review and approval of an authorized employee of a University unit that is different than the sub-delegee’s unit (such as, without limitation, Procurement Services’ approval of purchase orders or Human Resources approval of hiring); or

2. Be subject to the direct delegee’s approval; or

3. Satisfy the requirements and limitations in Part III below.
III. Sub-delegations to University Purchasing Agents

A. If Part II.E.3. applies, a sub-delegee holding the title, authority, and responsibility of Director of Procurement Services in the University’s procurement services unit (or a position of equivalent responsibility and authority as determined by the President or the HR Director) may be authorized by a direct delegee with management or other oversight responsibility for the University’s purchasing function to make purchases and incur other financial obligations on behalf of the University, subject to the following limitation. Any single purchase or contract may not require an expenditure in excess of $500,000.00.

B. If Part II.E.3. applies, a sub-delegee holding the title, authority, and responsibility of Associate Director of Procurement Services, Assistant Director of Procurement Services, Purchasing Specialist, or Purchasing Coordinator in the University’s procurement services purchasing unit (or a position of equivalent responsibility and authority as determined by the President or the HR Director) may be authorized by a direct delegee with management or other oversight responsibility for the University’s purchasing function to make purchases and incur other financial obligations on behalf of the University, subject to the following limitation. Any single purchase or contract may not require an expenditure in excess of $250,000.00.

This Appendix A shall become effective upon adoption by the Board.
Appendix A
Reporting - Presidential Authorizations

I. Authorization of the President

D. Academic and Research Authorities of the President

9. Enrollment
   a) The President shall report to the Board concerning any decision of the President to change enrollment goals, programs, or strategies that will significantly affect the strategic goals of the University.

   b) The President shall report annually to the full Board concerning the status of enrollment as it relates to the University’s strategic goals.

12. Financial Aid
   a) The President shall report to the Board concerning any decision of the President to create a new, or make any substantial change in any existing, financial aid goal or program that will significantly affect the University’s strategic goals.

   b) The President shall report to the Board annually concerning the adequacy of financial aid to meet the University’s strategic goals.

E. Research, Intellectual Property, and Technology Authorities of the President

   3. The President shall report to the Board periodically, at least annually, concerning the status and adequacy of the University’s research program and intellectual property programs, and their funding and associated costs and cost recovery, in relation to the University’s strategic goals and funding needs.

F. Student Affairs Authorities of the President

   3. The President shall report periodically, at least annually, to the Board concerning the status of student affairs at the University as they relate to the University’s strategic goals.

G. Human Resources Authorities of the President

   3. The President shall report to the Board concerning his or her decisions on those human resources matters that will significantly affect the strategic goals of the University, and the President shall report annually to the Board concerning the status of any human resources matters that significantly affect the strategic goals...
of the University.

H. Financial and Asset Management and Debt Authorities of the President

1. Accountability to the Board

   a) The President shall report to the Board, on a quarterly basis, the status, performance, and adequacy of the operating and capital budgets, investments, debts, finances, assets, and facilities construction activities of the University and any DSO direct support organization certified by the Board or affiliated organizations subject to the oversight of the Board.

8. Debt

   b) The President shall ensure the Board is presented with sufficient information for prudent decision-making for projects subject to the BOG Debt Management Guidelines and Public-Private Partnership Guidelines, as well as the University Debt Management Guidelines.

I. Insurance and Indemnification Authorities of the President

3. The President shall report annually to the Board concerning the status and adequacy of such insurance programs and coverages, and on any uninsured indemnification provided by the University to any such trustees, directors, officers, employees, students, agents, or contractors.

K. Contracting for Commodities, Good and Services, and Travel and Purchasing Authorities of the President

1. The President shall annually report the status of accounts receivable charge-offs to the Board, which may be provided through the University’s financial status or reports.

L. Information Systems and Dissemination, and Recordkeeping Authorities of the President

3. The President shall report periodically, at least annually, to the Board on the status and adequacy of the University’s information systems and on the strategies for disseminating information about the University in furtherance of its strategic goals.

4. The President shall provide, every three years, a report from a third party regarding the University’s information systems.
N. Athletics Program Authority of the President

3. The President shall provide periodic reports to the Board on the operations of the athletics program including, but not limited to, finances, audit and compliance, and changes in key personnel.

O. Authorities of the President Concerning Affiliated Organizations

6. To require the chief executive officers of Direct Support Organizations (and any other affiliate whose authorizing legislation, bylaws, or agreements with the University permits such University oversight or supervision) to report to the University’s President or his or her delegee, as well as to the affiliates’ governing boards.

9. The President shall report to the Board periodically, at least annually, concerning the purpose, budget, financial performance, and material audit results of each affiliate, and shall make the audit report and budget available to the Board.

II. Retained Authorities of the Board

A. Strategic Oversight

Periodic reporting on strategic matters delegated to the President and/or by direct resolution or operating memoranda within six (6) months prior to submission to the BOG.

P. Affiliated Organizations

3. To receive and review reports of the President on the budgets and audits of each affiliate.
Appendix B
Annotations - Presidential Authorizations

I. Authorization of the President

A. General Requirement

B. General Limitation

C. General Authority of the President

- FGCU-PR1.001, Statement of Agency Organization and Operation
- FGCU-PR3.001, Accreditation

D. Academic and Research Authorities of the President

- FGCU-PR2.001, Undergraduate Admissions
- FGCU-PR3.002, Honorary Degrees
- FGCU-PR3.003, Textbook Adoption and Affordability
- FGCU-PR3.005, Graduate Admissions
- FGCU-PR3.006, Post-Baccalaureate Non-Degree Students
- FGCU-PR7.001, Tuition and Fees
- FGCU-PR7.003, Special Fees
- FGCU-PR7.005, Student Financial Aid
- FGCU-PR7.006, Waivers of Tuition and Fees
- FGCU-PR7.010, Governor’s Challenge Rebate Program

E. Research, Intellectual Property and Technology Authorities of the President

- FGCU-PR3.008, Export Controls

F. Student Affairs Authorities of the President

- FGCU-PR4.001, Student Rights and Responsibilities
• FGCU-PR4.002, Student Code of Conduct and Student Conduct Review Process
• FGCU-PR4.004, Student Disputes Resolution
• FGCU-PR4.005, Student Activity Eligibility
• FGCU-PR4.006, Student Government
• FGCU-PR4.007, Administrative Withdrawal
• FGCU-PR4.008, International Student Insurance
• FGCU-PR4.009, Social Fraternities and Sororities

G. Human Resources Authorities of the President

• FGCU-PR1.003, Non-Discrimination, Anti-Harrassment, and Sexual Misconduct
• FGCU-PR5.001, Employee Compensation & Classification Plans
• FGCU-PR5.003, Employee Debt Collection
• FGCU-PR5.006, Employee Criminal & Background Checks
• FGCU-PR5.007, Employee Recognition Program
• FGCU-PR5.010, Nepotism
• FGCU-PR5.012, Outside Employment/Activities
• FGCU-PR5.014, Political Activity
• FGCU-PR5.016, Disciplinary Actions
• FGCU-PR5.018, Sick Leave Pool
• FGCU-PR5.019, Personnel Records: Limited Access
• FGCU-PR5.020, Grievance
• FGCU-PR5.023, Separations

G-1. Certain Human Resources Authorities of the President Concerning Senior Executives
H. Financial and Asset Management and Debt Authorities of the President

- FGCU-PR1.001, Statement of Agency Organization and Operation
- Clarifying Language for January 12, 2016 Board Action (Item 10 – 2/23/16)

- FGCU-PR3.007, Educational Sites
- FGCU-PR6.017, Bonds
- FGCU-PR6.022, Acquisition of Architectural, Engineering, Construction Management, or Design-Build Services
- FGCU-PR6.023, Evaluation of Professionals and Contractors Under Construction Program
- FGCU-PR6.024, Disqualification and Right to Appeal
- FGCU-PR7.002, Delinquent Accounts Receivable
- FGCU-PR7.007, Debt Management Guidelines
- FGCU-PR7.008, Tangible Personal Property
- FGCU-PR7.009, Concession Funds
- FGCU-PR8.000, University Police and Safety Department
- FGCU-PR8.002, Authority of University Police
- FGCU-PR8.003, Registration of Vehicles
- FGCU-PR8.004, Decal and Permit Fees
- FGCU-PR8.005, Parking Guidelines
- FGCU-PR8.006, Parking and Traffic Enforcement
- FGCU-PR9.001, Use of University Facilities
- FGCU-PR9.002, Use of Alcoholic Beverages on University Premises
- FGCU-PR9.003, Animal Control
- FGCU-PR9.004, Public Expression and Assembly
• FGCU-PR9.005, Possession of Firearms and Weapons on University Property

• FGCU-PR9.006, Solicitation on Campus

• FGCU-PR9.007, Use of Tobacco Products and Consumption of Food on University Premises

• FGCU-PR9.008, Naming of University Buildings and Facilities

I. Insurance and Indemnification Authorities of the President

J. Compliance Responsibilities of the President

• FGCU-PRI.006, Whistle-blower Protection

• FGCU-PRI.007, Code of Ethics

K. Contracting for Commodities, Good and Services, and Travel and Purchasing Authorities of the President

• FGCU-PR6.008, Protests

• FGCU-PR6.012, Statement of Intent

• FGCU-PR6.013, Definitions

• FGCU-PR6.014, Purchasing Authority of the University

• FGCU-PR6.015, Competitive Solicitations Requirement

• FGCU-PR6.016, Purchase of Commodities/Contractual Services

• FGCU-PR6.018, Contracts

• FGCU-PR6.019, Standard of Conduct

• FGCU-PR6.020, Purchase of Motor Vehicles

• FGCU-PR6.021, Prompt Payment to Vendors

L. Information Systems and Dissemination, and Recordkeeping Authorities of the President
M. President’s Authority for Research Centers for Child Development
   - FGCU-PR3.004, Educational Research Center for Child Development

N. Athletics Program Authority of the President

O. Authorities of the President Concerning Affiliated Organizations
   - FGCU-PR1.005, Direct Support Organizations (DSO)

P. Authorities of the President Regarding Regulatory Development

Q. Reporting
ITEM: __18__

Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: Florida Gulf Coast University 2018 Florida Equity Report

PROPOSED BOARD ACTION

Approve FGCU 2018 Florida Equity Report

BACKGROUND INFORMATION

Board of Governors Regulation 2.003, Equity and Access, requires the yearly submission of an annual Florida Equity Report. The annual Florida Equity Report from each state public university must include information as required by Regulation 2.003 Equity and Access on the institution’s progress in implementing strategic initiatives and performance related to equity and access as they pertain to academic services, programs, and student enrollment; equity in athletics; and employment.

Supporting Documentation Included: FGCU 2018 Equity Report

Prepared by: Director of Equity, Ethics and Compliance, and Title IX Coordinator Precious Gunter

Legal Review: Vice President and General Counsel Vee Leonard (August 28, 2018)

Submitted by: Director of Equity, Ethics and Compliance, and Title IX Coordinator Precious Gunter
2018 FLORIDA EDUCATIONAL EQUITY REPORT
FOR
FLORIDA GULF COAST UNIVERSITY
2018 Florida Equity Report

Data Year: 2016 - 2017

Approved by
Florida Gulf Coast University Board of Trustees
September ____, 2018

______________________________
Approved by Michael Martin, Ph.D.
Florida Gulf Coast University President

Submitted by:
Precious G. Gunter, Director of Equity, Ethics, and Compliance, and Title IX Coordinator
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ATTACHMENT 2- ADDITIONAL ENROLLMENT DATA
PART I. EXECUTIVE SUMMARY

Introduction

According to the Florida Equity Report Guidelines, the Annual Florida Educational Equity Report (Report) from each state public university must include information as required by Section 1000.05, Florida Statutes, known as Florida’s Educational Equity Act (Act), and the Florida Board of Governors (BOG) Regulation 2.003 Equity and Access. The 2018 Report covers the period from July 1, 2016 to June 30, 2017. The Report, at minimum, must include, the institution’s progress in implementing strategic initiatives and performance related to equity and access as they pertain to academic services, programs, and student enrollment; equity in athletics; and employment. The Enrollment and Employment reports focus on women and members of specified race/ethnic protected classes provided by the BOG.

A. Plan Development

Florida Gulf Coast University (FGCU) considers the compilation of the Report as an opportunity to assess and highlight its equitable academic, athletic, and employment practices. Simultaneously, FGCU views the Report as a way to identify problem areas and work to correct those problems. As such, the 2018 Report was prepared by the University’s Office of Institutional Equity and Compliance (OIEC). Specifically, the Director of the OIEC submitted the Report to the University’s President (President) and the University’s Board of Trustees (BOT) for approval. Once approved by the President and BOT, the Report, along with a written certification of approval, will be submitted to the BOG, which oversees the State University System of Florida (SUS). The Report was completed using a format created and approved by the BOG. The data contained in the Report was submitted by the following University divisions and their respective offices: Academic Affairs, Student Success and Enrollment Management, Intercollegiate Athletics, and Administrative Services and Finance.

B. Summary of Institutional Progress

Student Enrollment/Retention/Graduation

The University recognizes that equity and inclusion can play a major role in a student’s failure or success. FGCU seeks and embraces students, faculty, and staff from diverse racial, gender, ability, ethnic, religious, economic, social, and academic backgrounds. A central theme of the FGCU Strategic Plan, recently approved by the BOT and BOG, is a commitment to advancing our students expeditiously through high quality degree programs. As an institution focused on student success, everyone on campus has a role to play in keeping this commitment. As a university on its continued journey to excellence, FGCU will hold itself accountable for making real progress, as will the BOT, BOG, the Legislature, and the citizens it serves. This May, the first graduates of the University’s Soar in 4 program completed their undergraduate degree program in 4 years and are employed in Florida—a result of collaborative work and commitment from offices across campus to prioritize student success regardless of background.
Focused on our students, this past year the Student Success – Enrollment Management Task Force met regularly to critically examine and map out how FGCU will focus on its students’ experiences to support them as they matriculate through programs. Culminating in a new organizational structure, the Division of Student Success and Enrollment Management is up and running to chart change that is not only necessary, but also being made for all the right reasons: FGCU’s students.

The University has an opportunity to create a model for a more coordinated and integrated approach to student success and outcomes, and everyone who wants to be a part of this new dynamic and energetic effort on behalf of FGCU students will have a role to play.

Led by Dr. Mitch Cordova, this new division also considers and supports diversity, equity, and inclusion among FGCU students and the campus community. As such, the Student Success-Enrollment Management Task Force made several key recommendations to promote an equitable environment on campus including: increasing the number and type of diversity programs, developing resources specifically dedicated to services for underrepresented students, and creating an advocacy office to provide direct support to students in need. These long and short-term recommendations will continue to guide FGCU in promoting diversity and inclusion in future years.

Another illustration of the University’s collective display in support of equity is the continued recognition and celebration of many heritage and identity days and months. These celebrations promote the value and inclusion of our campus community’s diverse identities including Hispanic Heritage Month, Domestic Violence Prevention Month, PRIDE week, and Dr. Martin Luther King, Jr. Day. Some featured speakers during the 2017-2018 academic year included: Joan Trumpauer Mullholland, Dr. Eduardo Bonilla-Silva, Karen Michaels, Scott Moore, Dr. Paul Ortiz, Winona LaDuke, General Russell Honoré, and Dr. Edwin Black.

Additionally, in a University-wide effort to promote diversity and inclusion, several offices and departments, including the Office of Multicultural and Leadership Development, the Office of Community Outreach, The Office of First Year Experience and Retention, and the Office of Housing and Residence Life, organized events, workshops, presentations, and activities throughout the year to educate our campus and promote a diverse and inclusive working and learning environment for our students, faculty, and staff.

During every Eagle View Orientation for First Time in College Students (FTIC), a skit addressed topics of inclusion, diversity, sexual harassment, and other pertinent issues to demonstrate the commitment FGCU has to diversity and inclusion for the entirety of a student’s enrollment. The Office of Community Outreach has continued to host the STEM Academy, which promotes career in the STEM field to minority or low-income students in Lee and/or Collier Counties.

FGCU and the Seminole Tribe have worked together for several years on athletic and academic initiatives and events. The Seminole Tribe has been a major supporter of our annual Night at the Nest celebration fundraiser. FGCU has supported sports clinics at Big Cypress & Brighton Reservations, hosted Seminole students and their families for campus visits, and worked with Seminole leadership and educators to find ways to promote the value of education at the high school and post-secondary level. FGCU Athletics, University Advancement, The Office of Community Outreach, The Whitaker Center for STEM Education, Service Learning, The University Ombuds, and the President’s Office continue to collaborate to support the partnership
between FGCU and the Seminole Tribe and we look forward to advancing academic, athletic and community programs for the benefit of FGCU and the Seminole Tribe.

In the 2017-2018 academic year, various community members worked together to host multiple Safe Zone trainings, educating students, faculty, and staff on how to be more inclusive towards the LGBTQ+ community. As a community, FGCU students, faculty, and staff have demonstrated that diversity and equity are the responsibility and priority of all.

Other future initiatives that the University is working on include A Moment of Brotherhood Initiative, through The Offices of Community Outreach and Multicultural Leadership and Development. This program is tentatively scheduled to launch in the upcoming year and will function as a mentorship program for men of color to promote successful matriculation throughout undergraduate programs. In addition, the University is committed to exploring and implementing a response system to bias-related incidents.

Faculty and Administrative Employment

In the 2017-2018 academic year, FGCU hosted the inaugural cohort of six faculty and staff members for the Leadership Development Academy. The academy allows selected faculty and staff to engage with Dr. Steve McIntosh, a long-time resident of Southwest Florida, to develop their personal leadership styles and goals. The program has yielded overwhelming interest from our faculty and staff, and a second cohort will be launching in the 2018-2019 academic year. By enhancing the skills of our employees for their current and future roles, FGCU is continuing to foster an environment of support, success, and inclusion for our team.

Since July 2016, FGCU has maintained the presidentially appointed Diversity and Inclusion Committee. Currently, there are over 18 faculty and staff members from key offices and departments, as well as four students. The Committee is charged with:

• Reviewing and analyzing our campus in relation to equity, diversity, and inclusion;
• Creating, developing and implementing workshops, training programs, and strategies to address areas that need improvement;
• Assessing the success/outcomes of the workshops, training programs, and strategies; and
• Recommending ways to establish a sustainable inclusive campus environment for all students and employees that will result in greater student success and increased employee commitment and productivity.

During the 2017-2018 academic year, the Diversity and Inclusion Committee had several key successes, including:

• Expanding the Diversity and Inclusion Certificate program to students;
• Increasing social media followers by 250 percent in the past year;
• Implementing a robust tracking system for bias-related incidents on-campus.

The OIEC, Diversity and Inclusion Manager, and the Diversity and Inclusion Committee collaborated in managing the Diversity and Inclusion Certificate Program. The program is designed to help participants integrate inclusion, equity, and diversity efforts throughout the University by educating the University community on areas and issues related to diversity and
inclusion, creating awareness, and promoting sensitivity. In the 2017-2018 academic year, the program was expanded to students, as well as faculty and staff. A total of 62 events and presentations were offered—a 244 percent increase from the 2016-2017 academic year. Topics of interest included: Jewish and Muslim religion, anti-Semitism, French, Caribbean, and Hispanic culture, workshops on microaggressions and privilege, and disability awareness. The program culminated in a graduation ceremony, which recognized 52 students, 102 staff, and 14 faculty for completing the program, and 83 staff for renewing their certification for a second year. In total, over 250 employees and students have graduated from the program in its first 2 years and we expect that this number will continue to grow. This program is supported by the University’s President and the Cabinet. Several offices had 100 percent participation from their employees, including Center for Academic Achievement, who subsequently presented at a professional conference on the impact the certificate program has made on their work with students.

The Office of Human Resources (HR) has continued the 5-Star Academy this year, which is designed to support new hires at five different touch points early in their careers at FGCU. Diversity and Inclusion is one of the pillars of the program and the OIEC presented the training “What is Diversity? What Is Inclusion?” during the second session. This training counts towards the Diversity and Inclusion Certificate Program, thus encouraging employees to participate in and further understand this area. Through the 5-Star Academy, the OIEC presented a key session on diversity and inclusion at least four times.

The OIEC also provides sexual harassment prevention training to the University community to proactively promote an equitable environment. Over 25 sessions were presented in the 2017-2018 academic year. This training is also required for all new employees, including student OPS employees, thus promoting the importance of gender and sex equity to all of the University’s employees. In addition, the OIEC presents at each College’s faculty retreat, with a focus on the resources the office provides, reporting requirements, and a focus on how diversity enhances our campus community. Cumulatively, the entire FGCU community has been involved and engaged in learning how to make our campus a more equitable and inclusive environment.

Lastly, Human Resources and the OIEC continue to provide training during faculty recruitment sessions that emphasize the importance of recruiting from a diverse pool of applicants and ensure equitable treatment of all applicants throughout the recruitment and interview process.

Athletics

The University’s efforts to promote equity through Intercollegiate Athletics are aided by the Athletics Director through the Athletics Inclusion and Diversity Committee, in which the Director of the OIEC has an active role, as well as by the Gender Equity and Title IX Standing Committee. Athletics and the Title IX Coordinator have partnered together for a variety of initiatives and events, and successfully completed the NCAA Title IX form verifying FGCU’s compliance with the NCAA standards. In the Spring 2018 semester, all of the coaches and employees in Athletics attended an Equal Opportunity Training facilitated by the OIEC, to recommit to inclusive and equitable practices in their teams.

This past year, 43 percent of student athletes identified as racial minorities, compared to the general undergraduate student population of 36 percent who identified as minorities. Athletics encourages
and values diversity of all types within their office. In 2016-2017, Athletics created a video promoting diversity and inclusion on campus featuring student-athletes; this video continues to be displayed on video boards during timeouts and on the Athletics website. FGCU Athletics has a history of promoting equitable practices between male and female teams, and the data from this year continues to reflect the firm commitment Athletics and the University have made to gender equity.

C. Budget Plan

FGCU plays a pivotal role in the Southwest Florida community, impacting not only our students but also our region’s economy, local issues, and indeed every citizen in the region. The 2018 Florida Legislature, with the concurrence of Governor Scott, affirmed the long-standing relationship and commitment between our University and the region, and provided funding for two key appropriations: one for an increase in operating budget and another towards a new academic building. This places FGCU closer to the per student funding parity of other institutions in the SUS.

The University provides the necessary support for equity and inclusion initiatives through financial resources, staffing, space, and advertisement resources. This funding applies to not only the OIEC, but to other offices that promote diversity, equity, and inclusion through their initiatives and work. This past year, the University also provided funding for additional personnel in the OIEC to increase the office’s capacity, reflecting the commitment to diversity and inclusion that FGCU has made. The University has also invested heavily in online training to provide students, faculty and staff with important information regarding equity, diversity, and discrimination/harassment prevention.

As FGCU continues to grow, so do our expenses. However, we are confident that we are deploying our resources responsibly and appropriately to promote our students towards a four year graduation rate, create and contribute research and graduates who are prepared to improve the region’s workforce, address issues of local concern, and offer new services to citizens. Key to all of these initiatives is our commitment to people that care for FGCU, and whom we care for in return. In this spirit, promoting equity at all levels through initiatives and programs throughout our campus is a priority and is appropriately funded. Looking ahead, FGCU will continue to promote the Student Success and Enrollment Management initiative, which with positive results will yield additional funding and permit the University to continue creating an environment inclusive for all.

Conclusion

Based on the results of the data contained in the Report, the University has concluded that it provides an equitable learning and working environment. Nevertheless, the University continues to strive for growth in all areas of equity, diversity, and inclusion. The information contained in the Report evidences the University’s progress in maintaining an equitable working and learning environment. The data in the Report is comprised of three main areas: Enrollment, Athletics, and Employment. The subsequent sections of the Report include a more detailed analysis of the information contained herein. The data included in the Report evidences compliance with the Act
and a University-wide commitment to exceed the Act’s requirements. FGCU will continue to serve as an active participant in the regional community in promoting diversity both through collaborations and by serving as an example for others.
PART II. Review of Policies and Procedures

A. Specific University Policies in Support of Equity

1. Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy, FGCU Policy 1.006
   b. https://www2.fgcu.edu/generalcounsel/files/policies/Policy1_006_NonDiscAntiHaraSexualMisc_12192016_ada.pdf

2. Disability Access and Reasonable Accommodation Policy and Procedure, Policy 1.008
   a. https://www2.fgcu.edu/generalcounsel/files/policies/Policy_1_008_Disability_Access_Reasonable_Accomm_090115_ada.pdf

3. Consensual Relationship Policy and Procedure, Policy 1.007
   a. https://www2.fgcu.edu/generalcounsel/files/policies/Policy_1_007_Consensual%20Relationship_061115.pdf

4. Domestic Violence Leave Policy, Policy 3.041

5. Family and Medical Leave Policy, Policy 3.039
   a. https://www2.fgcu.edu/generalcounsel/files/policies/Policy_3_039_FamilyMedicalLeave_121916_ada.pdf

6. Policy and Procedure on Waiver of Position Vacancy Announcement and/or Advertising, Policy 1.009

The above referenced policies are posted on various webpages throughout the University’s website. Additionally, the OIEC, the Office of Adaptive Services (OAS), and University’s HR Department provide recurring training for students, faculty, and staff on the above referenced policies.
B. Non-Discrimination Policy

The University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy can be found by any user on the General Counsel Website located at


The current policy went into effect on December 19, 2016 and is attached in full at the end of this document as Attachment 1. The University's updated Non-Discrimination, Equal Opportunity Statement signed by President Mike Martin, Ph.D. is attached on the following page.

Every University web-page has a link to the FGCU Hotline website at the bottom of the page where anyone can file a complaint. The University’s Non-Discrimination, Anti-Harassment and Sexual Misconduct Policy is also located on the OIEC website along with a reporting link to file complaints. The Policy is also distributed through various trainings, flyers, handouts, emails, webpages, and agreements with campus affiliates and non-affiliates.
Office of Institutional Equity and Compliance

Non-Discrimination and Equal Opportunity Statement

Florida Gulf Coast University (University) is committed to ensuring equity and fairness for all University employees, students, visitors, vendors, contractors, and other third parties. Our commitment to these principles is essential to fostering a campus community that values diversity and inclusion. As such, the University does not discriminate on the basis of race, color, national origin, ethnicity, religion, age, disability, sex, gender identity/expression, marital status, sexual orientation, veteran status, or genetic predisposition with regard to admissions, employment, programs, or other activities operated by the University. Sexual harassment and sexual assault are forms of sex discrimination. This prohibition extends to enforcement of Title IX of the Education Amendments of 1972 and the Genetic Information Non-Discrimination Act.

The University’s policies cover access and equity in the administration of education, programs, services, and activities throughout all divisions, departments, and units of the University.

Questions regarding the University’s non-discrimination statement or compliance with the laws applicable thereto should be directed to the person and office identified below.

Precious G. Gunter
Director and Title IX Coordinator, Office of Institutional Equity and Compliance
10501 FGCU Boulevard South
Fort Myers, Florida 33965-6565
(239)745-4366
Or TTY : 711
Email: pgunter@fgcu.edu

July 1, 2017
Date

Michael Martin, Ph.D.
President
The following section includes eight areas of review for academic programs at the specified levels. These analyses display enrollment at these eight levels for the protected class students. The areas of review include enrollment, retention, graduation rates, and degrees awarded. If appropriate, disproportionate enrollments of women and minorities are identified and areas for improvement are noted.
Academic Program Reviews

A. Academic Program Reviews

Each year FGCU compiles data in order to analyze undergraduate and graduate enrollment as required by Florida law. These annual analyses display enrollment at eight (8) levels for protected class students. This data is critical in developing programs to address such representation issues.

Below are eight areas of review required for each university with programs at specified levels:

1. First Time In College Enrollment (FTIC)
2. Full-Time Transfers
3. Retention of Full Time FTICs Entering Previous AY, After One Year
4. Graduation Rate of Full Time FTICs After Six Years
5. Bachelor’s Degrees Awarded
6. Master’s Degrees Awarded
7. Doctoral Degrees Awarded
8. First Professional Degrees Awarded

Legend:

- NRA = Non Resident Alien
- B = Black
- AI/AN = American Indian / Alaskan Natives
- A/PA = Asian/Pacific Islander
- H = Hispanics
- W = White
- Unk = Unknowns
- ≥ Two = Two or more Races
- NH/OPI = Native Hawaiian / Other Pacific Islanders
- T = Total
FGCU is committed and always looking for ways to promote diversity within the University community. In addition to academic factors such as GPA and SAT/ACT scores, FGCU considers factors related to an applicant’s life experiences, accomplishments, and challenges in the admissions process. The ethnic backgrounds, diverse perspectives, varying interests, and personal obstacles of candidates are all factors considered in determining whether a student is admitted to FGCU.

A review of Table 1 (listed above) shows that there was a slight decrease in first-time-in-college (FTIC) student enrollment from 2016 to 2017, a pattern that has continued the last few years. This number decreased from 2613 in 2015 to 2590 in 2016 to 2578 in 2017. Consistent with both the national trends and FGCU’s trends, FGCU continues to enroll more females than males as FTIC students, with 1453 FTIC women enrolled in the fall of 2017. Also during the applicable time period, FGCU saw a more diverse group of FTIC students, with a 46 percent increase in Non-Resident Alien students, a 22 percent increase in Black students, a 35 percent increase in Asian students, a 9 percent increase in Hispanic students, and a 33 percent increase in students representing two or more races. There was a 28 percent decrease in American Indian/Native Alaskan students, an approximate 7 percent decrease in White students, and the same amount of Native Hawaiian/Pacific Island students enrolled as FTIC students.

TABLE 1. First-Time-In-College Enrollment (Full-time)

<table>
<thead>
<tr>
<th>Category</th>
<th>NRA</th>
<th>B</th>
<th>AI/AN</th>
<th>A</th>
<th>H</th>
<th>NH/OPI</th>
<th>W</th>
<th>≥ TWO*</th>
<th>UNK</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>14</td>
<td>67</td>
<td>3</td>
<td>21</td>
<td>235</td>
<td>3</td>
<td>740</td>
<td>32</td>
<td>10</td>
<td>1125</td>
</tr>
<tr>
<td>Women</td>
<td>21</td>
<td>86</td>
<td>2</td>
<td>29</td>
<td>318</td>
<td>3</td>
<td>920</td>
<td>60</td>
<td>14</td>
<td>1453</td>
</tr>
<tr>
<td>Total Fall 2017</td>
<td>35</td>
<td>153</td>
<td>5</td>
<td>50</td>
<td>553</td>
<td>6</td>
<td>1660</td>
<td>92</td>
<td>24</td>
<td>2578</td>
</tr>
</tbody>
</table>

| Category % of Total Fall 2017 | 1% | 6% | 0% | 2% | 21% | 0% | 64% | 4% | 1% | 100% |
| Total FALL 2016 | 24 | 125| 7   | 37| 503| 6   | 1790| 69 | 29 | 2590 |

| Category % of Total FALL 2016 | 1% | 5% | 0% | 1% | 19% | 0% | 69% | 3% | 1% | 100% |
| Total FTIC Fall 2012 | 22 | 199| 5   | 38| 518| 3   | 1791| 80 | 31 | 2587 |

| Category % of Total Fall 2012 | 1% | 7% | 0% | 1% | 19% | 0% | 67% | 3% | 1% | 100% |
| Percentage Change in number from Fall 2012 to Fall 2017 | 59% | -23% | 0% | 32% | 7% | 100% | -7% | 15% | -23% | -4% |

Source: IPEDS Part A, Fall enrollment by race, ethnicity, and gender. Full-time, First-time students.
FGCU had the pleasure of welcoming the same number of Florida Community College transfers with Associate Degrees in the fall of 2017 as it did in the fall of 2016. Similar to the FTIC group above, the new transfer students represented a more diverse entering group than the year before. Most notably, the University saw a nearly 30 percent increase in Hispanic students, and a 55 percent increase in students who identify as two or more races, as well as a 17 percent decrease in White students. Consistent with national and University trends, there were more female transfer students than male transfer students.

Table 3. Retention of Full-time FTICs After One Year

<table>
<thead>
<tr>
<th>Category</th>
<th>NRA</th>
<th>B</th>
<th>A/AN</th>
<th>A</th>
<th>H</th>
<th>NH/OPI</th>
<th>W</th>
<th>≥ Two</th>
<th>UNK</th>
<th>FEMALE</th>
<th>MALE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall 2016 Cohort</td>
<td>24</td>
<td>124</td>
<td>7</td>
<td>36</td>
<td>481</td>
<td>6</td>
<td>1732</td>
<td>67</td>
<td>21</td>
<td>1418</td>
<td>1080</td>
<td>2498</td>
</tr>
<tr>
<td>Category % of Total</td>
<td>1%</td>
<td>5%</td>
<td>0%</td>
<td>1%</td>
<td>19%</td>
<td>0%</td>
<td>69%</td>
<td>3%</td>
<td>1%</td>
<td>57%</td>
<td>43%</td>
<td>100%</td>
</tr>
<tr>
<td>Enrolled Fall 2017</td>
<td>20</td>
<td>107</td>
<td>6</td>
<td>32</td>
<td>381</td>
<td>4</td>
<td>1370</td>
<td>50</td>
<td>19</td>
<td>1131</td>
<td>858</td>
<td>1989</td>
</tr>
<tr>
<td>Retention Rate</td>
<td>83%</td>
<td>86%</td>
<td>86%</td>
<td>89%</td>
<td>79%</td>
<td>67%</td>
<td>79%</td>
<td>75%</td>
<td>90%</td>
<td>79.8%</td>
<td>79.4%</td>
<td>79.6%</td>
</tr>
</tbody>
</table>

Source: Student Instruction File.

FGCU understands the importance of community outreach in order to create a diverse pool of applicants each year. However, it is important to retain students once they have been admitted to the University. All students are faced with challenges throughout their academic careers that can have an effect on their decision and ability to stay in college. Some of these challenges are
performance issues, financial issues, medical issues, and family issues. FGCU has several different programs in place to assist students facing any of these challenges in order to ensure they are able to complete their degree program. FGCU will continue efforts to make FGCU’s campus the most inclusive environment possible, and assist students in their retention.

FGCU saw a slight increase in the retention rate of FTIC students after 1 year. The overall retention rate of full-time FTIC students increased from 78 percent with the 2015 entering cohort to 79.6 percent with the 2016 entering cohort. The fall 2016 cohort had nearly identical retention rates between men and women, which has not been the case at FGCU for several years. Generally, FGCU was losing a larger percent of males than females in previous years. Most significantly, the University saw a 13 percent increase in persistence for Non-Resident Alien students, a 5 percent increase in the persistence of Asian students, and a 6 percent increase of persistence in Black students. While the Native Hawaiian/ Pacific Islander students went from 100 percent retention in the 2015 group to 67 percent retention among the 2016 cohort, there were double the amount of students starting in the 2016 cohort than the 2015 cohort.

Table 4. Graduation Rate of Full-time FTICs by Race/Ethnicity

<table>
<thead>
<tr>
<th>Year of Graduation</th>
<th>NRA</th>
<th>B</th>
<th>AI/AN</th>
<th>A/PI</th>
<th>H</th>
<th>NH/OPI</th>
<th>W</th>
<th>≥ TWD*</th>
<th>UNK</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-17 Cohort</td>
<td>26</td>
<td>149</td>
<td>3</td>
<td>36</td>
<td>432</td>
<td>2</td>
<td>1760</td>
<td>70</td>
<td>21</td>
<td>1418</td>
<td>1081</td>
<td>2499</td>
</tr>
<tr>
<td>Category % of Total</td>
<td>1%</td>
<td>6%</td>
<td>0%</td>
<td>1%</td>
<td>17%</td>
<td>0%</td>
<td>70%</td>
<td>3%</td>
<td>1%</td>
<td>57%</td>
<td>43%</td>
<td>100%</td>
</tr>
<tr>
<td>After 6 Years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Graduates</td>
<td>16</td>
<td>67</td>
<td>1</td>
<td>18</td>
<td>195</td>
<td>1</td>
<td>866</td>
<td>29</td>
<td>8</td>
<td>715</td>
<td>486</td>
<td>1201</td>
</tr>
<tr>
<td>Percent Graduated</td>
<td>62%</td>
<td>45%</td>
<td>33%</td>
<td>50%</td>
<td>45%</td>
<td>50%</td>
<td>49%</td>
<td>41%</td>
<td>36%</td>
<td>50%</td>
<td>45%</td>
<td>48%</td>
</tr>
<tr>
<td>Category % Graduated</td>
<td>1%</td>
<td>6%</td>
<td>0%</td>
<td>1%</td>
<td>16%</td>
<td>0%</td>
<td>72%</td>
<td>2%</td>
<td>1%</td>
<td>60%</td>
<td>40%</td>
<td>48%</td>
</tr>
<tr>
<td>Number Retained</td>
<td>16</td>
<td>82</td>
<td>1</td>
<td>21</td>
<td>228</td>
<td>2</td>
<td>960</td>
<td>34</td>
<td>8</td>
<td>780</td>
<td>570</td>
<td>1350</td>
</tr>
<tr>
<td>Percent Retained</td>
<td>62%</td>
<td>55%</td>
<td>33%</td>
<td>58%</td>
<td>52%</td>
<td>100%</td>
<td>55%</td>
<td>49%</td>
<td>36%</td>
<td>55%</td>
<td>53%</td>
<td>54%</td>
</tr>
</tbody>
</table>

Note: FTIC includes Beginners and Early Admits. Source: Student Instruction File.

FGCU has shown a small but steady increase in the six-year graduation rates for full time, First-Time-In-College students (FTICs) for the last few years. The six-year graduation rates of FTIC students was 43 percent of the students who started in 2009, 45.5 percent of the students who started in 2010, and 48 percent of the students who started in the 2011 cohort.

In the 2016-2017 academic year, FGCU instituted a Soar-in-4 program to increase four year graduation rates. The program combines advising, career development, and internship programs and offers an incentive through a tuition rebate to qualifying students. Students have already benefited by collecting their rebates from completing this program.
Table 5. Bachelor’s Degrees Awarded by Race

<table>
<thead>
<tr>
<th></th>
<th>NRA</th>
<th>B</th>
<th>AI/AN</th>
<th>A</th>
<th>H</th>
<th>NH/OP</th>
<th>W</th>
<th>≥ TWO</th>
<th>UNK</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AY 2016-17</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>22</td>
<td>60</td>
<td>2</td>
<td>15</td>
<td>177</td>
<td>0</td>
<td>679</td>
<td>24</td>
<td>7</td>
<td>986</td>
</tr>
<tr>
<td>Female</td>
<td>22</td>
<td>98</td>
<td>3</td>
<td>20</td>
<td>273</td>
<td>1</td>
<td>945</td>
<td>34</td>
<td>17</td>
<td>1413</td>
</tr>
<tr>
<td>Total</td>
<td>44</td>
<td>158</td>
<td>5</td>
<td>35</td>
<td>450</td>
<td>1</td>
<td>1624</td>
<td>58</td>
<td>24</td>
<td>2399</td>
</tr>
<tr>
<td>Category % of Total</td>
<td>2%</td>
<td>7%</td>
<td>0%</td>
<td>1%</td>
<td>19%</td>
<td>0%</td>
<td>68%</td>
<td>2%</td>
<td>1%</td>
<td>100%</td>
</tr>
<tr>
<td><strong>AY 2015-16</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>22</td>
<td>57</td>
<td>1</td>
<td>15</td>
<td>145</td>
<td>2</td>
<td>674</td>
<td>21</td>
<td>12</td>
<td>949</td>
</tr>
<tr>
<td>Female</td>
<td>17</td>
<td>101</td>
<td>1</td>
<td>23</td>
<td>246</td>
<td>3</td>
<td>950</td>
<td>30</td>
<td>11</td>
<td>1382</td>
</tr>
<tr>
<td>Total</td>
<td>39</td>
<td>158</td>
<td>2</td>
<td>38</td>
<td>391</td>
<td>5</td>
<td>1624</td>
<td>51</td>
<td>23</td>
<td>2331</td>
</tr>
<tr>
<td>Category % of Total</td>
<td>2%</td>
<td>7%</td>
<td>0%</td>
<td>2%</td>
<td>17%</td>
<td>0%</td>
<td>70%</td>
<td>2%</td>
<td>1%</td>
<td>100%</td>
</tr>
<tr>
<td><strong>AY 2011-12</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>11</td>
<td>22</td>
<td>2</td>
<td>14</td>
<td>78</td>
<td>2</td>
<td>554</td>
<td>11</td>
<td>2</td>
<td>696</td>
</tr>
<tr>
<td>Female</td>
<td>8</td>
<td>57</td>
<td>6</td>
<td>13</td>
<td>150</td>
<td>2</td>
<td>791</td>
<td>19</td>
<td>2</td>
<td>1048</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>79</td>
<td>8</td>
<td>27</td>
<td>228</td>
<td>4</td>
<td>1345</td>
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<td>1744</td>
</tr>
<tr>
<td>Category % of Total</td>
<td>1%</td>
<td>5%</td>
<td>0%</td>
<td>2%</td>
<td>13%</td>
<td>0%</td>
<td>77%</td>
<td>2%</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: IPEDS Completions, GRAND TOTAL BY FIRST MAJOR, Bachelor's degrees. Table for 99.0000, all disciplines.

The overall number of Bachelor’s degrees continues to increase since 2014. In 2014, 1864 degrees were awarded compared to 2062 in 2015, 2331 in 2016, and 2399 in 2017. Consistent with the national statistics, female students comprised the majority of the degrees awarded. Female students obtained approximately 59 percent of the degrees awarded, while the male students made up the remaining 41 percent. As consistent with the previous charts, the University has improved in enrolling and graduating traditionally underserved minorities. Notably, the University awarded 15 percent more degrees to Hispanic students, and also saw increases in Non-Resident Aliens, American Indian/Pacific Islander students, and students of two or more races.
Table 6. Master’s Degrees Awarded by Race

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<th>AY 2016-17</th>
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</tbody>
</table>

Source: IPEDS Completions, GRAND TOTAL BY FIRST MAJOR, Master's degrees. Table for 99.0000, all disciplines.

For the first time since 2010-2011 school year, FGCU is beginning to see increases in the amount of Master’s degrees conferred. Data shows 269 degrees were conferred in 2015-2016, 302 in 2014-2015, 334 in 2013-2012, and 385 in 2010-2011. In the 2016-2017 school year, FGCU increased the amount of degrees conferred by 17. While the program has started to show signs of growth, there has not been growth in the amount of diverse students receiving Master’s degrees at the University.

The University has 25 graduate degrees and four doctoral degrees. The most recent program is a Master’s of Science in Engineering, which emphasizes environmental engineering and renewable-energy engineering. Programs like this speak directly to the industry needs for Southwest Florida. Additionally, in order to entice more postgraduate students, the Graduate Studies program also offers 11 graduate certificate programs. Four of the certificates are distance learning certificates, which allow FGCU to reach a broader audience of professionals. The graduate certificate programs are:

- Clinical Laboratory Science
- Educational Media & Learning
- Relationship & Family Counseling
- Health Services Administration
- Instructional Technology
- Local Government Management
- Mathematics
• Planning
• TIP Teacher Immersion Program
• Transition to Clinical Mental Health Counseling
• Transition to School Counseling

Table 7. Doctoral Degrees Awarded by Race

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Source: IPEDS Completions, GRAND TOTAL BY FIRST MAJOR, Doctoral degrees. Chart for 99.0000, all disciplines.

Though in 2015-2016, FGCU saw a slight dip in the amount of degrees awarded, FGCU granted 44 percent more doctoral degrees in 2016-2017. Unlike the past several years, this year FGCU conferred more doctoral degrees to men than women. The University also had considerably more diversity than in former years. In 2015-2016, all of the Doctoral degrees were conferred to White students, except for one degree conferred to an Asian student. Here, we see at least a 100% increase in the number of degrees conferred to Black students, Asian students, Hispanic students, and students who identify as representing two or more races.
FGCU does not currently have a professional degree program.

### Table 8. First Professional Degrees Awarded by Race

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</tbody>
</table>

*Source:* IPEDS Completions, GRAND TOTAL BY FIRST MAJOR, First Professional degrees. Chart for 99.0000, all disciplines.
The BOG requires University services that are provided to students be periodically reviewed by the institution to determine compliance with equity laws and regulations.
University Services Provided to Students

A. Academic Advising – https://www.fgcu.edu/academics/advising/

FGCU uses a non-centralized 1+3 advising model. First Time in College students are advised by First Year Advising in the Office of New Student Programs, or by Undergraduate Studies Advising, in the Office of Undergraduate Studies. At the end of the first year, provided academic requirements established by the academic colleges are met, students move from these first year advising units to the College that houses the intended program of study and are advised by that particular advising unit through graduation.

Undergraduate Studies Advising works with: Honors College students, Accelerated Collegiate Experience (ACE) dual enrolled high school students, Step Ahead summer bridge program students, undeclared students with advanced credit, students beyond their fourth year who are seeking to complete their degree (“super seniors”), first-year student-athletes, students in the South Village Living Learning Communities (Leadership Through Service and Women in STEM), first-year students who have accelerated credit but do not meet their major/College milestones, transfer students who do not meet their program milestones, CareerSource Southwest Florida Workforce Innovation Opportunity Act grant students, and students pursuing the Integrated Studies B.A. Students not belonging to the populations served by Undergraduate Studies Advising are advised by First Year Advising. Through the use of these programs and academic counselors, FGCU students are able to establish objective career goals and receive the guidance, tools, and knowledge necessary to reach these goals.

FGCU’s academic advising programs are committed to guaranteeing that each student is treated fairly and equally under Title IV and University policy. The Title IV Equal Opportunity Program is enforced by Student Support Services (SSS). In an effort to advance their achievement in college, first generation students, low-income students, and/or students with a documented disability are supported by SSS. SSS’s programs are designed to provide opportunities for academic development, assist students with basic college requirements, and motivate students toward the completion of their post-secondary education.

Additionally, The Center for Academic Achievement (CAA) provides targeted programming and services designed to maximize students’ ability to realize their academic goals. CAA also provides academic support for all students including, but not limited to, tutoring, academic coaching, and student success workshops. Through Appreciative Advising training, the CAA has redecorated their office to be more welcoming and friendly. The staff works diligently to avoid making assumptions about students and treating everyone equitably. This is achieved by incorporating the use of gender-neutral pronouns when addressing students, and using the term ‘partner’ rather than boyfriend or girlfriend, etc. The CAA is also working on integrating the knowledge from the Diversity and Inclusion Certificate Program into their student worker training, so they are more sensitive to the needs of minority, women, first-generation students, or those with disabilities.
B. Admission to Academic Programs - http://www.fgcu.edu/admissions.asp

FGCU is an inclusive community that encourages applications from students of various backgrounds regardless of socioeconomic status, race, color, religion, national origin, sexual orientation, veteran’s status, disability, age, marital status, or gender identity/expression. Some of the strategies in place to attract and enroll a diverse student body include targeted recruitment efforts to traditionally underrepresented populations, collaboration with other university programs in their outreach efforts, and developing programs to encourage students, including students from historically underrepresented populations, to apply, enroll, and ultimately graduate. In order to make certain that all qualified applicants are considered for admission, FGCU does not permit and will not tolerate discrimination of any kind during the admissions process.

The Office of Undergraduate Admissions has in place multiple initiatives to enhance student diversity by assisting students who otherwise may not have considered or able to attend FGCU through:

- Leveraging relationships with local high schools that have a high proportion of underrepresented students to conduct more frequent visits in an effort to encourage students to consider post-secondary educational opportunities at FGCU and provide assistance with the application/admission process;
- Attending college fairs throughout the state of Florida and at select locations outside of Florida that impact recruiting diversity;
- Ensuring diversity among recruitment staff, including those speaking languages other than English and of various nationalities;
- Working closely with the Office of Community Outreach to improve post-secondary educational awareness and recruitment among historically underrepresented/underserved populations;
- Supporting University outreach programs by presenting admissions workshops and making college awareness presentations;
- Hosting students involved in mentorship programs, such as Take Stock in Children and the Advancement Via Individual Determination (AVID), for half-day visits, which include workshops on admissions, college life, and financial aid;
- Providing tuition waivers and scholarship programs that support students in outreach programs such as AVID, College Reach-Out Program (CROP), Scholars Club, and Take Stock in Children;
- Facilitating the Eagle transfer scholarship as the next tier for Florida Southwestern State College’s Hope Scholarship students to increase state and community college transfers at FGCU;

The Office of Community Outreach is part of the Office of Undergraduate Admissions. The mission of the Office of Community Outreach is multifaceted. It is to create a cohesive outreach and support system for students from underserved and underrepresented backgrounds through the following means:

1. Foster strong University/Community partnerships;
2. Increase visibility and participation of the University in the Southwest Florida community; and
3. Assist with the recruitment and retention efforts of the University.
In addition, the Office of Community Outreach provides programming for the University and community members to promote diversity, equity, and access. These include hosting the following events:

- The annual “Attain to Retain” conference for underrepresented students enrolled at FGCU, Florida Southwestern State, and Hodges University. The objective of the conference is to help these students succeed and understand the many opportunities that are available to them. The Attain to Retain conference also includes high school students, so it serves as a recruitment tool to expose underrepresented students to a college campus;
- The Community Speaks lecture series. Recent speakers include Belinda Hernandez, who spoke on Deferred Action for Childhood Arrivals (DACA) issues and Dr. Joe White, considered to be the father of Black Psychology. Both of these lectures worked with the community, students, faculty, and staff;
- Community Day, which invites agencies that work with underrepresented communities to interact with academic areas and departments on campus. This keeps them aware of services offered at FGCU;
- Annual STEM Camp for underrepresented student populations from Lee and Collier County on campus. The camp’s purpose is to bring a diverse group of high school students interested in the STEM field to campus for an intensive learning experience and exposure to the STEM fields of study. FGCU provides the camp at no cost to the students and Sigma Pi Phi Epsilon Nu Boule sponsored the STEM Academy this year.

C. Health Services

FGCU understands that the medical needs of students come in various forms. As a result, FGCU provides services to address both students’ physical and mental health. Student Health Services (SHS) and Counseling and Psychological Services (CAPS) are available to all students.

http://www.fgcu.edu/studenthealth

The mission of FGCU Student Health Services is to facilitate the retention, academic advancement, and graduation of students by providing efficient, professional, and compassionate primary health care, and by promoting individual and community health and wellness to all individuals on campus regardless of their race or demographics. SHS promotes overall health and wellness by providing immunizations, laboratory services, and medical care, including routine episodic primary care, health screenings, family planning, women’s health, and sexually transmitted infection screening and treatment, to all enrolled students regardless of gender, race, ethnicity, national origin, culture, sexual orientation, physical ability, lifestyle, or other personal attributes. SHS is accredited by the Accreditation Association for Ambulatory Healthcare (AAAHC).

Student Health Services has implemented a dental program by hosting an outside dental provider one day monthly to see patients. Costs are minimal and tailored to fit student’s financial needs.

Free STI testing opportunities are provided monthly by Verity Pregnancy Center. Students are offered a free STI testing walk-in clinic for two hours every third Thursday of the month.
CAPS provides counseling services to currently enrolled students. The staff at CAPS is trained in accordance with state and federal laws and is experienced in assisting students with issues including depression, eating disorders, sexual assault, and academic stress.

CAPS respects the diversity of individuals in their cultures, languages, lifestyles, identities, ideologies, intellectual capacities, abilities, appearances, personalities, political affiliations, and the many other ways people may identify. Students can speak with the staff at CAPS and be assured of complete confidentiality. CAPS also works in conjunction with the Step Ahead program to offer Bouncing Back, a 3-session resiliency skills training, to all sections of the program.

D. Club and Intramural Athletics – https://www.fgcu.edu/studentlife/campusrec/

The vision of Campus Recreation (CR) is to enhance the university experience by providing exceptional programs, services, and facilities to the University and surrounding community. As a student-centered department, CR provides opportunities that encourage and develop healthy lifestyles, sportsmanship, leadership, teamwork, and responsibility.

The CR department has a strict policy against harassment and discrimination as part of the CR Employee Handbook. The policy states the following:

“Our department is committed to maintaining a work environment that is free from discrimination and harassment. In keeping with this commitment, we will not tolerate harassment of our student employees by other student employees or professional staff members. Harassment consists of unwelcome conduct, whether verbal, physical or visual that is based on a person’s protective status, such as sex, color, race, religion, national origin, age, sexual orientation, physical or mental disability, or other protective group status.”

CR also promotes inclusion and equity among its members, students, FGCU affiliates, and community members. As such, all CR members and guests are protected from harassment from other members or employees, and allegations of misconduct are taken seriously. CR is dedicated to the promotion and support of diverse ideas, beliefs, cultures, and abilities. The Office collaborates with a variety of programs (First Year Resident Experience (FYRE), Multicultural and Leadership Office (MLD), College Reach-Out Program (CROP), etc.) to offer facility space and coordinate informational sessions about Campus Recreation.

The activities offered are categorized as Intramural Sports and Sports Club. The demographic data below illustrates the importance of this department as well as the high level of participation from male and female students. The data is proportionate to the representation of FGCU students on campus. Campus Recreation provides an opportunity for students to participate in Intramural Sports and Sports Club without regard to race or gender.
E. Student Financial Assistance - https://www.fgcu.edu/admissionsandaid/financialaid/

The Office of Financial Aid and Scholarships (FASO) is a service-oriented unit within the Division of Student Success and Enrollment Management, with the primary responsibility of assisting students secure the funds necessary to complete an education at Florida Gulf Coast University. Given this mission, the Office of Financial Aid and Scholarships staff assumes a proactive role in educating enrolled and prospective students on available financial resources at the federal, state, and institutional level. The office strives to provide timely and accurate financial aid processing that is in full compliance with federal, state, and university regulations.

In recent years, FGCU has established various programs to reach out to all students, including, but not limited to, first generation students and underrepresented populations.

1. College Goal Sunday

Three Financial Aid staff members participated in the annual College Goal Sunday event. Financial Aid staff members assisted students on an individual basis to complete the Free Application for Federal Student Aid (FAFSA). Students were informed on the financial aid process in general, as well as important deadlines to be able to maximize their financial aid opportunities and eligibility. The majority of these students are from underrepresented populations and first generation college families who benefit greatly from the one-on-one assistance.

2. Bilingual Financial Aid Staff and Literature

FASO provides FAFSA information in English and Spanish, which is available online and/or on printed materials. Additionally, there are three full-time staff members who speak Spanish and are always available to assist students and/or parents who need it.
3. **Eagle HOPE Scholarship**

FGCU, in conjunction with Edison State College (now known as Florida Southwestern College), established the Eagle HOPE scholarship. The Eagle HOPE scholarship serves students from the surrounding 5-County area. The Edison State College Project HOPE (Help One Person Excel) Scholarship Program was created in 1993. Its vision is that through a scholarship incentive program, Edison State College could inspire “at risk” and first-generation middle and high school students to stay in school.

As a result, FGCU established The Eagle HOPE scholarship in 2007 through the Office of Equity and Diversity (now known as the Office of Institutional Equity and Compliance), which provides eligible HOPE graduates with a scholarship to transfer to Florida Gulf Coast University, continue their education, and graduate with a Bachelor’s Degree. Through campus involvement and leadership activities, graduates are encouraged to go on to lead productive lives and become positive, contributing members of society.

4. **Eagle Take Stock in Children Scholarship**

In conjunction with the Take Stock in Children Foundation, FGCU established the Eagle Take Stock in Children Scholarship program. This scholarship serves students from the surrounding 3-County area and was created in an effort to continue to provide educational opportunities for a wide range of students. The scholarship assists low-income students succeed in life by providing them with financial assistance to obtain a college education.

5. **First Generation Matching Grant Scholarship**

The First Generation Matching Grant Program (FGMG) provides need-based grants to undergraduate students who are enrolled in state universities and whose parents have not earned baccalaureate degrees. Available state funds are contingent upon matching contributions from private sources on a dollar-for-dollar basis. The Office of Financial Aid ranks all eligible applicants on the basis of financial need, determine the award amount for each recipient, and notify each student of their award. Due to limited funding, not all students that meet eligibility and deadline requirements will receive this grant. This grant is for one year only and is not guaranteed in subsequent years.

6. **Student Support Services Scholarships**

Florida Gulf Coast University was awarded two (2) five-year TRIO Student Support Services (SSS) grants on September 1, 2010. The goals of the SSS Grants are to provide services and support that will increase retention and graduation rates among its participants. The two grants strive to provide opportunities for academic development, assistance with basic college requirements, and motivate students towards the successful completion of their postsecondary education.

SSS participants must be either First Generation Students, low-income as determined by the Free Application for Federal Student Aid (FAFSA), or have a documented disability in order to qualify for the program. The programs are designed to address the academic and social needs of eligible students enrolled at FGCU. All of the active students are provided with opportunities for academic and personal advising, tutoring and mentoring, and cultural events. The programs are very competitive with a limited number of openings each year.
7. **In-State Waivers**

In-state waivers are available to enhance campus diversity and academic quality in an ever-increasing competitive student market. Waivers are based on the University's established key selection criteria of recruitment, retention, diversity, and service and are awarded to students who are classified as In-State residents.

8. **Eagle Transfer Scholarships**

The Eagle Transfer Scholarship, formerly known as the Community College Transfer Scholarship, is a competitive scholarship for qualified state college transfer students. Recipients are awarded on the basis of financial need, with priority given to students from underserved and or underrepresented areas as it pertains to Florida Gulf Coast University.

9. **National Hispanic Scholar Scholarship**

The scholarship award is $5,000 per year. It can be renewed for up to four (4) years or until the student completes his/her first bachelor’s degree or until student’s earned and attempted credits reach the required number of his/her chosen degree program, whichever comes first.

10. **Specific Financial Aid Activities**

Financial Aid Presentations to groups touring FGCU:

- Dunbar High School - students
- High School Counselors Workshop
- Spanish Presentation for Office of Outreach
- STEM Presentation to Summer Camp students

Financial Aid Awareness Presentations encouraging early FAFSA completion:

- Gulf Coast HS (combined event with 3 other High Schools)
- Lely High School
- Barron Collier High School
- Immokalee High School
- Miami Palmetto Senior High School
- Coral Reef High School
- Immokalee High School Leadership thru Service

Eagle TSIC, Eagle HOPE, and Student Support Services Programs:

- CROP & Scholars students from Immokalee High School
- CROP & Scholars students from Island Coast High School
- AVID students from Lely High School
- CROP & Scholars students from Dunbar High School
- CROP & Scholars students from Moore Haven High School
- CFAD from Ida Baker High School
- CFAD from LaBelle High School
- TSIC Mentor and Student Meeting off campus
- Eagle HOPE Scholarship Meeting
Foundation Scholarships Meeting with SSS
AVID seniors from Lehigh High School
Collier County TSIC Graduation Ceremony
CROP and Scholars Senior Recognition Ceremony

F. Housing and Residence Life –https://www.fgcu.edu/studentlife/housing/

Aligning with FGCU’s non-discrimination policy, the Office of Housing and Residence Life (OHRL) promotes diversity to ensure that every student living on campus feels as though they are part of the FGCU community. To further demonstrate its dedication to diversity, the Housing and Residence Life Department created the following diversity statement:

The Office of Housing and Residence Life at Florida Gulf Coast University recognizes the value in embracing and celebrating individual differences. As a community of learners, we seek to create an inclusive environment where all students are active participants in shaping the culture of our community. We accomplish this by:

- Promoting a set of community standards that encourage an understanding of what it means to live with and learn from others with varying perspectives;
- Designing a variety of programs and activities that encourage social, cultural, and intellectual engagement; and
- Committing ourselves to recruiting, hiring, and retaining a diverse staff.

The Office of Housing and Residence Life supports other departments on campus who actively recruit minority and first generation students by providing tours of facilities, participating in campus events, answering and sharing information, and participating in Orientation. In addition, the OHRL facilitates employee participation in different trainings and educational programs, such as the Diversity and Inclusion Certificate Program for faculty and staff.

In addition to promoting diversity, FGCU compiles data of the students living on campus each year. This data is used to track trends in housing and make necessary adjustments if it appears that a diverse population is not represented. The data compiled each year consists of the following: gender/sex of the students, marital status, ethnicity, and age.
The table below summarizes the demographic data for students living on campus for Fall 2016 and Spring 2017.

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Fall 2016</th>
<th></th>
<th>Spring 2017</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual Number</td>
<td>Percentage</td>
<td>Actual Number</td>
<td>Percentage</td>
</tr>
<tr>
<td>American Indian/Alaskan Native</td>
<td>10</td>
<td>0.21%</td>
<td>9</td>
<td>0.20%</td>
</tr>
<tr>
<td>Asian</td>
<td>70</td>
<td>1.49%</td>
<td>63</td>
<td>1.41%</td>
</tr>
<tr>
<td>Black/African American</td>
<td>470</td>
<td>10.02%</td>
<td>456</td>
<td>10.22%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>839</td>
<td>17.89%</td>
<td>785</td>
<td>17.60%</td>
</tr>
<tr>
<td>Native Hawaiian/Other Pacific Island</td>
<td>8</td>
<td>0.17%</td>
<td>10</td>
<td>0.22%</td>
</tr>
<tr>
<td>Two or more races</td>
<td>149</td>
<td>3.18%</td>
<td>141</td>
<td>3.16%</td>
</tr>
<tr>
<td>Other/Not Reported</td>
<td>129</td>
<td>2.75%</td>
<td>129</td>
<td>2.89%</td>
</tr>
<tr>
<td>White</td>
<td>3014</td>
<td>64.28%</td>
<td>2868</td>
<td>64.29%</td>
</tr>
<tr>
<td>Total</td>
<td>4689</td>
<td>100.00%</td>
<td>4481</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>Actual Number</th>
<th>Percentage</th>
<th>Actual Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>2011</td>
<td>43.89%</td>
<td>1897</td>
<td>42.52%</td>
</tr>
<tr>
<td>Female</td>
<td>2678</td>
<td>57.11%</td>
<td>2564</td>
<td>57.48%</td>
</tr>
<tr>
<td>Total</td>
<td>4689</td>
<td>100.00%</td>
<td>4461</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Based on the information in the table, the representation of students living on campus is reasonably proportionate to the student population on campus. There are more female students enrolled in classes on campus, which accurately reflects more female students living in on-campus housing. In addition, there was a slight increase in minority students living on campus during Fall 2016, particularly Hispanic, Native Hawaiian/Other Pacific Islander, American Indian/Alaskan Native students, and Asian students.
G. Student Employment
http://studentservices.fgcu.edu/careers/
FGCU Career Development Services (CDS) is dedicated to promoting diversity amongst student employees. CDS also promotes student development and learning by helping students implement career, education, employment plans, and decisions. This is achieved by offering a number of different job opportunities for student employees. Some of these opportunities include paid Federal Work Study positions. Student positions are filled without regard to race, color, religion, age, disability, gender, sexual orientation, marital status, national origin, or veteran status. CDS adheres to, and requires Employers to adhere to, the Principles for Professional Practice for Employment Professionals provided by the National Association of Colleges and Employers.

http://www.fgcu.edu/internships/
The FGCU Office of Internships and Cooperative Programs (ICP) has proven to be a vital resource on campus for students to gain priceless experiential learning opportunities and for local employers to see the value in hiring FGCU at their companies. ICP offers resume review services and continuously updates Eagle Career Link, a student-employer communication job-posting interface, with new opportunities and experiences. ICP assists students of all backgrounds with finding an experiential learning opportunity that best suits their learning goals, cultural literacy, and professional development.

H. Educational and Work Environment
http://www.fgcu.edu/equity
http://www.fgcu.edu/adaptive
In an ongoing effort to improve the University's learning and working environments, and to support the development of students and other members of the University community, the University requires compliance with all applicable regulations and policies, as well as federal and state laws regarding equal opportunity and nondiscrimination. Florida Gulf Coast University, under the guidelines of Federal legislation, provides access to activities, programs, and services to students, faculty, staff, and guests with disabilities.

The University does not discriminate in its admissions, educational programs, employment, or activities throughout all its divisions, departments, and units. Moreover, the University will not tolerate retaliation based on discrimination of any kind; neither will the University tolerate retaliation related to a claim of sexual harassment, which includes sexual violence. Such claims may be addressed under Title IX of the Education Amendments of 1972.

FGCU treats all personnel, whether they are student, part-time, or full-time employees with the same level of dignity and respect regardless of employee classification. This is achieved by recognizing the importance of each individual employee and the role they play in FGCU’s inclusive community. Additionally, FGCU safeguards the consistent application of University
policies and procedures to ensure that all personnel matters are handled in a manner that aligns with FGCU’s Non-Discrimination Statement and applicable policies and practices that promote equity and diversity.

New employees participate in a New Employee Orientation (NEO) program designed to acclimate employees to FGCU to promote retention and inclusion. As a part of their onboarding, full time faculty and staff participate in the Five Star Academy. During the second session, the OIEC provides a training on diversity and inclusion to maximize the number of employees who understand and advance these topics on campus.

In addition, OPS employees, including student employees, go through their own orientation program, which includes a session that reviews diversity, inclusion, and equal opportunity. The department of Human Resources also makes sure students learn about different resources and tools that would be useful in their employee roles. Student Employees make up over 40 percent of the total employees at FGCU.
PART III. ACADEMIC PROGRAM REVIEWS – ENROLLMENT (E)

The following section overviews FGCU’s effectiveness in enrollment equity in the reporting year. Consider accolades, statistical achievement, and other documentation. Identify areas for improvement in the following year and the programs and timetable to achieve the improvement.
Enrollment Overview

<table>
<thead>
<tr>
<th>Fall 2016 Enrollment (Full and Part Time)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>141</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>107</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>248</td>
</tr>
<tr>
<td>Category % of Total</td>
</tr>
</tbody>
</table>

Overall enrollment for the University during the applicable time period was 14,821 students during Fall 2016 and 13,804 in Spring of 2017. As the chart shows above, in Fall of 2016 there were a total of 8,389 female students accounting for approximately 57 percent of the total population. There were 6,432 male students accounting for 43 percent of the total population.

From Fall 2012 until Fall 2015, there was a general rise in enrollment among most populations. Until that point, the only minority groups without growth at FGCU were male Native American and male Pacific Islander students. In Fall of 2016, the male Native American students held steadfast at 13 students, and there was a slight decrease in Black, Asian, Non-Resident Alien, and Pacific Islander male students. All but Black females saw a rise in population.

The data in the chart above breaks down the student population based on race and gender. Further data, such as enrollment based on age, degree programs, etc., is included as Attachment 2 at the end of this report.
PART IV. GENDER EQUITY IN ATHLETICS

Under the Florida Education Equity Act, each university shall prepare an annual update to the gender Equity Plan and include a description of the findings followed by an assessment of gender equity in eleven areas.
Title IX’s Applicability to Gender Equity in Intercollegiate Athletics

Title IX is an important federal civil rights law that prohibits discrimination on the basis of sex with respect to postsecondary institutions that receive federal financial assistance from the U.S. Department of Education (USDOE). Title IX is enforced by the USDOE’s Office for Civil Rights (OCR). Among other things, Title IX applies to gender equity in athletic programs operated by the University. As such, the University must provide equal opportunities to participate in athletics to both male and female students. Specifically, Title IX, as enforced by OCR, sets out three parameters upon which gender equity in postsecondary athletics can be measured and achieved. A university can show equity in postsecondary athletics by showing one of the following: (1) the intercollegiate-level participation opportunities for male and female students at the institution are “substantially proportionate” to their respective full-time undergraduate enrollment, (2) the university has a “history and continuing practice of program expansion” for the underrepresented sex, or (3) the university is “fully and effectively” accommodating the interests and abilities of the underrepresented sex. The University meets the “substantially proportionate” test, as during the applicable time period, there were 114 (43.02%) male and 151 (56.98%) female participants in intercollegiate athletics. This compares to the institution's 56.12% full-time female and 43.88% full-time male undergraduate populations according to the FGCU Office of Planning and Institutional Performance.

In addition to meeting the “substantial proportionate” test, the University must determine whether the “substantially proportionate” athletic representation actually provides “equal opportunity” for the sexes. In making such a determination OCR considers, among other things, the following factors: (1) the provision of equipment and supplies; (2) scheduling of games and practice time; (3) travel and per diem allowances; (4) opportunity for coaching and academic tutoring; (5) assignment and compensation of coaches and tutors; (6) provision of locker rooms, and practice and competitive facilities; (7) provision of medical and training facilities and services; (8) housing and dining services; (9) publicity; (10) recruitment; and (11) support services. These factors are affectionately termed the “laundry list”. No one factor is dispositive in determining whether “equal opportunity” exists. The Act adopts an analysis similar to what is used by OCR. Consequently, compliance with OCR standards equates to compliance with the Act with regard to gender equity in athletics.

Using an evaluation of the eleven factors listed above and the “substantially proportionate” test, the Report finds that the University is compliant with Title IX and the Act’s requirement to provide equitable opportunities in athletics to male and female student athletes. The following charts illustrate compliance as such.
### Florida Equity Reports
Florida Gulf Coast University
2016 - 2017
PART IV: Sex Equity in Athletics

**Tables 1 & 2  Sex Equity in Athletics Update**

<table>
<thead>
<tr>
<th>Table 1: Sex Equity in Athletics Update</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Element</strong></td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>1. Sports offerings</td>
</tr>
<tr>
<td>2. Participation rates, male and female, compared with full-time undergraduate enrollment</td>
</tr>
<tr>
<td>3. Availability of facilities, defined as locker room, practice, and competitive facilities</td>
</tr>
</tbody>
</table>
Outdoor Sports Complex, which is centrally located to all fields. The swimming and diving team has a private locker room located at the aquatics facility. Unfortunately, space per student-athlete is half of what is provided as a minimum to other teams. Beach volleyball practices at Estero Community Park, which is also their competition site, as well as the on-campus recreation sand courts. Each team has comparable locker rooms and facilities within each sport. All teams practice in the same facility in which they compete and all facilities are on campus (with the exception of golf, beach volleyball and cross country when they utilize Estero Community Park) so the availability of the facilities is excellent.

4. Scholarship offerings for athletes

The male student-athletes received $1,251,753 (39.3%) in athletic scholarships (includes waivers and other countable aid). The female student-athletes received $1,933,720 (60.7%) in athletic scholarships, including waivers and other countable aid. Because female athletes are 56.98% of the total number of athletes, the scholarship designation should be more in line with this percentage. Although there is a disparity, there is little room for improvement because all men’s teams are at the NCAA maximum capacity.

5. Funds allocated for:

a. the athletic program as a whole

A majority of the department's revenue is received through student fees; however, the department does a good deal of its own fundraising and currently provides 31.33% of its current budget from outside contributions (donations, ticket sales, corporate sales, and NCAA revenue distributions).

b. administration

The administrative staff includes the Director of Athletics, the Senior Associate Athletic Director for Administration, the Associate Athletic Director for Student-Athlete Services/SA, the Assistant Athletic Director for Compliance, the Assistant Athletic Director for Advancement, the Assistant Athletic Director for Marketing & Sales, the Assistant Athletic Director for Facilities and Operations, and the Assistant Athletic Director/Director of the Student-Athlete Learning Center. Funds are allocated for the administration to have professional development as well as travel costs to attend necessary conferences and meetings. Each administrator's oversight responsibilities are involved with all 15 sports programs.
c. travel and per diem allowances

The state of Florida mandates a maximum daily per diem of $36/day ($6 for breakfast, $11 for lunch and $19 for dinner). Modes of transportation were fairly consistent across men’s and women’s teams. Almost all teams took chartered buses for trips within the state of Florida (except smaller teams such as golf and tennis who primarily took vans) and flights for trips outside the state. Both the men’s and women’s teams stay in moderately-priced hotels of similar quality.

d. recruitment

Recruitment budgets for 2016–17 show $170,000 (52.31%) allocated for the women’s teams and $155,000 (47.69%) allocated for the men’s teams. Recruiting budgets are determined by the Director of Athletics, sport coordinators, and the Director for Business Affairs based on the number of student-athletes each team needs to replace. Men’s numbers skewed slightly upwards in relation to how baseball must continually recruit throughout summer months to replace drafted current and signed incoming recruits who sign professionally as late as August of each summer.

e. comparable coaching

All teams are provided a full-time head coach with men’s and women’s cross country, as well as volleyball and beach volleyball, sharing a head coach. During the 2016-17 academic year, the women’s teams were allocated 53.94% of the total funds to compensate coaches in the athletics department.

f. publicity and promotion

Funds for publicity and promotion are provided to the athletics communications office and the marketing office. These two offices support all athletic teams and are responsible for separate team pages on our www.fgcuathletics.com website (rosters, bios, schedules, statistics, news, etc.) Programs for home events, posters, and schedule cards are just some of the printed and online publications that are produced. Game day promotions are provided as well in an equitable fashion.

g. other support costs

Funds are provided for other support costs such as administrative, clerical, athletic training, strength & conditioning, academic advising services, and compliance. All of these support services provide equivalent service to all sports teams.

6. Provision of equipment and supplies

According to feedback from our annual student-athlete surveys and coaches through the Specific Sports Needs Evaluation, the men’s and women’s programs receive high quality equipment and supplies. Coaches receive an operating budget and purchase the necessary equipment and supplies for their team, in conjunction
with the Assistant Athletic Director of Facilities and Operations. The amount and quality of equipment and supplies are determined by the individual coach, based on their preferences and budget. In 2009-10 a rotation system of replacing uniforms was implemented based on the condition and age of current uniforms. Also, thanks to the Men’s Basketball team’s “Sweet 16” appearance, FGCU was able to generate a first ever modest all sport apparel deal with Nike in 2014. Likewise, starting with the 2015-16 budget, each team was allocated an additional $200/student-athlete to assist with rising costs.

7. Scheduling of games and practice times

NCAA Bylaws dictate the maximum number of contests and dates of competition for each sport, as well as the minimum contests and participant requirements for sports sponsorship. The number of conference games is determined by the ASUN Conference. (No such requirement exists for the swimming and diving team with the Coastal Collegiate Sports Association other than mandated participation at the annual end of season CCSA Championship meet.) Those sports that have their own facilities for practice and competition (softball, baseball, men's and women's cross country, men's and women's golf, swimming and diving, beach volleyball, and men's and women's tennis) select practice times that are most conducive to the student-athletes’ class schedules. The coaches of those sports that share a facility (men's and women's soccer; volleyball and men's and women's basketball) meet each semester to decide on practice times once class schedules have been ascertained for their student-athletes. The Assistant Athletic Director of Facilities and Operations coordinates these discussions. In regards to game times, the most preferred slots (i.e., second game of a basketball doubleheader) are shared.

8. Opportunities to receive tutoring

Tutoring, supplemental instruction, and other academic assistance programs are equally available to all female and male student-athletes. The Department of Athletics joined with the Center for Academic Achievement in recent years to provide more opportunities for tutoring beyond what the Department of Athletics provides.

9. Compensation of coaches and tutors

Compensation for tutors: Tutors are provided by the Department of Athletics to the student-athletes who request the assistance. They are paid $9.00/hour; however, someone with a bachelor's degree or higher is paid $18/hour. Further tutoring assistance is provided by the Center for Academic Achievement where tutors are compensated $9/hour. Some tutors may earn community service hours through their tutoring service. Compensation for coaches: Rates of compensation are determined by a number of factors
including experience and market conditions for the position. During the 2016-17 academic year, 53.94% of the total funds were allocated to compensate women’s teams’ coaches in the athletics department.

10. Medical and training services

Each athletic team is assigned a certified/licensed athletic trainer whose responsibility includes providing basic medical attention to student-athletes and making referrals for urgent/emergency medical care. Some teams share an individual. However, all of these support services provide equivalent service to all sports teams.

11. Housing and dining facilities and services

Male and female student-athletes are provided the same housing and dining facilities available in the same manner that they are to the general student body.

<table>
<thead>
<tr>
<th>Areas for Improvement</th>
<th>Program for Improvement</th>
<th>Timetable</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2. Sex Equity in Athletics - Areas for Improvement

Check one basis below for assuring that the University is in compliance with the Florida Educational Equity Act:

- Accommodation of Interest and Abilities
- Substantial Proportionality
- History and Practice of Expansion of Sports
PART V. EMPLOYMENT REPRESENTATION

The Florida Equity Report contains information on the achievement of appropriate representation of women and minorities in selected faculty and administrative employment categories. Tables 1-4 below include information relevant to that end.
Employment Representation

This section reviews the utilization of women and minorities, as applicable, in senior level administrative positions and by faculty rank and/or tenure status. FGCU currently does not offer new tenure track positions. Tenured faculty mentioned in the tables below refer only to those applicable faculty members who transferred from University of South Florida-Fort Myers to FGCU at its inception. Employment data is derived from the Integrated Postsecondary Education Data System (IPEDS), which is completed annually by each university. The four tables in this section provide data on the following:

A. Category Representation - Tenured Instructional Faculty
B. Category Representation - Tenured-Track Instructional Faculty
C. Category Representation - Faculty not on Tenure Track Instructional or Faculty employed at a non-tenure granting University
D. Category Representation - Management Occupations

Table 1. Category Representation – Tenured Faculty

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>NRA</th>
<th>B</th>
<th>AI/AN</th>
<th>A</th>
<th>H</th>
<th>NH/OPI</th>
<th>W</th>
<th>≥ TWO*</th>
<th>NOT REPORTED</th>
<th>FEMALE</th>
<th>MALE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
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<td>3</td>
<td></td>
<td></td>
<td></td>
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<td>4</td>
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</tr>
<tr>
<td>Number, Fall 2016</td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
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<td></td>
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<td>1</td>
<td>4</td>
<td>4</td>
</tr>
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<td>1YR Percentage Change</td>
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<td>0%</td>
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<td></td>
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<tr>
<td>Number, Fall 2012</td>
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<td></td>
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<td>-25%</td>
<td>-75%</td>
<td>-50%</td>
<td></td>
</tr>
</tbody>
</table>

Area for improvement, compared with national standards? (Check if yes)

Source: IPEDS Fall Staff, IPEDS Human Resources Data.
IPEDS Human Resource, instructional faculty only. Does not include Research or Public Service only faculty.

As mentioned previously, FGCU does not currently use a tenure track system. There is a small percent of tenured faculty that transferred during the University’s inception. Now that the University has been open for 21 years, there is a logical loss of original faculty members due to retirement. There are a total of four tenured faculty members. Three of them are female. Of the four tenured faculty members, three are White and one is Hispanic.
Table 2. Category Representation – Tenure-Track Faculty

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>NRA</th>
<th>B</th>
<th>AI/AN</th>
<th>A</th>
<th>H</th>
<th>NH/OPI</th>
<th>W</th>
<th>≥ TWO*</th>
<th>NOT REPORTED</th>
<th>FEMALE</th>
<th>MALE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number, Fall 2017</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Number, Fall 2016</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1YR Percentage Change</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Number, Fall 2012</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5YR Percentage Change</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
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<td>0%</td>
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<td>0%</td>
</tr>
<tr>
<td>Area for improvement, compared with national standards? (Check if yes)</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
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<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

Source: IPEDS Fall Staff, IPEDS Human Resources Data.
IPEDS Human Resource Instructional faculty only. Does not include Research or Public Service only faculty.

This category is not applicable to the University, as FGCU does not offer new tenure positions.

Table 3. Category Representation – Non-Tenure-Earning Faculty or Faculty at Non-Tenure Granting Universities

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>NRA</th>
<th>B</th>
<th>AI/AN</th>
<th>A</th>
<th>H</th>
<th>NH/OPI</th>
<th>W</th>
<th>≥ TWO*</th>
<th>NOT REPORTED</th>
<th>FEMALE</th>
<th>MALE</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>Number, Fall 2017</td>
<td>17</td>
<td>16</td>
<td>2</td>
<td>36</td>
<td>24</td>
<td>1</td>
<td>360</td>
<td>5</td>
<td>0</td>
<td>210</td>
<td>251</td>
<td>461</td>
</tr>
<tr>
<td>Number, Fall 2016</td>
<td>16</td>
<td>16</td>
<td>2</td>
<td>32</td>
<td>27</td>
<td>0</td>
<td>363</td>
<td>3</td>
<td>0</td>
<td>209</td>
<td>250</td>
<td>459</td>
</tr>
<tr>
<td>1YR Percentage Change</td>
<td>6%</td>
<td>0%</td>
<td>0%</td>
<td>13%</td>
<td>-11%</td>
<td>n/a</td>
<td>-1%</td>
<td>67%</td>
<td>n/a</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Number, Fall 2012</td>
<td>0</td>
<td>17</td>
<td>2</td>
<td>31</td>
<td>23</td>
<td>0</td>
<td>342</td>
<td>3</td>
<td>0</td>
<td>185</td>
<td>233</td>
<td>418</td>
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<tr>
<td>5YR Percentage Change</td>
<td>n/a</td>
<td>-6%</td>
<td>0%</td>
<td>16%</td>
<td>4%</td>
<td>n/a</td>
<td>5%</td>
<td>67%</td>
<td>n/a</td>
<td>14%</td>
<td>8%</td>
<td>10%</td>
</tr>
<tr>
<td>Area for improvement, compared with national standards? (Check if yes)</td>
<td>n/a</td>
<td>0%</td>
<td>0%</td>
<td>16%</td>
<td>4%</td>
<td>n/a</td>
<td>5%</td>
<td>67%</td>
<td>n/a</td>
<td>14%</td>
<td>8%</td>
<td>10%</td>
</tr>
</tbody>
</table>

Source: IPEDS Fall Staff, IPEDS Human Resources Data.
IPEDS Human Resource Instructional faculty only. Does not include Research or Public Service only faculty.

FGCU had a total of 461 non-tenure earning faculty members during the applicable time period. This number increased slightly by two compared to the previous year, increasing by one male and one female. As such, the female faculty continue to make up approximately 46 percent of the total non-tenured faculty members. The most significant changes were a 67 percent increase in persons identifying with two or more races, and a 13 percent increase in persons identifying as Asian faculty members.
Table 4. Category Representation – Executive / Administrative / Managerial

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>NRA</th>
<th>B</th>
<th>AI/AN</th>
<th>A</th>
<th>H</th>
<th>NH/OPI</th>
<th>W</th>
<th>≥ TWO</th>
<th>NOT REPORTED</th>
<th>FEMALE</th>
<th>MALE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number, Fall 2017</td>
<td>1</td>
<td>25</td>
<td>1</td>
<td>10</td>
<td>19</td>
<td>225</td>
<td>2</td>
<td>148</td>
<td>134</td>
<td>283</td>
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<td></td>
</tr>
<tr>
<td>Number, Fall 2016</td>
<td>1</td>
<td>21</td>
<td>1</td>
<td>11</td>
<td>22</td>
<td>219</td>
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<td>143</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1YR Percentage Change</td>
<td>0%</td>
<td>19%</td>
<td>0%</td>
<td>-9%</td>
<td>-17%</td>
<td>7%</td>
<td>0%</td>
<td>6%</td>
<td>5%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number, Fall 2012</td>
<td>1</td>
<td>11</td>
<td>3</td>
<td>15</td>
<td>131</td>
<td>3</td>
<td>93</td>
<td>71</td>
<td>164</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5YR Percentage Change</td>
<td>0%</td>
<td>127%</td>
<td>233%</td>
<td>27%</td>
<td>72%</td>
<td>-33%</td>
<td>60%</td>
<td>89%</td>
<td>73%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area for improvement,</td>
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<td>compared with national</td>
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<td></td>
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</tr>
</tbody>
</table>

Source: IPEDS Fall Staff, IPEDS Human Resources Data.

*IPEDS Human Resource Instructional faculty only. Does not include Research or Public Service only faculty.


In the reporting year, FGCU continues to report an overwhelming majority of White persons in Executive, Administrative, and Managerial positions making up nearly 80 percent of the group. The University did see an increase in Black Executives, Administrators, and Managers; however, there were also decreases in the number of Asian and Hispanic top officials.

As such, there is some room for improvement in the hiring and retention of Executive, Administrative, and Managerial Employees. To assist in this regard, the University’s HR Department has taken steps to increase minority representation in employment by increasing advertising to minority groups, consulting with the University’s OIEC on vacancy waiver positions to promote equity, and increasing investment in software to recruit from a wider and more diverse pool of national jobsites.

Additionally, the HR Department continues to use Localjobnetwork.com, a web-based service that will aid the University with its goal of increasing diversity in applicant pools while also ensuring compliance with applicable federal regulations. The service is a 12-month subscription that will cross-post FGCU postings to local employment websites, local diversity websites, and the state job bank. It will also aid the University’s diversity recruiting by featuring all postings on websites that have accessibility features to ensure job seekers with a disability can easily navigate and search for FGCU jobs. Additionally, FGCU job postings are mailed daily through their Community and Diversity Outreach program connecting our jobs with active and passive job seekers. The community partners seek to include:

- Minorities
- Women
- People with disabilities
- Veterans
- Diversity organizations
- Universities and colleges
- Historically black colleges and universities
- State workforce agencies
- Construction/skilled trades
- Professional/technical groups
- Business professionals

In addition, the service will help with increasing our social media presence by way of Facebook, LinkedIn, Twitter, and YouTube. The University is committed to increasing diversity at all employment levels. The HR Department has also invested in software specifically geared towards individuals with disabilities and potential veteran applicants.
## PART VI. AREAS OF IMPROVEMENT/ACHIEVEMENT 2016-2017

### Academic Services, Programs, and Student Enrollment

<table>
<thead>
<tr>
<th>Areas of Improvement</th>
<th>Areas of Achievement</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Part III of this Report</td>
<td>See Part III of this Report</td>
</tr>
</tbody>
</table>

### Sex Equity in Athletics

<table>
<thead>
<tr>
<th>Areas of Improvement</th>
<th>Areas of Achievement</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>FGCU has consistently maintained substantial proportionality remaining in compliance with the Florida Educational Equity Act.</td>
</tr>
</tbody>
</table>

### Employment

<table>
<thead>
<tr>
<th>Areas of Improvement</th>
<th>Areas of Achievement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University has committed itself to the active recruitment of minority individuals in all areas of employment which has resulted in an overall increase of women and minorities employees compared to previous years. However, most of these individuals are not in managerial or executive positions, as nearly 80 percent of the population continues to be White. 78 percent of the faculty is also White. Thus creating the need for more women and minorities in top ranking positions. The University has also allocated resources into the active recruitment of veterans and individuals with disabilities.</td>
<td>FGCU continues to increase its numbers of Asian and Non-Resident Alien faculty and maintained its Black faculty members. FGCU increased its numbers of Black Executives, Administrators, and Managers in the applicable time period.</td>
</tr>
</tbody>
</table>
PART VII. PROTECTED CLASS REPRESENTATION IN THE PROMOTION PROCESS

The Florida Equity Report contains information on the representation of women and minorities in the faculty promotion process. The Table below includes information relevant to that end.
The University promoted about 70 percent of the applicants over the course of the 2016-2017 school year. Males made up the majority of total applicants, 28 out of 48. Females were promoted at higher levels, with 75 percent of those who completed their application promoted. All female applicants were white. Male applicants who completed their applications had a 62 percent overall promotion rating. About 60 percent of all minority males who completed the application process were promoted.
The Florida Equity Report contains information on the representation of women and minority representation on the Faculty Promotion Committee. The Table below includes information relevant to that end.
The Promotion Committees are more diverse than the overall faculty representation at FGCU based off of race and ethnicity. The overall faculty is about 78 percent White and the Promotions Committees are 69 percent White. Similarly, the Promotion Committees are exactly divided between the sexes. The overall faculty is 54 percent male. This is a considerable difference from the prior reporting year, in which only 37.5 percent of the Promotion Committees were represented by females. The largest group of minority faculty members are Asian, and this is representative in the Promotion Committees. However, Black, non-Hispanic faculty continue to be underrepresented in the Promotion Committees with only one representative, from the Library Services department.
PART IX. OTHER

Budget Allocation, President and Executive Leadership
Part IX

Budget Plan (see also Executive Summary)

- The University, firm in its commitment to equity and diversity, continues to allocate the necessary funding in order to attract, recruit, and maintain a diverse student population and employee workforce.
- The University, through the Office of the President, has allocated funding for the Diversity and Inclusion Committee, along with other offices, to continue to host events and training sessions on campus for students and employees in support of equity. The Committee has been successful in managing and coordinating the Diversity and Inclusion Certificate Program for Faculty and Staff. During the 2017-2018 Academic year, the certificate program was expanded and made available to students.
- The University continues to invest in training (both in person and online) for faculty, staff, and students on the protections and prohibitions of the Act and applicable federal and state law.
- The University has also invested in additional personnel in the OIEC to better serve the University with respect to equity, diversity, and inclusion.

President and Top Administrators

- The University’s commitment to equity and diversity starts with its top level executives, led by the President.
- The University continues to assess Diversity and Inclusion as a metric on annual employee evaluations for every employee throughout the University including top-level administrators.
- The OIEC currently reports directly to the President for the purpose of assisting the University in its ongoing quest to provide a working and learning environment free from discrimination and harassment.
- The President’s Cabinet has been integral in maintaining a high level of achievement within the University with respect to creating and fostering a working and learning environment that encourages equity and diversity.
- Several members of the President’s Cabinet have attended trainings and events hosted by the OIEC on a myriad of topics including disability discrimination and sexual harassment. They have also encouraged their employees to attend events.
- All members of the University’s Cabinet have played an active role in the recruitment of a more robust and diverse applicant pool by consulting with Human Resources and the OIEC for waiver applications and nationwide position advertising.
This report was drafted by:

Office of Institutional Equity and Compliance
Precious G. Gunter, Director of Equity, Ethics, and Compliance and Title IX Coordinator
Katherine Hernandez, Diversity and Inclusion Manager
Jessica Homer, Assistant Director and Deputy Title IX Coordinator
Emily Nanna, Investigator Equal Opportunity Programs

Our special thanks to the President, Executive Leadership, and all of the Departments that provided information included in this Report.
FLORIDA GULF COAST UNIVERSITY POLICY

Policy Number: 1.006
Policy Title: Non-Discrimination, Anti-Harassment, and Sexual Misconduct
Responsible Office: Office of Institutional Equity and Compliance
Effective Date: 12/19/16

A. POLICY STATEMENT

1. Florida Gulf Coast University (University) is committed to maintaining a respectful, fair educational and work environment, free from discrimination or harassment. The goal of the University is to prevent discrimination or harassment from occurring and to provide a means of raising and resolving complaints promptly and effectively. The University does not discriminate on the basis of race, color, religion, age, disability, sex, national origin, marital status, genetic predisposition, sexual orientation, gender identity/gender expression, or veteran status as required by applicable state and federal law, as well as University regulations and policies. Therefore, members of the University community have the right to file complaints of discrimination, harassment, and sexual misconduct. Complaint investigations will be conducted in a fair, respectful, and consistent manner. The University strictly prohibits and will not tolerate retaliation against any individual due to their participation in this process or any other protected activity. A claim of retaliation shall be treated as a separate allegation of discrimination. If the University discovers discrimination or harassment, the University will take affirmative steps to eliminate the discrimination or harassment, remedy its effects, and prevent its recurrence.

2. The informal and formal procedures set forth below are intended to afford a prompt response to charges of discrimination, harassment, sexual misconduct, intimate partner violence, and stalking. The provisions herein are also established to maintain confidentiality and fairness consistent with applicable legal requirements.

B. REASON FOR POLICY

This Policy provides procedures whereby members of the University community, including employees, students, and third party vendors, may file complaints of alleged discrimination, harassment, sexual misconduct, and retaliation. This policy further outlines the procedures used to investigate such complaints pursuant to FGCU-PR1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct Regulation and in compliance with applicable federal, state, and local laws, as well as lawful orders and University regulations.

Note: While this Policy also addresses investigations of sexual misconduct covered by Title IX, students involved in such investigations may also be interviewed by the Office of Student Conduct within the Division of Student Affairs. Additionally, the Student
Code of Conduct will also be applied to students involved in allegations of violations of this policy and its related regulation.

C. **APPLICABILITY AND/OR ACCOUNTABILITY**

This Policy is applicable to out-of-unit faculty, staff, students, vendors, contractors, guests, patrons, and other third parties participating in any FGCU-sponsored event or program. As for in-unit faculty covered by a collective bargaining agreement, and consistent with Article 6.2 C., investigations based on allegations of discrimination, harassment, or sexual misconduct will proceed consistent with Section V, Paragraph D of this Policy.

D. **DEFINITION OF TERMS**

1. *Complainant(s):* A person or persons alleging violations of FGCU-PR1.003, which includes allegations of violation(s) of Title IX of the Education Amendments Act of 1972 (Title IX).

2. *Complaint:* Allegations of a violation(s) of University Regulation, FGCU-PR1.003.

3. *Consent:* The mutual assent by words or actions to engage in a particular sexual activity that must be made voluntarily and competently by all parties.
   
   a) In order for consent to be given voluntarily, it must be free from threat, force, intimidation, extortion, and/or undue influence.
   
   b) In order for consent to be given competently, both parties must have the capacity to consent. If one of the parties is incapacitated due to, among other things, drug or alcohol use, then that person lacks the necessary capacity, and thus the competency required to consent.

4. *Days:* Calendar days. University holidays (i.e., days when the University is closed) are excluded from the computation of time. If the time ends on a Saturday or Sunday, the deadline is extended to the following University business day.

5. *Decision Maker:* The President, Vice President, President’s Direct Report or their designee(s) in the Respondent’s chain of command, or Dean of Students, where applicable.

6. *Deputy Title IX Coordinator(s):* A University employee designated to assist in the administration of the responsibilities related to Title IX matters.

7. *Discrimination:* The intentional or unintentional treatment of any member of the University community less favorably than those who are similarly situated based upon race, color, religion, age, disability, sex, national origin, marital status, genetic
predisposition, sexual orientation, gender identity/gender expression, and/or veteran status.

8. **Harassment**: Unwelcome conduct, including electronic and written communication, that is based upon race, color, religion, age, disability, sex, national origin, marital status, genetic predisposition, sexual orientation, gender identity/gender expression, and/or veteran status. Harassment is further defined as behavior so severe, pervasive, or persistent that it limits a student’s ability to participate in or benefit from an educational program, undermines the responsibilities of the employee, and/or creates a hostile working or learning environment.

9. **Intimate Partner**: Persons who are or who have been dating, cohabitating, married, separated, or divorced, and may be of the same or opposite sex.

10. **Intimate Partner Violence (Also known as “dating violence” or “domestic violence”)**: The use of physical violence, force, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards an Intimate Partner. This can take the form of behavior(s) that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, forces, threatens, blames, hurts, injures, or wounds someone. Intimate Partner Violence can be a single act or a pattern of behavior in relationships.

11. **Investigative Report**: The report created by the Investigator which includes: a summary of the complaint; description of the investigation, to include names of persons interviewed with dates, list of documents reviewed, and findings to include whether or not the allegation(s), more likely than not, took place; and, if at issue, whether the complaint was frivolous, knowingly false, malicious or retaliatory. Certain information may be redacted in accordance with applicable law.

12. **Investigator**: OIEC Director, or trained person designated as an Investigator by the OIEC Director or the Vice President and General Counsel, who conducts a fact-finding inquiry (investigation) and writes an Investigative Report.


14. **OIEC Director**: University employee responsible for the administration of this Policy and its corresponding Regulation, which includes compliance with Title IX.

15. **Protected Activity**: Activity which is protected by federal or state law or regulation, and includes but is not limited to participation in a University investigation, the filing of a complaint in good faith, filing a claim for worker’s compensation, taking FMLA leave, or any of the federally protected activities delineated in 18 U.S.C. § 245.

16. **Respondent(s)**: A person or persons whose conduct is the subject of a complaint under FGCU-PR1.003.
17. Responsible Employee: An employee who has the authority to take action to redress the alleged misconduct, who has the duty to report the alleged misconduct to appropriate University officials, or an individual who would reasonably be believed to have the authority or responsibility to redress or report the alleged misconduct.

18. Retaliation: When an officer, agent, employee, student, contractor, vendor, or other third party takes an adverse action against an individual for his or her participation in Protected Activity. This includes but is not limited to action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s complaint or participation in Protected Activity. For purposes of this policy as it relates to Retaliation based on Protected Activity, examples of adverse action include: firing, denial of a promotion, lowering a grade, unjustified negative performance evaluations and reports, increased supervision or scrutiny, sudden enforcement of previously unenforced policies, exclusion from activities or privileges open to others, or any other action that would deter a reasonable person in the same circumstances from filing a complaint or engaging in Protected Activity.

19. Sexual Harassment: Unwelcome conduct of a sexual nature including unwelcome sexual attention, which includes requests for sexual favors, and other verbal or physical conduct of a sexual nature from any person that is so severe, pervasive, or persistent that it limits a student’s ability to participate in or benefit from an educational program, undermines the responsibilities of the employee, and/or creates a hostile working or learning environment. Sexual violence is a form of sexual harassment.

20. Sexual Misconduct:
   a) An actual or attempted act of rape, sexual assault, sexual battery, sexual exploitation and other forms of non-consensual sexual activity.

   b) Sexual exploitation is an act that exploits someone sexually. Examples of sexual exploitation include, but are not limited to:
      1) Exposing one’s own or another person’s intimate parts without consent;
      2) Recording video or audio, photographing, or transmitting intimate or sexual utterances, sounds, or images without consent of all parties involved;
      3) Allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the consent of all parties involved; or
      4) Engaging in any form of voyeurism.
21. **Stalking**: The repeated following, harassing, threatening, or intimidating of another by any action, including but not limited to use of telephone, mail, electronic communication, social media, or any other device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

22. **Title IX Coordinator**: The University employee responsible for administering a Title IX related centralized complaint filing process which includes investigating complaints of gender inequity and/or sexual misconduct as defined in FGCU-PR1.003, analyzing trends, and monitoring overall compliance with this policy as it relates to Title IX compliance and related federal, state or local legislation and regulations. The OIEC Director also serves as the Title IX Coordinator. The definition also encompasses a Deputy Title IX Coordinator.

23. **University**: Florida Gulf Coast University (FGCU).

24. **Vendor or Contractor**: Individual or business entity in a contractual relationship with the University, but not an employee.

E. **PROCEDURES**

1. **Filing a Complaint**

   a) An individual alleging an action covered under this policy may file a complaint with the OIEC Director by informing him or her of the alleged wrongdoing. Generally, allegations should be raised within ninety (90) days of the last act of alleged Discrimination or Harassment, or within ninety (90) days from becoming aware of the alleged act, unless the Complaint alleges sexual misconduct. A Complainant completes a Complaint Form made available by the OIEC.

   b) A Complaint may also be initiated by referral from the Division of Student Affairs, any other Responsible Employee, as well as by filing a complaint through the Florida Gulf Coast University EthicsPoint Hotline.

   c) The absence of a completed Complaint form does not negate initiation of an investigation.

   d) Any necessary correspondence will be provided to the Complainant and Respondent at the address designated by the Complainant and Respondent during the Complaint procedure. Notwithstanding, the parties may also utilize additional methods of communication, including electronic communication. If a mailing address or an email address is not provided, the OIEC Director may use an address on file with the University, or the best address available.

   e) At any time throughout the process, the OIEC Director may grant the Complainant, Respondent, Investigator, or Decision Maker an extension as is
reasonably necessary, and will communicate any extensions in writing to the parties. This provision is not intended to conflict with the Student Code of Conduct.

2. Informal Procedure

a) Informal resolution of a Complaint may be sought when the parties desire to resolve the situation cooperatively. Notwithstanding, allegations of sexual assault will not be resolved informally or be the subject of an alternative method of dispute resolution.

b) Before pursuing the formal procedure a Complainant may seek informal resolution through the OIEC Director by making a written request for informal resolution to the Complaint.

c) If the Complainant has utilized the informal procedure but the matter has not been informally resolved within thirty (30) days of its submission to the OIEC Director, the Complainant must communicate to the OIEC Director whether or not he or she wishes to proceed with the formal procedure.

d) The Complainant has fourteen (14) days from the date of the communication from the OIEC Director that the informal procedure has concluded without resolution, to notify the OIEC Director of his or her decision to move forward with the formal procedure. Failure to communicate with the OIEC Director may result in no further action by the University and the closure of the Informal Resolution request. However, if circumstances warrant investigation into the matter, the OIEC Director or Investigator may proceed with an investigation.

e) If a Complainant believes that a Complaint cannot be resolved utilizing alternative dispute resolution, a Complainant may forego the informal procedure and go directly to the formal procedure.

3. Formal Procedure

a) After the Complainant notifies the OIEC Director that he or she wishes to proceed to the formal procedure, the Complainant should complete the Complaint Form and submit it to the OIEC Director who will initiate an investigation.

b) 1) The formal procedure cannot be utilized when a Complainant fails to make allegations, which constitute a violation of FGCU-PR1.003. When a Complainant fails to allege sufficient facts to indicate a violation may have occurred, such Complaint shall be dismissed in writing by the OIEC Director and the dismissal shall be sent to the Complainant via a form of verifiable delivery, which may include hand delivery. A dismissal for failure to allege sufficient facts to substantiate a violation of the FGCU-PR1.003 is the final University decision,
unless additional facts are submitted sufficient to indicate a violation may have occurred.

2) A final University action under this policy involving a Student Respondent will come from the Division of Student Affairs.

c) Notwithstanding the provisions of the formal procedure, all allegations of violations of Title IX will be investigated to the extent an investigation is possible.

4. Investigation

a) The OIEC Director or the Vice President and General Counsel investigates, or assigns a trained Investigator to initiate an investigation.

b) An Investigator will complete the investigation as promptly as possible, but no later than sixty (60) days from the date of receipt of the Formal Complaint unless there are extenuating circumstances. In such a case, notice, along with reasons for the extension, shall be provided to the parties with the amount of time the investigation shall be extended.

c) In the case of investigations of allegations of Sexual Misconduct, the OIEC Director, as Title IX Coordinator, will coordinate his or her investigation with the appropriate University departments involved to ensure the Complainant is interviewed in a collaborative manner.

d) In the event that a complaint of Discrimination or Harassment is filed against the OIEC, an investigation will be conducted by an Investigator external to the University.

e) When an external third party is the named Complainant or Respondent, the OIEC Director shall consult with the appropriate University department concerning the investigation. In such cases, the Decision Maker shall be the President, appropriate Vice President, or designee.

f) 1) Upon receiving a report under this Policy from the Complainant, the Investigator assigned to address the allegations notifies the Respondent that a Complaint has been filed against him or her and informs him or her of the nature of the Complaint. The Investigator shall explain to both the Complainant and the Respondent the informal and formal procedures, including a description of the process, the relevant avenues of redress, and provide them with a copy of this Policy.

2) The OIEC Director shall confer with the appropriate University officials to ensure that, if warranted, interim measures are pursued to protect both parties pending completion of the matter.
g) The Respondent will be afforded an opportunity to provide a response to the allegations. Moreover, both parties will have the opportunity to present witnesses and other evidence for consideration.

h) All persons involved with the investigation are cautioned that retaliation is strictly prohibited. It is imperative that matters discussed during the investigation are kept confidential in order that the fact-finding nature of the investigation is in no way hindered or impaired. Investigations encompass, but are not limited to, witness interviews, the gathering of documentation and other evidence, as well as other investigative techniques deemed appropriate by the Investigator. All members of the University community are expected to cooperate with an investigation. Failure to do so could result in disciplinary action. This provision is not intended to conflict with any provision of Title IX or other applicable federal and state law(s).

i) Any person interviewed by an Investigator as part of an investigation will be permitted to be accompanied by legal counsel, a union representative, or a support person, if so desired. However, such person’s role shall be limited to observation, support, or advice; such support person shall not represent or speak on behalf of the person to whom they are providing support or advice.

j) An investigation is considered concluded when the Investigator provides an Investigative Report to the appropriate Decision Maker with a determination of whether the allegation(s), more likely than not, occurred.

k) A summary of the Investigative Report, including the general basis for the Complaint and the determination, shall be provided to the Complainant and the Respondent.

5. Investigative Report, Determination, and Disciplinary Action

a) Once the Investigative Report has been completed, a copy will be provided to the Decision Maker for a determination as to what, if any, disciplinary action will be imposed. At the same time, or soon thereafter, the Investigative Report, or summary report, will be released to the Complainant and Respondent via certified mail, return receipt requested, hand-delivery (with proof delivery), or any other verifiable method of delivery, including electronic mail.

b) A determination by the Decision Maker as to disciplinary action, if any, will occur within 14 days of the delivery of the Investigative Report, unless the Respondent is covered under a collective bargaining agreement or the Student Code of Conduct. Under those circumstances, the relevant documents will control the imposition of the disciplinary action, if any. If warranted, an extension of time is permitted to reach a determination as to disciplinary action.

1) The Decision Maker will implement disciplinary action as soon as reasonably practicable, when in his or her judgment it is appropriate. Moreover, the Decision
Maker will attempt to take whatever steps are within his or her control to prevent the recurrence of the offending behavior and to correct its discriminatory effects on the Complainant and others, if appropriate.

2) The Respondent and the Complainant may, if appropriate, be informed of the disciplinary action to be imposed.

3) Any discipline to be imposed shall be determined in accordance with the Student Code of Conduct (FGCU PR-4.002) where the Respondent is a student; Disciplinary Actions (FGCU-PR5.016) and related policies where the Respondent is an employee; and a collective bargaining agreement where the Respondent is an in-unit Faculty.

6. Request for Reconsideration

a) A person may request reconsideration of the findings made by the Investigator within seven (7) calendar days of receiving the investigative findings. A request for reconsideration of the findings can be made to the Office of the General Counsel.

b) The reconsideration request must be based on one of the following:

1) There is new evidence that was not available at the time of the investigation that should be considered; or

2) The Investigator did not consider all information that was available during the investigation (e.g. did not interview a key witness, did not consider applicable documentation, etc.).

c) Within seven (7) calendar days of receipt of a request for reconsideration, the General Counsel, or designee, will make one of the following determinations:

1) The investigation should be remanded to the Investigator for further consideration of the evidence; or

2) The requestor has not presented information that warrants a review of the investigative findings and thus the investigative findings are final.

d) The determination as to the request for reconsideration is not a substantive review of the investigation; rather, the reconsideration process is in place to ensure that each party to the investigation is provided full due process.

F. MISCELLANEOUS PROVISIONS

1. After an incident of Sexual Misconduct, Intimate Partner Violence, or Stalking, the individual should consider seeking medical attention and law enforcement assistance
as soon as possible. In circumstances of sexual assault, health care providers can treat injuries and take steps to address concerns of pregnancy or sexually transmitted disease. Although the University strongly encourages all members of its community to report such violations of this Policy to law enforcement, it is the affected individual’s choice whether or not to make such a report.

2. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse through the use of a protective order related to the incident, more difficult. If an individual suffering from an incident covered by this Policy chooses not to make a complaint regarding the incident, he or she nevertheless should consider speaking with the University Police Department or other law enforcement agencies to preserve evidence in the event the individual reconsiders the decision not to make a Complaint.

3. Regardless of whether criminal charges are filed, allegations under this policy may also be heard through the Student Code of Conduct Regulation (FGCU-PR4.002) where a student is the accused.

4. The Director of the OIEC is the custodian of filed records associated with the investigation of complaints under FGCU-PR1.003.

5. The University may utilize the procedure articulated in this Policy to address investigations in general. If this process is used for an investigation involving something other than discrimination, harassment, or sexual misconduct, the processes may be modified, to some extent, on a case by case basis. Additionally, the time frames for actions may be modified and extended as warranted.

G. RESOURCES

1. The University will provide resources to support persons who have made allegations of Sexual Assault, Intimate Partner Violence or Stalking. Regardless of whether a person who reports such allegations elects to pursue a criminal complaint, the University will assist persons alleging Sexual Misconduct, Intimate Partner Violence, and Stalking. To the extent cooperation and consent are provided, University offices, including the University Police Department (UPD), Counseling and Psychological Services (CAPS), the Student Health Services (SHS), and the Case Manager for Student Affairs will work cooperatively to ensure that the Complainant’s health, physical safety, academic status, and employment status are protected, pending the outcome of a formal university investigation of the allegations. For example, if reasonably available and as applicable, a Complainant may be offered changes to his or her work environment, academic schedule or university-provided housing, in addition to counseling, health services and assistance in notifying appropriate local law enforcement.
2. a) If requested, within CAPS and SHS, resources are available to provide support to students. Additionally, the Case Manager in Student Affairs can coordinate assistance and support related to a student’s physical and mental health, personal safety, and academic status. For its employees, the University offers assistance through the Employee Assistance Program. Also, protection from abuse through the use of protective orders may be available through the court system.

b) The Office of the Dean of Students offers assistance in navigating the conduct process to accused and/or charged Students.

c) Other resources available related to Sexual Misconduct, Intimate Partner Violence, or Stalking include:

2) Assault and Rape Information, Support and Education (ARISE): [http://www.fgcu.edu/arise/](http://www.fgcu.edu/arise/)
3) Congreso (multiservice organization focused on Latino Communities): [http://www.congreso.net/site/](http://www.congreso.net/site/)
4) Department of Justice: [http://www.justice.gov/ovw/sexual-assault](http://www.justice.gov/ovw/sexual-assault)

**Related Information**
FGCU-PR1.003, Non-Discrimination, Anti-Harassment, and Sexual Misconduct
FGCU-PR4.002, Student Code of Conduct and Student Conduct Review Process
FGCU-PR5.016, Disciplinary Actions
FGCU-PR5.020, Grievance Regulation
FGCU Policy 1.007, Consensual Relationship Policy and Procedure

**Specific Authority**
42 USC §§ 2000e-17 et. seq., 42 USC § 2000d, 42 USC §1681 et. seq., 29 USC §701 et. seq., §760.01 et. seq., Florida Statutes, BOG Regulation 2.003

**History**
New: 1/20/09; Amended: 02/12/10, 01/27/15, 07/28/15, 12/19/16
FLORIDA GULF COAST UNIVERSITY POLICY

Policy Number: 1.006
Policy Title: Non-Discrimination, Anti-Harassment, and Sexual Misconduct
Responsible Division/Office: Office of Institutional Equity and Compliance
Effective Date: 12/19/16

APPROVED

_______________________________________   ____December 19, 2016______
Wilson G. Bradshaw, President               Date
ATTACHMENT 2
### Table 1.1 - Headcount Enrolled by Class, Fall Terms

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Undergraduate</td>
<td>5,952</td>
<td>6,962</td>
<td>7,986</td>
<td>8,659</td>
<td>9,486</td>
<td>10,303</td>
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<td>12,775</td>
<td>13,226</td>
<td>13,604</td>
<td>13,544</td>
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<tr>
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<td>822</td>
<td>986</td>
<td>1,047</td>
<td>1,153</td>
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<td>1,048</td>
<td>987</td>
<td>997</td>
<td>980</td>
<td>986</td>
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<tr>
<td>Nondegree</td>
<td>542</td>
<td>559</td>
<td>580</td>
<td>593</td>
<td>572</td>
<td>582</td>
<td>432</td>
<td>330</td>
<td>312</td>
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<td>240</td>
<td>291</td>
</tr>
<tr>
<td>Total</td>
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<td>8,316</td>
<td>9,388</td>
<td>10,238</td>
<td>11,105</td>
<td>12,038</td>
<td>12,655</td>
<td>13,442</td>
<td>14,074</td>
<td>14,463</td>
<td>14,824</td>
<td>14,821</td>
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</table>

**Undergraduate includes Non-degree seeking students**

Source: BOG Student Data Course Files.

### Table 1.2 - Full-time Attendance by Level, Fall Terms

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergraduate**</td>
<td>4,580</td>
<td>5,450</td>
<td>6,278</td>
<td>7,027</td>
<td>7,838</td>
<td>8,443</td>
<td>9,101</td>
<td>9,694</td>
<td>10,124</td>
<td>10,540</td>
<td>10,764</td>
<td>10,773</td>
</tr>
<tr>
<td>Graduate</td>
<td>210</td>
<td>244</td>
<td>253</td>
<td>323</td>
<td>399</td>
<td>435</td>
<td>403</td>
<td>393</td>
<td>365</td>
<td>359</td>
<td>367</td>
<td>411</td>
</tr>
<tr>
<td>% Full-time <strong>Undergraduate</strong></td>
<td>71%</td>
<td>72%</td>
<td>73%</td>
<td>76%</td>
<td>78%</td>
<td>78%</td>
<td>78%</td>
<td>78%</td>
<td>78%</td>
<td>78%</td>
<td>78%</td>
<td>78%</td>
</tr>
<tr>
<td>Graduate</td>
<td>28%</td>
<td>31%</td>
<td>31%</td>
<td>33%</td>
<td>38%</td>
<td>38%</td>
<td>38%</td>
<td>37%</td>
<td>37%</td>
<td>37%</td>
<td>37%</td>
<td>42%</td>
</tr>
</tbody>
</table>

**Undergraduate includes Non-degree seeking students**

Source: BOG Student Data Course Files.
### Table 1.3 - Headcount Enrolled by College, Fall Terms

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Undeclared</td>
<td>513</td>
<td>496</td>
<td>258</td>
<td>198</td>
<td>408</td>
<td>538</td>
<td>606</td>
<td>485</td>
<td>534</td>
<td>534</td>
<td>536</td>
<td>472</td>
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<tr>
<td>Arts &amp; Sciences</td>
<td>1,690</td>
<td>1,961</td>
<td>2,395</td>
<td>2,672</td>
<td>2,949</td>
<td>3,324</td>
<td>3,549</td>
<td>5,192</td>
<td>5,349</td>
<td>5,533</td>
<td>5,612</td>
<td>5,668</td>
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<tr>
<td>Business</td>
<td>1,792</td>
<td>2,073</td>
<td>2,533</td>
<td>2,827</td>
<td>2,989</td>
<td>3,072</td>
<td>2,473</td>
<td>3,379</td>
<td>3,611</td>
<td>3,760</td>
<td>4,080</td>
<td>4,131</td>
</tr>
<tr>
<td>Engineering</td>
<td>678</td>
<td>774</td>
<td>859</td>
<td>878</td>
<td>942</td>
<td>900</td>
<td>428</td>
<td>326</td>
<td>310</td>
<td>240</td>
<td>223</td>
<td>186</td>
</tr>
<tr>
<td>Health Professions</td>
<td>912</td>
<td>1,017</td>
<td>1,154</td>
<td>1,197</td>
<td>1,335</td>
<td>1,490</td>
<td>1,729</td>
<td>2,153</td>
<td>2,301</td>
<td>2,469</td>
<td>2,524</td>
<td>2,632</td>
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<tr>
<td>Professional Studies</td>
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<td>1,256</td>
<td>1,436</td>
<td>1,637</td>
<td>1,764</td>
<td>1,998</td>
<td>2,070</td>
<td>0</td>
<td>971</td>
<td>984</td>
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<tr>
<td>Education</td>
<td>836</td>
<td>956</td>
<td>1,035</td>
<td>1,120</td>
<td>1,095</td>
<td>1,146</td>
<td>1,122</td>
<td>1,133</td>
<td>1,110</td>
<td>1,047</td>
<td>971</td>
<td>984</td>
</tr>
<tr>
<td>Nondegree</td>
<td>539</td>
<td>557</td>
<td>577</td>
<td>587</td>
<td>565</td>
<td>570</td>
<td>428</td>
<td>326</td>
<td>310</td>
<td>240</td>
<td>223</td>
<td>186</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7,254</td>
<td>8,316</td>
<td>9,388</td>
<td>10,238</td>
<td>11,105</td>
<td>12,038</td>
<td>12,655</td>
<td>13,442</td>
<td>14,074</td>
<td>14,631</td>
<td>14,824</td>
<td>14,821</td>
</tr>
</tbody>
</table>

Note: College realignment effective fall 2012.

### Table 1.4 - Headcount Enrolled International Students, Fall Terms

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>International</td>
<td>429</td>
<td>508</td>
<td>584</td>
<td>620</td>
<td>633</td>
<td>713</td>
<td>742</td>
<td>773</td>
<td>774</td>
<td>709</td>
<td>664</td>
<td>648</td>
</tr>
<tr>
<td>% International</td>
<td>5.9%</td>
<td>6.1%</td>
<td>6.2%</td>
<td>6.1%</td>
<td>5.7%</td>
<td>5.9%</td>
<td>5.9%</td>
<td>5.8%</td>
<td>5.5%</td>
<td>4.9%</td>
<td>4.5%</td>
<td>4.4%</td>
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<tr>
<td>US Citizens</td>
<td>6,825</td>
<td>7,808</td>
<td>8,604</td>
<td>9,618</td>
<td>10,472</td>
<td>11,325</td>
<td>11,913</td>
<td>12,669</td>
<td>13,300</td>
<td>13,754</td>
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<tr>
<td>Total</td>
<td>7,254</td>
<td>8,316</td>
<td>9,388</td>
<td>10,238</td>
<td>11,105</td>
<td>12,038</td>
<td>12,655</td>
<td>13,442</td>
<td>14,074</td>
<td>14,631</td>
<td>14,824</td>
<td>14,821</td>
</tr>
</tbody>
</table>

Source: BOG Student Data Course Files.
Table 1.5 - Headcount Enrolled by Age, Fall Terms

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Less than 20</td>
<td>1,925</td>
<td>2,424</td>
<td>2,854</td>
<td>2,962</td>
<td>3,126</td>
<td>3,354</td>
<td>3,888</td>
<td>4,264</td>
<td>4,342</td>
<td>4,402</td>
<td>4,434</td>
<td>4,251</td>
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<tr>
<td>20 to 24</td>
<td>3,116</td>
<td>3,561</td>
<td>4,201</td>
<td>4,737</td>
<td>5,363</td>
<td>5,852</td>
<td>6,080</td>
<td>6,537</td>
<td>7,079</td>
<td>7,500</td>
<td>7,881</td>
<td>8,134</td>
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<td>25 to 29</td>
<td>800</td>
<td>915</td>
<td>976</td>
<td>1,110</td>
<td>1,217</td>
<td>1,314</td>
<td>1,262</td>
<td>1,253</td>
<td>1,308</td>
<td>1,295</td>
<td>1,314</td>
<td>1,318</td>
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<tr>
<td>30 to 34</td>
<td>427</td>
<td>387</td>
<td>409</td>
<td>429</td>
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<td>544</td>
<td>537</td>
<td>531</td>
<td>486</td>
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<td>35 to 39</td>
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<td>301</td>
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<td>40 or greater</td>
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<td>564</td>
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<td>10,238</td>
<td>11,105</td>
<td>12,038</td>
<td>12,655</td>
<td>13,442</td>
<td>14,074</td>
<td>14,463</td>
<td>14,824</td>
<td>14,821</td>
</tr>
</tbody>
</table>

Source: BOG Student Data Course Files.

Table 1.6 - Headcount Enrolled by Gender, Fall Terms

<table>
<thead>
<tr>
<th>Year</th>
<th>Female</th>
<th>Male</th>
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<td>2005</td>
<td>4,606</td>
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<td>2006</td>
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<tr>
<td>2007</td>
<td>5,745</td>
<td>3,643</td>
</tr>
<tr>
<td>2008</td>
<td>6,053</td>
<td>4,185</td>
</tr>
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<td>2009</td>
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<td>2013</td>
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<td>6,110</td>
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<tr>
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</tr>
<tr>
<td>2015</td>
<td>8,322</td>
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<td>8,389</td>
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<th>Year</th>
<th>Female %</th>
<th>Male %</th>
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<tr>
<td>2007</td>
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</tr>
<tr>
<td>2008</td>
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<td>2009</td>
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<td>2010</td>
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<td>2015</td>
<td>57%</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>57%</td>
<td></td>
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</tbody>
</table>

**Total** 7,254 8,316 9,388 10,238 11,105 12,038 12,655 13,442 14,074 14,463 14,824 14,821

Source: BOG Student Data Course Files.
### Table 1.7 - Headcount Enrolled by Class, Fall Terms

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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</thead>
<tbody>
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<td>Freshman</td>
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<td>2,989</td>
<td>3,151</td>
<td>3,247</td>
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<tr>
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<td>1,812</td>
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<td>2,186</td>
<td>2,491</td>
<td>2,798</td>
<td>3,151</td>
<td>3,247</td>
<td>3,459</td>
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<td>997</td>
<td>980</td>
<td>986</td>
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<tr>
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<td>8,316</td>
<td>9,388</td>
<td>10,238</td>
<td>11,105</td>
<td>12,038</td>
<td>12,655</td>
<td>13,442</td>
<td>14,074</td>
<td>14,463</td>
<td>14,824</td>
<td>14,821</td>
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</table>

**Note:** These are the traditional race/ethnicity codes.

### Table 1.8 - Headcount Enrolled by Ethnicity, Fall Term

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<th></th>
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</thead>
<tbody>
<tr>
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<td>African American</td>
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<td>385</td>
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<td>1,788</td>
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<td>2,521</td>
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<tr>
<td>Native American</td>
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<td>28</td>
<td>33</td>
<td>34</td>
<td>94</td>
<td>93</td>
<td>101</td>
<td>109</td>
<td>112</td>
<td>113</td>
<td>110</td>
<td>111</td>
</tr>
<tr>
<td>Non-resident alien</td>
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<td>83</td>
<td>112</td>
<td>103</td>
<td>177</td>
<td>185</td>
<td>184</td>
<td>201</td>
<td>229</td>
<td>230</td>
<td>255</td>
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<tr>
<td>White</td>
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<td>6,566</td>
<td>7,197</td>
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<td>8,866</td>
<td>9,085</td>
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<td>9,574</td>
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<td>125</td>
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<tr>
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<td>8,316</td>
<td>9,388</td>
<td>10,238</td>
<td>11,105</td>
<td>12,038</td>
<td>12,655</td>
<td>13,442</td>
<td>14,074</td>
<td>14,463</td>
<td>14,824</td>
<td>14,821</td>
</tr>
</tbody>
</table>

Note: These are the traditional race/ethnicity codes.
Table 1.9 - Degrees Granted by Academic Year

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</thead>
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<td>Master's</td>
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<td>385</td>
<td>371</td>
<td>334</td>
<td>334</td>
<td>302</td>
<td>269</td>
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<td>Specialist</td>
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<td>7</td>
<td>19</td>
<td>0</td>
<td>0</td>
<td>2</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Doctoral</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Total</td>
<td>1101</td>
<td>1287</td>
<td>1482</td>
<td>1648</td>
<td>1821</td>
<td>2025</td>
<td>2141</td>
<td>2260</td>
<td>2232</td>
<td>2401</td>
<td>2631</td>
</tr>
</tbody>
</table>

Note: Some students earned double degrees.
Source: BOG Student Information Degree File/IPEDS
ITEM: 19

Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: Administration of Florida Bright Futures Scholarship Program by Florida's Public Universities and Colleges Audit

PROPOSED BOARD ACTION

If recommended by the Audit and Compliance Committee which meets before this meeting, accept the Administration of the Florida Bright Futures Scholarship Program by Florida's Public Universities and Colleges Audit for the Fiscal Years Ended June 30, 2016 and 2017.

BACKGROUND INFORMATION

Pursuant to 1009.53(5)(c) Florida Statutes, the Auditor General is responsible to conduct an audit of the administration of the Florida Bright Futures Scholarship Program by Florida's public universities and colleges.

The Florida Legislature established the Florida Bright Futures Scholarship Program to provide lottery-funded scholarships to Florida high school graduates based on academic achievement, and who enroll in a degree, certificate or applied technology program within three years of high school graduation. The program is the umbrella program for state-funded scholarships based on academic achievements of high school students. The Program consists of three types of awards: the Florida Academic Scholarship, the Florida Medallion Scholarship and the Florida Gold Seal Vocational Scholarship.

The Administration of the Florida Bright Futures Scholarship Program by Florida's Public Universities and Colleges Operational Audit Report (No.2018-212) for the fiscal years ended June 30, 2016 and 2017 can be found at https://flauditor.gov/pages/pdf_files/2018-212.pdf. The information pertaining to Florida Gulf Coast University can be found on pages 7 and 8.

If accepted by the FGCU Board of Trustees, a copy of the report will be forwarded to the Board of Governors as required.
**Supporting Documentation Included:** Exhibit A excerpted from the Administration of the Florida Bright Futures Scholarship Program by Florida's Public Universities and Colleges Operational Audit Report No.2018-212

**Prepared by:** Director of Internal Audit William Foster

**Legal Review:** N/A

**Submitted by:** Audit and Compliance Committee Chair Joseph Fogg III
## SUMMARY OF FLORIDA BRIGHT FUTURES SCHOLARSHIP PROGRAM ADVANCES AND DISBURSEMENTS BY PUBLIC UNIVERSITY AND COLLEGE FOR THE FISCAL YEAR ENDED JUNE 30, 2016

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<th>Disbursements a</th>
<th>~</th>
<th>Total Disbursements</th>
<th>~</th>
<th>Disbursements Under Advances</th>
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<tr>
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<td>345,177</td>
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<td>Florida International University</td>
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<td>11,689,494</td>
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<tr>
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<td>415,555</td>
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<td>New College of Florida</td>
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<tr>
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<td>683,579</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>South Florida State College</td>
<td>125,992</td>
<td>92,461</td>
<td>33,531</td>
<td>125,992</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>State College of Florida, Manatee-Sarasota</td>
<td>483,791</td>
<td>430,259</td>
<td>53,532</td>
<td>483,791</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Tallahassee Community College</td>
<td>799,255</td>
<td>581,652</td>
<td>217,603</td>
<td>799,255</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Valencia College</td>
<td>1,348,286</td>
<td>968,803</td>
<td>379,483</td>
<td>1,348,286</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Total Public Colleges</td>
<td>16,260,945</td>
<td>13,072,966</td>
<td>3,187,979</td>
<td>16,260,945</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
- a Amounts reported by institutions as of December 31, 2016.
- b Amount subsequently refunded to the FDOE for student withdrawals and accounting record adjustments.
- c Amount represents accounting record adjustments.
### SUMMARY OF FLORIDA BRIGHT FUTURES SCHOLARSHIP PROGRAM
ADVANCES AND DISBURSEMENTS BY PUBLIC UNIVERSITY AND COLLEGE
FOR THE FISCAL YEAR ENDED JUNE 30, 2017

<table>
<thead>
<tr>
<th>No.</th>
<th>Institution</th>
<th>Advances</th>
<th>Disbursements</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>From FDOE</td>
<td>Awards to Students</td>
<td>Refunds to FDOE</td>
<td>Total Disbursements</td>
<td>Disbursements Under Advances</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Florida Agricultural and Mechanical University</td>
<td>$1,193,033</td>
<td>$1,071,008</td>
<td>$122,025</td>
<td>$1,193,033</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Florida Atlantic University</td>
<td>5,839,511</td>
<td>5,497,568</td>
<td>341,943</td>
<td>5,839,511</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Florida Gulf Coast University</td>
<td>4,815,891</td>
<td>4,462,332</td>
<td>353,559</td>
<td>4,815,891</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Florida International University</td>
<td>10,149,815</td>
<td>9,410,493</td>
<td>742,043</td>
<td>10,152,536</td>
<td>(2,721)</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Florida Polytechnic University</td>
<td>1,154,493</td>
<td>1,156,347</td>
<td>-</td>
<td>1,156,347</td>
<td>(1,854)</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Florida State University</td>
<td>33,460,869</td>
<td>33,060,206</td>
<td>377,555</td>
<td>33,437,761</td>
<td>(23,108)</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>New College of Florida</td>
<td>1,714,102</td>
<td>1,602,937</td>
<td>111,165</td>
<td>1,714,102</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>University of Central Florida</td>
<td>31,760,885</td>
<td>31,725,922</td>
<td>34,963</td>
<td>31,760,885</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>University of Florida</td>
<td>56,777,911</td>
<td>54,732,476</td>
<td>2,072,349</td>
<td>56,804,825</td>
<td>(26,914)</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>University of North Florida</td>
<td>6,106,009</td>
<td>5,950,744</td>
<td>155,265</td>
<td>6,106,009</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>University of South Florida</td>
<td>20,756,476</td>
<td>20,370,941</td>
<td>385,535</td>
<td>20,756,476</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>University of West Florida</td>
<td>2,880,928</td>
<td>2,791,579</td>
<td>89,349</td>
<td>2,880,928</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Public Universities</strong></td>
<td>176,609,923</td>
<td>171,832,553</td>
<td>4,785,751</td>
<td>176,618,304</td>
<td>(8,831)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Broward College</td>
<td>583,233</td>
<td>501,458</td>
<td>81,775</td>
<td>583,233</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Chipola College</td>
<td>235,601</td>
<td>220,319</td>
<td>15,282</td>
<td>235,601</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>College of Central Florida</td>
<td>366,748</td>
<td>335,552</td>
<td>31,196</td>
<td>366,748</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Daytona State College</td>
<td>424,184</td>
<td>362,232</td>
<td>61,952</td>
<td>424,184</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Eastern Florida State College</td>
<td>587,757</td>
<td>585,825</td>
<td>1,932</td>
<td>587,757</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Florida Gateway College</td>
<td>187,119</td>
<td>184,480</td>
<td>2,639</td>
<td>187,119</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Florida Keys Community College</td>
<td>15,617</td>
<td>10,767</td>
<td>4,850</td>
<td>15,617</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Florida SouthWestern State College</td>
<td>343,718</td>
<td>288,206</td>
<td>55,512</td>
<td>343,718</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Florida State College at Jacksonville</td>
<td>521,338</td>
<td>449,940</td>
<td>71,398</td>
<td>521,338</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Gulf Coast State College</td>
<td>310,731</td>
<td>265,133</td>
<td>45,608</td>
<td>310,731</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Hillsborough Community College</td>
<td>497,064</td>
<td>432,513</td>
<td>64,551</td>
<td>497,064</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Indian River State College</td>
<td>465,899</td>
<td>377,146</td>
<td>88,743</td>
<td>465,899</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Lake-Sumter State College</td>
<td>246,138</td>
<td>215,733</td>
<td>30,405</td>
<td>246,138</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Miami Dade College</td>
<td>883,112</td>
<td>814,486</td>
<td>68,626</td>
<td>883,112</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>North Florida Community College</td>
<td>43,175</td>
<td>36,141</td>
<td>7,034</td>
<td>43,175</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Northwest Florida State College</td>
<td>223,889</td>
<td>216,430</td>
<td>7,459</td>
<td>223,889</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Palm Beach State College</td>
<td>490,347</td>
<td>459,143</td>
<td>31,204</td>
<td>490,347</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Pasco-Hernando State College</td>
<td>366,439</td>
<td>326,782</td>
<td>39,657</td>
<td>366,439</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Pensacola State College</td>
<td>239,366</td>
<td>230,771</td>
<td>8,595</td>
<td>239,366</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Polk State College</td>
<td>304,010</td>
<td>247,253</td>
<td>56,757</td>
<td>304,010</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>St. Johns River State College</td>
<td>306,847</td>
<td>276,979</td>
<td>29,868</td>
<td>306,847</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>St. Petersburg College</td>
<td>635,759</td>
<td>535,463</td>
<td>100,296</td>
<td>635,759</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Santa Fe College</td>
<td>1,050,223</td>
<td>992,861</td>
<td>57,362</td>
<td>1,050,223</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Seminole State College of Florida</td>
<td>490,853</td>
<td>460,024</td>
<td>30,829</td>
<td>490,853</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>South Florida State College</td>
<td>92,424</td>
<td>71,846</td>
<td>20,578</td>
<td>92,424</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>State College of Florida, Manatee-Sarasota</td>
<td>332,946</td>
<td>261,173</td>
<td>71,773</td>
<td>332,946</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Tallahassee Community College</td>
<td>545,202</td>
<td>435,943</td>
<td>109,259</td>
<td>545,202</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Valencia College</td>
<td>856,336</td>
<td>767,658</td>
<td>88,678</td>
<td>856,336</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Public Colleges</strong></td>
<td>11,646,059</td>
<td>10,362,268</td>
<td>1,283,791</td>
<td>11,646,059</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td><strong>Total</strong></td>
<td>$188,255,982</td>
<td>$182,194,821</td>
<td>$6,069,542</td>
<td>$188,264,363</td>
<td>$ (8,381)</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

- Amounts reported by institutions as of December 31, 2017.  
- Represents amount the FDOE owed to the University due to a student appeal or due to additional disbursements.  
- Amount subsequently refunded to the FDOE for student withdrawals.  
- Amount represents accounting record adjustment.
Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: 2017-2018 Internal Audit Annual Report

PROPOSED BOARD ACTION

If recommended by the Audit and Compliance Committee which meets before this meeting, approve the 2017-2018 Internal Audit Annual Report.

BACKGROUND INFORMATION

To comply with Board of Governors Regulation 4.002 (State University System Chief Audit Executives), "each university shall have an office of chief audit executive as a point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in the operations of the university." FGCU's chief audit executive is the Director of Internal Audit who "shall prepare a report summarizing the activities of the office for the preceding fiscal year."

If approved by the FGCU Board of Trustees, a copy of the report will be forwarded to the Board of Governors as required.

Supporting Documentation Included: 2017-2018 Internal Audit Annual Report

Prepared by: Director of Internal Audit William Foster

Legal Review: N/A

Submitted by: Audit and Compliance Committee Chair Joseph Fogg III
This annual report provides information on the benefits and effectiveness of the FGCU Office of Internal Audit (IA) during the 2017-2018 fiscal year. The primary objective of our office is to assist management at all levels of the University including members of the FGCU Board of Trustees in the effective discharge of their duties.
MESSAGE FROM THE DIRECTOR OF INTERNAL AUDIT

Thank you for allowing the Office of Internal Audit (IA) to provide you with information about our office’s activities during the year 2017-2018. Contained herein is information regarding our personnel, such as education and professional development, quality assurance and improvement program, audit engagements, and open items follow-up.

This was the fourth year the Board of Governors (BOG) required a Data Integrity Audit of the data submission processes that support the University’s Performance Funding Metrics. As we have done in the three (3) prior years, for an enhanced appearance of independence, we engaged the accounting firm of Mauldin and Jenkins to perform agreed upon procedures. Our office oversaw the engagement and participated to the extent that we were able to offer an unqualified opinion on the integrity of the data submission processes to the BOG.

Our team is committed to providing independent, objective assurance services. Within this report, we intend to demonstrate that the internal auditing function is operating as intended. Based on the program of work completed during the year, we have the following representations:

- All audits were performed in accordance with the Institute of Internal Auditors International Standards for the Professional Practice of Internal Auditing.
- The work plan and each individual audit were risk-driven.
- All significant observations were reported.
- We received cooperation from management and staff in performing our work.

I want to thank the President, Audit and Compliance Committee and the full Board of Trustees for their continued support. And to the staff of the Office of Internal Audit, I thank them for their work and dedication.

William D. Foster, MBA, CPA, CIA, CGAP, CFE, CRMA, CCSA
Director, Internal Audit

ABOUT OUR DEPARTMENT

Our Internal Audit Charter defines the purpose, authority, and responsibility of the internal audit activity. The Charter is consistent with the Definition of Internal Auditing, the Code of Ethics, and the Standards mandated by the International Professional Practices Framework (IPPF) of the Institute of Internal Auditors. We have updated the Charter according to the latest guidance from the Institute of Internal Auditors. An updated Charter was approved at the June 13, 2017 Board of Trustees meeting.

The Institute of Internal Auditors professional standards require that our Office possess the knowledge, skills, and other competencies needed to perform our responsibilities. Our staff has 58 years of cumulative
The auditors hold a total of 9 certifications, and two of our staff have an MBA degree. During 2017-2018, each staff member met the hours required by professional standards to improve internal auditing skills and knowledge of higher education issues through continuing professional education. Those auditors with certifications also met the continuing education requirements for each certification.

QUALITY ASSURANCE AND IMPROVEMENT PROGRAM

BOG Reg. 4.002(6)(e) and the Institute of Internal Auditors professional standards require our Office to maintain a quality assurance and improvement program in accordance with professional audit standards (Standards). The quality assurance and improvement program must include both internal and external assessments. Our office has established a Quality Assurance and Improvement Program (QAIP) Policy and conducts periodic QAIP meetings to ensure compliance with the Standards.

Internal Assessments

According to the Standards, internal assessments must include ongoing monitoring of the performance of the internal audit activity and periodic self-assessments. Internal Audit conducts a variety of internal assessments during the course of its routine audit processes. The Internal Audit Director provides supervision over IA staff during the course of audit work. After the completion of each audit, another Internal Audit staff member reviews the audit materials. In addition to our Operations Manual and Charter, guidelines have been established to provide a framework so that all necessary elements of the audit process are completed and documented.

At the conclusion of each audit, the Office of Internal Audit solicits feedback from each unit that was audited through a Post Audit Feedback Survey. The survey highlights areas that relate to pre-audit engagement activities, the audit process, the closing meeting and the reporting of observations. Internal Audit utilizes the feedback to help us continue to improve our processes. Additionally, we completed an Internal Assessment Evaluation Summary for the 2017-2018 year, with a rating of “Generally Conforms”.

External Assessments

External Assessments must be conducted at least once every five years. A Quality Assurance Review (QAR) was conducted during 2016-2017. The QAR was a self-assessment with independent validation done by Monica Moyer, Director of Internal Audit at Saint Leo University. Her professional activities include serving the Association of College and University Auditors (ACUA) as annual conference director for 2014-17, and as an international ambassador of the Institute of Internal Auditors (IIA).

We were assessed as a department that “generally conforms to the International Standards for the Professional Practice of Internal Auditing,” the highest rating available.

In order to maintain compliance with the Standards, our next external assessment will be conducted in 2021-2022.

INTERNAL AUDIT ACTIVITY

The Internal Audit work plan for 2017-2018 included five audits. Four of the five audits have been completed successfully, with the fifth being moved forward to the 2018-2019 audit plan. This was not
completed during the planned year due to additional investigations and adjustments to changing conditions related to risk that expanded audit scopes.

The scheduled audits and projects completed during 2017-2018 were:

- **Academic Camps and Conferences**: A limited-scope audit of academic camps, conferences and other enrichment programs. Florida Gulf Coast University (FGCU) regulations, policies, procedures, and guidelines govern the use of University facilities and revenue collection applicable to camps.

- **Performance Measures Data Integrity Audit**: The Florida Board of Governors required each Board of Trustees to direct its Internal Audit Director to perform, or cause to have performed by an independent firm, an audit of the processes that ensure data submission to the Florida Board of Governors, that support the performance funding metrics, are complete, accurate and timely.

- **International Services - Outgoing Students and Faculty**: A limited-scope audit of various types of student international travel offered to ensure the existence of and compliance with those policies, procedures and guidelines designed maintain the security of students and faculty during foreign travel. The audit included programs with international travel that were offered during the Spring, Summer and Fall 2017 semesters.

- **Florida Highway Safety and Motor Vehicles**: An audit of the adequacy of internal controls over personal data accessed and used by Florida Gulf Coast University’s (FGCU) departments of Undergraduate Admissions, Graduate Admissions and Registrar.

The Information Technology Security- Board of Governors Regulation 3.0075 will be moved forward to the 2018-2019 audit plan.
INTERNAL AUDIT ACTIVITY PLAN 2018-2019

The following plan will be presented for approval at the September 2018 Board of Trustees Meeting. Objectives may be adjusted as we obtain additional information and/or conditions change relative to risk.

Performance Measures Data Integrity Audit

Determine whether there are effective internal controls, processes, and procedures to ensure the completeness, accuracy, and timeliness of data submissions to the BOG, which support performance measures funding.

Audit testing will be outsourced. Review and assistance will be provided by Internal Audit staff.

Degree Works

Determine whether the capabilities and limitations have been identified.
Determine whether all appropriate capabilities are utilized.
Determine whether any additional data needed to support tracking student progress for timely graduation has been identified and addressed.
Determine whether there is sufficient training to new and existing users.

Vester Field Station

Determine whether there are sufficient internal controls in place for identified Vester activities.
Determine whether revenues are properly assessed, collected and deposited in the correct accounts.
Determine whether expenditures are appropriate, properly authorized, and are in compliance with applicable guidelines.

Information Technology Security - Board of Governors Regulation 3.0075

Determine whether FGCU has appointed an Information Security Manager (ISM) and whether that is reflected in the employee's position description.
Determine whether the University has developed and annually reviews and updates an information security plan.
Determine whether the information security risk management program includes risk/self-assessment components.
Determine whether documented procedures for reporting and handling security violations and the consequences for violating security policies and procedures exist.
Determine whether processes for verifying adherence to the information security plan policies and procedures are in operation.

AUDIT FOLLOW-UP
As required by the Institute of Internal Auditors Standards, and BOG Reg. 4.002(6)(c), the chief audit executive must establish and maintain a system to monitor the disposition of results communicated to management. Additionally, the chief audit executive must establish a follow-up process to monitor and ensure that management actions have been effectively implemented or that senior management has accepted the risk of not taking action.

As a part of the audit process, management issues a response to each audit recommendation. Internal Audit requests that the management response include any proposed actions, a responsible party and the proposed implementation date. After the implementation date has passed, we ask management to provide an update of their progress. Follow-up inquiries are not made for reviews and audits with no observations.

The Office of Internal Audit has taken steps to implement the recommendations stated in the Internal Audit Quality Assurance Review. The recommendations included reviewing and updating internal policies and procedures, enhancing the risk assessment process, and enhancing communications with FGCU Senior Management.

Management responsible for the Athletic Camps Audit have taken steps to implement the recommendations stated in the 2106-2017 audit report. Recommendations included enhancing the approval and documentation process, updating leave policies and controls over institutional camp revenue collection.

Follow-up was not conducted for the Accident Procedures Audit, which had two items for management consideration, and no formal recommendations.

The follow up process for the audits in the 2017-2018 year will be reported in the 2018-2019 Annual Report once the departments have had the opportunity to implement the recommendations in their respective audit reports.

PROFESSIONAL ACTIVITIES

The Institute of Internal Auditors professional standards require that our Office possess the knowledge, skills, and other competencies needed to perform our responsibilities. Members of our Office hold memberships in the following professional organizations to increase our knowledge to better serve FGCU and to pass our knowledge to others:

- Institute of Internal Auditors (IIA)
- Association of College and University Auditors (ACUA)
- Information Systems Audit and Control Association (ISACA)
- Association of Certified Fraud Examiners (ACFE)
- American Institute of Certified Public Accountants (AICPA)
- Florida Institute of Certified Public Accountants (FICPA)
- State University Audit Council (SUAC)

During 2017-2018, two (2) members of our office served as Treasurer and President of the Southwest Florida Chapter #226 of the IIA. During 2017-2018, each staff member met the required hours improving their internal auditing skills and knowledge of higher education issues through CPE.

MANDATORY DISCLOSURES
Institute of Internal Auditors standards and BOG Reg. 4.002(5) require that Internal Audit regularly disclose the following information about its activities to the FGCU Board of Trustees and Senior Management.

**Organizational Independence**
The Office of Internal Audit (IA) confirms to the Board, at least annually, its organizational independence. IA reports administratively to the President and functionally to the Chair of the Audit and Compliance Committee of the FGCU Board of Trustees. Reporting to the Board helps promote the independence necessary for IA to perform its organizational function.

**Impairments to Independence or Objectivity**
If independence or objectivity is impaired in fact or appearance, the details of the impairment must be disclosed. IA had no impairments to independence or objectivity for any engagements performed during the 2017-2018 fiscal year.

**Disclosure of Nonconformance**
Occasionally circumstances require the completion of projects or engagements in a manner that is not consistent with Institute of Internal Audit standards. When this occurs, IA must disclose the nonconformance and its impact to Senior Management and the Board. During the 2017-2018 fiscal year, there were no such instances.

**Resolution of Management’s Acceptance of Risks**
Each audit engagement can potentially produce items that may pose risks to university operations. Some items will require management’s attention while others may be situations in which management decides to accept the risk associated with continuing the current practice. This is normal and is often due to cost/benefit constraints. IA is required to disclose to Senior Management and the Board any situations in which it is believed University personnel have accepted a level of residual risk that may not adequately reduce or mitigate the risk of loss. There were no such instances during the 2017-2018 fiscal year.
Florida Gulf Coast University Board of Trustees
September 11, 2018

SUBJECT: 2018-2019 Internal Audit Work Plan

PROPOSED BOARD ACTION

If recommended by the Audit and Compliance Committee which meets before this meeting, approve the 2018-2019 Internal Audit Work Plan.

BACKGROUND INFORMATION

To comply with Board of Governors Regulation 4.002 (State University System Chief Audit Executives), "each university shall have an office of chief audit executive as a point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in the operations of the university." FGCU's chief audit executive is the Director of Internal Audit who must develop, at least annually, audit plans that are communicated to the President and submitted to the Board of Trustees for approval.

If approved by the FGCU Board of Trustees, a copy of the report will be forwarded to the Board of Governors as required.

Supporting Documentation Included: 2018-2019 Internal Audit Work Plan

Prepared by: Director of Internal Audit William Foster

Legal Review: N/A

Submitted by: Audit and Compliance Committee Chair Joseph Fogg III
Florida Gulf Coast University
Office of Internal Audit
DRAFT 2018-2019 Audit Work Plan

AUDITS

Objectives may be adjusted as we obtain additional information and/or conditions change relative to risk.
Project objectives appear under audit name.

Performance Measures Data Integrity Audit
Determine whether there are effective internal controls, processes, and procedures to ensure the completeness, accuracy, and timeliness of data submissions to the BOG, which support performance measures funding.
Audit testing will be outsourced. Review and assistance will be provided by Internal Audit staff.

Degree Works
Determine whether the capabilities and limitations have been identified.
Determine whether all appropriate capabilities are utilized.
Determine whether any additional data needed to support tracking student progress for timely graduation has been identified and addressed.
Determine whether there is sufficient training to new and existing users.

Vester Field Station
Determine whether there are sufficient internal controls in place for identified Vester activities.
Determine whether revenues are properly assessed, collected and deposited in the correct accounts.
Determine whether expenditures are appropriate, properly authorized, and are in compliance with applicable guidelines.

Information Technology Security - Board of Governors Regulation 3.0075
Determine whether FGCU has appointed an Information Security Manager (ISM) and whether that is reflected in the employee’s position description.
Determine whether the University has developed and annually reviews and updates an information security plan.
Determine whether the information security risk management program includes risk/self assessment components.
Determine whether documented procedures for reporting and handling security violations and the consequences for violating security policies and procedures exist.
Determine whether processes for verifying adherence to the information security plan policies and procedures are in operation.

OTHER ON-GOING ACTIVITIES

Management Assistance, investigations, and special projects as requested.
Follow-up of management’s actions in response to audit recommendations.
Responses to requests for information from external auditors.

Prepared by William Foster, Director of Internal Audit 08/09/18
Recommended for Approval by President Mike Martin, 08/09/18
Florida Gulf Coast University Board of Trustees  
September 11, 2018

SUBJECT: Academic Camps and Conferences Audit

PROPOSED BOARD ACTION

If recommended by the Audit and Compliance Committee which meets before this meeting, accept the Academic Camps and Conferences Audit Report dated August 13, 2018.

BACKGROUND INFORMATION

This report presents a limited scope audit of academic camps, conferences or similar programs conducted during the Fall 2016, Spring 2017 and Summer 2017 semesters. The Office of Campus Conference Programs has procedures and processes in place to comply with requirements for camp operations. However, management in Campus Conference Programs has begun implementing additional procedures to ensure the consistency and effectiveness of camps and conferences operations.

If accepted by the FGCU Board of Trustees, a copy of the report will be forwarded to the Board of Governors as required.

Supporting Documentation Included: Academic Camps and Conferences Audit Report issued August 13, 2018

Prepared by: Director of Internal Audit William Foster

Legal Review: Vice President and General Counsel Vee Leonard (August 17, 2018)

Submitted by: Audit and Compliance Committee Chair Joseph Fogg III
INTEROFFICE MEMORANDUM

To: Steve Magiera, Vice President, Administrative Services and Finance
   Eric Balmer, Director of Campus Reservations and Records Management
Cc: Dr. Michael Martin, President
    Susan Evans, Vice President & Chief of Staff

From: Jena Valerioti, Internal Auditor
       William D. Foster, Director, Internal Audit

Date: August 17, 2018

Re: Academic Camps and Conferences Audit (FINAL REPORT)

Please see the attached final report of the Academic Camps and Conferences Audit, which includes the management response. The report is dated August 13, 2018 which is the date Internal Audit received the management response from the Director of Campus Reservations and Records Management.

On August 16, 2018, Vee Leonard, General Counsel, completed a legal review of the audit report.

The audit was performed by Jena Valerioti, Internal Auditor and reviewed by Carol Slade, Senior Auditor and William D. Foster, Director, Internal Audit.
ACADEMIC CAMPS AND CONFERENCES AUDIT

EXECUTIVE SUMMARY

This Report represents a limited-scope audit of academic camps, conferences and other enrichment programs. Florida Gulf Coast University (“FGCU” or “University”) regulations, policies, procedures, and guidelines govern the use of University facilities and revenue collection applicable to camps.

In our opinion, Campus Conference Programs (“CCP”) has procedures and processes in place to comply with the requirements necessary for camp operations. Notwithstanding, CCP, and other applicable departments should strengthen the procedural controls over camps, conferences, and other enrichment programs by addressing the weaknesses identified in this report.

This audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing, issued by the Institute of Internal Auditors. The audit procedures provided a reasonable basis for our opinion and the following reportable observations and recommendations.

OBJECTIVES

A. Determine whether FGCU academic camps, conferences, or similar programs were conducted in compliance with applicable state statutes, university policies and procedures, and other applicable guidelines.

B. Determine whether additional guidelines, policies, or procedures are needed to provide the necessary control policies to govern these activities.

C. Determine whether appropriate fees and revenues are collected in accordance with university procedures and guidelines, and sound business practices.

AUDIT SCOPE – End of Fieldwork was June 14, 2018.

- Review of Florida Gulf Coast University Regulation FGCU-PR9.001, Use of University Facilities
- Review of Florida Gulf Coast University Policy 3.026, Use of University Facilities
- Review of Section 7: Office of Controller Cash Collection Procedures
- Review of the Florida Department of Children and Families guidelines for background screenings.

BACKGROUND

Conducting a camp, conference, or other enrichment program is at the discretion of a University department or college. For this audit, we reviewed a mix of camps, conferences, and other enrichment programs that were operated during Fall 2016, Spring 2017 and Summer 2017.
semesters. During this time, we found record of 143 camps, conferences or other enrichment programs conducted. These 143 events were compiled and cross referenced from lists provided by Campus Conference Programs (“CCP”), Student Affairs, Environmental Health and Safety and Colleges within Academic Affairs. We conducted a risk based analysis to select 20 events for review.

Each camp has the option to offer a variety of amenities as part of their camp program such as, meals, on campus housing, and/or recreational use of the Aquatics Center. Camps that utilize these other FGCU services work with CCP to contract for use of the facilities and payment arrangements. Campus Reservations schedules space and advises regarding applicable University policies and procedures.

The majority of the events selected for review utilized services from CCP or reserved space through Campus Reservations; however, not all University camps, conferences or other enrichment programs are required or need to be processed through CCP or Campus Reservations. For example, off campus events or those not requiring services or conference room space need not contact CCP for their event.

Management Response Summary: The Campus Conference Programs department is coordinating a working group (consisting of a representative from the General Counsel’s office, Human Resources office, Environmental Health and Safety office, and the Finance and Accounting office) to establish specific camp packages that each camp administrator will be responsible for completing. A training program will be run in the Fall 2018 semester to formally educate the FGCU camp administrators to the appropriate procedures and paperwork.

These packages will outline: 1) General Counsel approved waivers for campers, adults, and personnel involved in the camp program; 2) Appropriate procedures for DCF state required background checks through the office of Human Resources; 3) Mandatory and optional insurance requirements for all camps from the department of Environmental Health and Safety; and 4) Appropriate cash collection procedures for all camps from the Finance and Accounting department. A Campus Conference Program employee will be responsible for ensuring all camp administrators have the appropriate required waivers, insurance, and background checks completed before a camp participant or personnel can partake in the program. Each respective vice president should inform his/her division of the camp requirements and that the Campus Conference Programs department is designated to coordinate and ensure that all camp requirements (background screenings, University waivers, insurance, and appropriate fee collection procedures) are completed. Campus Conference Programs will maintain, update, and post on its’ website all information regarding camps and all required documents for each specific camp.
OBSERVATIONS AND RECOMMENDATIONS

Objective A

1. DCF Background Screenings

Condition: One of eight camps that were required to receive background screenings per the Florida Department of Children and Families ("DCF") guidelines was not screened. Additionally, a separate camp had one employee who worked the camp but was not screened. There were also 30 individuals across five camps screened outside the allowed 60 days prior to the start of camp.

Criteria: DCF requires that "all summer camp personnel must be screened, which includes; owners, operators, employees and volunteers that provide care for children." DCF also requires that "all summer camp personnel must be screened no more than 60 days before they begin employment and must be rescreened annually, unless they continually work in a profession caring for vulnerable populations and are not unemployed for more than a 90 day period, and the Level 2 screening was completed within the last 5 years." These Level 2 Background Screenings are processed through the Care Provider Background Screening Clearinghouse ("Clearinghouse") administered by the Florida Agency for Health Care Administration. This Clearinghouse is a single data source for background screening results that include both state and nationwide criminal history checks.

Cause: The DCF screening process for camps is new to the University; moreover, there was a change in responsible Human Resources personnel. This audit observation is the result of faulty communication during a transition process that occurred after an employee separated from the University.

Effect: These camps were not in compliance with DCF background screening requirements specified in Florida Statutes and could expose the University to unnecessary risks.

Recommendation: It is recommended that screenings in accordance with DCF requirements begin immediately. Human Resources should work with the Office of the General Counsel to address concerns or questions when interpreting DCF requirements.

The DCF background screening process would benefit from enhanced communication between Campus Conference Programs and Human Resources of events that may require DCF background screenings. Human Resources should then certify to CCP that all camps have been appropriately screened. Complete background screenings for applicable events should be a requirement to utilize space at the university.

Management Response: Currently, a list of all FGCU summer camps that are coordinated through Campus Conference Programs is sent to Human Resources at least 60 days prior to the camp start date(s). Campus Conference Programs and Human Resources enacted this practice for camps that took place during the Summer of 2018, and the process went well.
Conference Programs and Human Resources will continue this practice for future summer camps to ensure that all of the appropriate background screening information is followed. DCF background screening information will also be placed on the Campus Conference Programs website to ensure that camp administrators have the necessary information and requirements available to them. This information will be given to camp administrators by Campus Conference Programs in a variety of ways, including: 1) formalized annual training program beginning in the Fall 2018 semester; 2) e-mailing the camp administrators the required background check process well in advance of their camp date; 3) each camp administrator receives a facilitator checklist that includes the appropriate background screening information; and, 4) This information is also reviewed at the required 30 day meeting with each camp administrator.

Response Provided By: Eric Balmer, Director of Campus Reservations and Records Management

Person Responsible: Eric Balmer, Director of Campus Reservations and Records Management and Teri Bigos, Manager, Campus Conference Programs and Records Management

Implementation Date: November 1, 2018

2. Approved Waivers

Condition: Five of the 12 camps that required a waiver(s) or participants’ signatures, did not use a General Counsel approved waiver or verbiage, such as releasing the university from liability during camp participation or consent for the receipt of medical assistance, if needed.

Criteria: The FGCU Facility Use Agreement (“FUA”) section “Release of University” and the Memorandum of Understanding (“MOU”) states in part, all groups “will be required to obtain a signed informed consent waiver for each participant prior to the event. FGCU groups must use an approved waiver form which may be found at the Office of the General Counsel website.” The intent is that all camps are required to collect signed waivers from all participants.

Cause: A variety of waivers have been created and posted to the Office of the General Counsel’s Website to satisfy the needs of the growing number of camps and groups that operate across campus. These waivers are not being utilized by camp administrators. Camp administrators may be unaware of the General Counsel approved waivers or they created their own if the event requires specific verbiage.

Effect: The University may not be adequately protected.

Recommendation: All camps should be utilizing a General Counsel approved waiver, when necessary. Campus Conference Programs (“CCP”) should work with the Office of the General Counsel to better understand the waiver requirements so that they can educate the camp administrators about the appropriate use of waivers. It is also recommended that specific camp and other enrichment program waiver criteria should be presented on the CCP webpage, or other centralized location, to inform camp administrators of the waiver criteria and enhance controls to ensure the appropriate use of the approved waivers.
**Management Response:** Campus Conference Programs is coordinating a working group (consisting of a representative from the General Counsel’s office, Human Resources office, Environmental Health and Safety office, and the Finance and Accounting office) to establish specific camp packages that each camp administrator will be responsible for completing. An annual training program will begin in late Fall 2018 to educate the camp administrators to the appropriate procedures and paperwork. Moving forward, each FGCU camp administrator will be advised by Campus Conference Programs as to which waiver should be utilized for their camp. Campus Conference Programs will work with the General Counsel’s office regarding questions as to which specific waiver should be utilized for an individual camp. Each of these waivers and their criteria will be added to the Campus Conference Programs website to ensure that camp administrators have the necessary information available to them. The information will also be reviewed with each individual camp administrator several times throughout the camp planning process.

**Response Provided By:** Eric Balmer, Director of Campus Reservations and Records Management

**Person Responsible:** Eric Balmer, Director of Campus Reservations and Records Management and Teri Bigos, Manager, Campus Conference Programs and Records Management

**Implementation Date:** November 1, 2018

**Objective B**

**3. Identifying Unknown Camps**

**Condition:** Campus Conference Programs (“CCP”) and Campus Reservations provide a centralized contact for camp requirements; however, not all camps are required to be processed through these departments. Camps and events that occur off-site, or departments with their own designated lab space, may not require services or reservations from CCP.

**Criteria:** All University faculty and staff should be aware of, and have access to, the requirements for operating a camp.

**Cause:** As the University has grown, processes for envisioned camps were put in place, but not updated for new and different types of camps.

**Effect:** The existing procedures and controls have no effect on camps that are not processed through Campus Conference Programs or Campus Reservations and could expose the University to unnecessary risks.

**Recommendation:** It is recommended that camp requirements (i.e. background screenings, university waivers, insurance, and appropriate fee collection procedures) be communicated to the University’s faculty and staff by a method deemed most effective by the Vice President for Administrative Services and Finance designee. This written communication should encompass processes and guidelines for both academic and athletic based camps.

**Management Response:** Each respective vice president should inform his/her division of the
appropriate camp requirements and that the Campus Conference Programs department is designated to coordinate and ensure that all camp requirements (background screenings, University waivers, insurance, and appropriate fee collection procedures) are completed. This information will also be posted on the Campus Conference Programs website and reviewed several times throughout the camp planning process.

Response Provided By: Eric Balmer, Director of Campus Reservations and Records Management

Person Responsible: Eric Balmer, Director of Campus Reservations and Records Management and Teri Bigos, Manager, Campus Conference Programs and Records Management

Implementation Date: November 1, 2018

4. Camper’s Insurance: Accident and Medical

Condition: Environmental Health and Safety (“EHS”) is not notified of the existence of camps unless the camp itself comes to them requesting camper’s insurance. EHS is unable to determine if an event needs insurance.

Criteria: When inquiring of EHS as to whether the events in our sample should have camper’s insurance, there were a variety of factors and information to consider. EHS should be given the opportunity to review such necessary information from the camp operator prior to the start of the event.

Cause: Not all camps require camper’s insurance; therefore, the responsibility of obtaining camper’s insurance was left to the individual camp administrators.

Effect: The camps may not have appropriate insurance coverage for individual campers.

Recommendation: Camp administration would benefit from an enhanced process to include communication between Campus Conference Programs (“CCP”) and EHS to provide information regarding camps that may require camper’s insurance. EHS should then certify to CCP that all camps have appropriate insurance coverage. Adequate coverage for applicable camps and campers should be a requirement to utilize space at the University. Enhanced communication will allow EHS to be informed of the camps each year so that they are able to make a determination as to which camps should obtain camper’s insurance. This should reduce potential liability to the University.

It is also recommended that specific camper’s insurance criteria should be presented on the CCP webpage, or other centralized location, to inform camp administrators of the requirements and processes for obtaining camper’s insurance.

Management Response: Campus Conference Programs currently receives a certificate of liability insurance for all camps that are managed by outside organizations which follows the University requirements as noted in the Use of University Facilities regulation and policy. To enhance communication as suggested in the recommendation, Campus Conference Programs will send a list of all summer camps (both internal and external) that are coordinated by Campus Conference.
Programs to Environmental Health and Safety 60 days prior to the camp start date(s). The University will mandate a minimum camper’s insurance package for each FGCU camp. An optional additional insurance coverage will also be available for purchase. Camps managed by outside organizations will continue to be required to meet the University’s designated insurance requirements through their company’s insurance. This information will also be posted on the Campus Conference Programs webpage and reviewed several times with the FGCU camp administrator throughout the camp planning process.

Response Provided By: Eric Balmer, Director of Campus Reservations and Records Management

Person Responsible: Eric Balmer, Director of Campus Reservations and Records Management and Teri Bigos, Manager, Campus Conference Programs and Records Management

Implementation Date: November 1, 2018

Objective C

5. Cash Collection Procedures

Condition: Five of 12 camps were not following applicable cash collection procedures, such as using an endorsement stamp, safeguarding funds and utilizing receipting books. One of those five camps collected a deposit from each participant and held the funds in lieu of remitting to the Cashier’s Office. This process was not approved by the Bursar’s Office.

Criteria: Section 7 of the FGCU Cash Collection Procedures Manual states, “for collections received in person, it is expected that proper receipting devices, such as a pre-numbered internal cash receipt at the initial point of collection, be provided and that all customers receive a temporary receipt. For collections received through the mail, the person opening the mail should immediately log the check on the cash/check log and restrictively endorse the check at the earliest point in collections.” The manual also states, “it is the personal responsibility of the Cash Custodian to maintain the cash in a secure location.”

Cause: The individuals operating these camps failed to follow FGCU Cash Collection Procedures.

Effect: These camps are not in compliance with University cash collection procedures that have been established by the FGCU Controller’s Office and, in particular, by the Bursar’s Office.

Recommendation: Camp administrators are required to review and follow cash collection procedures. They should also request additional training from the Bursar’s Office, as needed.

It is recommended that Campus Conference Programs (CCP) work with the Bursar’s Office to provide additional information on the CCP webpage to inform camp administrators of their responsibilities related to cash collection procedures. This information would provide a clearer outline of cash collection criteria and processes for collection of funds when operating a camp.

Management Response: Campus Conference Programs will include the Cash Collection
The information will also be reviewed with each individual camp administrator whose camp is coordinated by Campus Conference Programs several times throughout the camp planning process. Campus Conference Programs will also direct camp administrators to Finance and Accounting for the appropriate training if there are any questions on appropriate cash handling procedures.

Response Provided By: Eric Balmer, Director of Campus Reservations and Records Management

Person Responsible: Eric Balmer, Director of Campus Reservations and Records Management and Teri Bigos, Manager, Campus Conference Programs and Records Management

Implementation Date: November 1, 2018

Audit Performed by: Jena Valerioti, Internal Auditor
Audit Reviewed by: Carol Slade, Senior Auditor and William Foster, Director, Internal Audit