SUBJECT: School Code Rewrite Highlights

PROPOSED BOARD ACTION

N/A.

BACKGROUND INFORMATION

The Florida Legislature during its 2002 regular and special sessions considered and approved additional devolution items with respect to Florida’s new K-20 education system. The school code contained in Florida statutes was rewritten to incorporate all changes made this year, and also during the 2001 legislative session.

The legislative bill regarding the school code rewrite numbered more than 1,800 pages, which will be significantly decreased when the language is codified later this summer. Copies of the codified school code rewrite will be provided to trustees at a later time, but provided with these materials are (1) an executive summary of key issues impacting state universities, and (2) a broader, 20-page summary that includes detailed provisions relating to university boards of trustees. Highlights of these items will be presented during the June Board meeting in a report by Assistant to the President for Government Relations Tom Healy.

Supporting Documentation Included: (1) Executive Summary, and (2) Broader Summary of School Code Rewrite Issues

Committee Review: N/A

Prepared by: Dr. Tom Healy, Office of the President

Submitted by: President Bill Merwin
### Highlights of Major University Issues in the School Code Rewrite Bill

**Senate Bill 20-E**

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<th>Description</th>
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<td><strong>Legal entity status</strong></td>
<td>Removes universities from state agency status and designates them as &quot;public corporations.&quot; No bureau, department, division, agency, or subdivision of the state shall exercise any responsibility and authority to operate any state university except as specifically provided by law or rules of the State Board of Education, although they are not prohibited from providing access to programs or systems or providing other assistance to a state university pursuant to an agreement between the board and such state, department, bureau, division, agency, or subdivision.</td>
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<td><strong>Budgeting</strong></td>
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<td><strong>Deposit of Funds outside the Treasury</strong></td>
<td>Allows universities to deposit funds outside the State Treasury and invest funds locally.</td>
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<td><strong>Eminent Domain</strong></td>
<td>Allows university boards to exercise the right of eminent domain with approval of State Board of Education.</td>
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<td><strong>FFMIS and FLAIR</strong></td>
<td>Establishes an orderly process whereby each university may prepare a plan to move off FFMIS and FLAIR to be certified by the state board.</td>
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<td><strong>Carry forward funds</strong></td>
<td>Eliminates the 5% cap on university carry forward funds; no restrictions on how universities can spend carry forward funds; requires universities to report when their fund balances fall below 5%.</td>
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<td><strong>Direct Support Organizations</strong></td>
<td>Authorizes university boards to certify DSO’s; chair of university board may appoint a representative to the DSO board of directors and the executive committee of any DSO.</td>
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<td><strong>Ownership of Property</strong></td>
<td>Allows title to lands purchased in the future from non-state appropriated funds to be held by the university board of trustees.</td>
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<td><strong>Law enforcement authority</strong></td>
<td>Gives university law enforcement authority over DSO property.</td>
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<td><strong>Construction flexibility</strong></td>
<td>Provides universities with more flexibility over small construction projects by increasing the cap on the amount of a construction project for which they have authority from $500,000 to $1 million.</td>
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<tr>
<td><strong>Campus Master Planning &amp; Development Agreements</strong></td>
<td>Provides increased authority to university boards for developing a campus master plan and negotiating campus development agreements with their host jurisdiction.</td>
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THE 2002 SCHOOL CODE REWRITE BILL
SB 20-E

I. Florida Board of Education

Becomes the State Board of Education – January 7, 2003

Secretary of Education becomes the Commissioner of Education

In the School Code Bill, the appointed State Board of Education is the head of the Department of Education. The appointed Commissioner of Education is the Executive Director for the Department of Education. Three divisions are created within the Department of Education:

- Division of Public Schools
- Division of Community Colleges
- Division of Colleges & Universities

The Division of Independent Education is eliminated. The bill eliminates the Executive Director of Independent Education and renames the education governance officers to the following:
- Deputy Commissioner of Public Schools
- Deputy Commissioner of Community Colleges
- Deputy Commissioner of Colleges and Universities

The bill creates an Office of Private K-12 and Home Education within the Department of Education.

A. State Board of Education / Education Commissioner
   Powers & Duties – see appendix

B. Enforcement Authority

Present Situation:
Chapter 2001-170, Laws of Florida (SB 1162), requires that the State Board of Education become an enforcement body. The legislation provides for the state board to be the entity responsible for ensuring that school districts and public postsecondary institutions comply with law and state board rule.

School Code Rewrite:
The bill creates s. 1008.32, F.S., to authorize the State Board of Education a number of options to enforce the law and state board rule. District school boards and public postsecondary educational institution boards are primarily responsible for enforcement of law and state board rule.

Section 1008.32 State Board of Education Oversight Enforcement Authority
The State Board of Education shall oversee the performance of district school boards and public postsecondary educational institution boards in enforcement of all laws and rules. District school boards and public postsecondary educational institution boards shall be primarily responsible for compliance with law and state board rule.

(1) In order to ensure compliance with law or state board rule, the State Board of Education shall have the authority to request and receive information, data, and reports from school districts and public postsecondary educational institutions. District school superintendents
and public postsecondary educational institution presidents are responsible for the accuracy of the information and data reported to the state board.

(2) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause, the commissioner shall report to the State Board of Education which shall require the district school board or public postsecondary educational institution board to document compliance with law or state board rule.

(3) If the district school board or public postsecondary educational institution board cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified timeframe.

(4) If the State Board of Education determines that a district school board or public postsecondary educational institution board is unwilling or unable to comply with law or state board rule within the specified time, the state board shall have the authority to initiate any of the following actions:

(a) Report to the Legislature that the school district or public postsecondary educational institution has been unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.

(b) Reduce the discretionary lottery appropriation until the school district or public postsecondary education institution complies with the law or state board rule.

(c) Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the school district or public postsecondary educational institution complies with the law or state board rule.

(d) Declare the school district or public postsecondary educational institution ineligible for competitive grants.

(e) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

C. Rulemaking Authority

Section 1001.01(9) State Board of Education “Minimum Standards, Definitions & Guidelines”

The State Board of Education shall prescribe minimum standards, definitions, and guidelines for community colleges and state universities that will ensure the quality of education, coordination among the community colleges and state universities, and efficient progress toward accomplishing the community college and state university mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

(c) Program offerings and classification, including college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must provide that students moving from one level of education to the next acquire the necessary competencies for that level.

(d) Provisions for curriculum development, graduation requirements, college calendars, and program service areas. These provisions must include rules that:

1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the community college.

2. Require all of the credits accepted for the associate in arts degree to be in the statewide course numbering system as credits towards a baccalaureate degree offered by a state university.

3. Require no more than 36 semester credit hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The rules should encourage community colleges to enter into agreements with state universities that allow community college students to complete upper-division-level
courses at a community college. An agreement may provide for concurrent enrollment at
the community college and the state university and may authorize the community college
to offer an upper-division-level course or distance learning.
(e) Student admissions, conduct and discipline, nonclassroom activities, and fees.
(f) Budgeting.
(g) Business and financial matters.
(h) Student services.
(i) Reports, surveys, and information systems, including forms and dates of submission.

II. University Issues

A. Legal Entity Status
State universities are currently designated as state agencies.

Effective January 7, 2003, the bill removes universities from state agency status by
designating them as “public corporations.”
- State universities maintain sovereign immunity protections
- No bureau, department, division, agency, or subdivision of the state shall
  exercise any responsibility and authority to operate any state university except as specifically provided by law or rules of the State Board of
  Education
- A department, bureau, division, agency, or subdivision of the state is not
  prohibited from providing access to programs or systems or providing
  other assistance to a state university pursuant to an agreement between
  the board of trustees and such department, bureau, division, agency, or
  subdivision of the state.
- State universities subject to the Administrative Procedures Act; state
  open meetings & public records laws

B. Appropriations
Rather than as state agencies, the bill provides that funds for the general
operations of universities shall be requested and appropriated as Aid to Local
Governments Grants and Aids, subject to provisions of the General
Appropriations Act.

The State Board of Education shall provide instructions, guidelines, and standard
formats to be used by each university that will provide to the State Board of
Education and the Legislature adequate information to support and justify the
legislative budget requests submitted pursuant to ss. 216.023, 1013.60, and
1011.90 for each university.

OPERATING BUDGET.--Each university board of trustees shall adopt an
operating budget for the operation of the university as prescribed by law and
rules of the State Board of Education. Each university president shall prepare and
implement the operating budget of the university as prescribed by law, rules of
the State Board of Education, policies of the university board of trustees, and
provisions of the General Appropriations Act. The proposed expenditures, plus
transfers, and balances shall not exceed the estimated income, transfers, and
balances. The budget and each part thereof shall balance. If at any time the
unencumbered balance in the education and general fund of the university board
of trustees approved operating budget goes below five percent, the president shall provide written notification to the State Board of Education.

**EXPENDITURES.**--Expenditures from any source of funds by any university shall not exceed the funds available. Expenditures shall not exceed the amount budgeted under each classification of accounts for each fund and the total amount of the budget, as amended as prescribed by rules of the State Board of Education. No expenditure of funds, contract, or agreement of any nature shall be made that requires additional appropriation of funds by the Legislature unless specifically authorized in advance by law or the General Appropriations.

Funds appropriated in the General Appropriations Act for the operation of state universities shall be distributed by the State Board of Education to the universities twice monthly. The Executive Office of the Governor may modify this schedule if required to meet specific needs of a university.

**C. Employer Status - Personnel Systems/personnel classification and pay systems**

The State Board of Education currently prescribes the uniform personnel systems to be used by all universities.

The bill allows universities to establish their own personnel programs and systems in accordance with law and state board rule.

- The bill requires the State Board of Education to adopt minimum guidelines and criteria for university personnel systems.

- Universities maintain coverage for their employees under the state health insurance and retirement plans.

- **Collective Bargaining**

  In current law, the State Board of Education is the public employer for all state universities and handles collective bargaining. One set of terms and conditions of employment is bargained centrally for all universities, by unit. The Legislature resolves issues at impasse.

  Five labor organizations are recognized as the bargaining agents for employees in the State University System:

  - Florida Public Employees Council 79 (AFSCME)(four separate units)
  - Florida Nurses Association, Inc. (FNA)
  - Florida Police Benevolent Association (PBA)
  - Graduate Assistants United (GAU)(three separate units)
  - United Faculty of Florida (UFF).

  The School Code bill allows university boards to collectively bargain locally and designates universities as the “public employers” for collective bargaining. In addition, the university boards are defined as the “legislative bodies” for purposes of resolving impasses.
D. **Carry Forward Funds**  
University carry forward funds cannot exceed 5% of the total operating budget of the university. Further, universities are limited in the manner in which carry forward dollars may be spent.

The bill eliminates the 5% cap on university carry forward funds, requires universities to notify the State Board of Education when the unencumbered balance in the general fund goes below 5%.

E. **Procurement & Provision of Goods & Services**  
The State Board of Education currently prescribes the uniform purchasing and contracting systems to be used by all universities.

The bill allows universities to establish their own purchasing and contracting systems in accordance with law and state board rule. In addition it recognizes the universities as providers of goods & services, rather than solely as purchasers. The bill requires the State Board of Education to adopt minimum guidelines and criteria for university purchasing and contracting.

- Universities remain subject to the Competitive Negotiations Act: s. 287.055.
- Universities remain subject to certain state minority contracting provisions: s. 287.09451 for all procurement and ss. 255.101 & 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.

F. **Deposit of Funds outside the State Treasury/Investment of Funds**  
Current law requires the deposit of most university funds in the State Treasury with limited exceptions (i.e., student deposits, private funds, faculty practice plan funds, etc.)

The bill allows universities to deposit funds in a qualified depository for public funds as defined by law. The bill establishes a biweekly disbursement schedule of state appropriated funds to each university.

G. **Eminent Domain**  
The Florida Board of Education can exercise the right of eminent domain with approval from the State Board of Education (elected Cabinet).

The bill allows university boards to exercise the right of eminent domain with the approval of the State Board of Education (appointed body in 2003).

H. **Florida Financial Management Information System (FFMIS) and FLAIR**  
Current law requires all state agencies to utilize FFMIS and FLAIR. Five universities (USF, UCF, FIU, FGCU, and FAU) have been authorized to prepare plans to be exempted from the use of these systems; however, the universities are not ready to change for the 2002-2003 fiscal year.
The bill establishes a process for each university to prepare a plan to move off the FFMIS and FLAIR systems.

Universities must establish a parallel system and demonstrate the adequacy and effectiveness of the new system to meet the needs of the university and to provide information required for Legislative budgeting and state level information systems.

The State Board of Education certifies to the Legislature when a university has an acceptable alternative budgeting and MIS process to transition to a new system.

I. Ownership of Real Property
Because they are state agencies, most university lands and buildings are state property and subject to the control and authority of the Board of Trustees of the Internal Improvement Trust Fund (Governor & Cabinet). Properties are then leased to the State Board of Education.

The bill makes the following changes:
- Title to property currently held with the state will remain with the state
- Title to property purchased in the future with state appropriated funds will remain with the state
- The university boards will hold title to any property purchased after January 7, 2003 if no state funds are used for the purchase.

The bill also grants the university boards the same authorities relating to appraisals, surveys and option contracts previously granted to the Board of Regents.

J. Risk Management
The State Risk Management Trust Fund (RMTF) provides insurance coverage from specified losses to universities due to their state agency status.

The bill continues coverage for the universities under the Risk Management Trust Fund. The State Board of Education is authorized to purchase or provide as a self-insurer comprehensive general liability insurance. Universities are required to maintain coverage under the Risk Management Trust Fund.

K. Summer “9-Hour Rule”
To increase student access, to efficiently utilize space, and to assist in the recruitment and retention of faculty, a current State Board of Education rule (former BOR rule on the books since the mid-1970’s) requires students who attend a state university to take 9 credit hours of education during a summer term.

The bill provides that any student who earns 9 or more credits from one or more of the acceleration mechanisms (IB, AP, CLEP, dual enrollment, etc.) is exempt from any requirement of a public postsecondary educational institution mandating enrollment during a summer term.
L. **Student Government**
The bill changes the responsibility of the approval of student government association internal procedures from the authority of the university president to the university board of trustees.

M. **SUNCOM**
Section 282.103, F.S., requires all state agencies to use the SUNCOM system. The bill continues to require universities to use SUNCOM.

N. **Tuition and Fees**
Currently universities have some limited authority with respect to “differential tuition” as long as they are given the spending authority for those funds. However, the Legislature has rarely given the spending authority for the differential tuition. Therefore, all state universities charge the same matriculation and tuition.

The bill continues the current tuition & fee structure (the university boards are authorized to set tuition only within the General Appropriations Act).

O. **University Admissions**
Current law provides a 5% exception for the SUS admissions requirement relating to foreign languages. This 5% cap is a system wide cap. Therefore, the percentage of students provided exceptions varies by institution.

The bill eliminates the 5% system wide cap and authorizes the State Board of Education to establish the percent cap which could vary by institution

P. **University Police**
The bill expands the jurisdiction of university law enforcement to include property and facilities of a university direct-support organization.

Q. **Direct Support Organizations**
Current law requires the State Board of Education to certify direct support organizations and authorizes the SBE to appoint a representative to the board of directors and the executive committee of any DSO.

The bill transfers certification authority to the university boards.

The bill specifies that the chair of the university board may appoint a representative to the DSO board of directors and the DSO executive committee.

- Watch for the status of HB 1177
POWERS & DUTIES
STATE BOARD OF EDUCATION

1001.02 General powers of State Board of Education.--

(1) The State Board of Education is the chief implementing and coordinating body of public education in Florida, and it shall focus on high-level policy decisions. It has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it for the improvement of the state system of K-20 public education. Except as otherwise provided herein, it may, as it finds appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

(2) The State Board of Education has the following duties:

(a) To adopt comprehensive educational objectives for public education.

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education.

(c) To exercise general supervision over the divisions of the Department of Education as necessary to ensure coordination of educational plans and programs and resolve controversies and to minimize problems of articulation and student transfers, to ensure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to ensure maximum utilization of facilities.

(d) To adopt for state universities and community colleges, and from time to time modify, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.

(e) To adopt and submit to the Governor and Legislature, on or before September 1 of each year, a coordinated K-20 education budget that estimates the expenditure requirements for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended by the State Board of Education which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(f) To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and rules relating to the state system of public education.

(g) To approve plans for cooperating with the Federal Government.

(h) To approve plans for cooperating with other public agencies in the development of rules and in the enforcement of laws for which the state board and such agencies are jointly responsible.

(i) To review plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools.

(j) To create such subordinate advisory bodies as are required by law or as it finds necessary for the improvement of education.

(k) To constitute any education bodies or other structures as required by federal law.

(l) To assist in the economic development of the state by developing a state-level planning process to identify future training needs for industry, especially high-technology industry.

(m) To assist in the planning and economic development of the state by establishing a clearinghouse for information on educational programs of value to economic development.

(n) To adopt cohesive rules pursuant to ss. 120.536(1) and 120.54, within statutory authority, for education systemwide issues.

(o) To authorize the allocation of resources in accordance with law and rule.

(p) To contract with independent institutions accredited by an agency whose standards are comparable to the minimum standards required to operate a postsecondary educational institution at that level in the state. The purpose of the contract is to provide those educational programs and facilities which will meet needs unfulfilled by the state system of public postsecondary education.

(q) To recommend that a district school board take action consistent with the state board's decision relating to an appeal of a charter school application.

(r) To enforce systemwide education goals and policies.
(s) To establish a detailed procedure for the implementation and operation of a systemwide K-20 technology plan that is based on a common set of data definitions.
(t) To establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.
(u) To adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers, and to provide for cooperative agreements between and within public and private education sectors.
(v) To develop, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.
(w) To approve a new program at the professional level or doctoral level, if:
   1. The university has taken into account the need and demand for the program, the university's mission, and similar program offerings by public and nonpublic counterparts.
   2. The addition of the program will not alter the university's emphasis on undergraduate education.
(x) To review, and approve or disapprove, degree programs identified as unique pursuant to s. 1007.25.
(y) To recommend to the Legislature a plan for implementing block tuition programs and providing other incentives to encourage students to graduate within 4 years.
(3) The State Board of Education shall adopt rules to establish the criteria for assigning, reviewing, and removing limited-access status to an educational program. The State Board of Education shall monitor the extent of limited-access programs within the state universities and report to the Legislature admissions and enrollment data for limited-access programs. Such report shall be submitted annually by December 1 and shall assist in determining the potential need for academic program contracts with independent institutions pursuant to paragraph (2)(p). The report must specify, for each limited-access program within each institution, the following categories, by race and gender:
   (a) The number of applicants.
   (b) The number of applicants granted admission.
   (c) The number of applicants who are granted admission and enroll.
   (d) The number of applicants denied admission.
   (e) The number of applicants neither granted admission nor denied admission.

Each category must be reported for each term. Each category must be reported by type of student, including the following subcategories: native students, community college associate in arts degree transfer students, and other students. Each category and subcategory must further be reported according to the number of students who meet or exceed the minimum eligibility requirements for admission to the program and the number of students who do not meet or exceed the minimum eligibility requirements for admission to the program.
(4) The State Board of Education shall review, and approve or disapprove, baccalaureate-degree programs that exceed 120 semester hours, after considering accreditation requirements, employment and earnings of graduates, 3 comparative program lengths nationally, and comparisons with similar programs offered by independent institutions. By December 31 of each year, the State Board of Education must report to the Legislature any degrees in the state universities that require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the State Board of Education must determine whether the programs still require more than the standard length of 120 hours.
(5)(a) The State Board of Education shall adopt a systemwide strategic plan that specifies goals and objectives for the state universities and community colleges. In developing this plan, the State Board of Education shall consider the role of individual public and independent institutions within the state. The plan shall provide for the roles of the universities and community colleges to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify mission statements and identify degree programs to be offered at each university and community college in accordance with the objectives provided in this subsection. The systemwide strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The systemwide and university and community college strategic plans must specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state. The state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the system plan.
(b) The State Board of Education shall develop long-range plans and annual reports for financial aid in this state. The long-range plans shall establish goals and objectives for a comprehensive program of financial aid for Florida students and shall be updated every 5 years. The annual report shall include an assessment of progress made in achieving goals and objectives established in the long-range plans and recommendations for repealing or modifying existing financial aid programs or establishing new programs. A long-range plan shall be submitted by January 1, 2004, and every 5 years thereafter. An annual report shall be submitted on January 1, 2004, and in each successive year that a long-range plan is not submitted, to the President of the Senate and the Speaker of the House of Representatives.

(6) The State Board of Education shall coordinate the programs with the Council for Education Policy Research and Improvement, including doctoral programs. The programs shall be reviewed every 5 years or whenever the state board determines that the effectiveness or efficiency of a program is jeopardized. The State Board of Education shall define the indicators of quality and the criteria for program review for every program. Such indicators include need, student demand, industry-driven competencies for advanced technology and related programs, and resources available to support continuation. The results of the program reviews must be tied to the university and community college budget requests.

(7) The State Board of Education shall:
(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served.
(b) Specify, by rule, procedures to be used by the boards of trustees in the annual evaluations of presidents and review the evaluations of presidents by the boards of trustees.
(c) Establish an effective information system that will provide composite data concerning the community colleges and state universities and ensure that special analyses and studies concerning the institutions are conducted, as necessary, for provision of accurate and cost-effective information concerning the institutions.
(d) Establish criteria for making recommendations for modifying district boundary lines for community colleges.
(e) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for community colleges and state universities.
(f) Examine the annual administrative review of each community college and state university.
(g) Specify, by rule, the degree program courses that may be taken by students concurrently enrolled in college-preparatory instruction.
(h) Adopt and submit to the Legislature a 3-year list of priorities for fixed-capital-outlay projects.

(8) The State Board of Education is responsible for reviewing and administering the state program of support for the community colleges and, subject to existing law, shall establish the tuition and out-of-state fees for college-preparatory instruction and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.

(9) The State Board of Education shall prescribe minimum standards, definitions, and guidelines for community colleges and state universities that will ensure the quality of education, coordination among the community colleges and state universities, and efficient progress toward accomplishing the community college and state university mission. At a minimum, these rules must address:
(a) Personnel.
(b) Contracting.
(c) Program offerings and classification, including college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must provide that students moving from one level of education to the next acquire the necessary competencies for that level.
(d) Provisions for curriculum development, graduation requirements, college calendars, and program service areas. These provisions must include rules that:
1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the community college.
2. Require all of the credits accepted for the associate in arts degree to be in the statewide course numbering system as credits towards a baccalaureate degree offered by a state university.
3. Require no more than 36 semester credit hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The rules should encourage community colleges to enter into agreements with state universities that allow community college students to complete upper-division-level courses at a community college. An agreement may
provide for concurrent enrollment at the community college and the state university and may authorize the community college to offer an upper-division-level course or distance learning.

(e) Student admissions, conduct and discipline, nonclassroom activities, and fees.

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

(i) Reports, surveys, and information systems, including forms and dates of submission.

1001.03 Specific powers of State Board of Education.--

(1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.—The State Board of Education shall approve the student performance standards known as the Sunshine State Standards in key academic subject areas and grade levels.

(2) DIRECT-SUPPORT ORGANIZATION OF THE DEPARTMENT OF EDUCATION.—The State Board of Education shall govern issues relating to use of property, facilities, and personal services between the Department of Education and its direct-support organization and shall certify that the organization operates at all times in a manner consistent with the goals and best interest of the department, pursuant to s. 1001.24.

(3) PROFESSIONAL CERTIFICATES.—The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service, as described in chapter 1012.

(4) PROFESSIONAL TEACHER ASSOCIATIONS.—The State Board of Education shall ensure that not-for-profit, professional teacher associations that offer membership to all teachers, noninstructional personnel, and administrators, and that offer teacher training and staff development at no fee to the district, shall be given equal access to voluntary teacher meetings, be provided access to teacher mailboxes for distribution of professional literature, and be authorized to collect voluntary membership fees through payroll deduction.

(5) IDENTIFICATION OF CRITICAL TEACHER SHORTAGE AREAS.—The State Board of Education shall identify critical teacher shortage areas pursuant to s. 1012.07.

(6) CAPITAL OUTLAY BOND AND MOTOR VEHICLE TAX ANTICIPATION CERTIFICATE RESOLUTIONS.—The State Board of Education shall issue bonds and approve resolutions regarding the expenditure of funds for capital projects and purposes pursuant to the State Constitution and other applicable law.

(7) ARTICULATION ACCOUNTABILITY.—The State Board of Education shall develop articulation accountability measures that assess the status of systemwide articulation processes, and shall establish an articulation accountability process in accordance with the provisions of chapter 1008.

(8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education shall enforce compliance with law and state board rule by all school districts and public postsecondary educational institutions, in accordance with the provisions of s. 1008.32.

(9) MANAGEMENT INFORMATION DATABASES.—The State Board of Education shall continue to collect and maintain, at a minimum, the management information databases for state universities, and all other components of the public K-20 education system as such databases existed on June 30, 2002.

(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY EDUCATION.—The State Board of Education shall develop and implement a common placement test to assess the basic computation and communication skills of students who intend to enter a degree program at any community college or state university.

(11) MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY EDUCATION.—The State Board of Education shall adopt minimum standards relating to nonpublic postsecondary education and institutions, in accordance with the provisions of chapter 1005.

(12) COMMON POSTSECONDARY DEFINITIONS.—The State Board of Education shall adopt, by rule, common definitions for associate in science degrees and for certificates.

(13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.—The State Board of Education shall provide for the cyclic review of all academic programs in community colleges and state universities at least every 7 years. Program reviews shall document how
individual academic programs are achieving stated student learning and program objectives within the context of the institution's mission. The results of the program reviews shall inform strategic planning, program development, and budgeting decisions at the institutional level.

(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of Education shall recommend to the Legislature by February 1, 2003, a uniform classification system for school district administrative and management personnel that will facilitate the uniform coding of administrative and management personnel to total district employees.

POWERS & DUTIES
COMMISSIONER OF EDUCATION

1001.10 Commissioner of Education; general powers and duties.--The Commissioner of Education is the chief educational officer of the state, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the seamless K-20 education system. To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, State Board of Education rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 1012.42; public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year. Additionally, the commissioner has the following general powers and duties:

(1) To appoint staff necessary to carry out his or her powers and duties.
(2) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.
(3) To keep such records as are necessary to set forth clearly all acts and proceedings of the State Board of Education.
(4) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.
(5) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; to provide an assured and stable income from the fund; to execute such policies and actions as are approved; and to administer the State School Fund.
(6) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.
(7) To submit to the State Board of Education, on or before August 1 of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.
(8) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes.
(9) To develop and implement policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.
(10) To prepare forms and procedures as are necessary to be used by district school boards and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; and to furnish at state expense, when deemed advisable by the commissioner, those forms that can more economically and efficiently be provided.

(11) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule based upon the achievement of the state education goals, recognizing the following:

(a) The State Board of Education is the body corporate responsible for the supervision of the system of public education.
(b) The district school board is responsible for school and student performance.
(c) The individual school is the unit for education accountability.
(d) The community college board of trustees is responsible for community college performance and student performance.
(e) The university board of trustees is responsible for university performance and student performance.

(12) To establish a Citizen Information Center responsible for the preparation, publication, and distribution of materials relating to the state system of seamless K-20 public education.

(13) To prepare and publish annually reports giving statistics and other useful information pertaining to the Opportunity Scholarship Program.

(14) To have printed or electronic copies of school laws, forms, instruments, instructions, and rules of the State Board of Education and provide for their distribution.

(15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

(16) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system, including strategic planning and budget development, general administration, and assessment and accountability.

1001.11 Commissioner of Education; other duties.--

(1) The Commissioner of Education must independently perform the following duties:
(a) Cooperate with and coordinate responses to requests from the members of the Legislature.
(b) Serve as the primary source of information to the Legislature, including the President of the Senate and the Speaker of the House of Representatives, concerning the State Board of Education and the K-20 education system.
(c) Develop and implement a process for receiving and processing requests, in conjunction with the Legislature, for the allocation of PECO funds for qualified postsecondary education projects.
(d) Integrate work with the boards of trustees of the state universities and community colleges.
(e) Monitor the activities of the State Board of Education and provide information related to current and pending policies to the members of the boards of trustees of the community colleges and state universities.
(f) Ensure the timely provision of information requested by the Legislature from the State Board of Education, the commissioner's office, and the Department of Education.

(2)(a) The Commissioner of Education shall recommend to the State Board of Education performance goals addressing the educational needs of the state for the K-20 education system. The Council for Education Policy Research and Improvement, as an independent entity, shall develop a report card assigning grades to indicate Florida's progress toward meeting those goals. The annual report card shall contain information showing Florida's performance relative to other states on selected measures, as well as Florida's ability to meet the need for postsecondary degrees and programs and how well the Legislature has provided resources to meet this need. The information shall include the results of the National Assessment of Educational Progress or a similar national assessment program administered to students in Florida. By
January 1 of each year, the Council for Education Policy Research and Improvement shall submit the report card to the Legislature, the Governor, and the public.  
(b) Prior to the regular legislative session, the Commissioner of Education shall present to the Legislature a plan for correcting any deficiencies identified in the report card.  
(3) Notwithstanding any other provision of law to the contrary, the Commissioner of Education, in conjunction with the Legislature, must recommend funding priorities for the distribution of capital outlay funds for public postsecondary educational institutions, based on priorities that include, but are not limited to, the following criteria:  
(a) Growth at the institutions.  
(b) Need for specific skills statewide.  
(c) Need for maintaining and repairing existing facilities.  
(4) The commissioner shall develop and implement an integrated K-20 information system for educational management in accordance with the requirements of chapter 1008.  
(5) The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, in accordance with the requirements of chapter 1008.  
(6) The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, in accordance with the requirements of chapter 1008.

Universities as “Public Corporations”

**1001.72 University boards of trustees; boards to constitute a corporation.--**

(1) Each board of trustees shall be a public body corporate by the name of "The (name of university) Board of Trustees," with all the powers of a body corporate, 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. In all suits against a board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, on the corporate secretary or designee.

(2) It is the intent of the Legislature that the university boards of trustees are not departments of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution.

(3) The corporation is constituted as a public instrumentality, and the exercise by the corporation of the power conferred by this section is considered to be the performance of an essential public function. The corporation shall constitute an agency for the purposes of s. 120.52. The corporation is subject to chapter 119, subject to exceptions applicable to the corporation, and to the provisions of chapter 286; however, the corporation shall be entitled to provide notice of internal review committee meetings for competitive proposals or procurement to applicants by mail or facsimile rather than by means of publication. The corporation is not governed by chapter 607, but by the provisions of this part. The corporation shall maintain coverage under the State Risk Management Trust Fund as provided in chapter 284.

(4) No bureau, department, division, agency, or subdivision of the state shall exercise any responsibility and authority to operate any state university except as specifically provided by law or rules of the State Board of Education. This section shall not prohibit any department, bureau, division, agency, or subdivision of the state from providing access to programs or systems or providing other assistance to a state university pursuant to an agreement between the board of trustees and such department, bureau, division, agency, or subdivision of the state.

(5) University boards of trustees shall be corporations primarily acting as instrumentalities or agencies of the state, pursuant to s. 768.28(2), for purposes of sovereign immunity.
POWERS & DUTIES
State University Boards of Trustees

1001.71 University boards of trustees; membership.--
(1) University boards of trustees shall be comprised of 12 members appointed by the Governor and confirmed by the Senate in the regular legislative session immediately following his or her appointment. In addition, the student body president elected on the main campus of the university shall serve ex officio as a voting member of his or her university board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation.
(2) Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.
(3) The Governor may remove a trustee upon the recommendation of the State Board of Education, or for cause.
(4) Boards of trustees' members shall be appointed for staggered 4-year terms, and may be reappointed for additional terms not to exceed 8 years of service.
(5) Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reselected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal. The duty of the vice chair is to act as chair during the absence or disability of the chair.
(6) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.

1001.73 University board empowered to act as trustee.--
(1) Whenever appointed by any competent court of the state, or by any statute, or in any will, deed, or other instrument, or in any manner whatever as trustee of any funds or real or personal property in which any of the institutions or agencies under its management, control, or supervision, or their departments or branches or students, faculty members, officers, or employees, may be interested as beneficiaries, or otherwise, or for any educational purpose, a university board of trustees is hereby authorized to act as trustee with full legal capacity as trustee to administer such trust property, and the title thereto shall vest in said board as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and duties, including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for, or appropriate to, the administration of such trust or to accomplish the purposes of any such trust.

(2) Deeds, mortgages, leases, and other contracts of the university board of trustees relating to real property of any such trust or any interest therein may be executed by the university board of trustees, as trustee, in the same manner as is provided by the laws of the state for the execution of similar documents by other corporations or may be executed by the signatures of a majority of the members of the board of trustees; however, to be effective, any such deed, mortgage, or lease contract for more than 10 years of any trust property, executed hereafter by the university board of trustees, shall be approved by a resolution of the State Board of Education; and such approving resolution may be evidenced by the signature of either the chair or the secretary of the State Board of Education on an endorsement on the instrument approved, reciting the date of such approval, and bearing the seal of the State Board of Education. Such signed and sealed endorsement shall be a part of the instrument and entitled to record without further proof.
(3) Any and all such appointments of, and acts by, the Board of Regents as trustee of any estate, fund, or property prior to May 18, 1949, are hereby validated, and said board's capacity and authority to act as trustee subject to the provisions of s. 1000.01(5)(a) in all of such cases is ratified and confirmed; and all deeds, conveyances, lease contracts, and other contracts heretofore executed by the Board of Regents,
either by the signatures of a majority of the members of the board or in the board’s name by its chair or chief executive officer, are hereby approved, ratified, confirmed, and validated.

(4) Nothing herein shall be construed to authorize a university board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the university board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered; and nothing herein shall in any manner affect or relate to the provisions of ss. 1010.61-1010.619, or s. 1013.78.

1001.74 Powers and duties of university boards of trustees.--

(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university’s mission, the implementation and maintenance of high quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(2) Each board of trustees is vested with the authority to govern its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the State Board of Education. Each board of trustees shall perform all duties assigned by law or by rule of the State Board of Education or the Commissioner of Education.

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.

(4) Each board of trustees may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. Such rules must be consistent with rules of the State Board of Education.

(5) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.

(6) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.

(7) Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and including the master's degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and services. Approval of new programs must be pursuant to criteria established by the State Board of Education.

(8) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1011.411 to serve the function of administration and promotion of the programs of research.

(9) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule and requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the State Board of Education. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the State Board of Education.

(10) Each board of trustees has responsibility for policies related to students, enrollment of students, student activities and organizations, financial assistance, and other student services.

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.261 and rules of the State Board of Education. Each board of trustees may consider the past actions of any person applying for
admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the university.

(b) Each board of trustees shall establish student performance standards for the award of degrees and certificates.

(c) Each board of trustees must identify its core curricula and work with school districts to ensure that its curricula coordinate with the core curricula and prepare students for college-level work.

(d) Each board of trustees must adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.

(e) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(f) Each board of trustees shall establish a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.

(g) Each board of trustees must adopt a policy pursuant to s. 1006.53 that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.

(h) A board of trustees may establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.

(i) Each board of trustees shall approve the internal procedures of student government organizations.

(11) Each board of trustees shall establish fees pursuant to ss. 1009.24 and 1009.26.

(12) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the State Board of Education for approval in accordance with guidelines established by the State Board of Education.

(13) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in the manner described by the Department of Education.

(14) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to the State Board of Education.

(15) Each board of trustees shall develop an accountability plan pursuant to guidelines established by the State Board of Education.

(16) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university.

(17) Each board of trustees is authorized to secure comprehensive general liability insurance pursuant to s. 1004.24.

(18) Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.

(19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the State Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238.

(20) Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the university.

(21) Each board of trustees shall appoint a presidential search committee to make recommendations to the full board of trustees, from which the board of trustees may select a candidate for ratification by the State Board of Education.
(22) Each board of trustees shall conduct an annual evaluation of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.46 and the performance of the president in achieving the annual and long-term goals and objectives established in the institution's employment equity accountability program implemented pursuant to s. 1012.95.

(23) Each board of trustees constitutes the contracting agent of the university.

(24) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(25) Each board of trustees may establish educational research centers for child development pursuant to s. 1011.48.

(26) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.

(27) Each board of trustees shall submit to the State Board of Education, for approval, all new campuses and instructional centers.

(28) Each board of trustees shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.

(29) Each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.

(30) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013. Any suits or actions brought by the board of trustees shall be brought in the name of the board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the board of trustees.

(31) Notwithstanding the provisions of s. 253.025, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

(a) The board of trustees may secure appraisals and surveys. The board of trustees shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

(b) The board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.

(c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

(32) Each board of trustees shall prepare and adopt a campus master plan pursuant to s. 1013.30.

(33) Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.

(34) Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

(35) Each board of trustees may govern traffic on the grounds of that campus pursuant to s. 1006.66.

(36) A board of trustees has responsibility for supervising faculty practice plans for the academic health science centers.

(37) Each board of trustees shall prescribe conditions for direct-support organizations and university health services support organizations to be certified and to use university property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.
(38) Each board of trustees shall actively implement a plan, in accordance with guidelines of the State Board of Education, for working on a regular basis with the other university boards of trustees, representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.

(39) Notwithstanding the provisions of s. 216.351, a board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities.

(40) Each board of trustees may adopt rules and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(41) A board of trustees shall perform such other duties as are provided by law or rule of the State Board of Education.

POWERS & DUTIES
UNIVERSITY PRESIDENTS

1001.75 University presidents; powers and duties.—The president is the chief executive officer of the state university, shall be corporate secretary of the university board of trustees, and is responsible for the operation and administration of the university. Each state university president shall:

(1) Recommend the adoption of rules, as appropriate, to the university board of trustees to implement provisions of law governing the operation and administration of the university, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with the mission of the university and the rules and policies of the State Board of Education.

(2) Prepare a budget request and an operating budget for approval by the university board of trustees.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the State Board of Education and in accordance with rules or policies approved by the university board of trustees.

(4) Govern admissions, subject to law and rules or policies of the university board of trustees and the State Board of Education.

(5) Approve, execute, and administer contracts for and on behalf of the university board of trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the university, provided such contracts are within law and rules of the State Board of Education and in conformance with policies of the university board of trustees, and are for the implementation of approved programs of the university.

University presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts on behalf of the board of trustees for planning, construction, and equipment. For the purposes of a university president's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed $1 million or the fee for study activity does not exceed $100,000.

(6) Act for the university board of trustees as custodian of all university property.

(7) Establish the internal academic calendar of the university within general guidelines of the State Board of Education.

(8) Administer the university's program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of the university.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the university, within law and rules of the State Board of Education.

(12) Organize the university to efficiently and effectively achieve the goals of the university.

(13) Review periodically the operations of the university in order to determine how effectively and efficiently the university is being administered and whether it is meeting the goals of its strategic plan adopted by the State Board of Education.

(14) Enter into agreements for student exchange programs that involve students at the university and students in other postsecondary educational institutions.
(15) Provide purchasing, contracting, and budgetary review processes for student government organizations.
(16) Ensure compliance with federal and state laws, rules, regulations, and other requirements that are applicable to the university.
(17) Maintain all data and information pertaining to the operation of the university, and report on the attainment accountability goals.
(18) Adjust property records and dispose of state-owned tangible personal property in the university’s custody in accordance with procedures established by the university board of trustees. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.
(19) Have vested with the president or the president's designee the powers, duties, and authority that is vested with the university.
Florida Gulf Coast University Board of Trustees
June 20 & 21, 2002

SUBJECT: State Budget Highlights

PROPOSED BOARD ACTION

N/A.

BACKGROUND INFORMATION

The Florida Legislature approved a new state budget for the fiscal year July 1, 2002 through June 30, 2003. It contained general funding provisions for state universities, as well as university-specific items including for FGCU.

Highlights of these items will be presented during the June Board meeting in a report by Assistant to the President for Government Relations Tom Healy.

Supporting Documentation Included: State Budget Highlights

Committee Review: N/A

Prepared by: Dr. Tom Healy, Office of the President

Submitted by: President Bill Merwin
On Monday, May 12, 2002, the House and Senate passed HB27E, The General Appropriations Act, for fiscal year 2002-2003. Governor Bush has 15 days from the time he receives the budget to veto the whole Bill or line items within it, allow it to become law without his signature, and/or sign it. What follows is a summary of key issues in the Education Budget as well as the School Code Rewrite, the blueprint for the implementation of the new education governance plan.

**Highlights of State University System and FGCU Budget Issues**

- Total SUS 2002-03 budget - $ 2.5 billion
  Total FGCU 2002-03 budget - $37.8 million

- Overall increase over current SUS budget - $193 million or 11.4%
  FGCU - $3.25 million or 9.4%

- Increase over initial SUS 2001-02 budget - $43.7 million or 2.37%
  FGCU - $1.3 million or 3.6%

- Tuition increase - SUS $31 million
  In-state undergraduate – 5% increase
  Graduate – 5% increase and local Board up to additional 5%
  Out-of-state undergraduate – 10% increase and local Board up to additional 10%
  Out-of-state graduate – 10% increase and local Board up to additional 10%
  FGCU tuition increase - $357,000

- Local Initiatives – SUS - $34.5 million is provided for use as determined by University Boards of Trustees
  FGCU - $548,000
• Enrollment Growth – SUS - 10,259 additional full-time equivalent (FTE) students – $45 million

  FGCU  - $885,000 (FGCU will not receive enrollment growth funding until a new target of 2,711 FTE is attained. This amount represents tuition that will be collected for students enrolled beyond 2001-02 goal. For the first time, the Legislature will not reduce the money it provides by a like amount.)

• New space –

  SUS - $3.9 million
  FGCU - $758,000 (These monies support the operating and custodial expenses incurred in running the new buildings coming on-line.)

• Challenge Grants –

  SUS - $12.3 million
  FGCU - $0

**Capital Outlay Projects**

<table>
<thead>
<tr>
<th>Project</th>
<th>Requested</th>
<th>Funded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library Expansion (Phase II)</td>
<td>$ 7.5 million</td>
<td>$ 7.5 million</td>
</tr>
<tr>
<td>Academic Building V</td>
<td>$ 2.0 million</td>
<td>$ 2.0 million</td>
</tr>
<tr>
<td>Alico Arena (Matching Funds)</td>
<td>$ 2.0 million</td>
<td>$ 2.0 million</td>
</tr>
<tr>
<td>Kleist Health Education Center (Matching Funds)</td>
<td>$ 1.0 million</td>
<td>$ 1.0 million</td>
</tr>
</tbody>
</table>

In addition, FGCU received approval to construct Phase V of University Housing from revenue bonds not to exceed a total of $9 million.
Florida Gulf Coast University Board of Trustees
June 20 & 21, 2002

SUBJECT: Mission Statement Review Process Update

PROPOSED BOARD ACTION

N/A.

BACKGROUND INFORMATION

Florida Gulf Coast University is currently conducting a broad-based review and update process for its mission statement. Trustees received a timeline of various scheduled meetings and workshops on the mission statement. The timeline is expected to conclude in October with the FGCU Board of Trustees acting then on a proposed, revised mission statement.

During the June Board meeting, Provost Brad Bartel will present a summary of the timeline, as well as information on key concepts which to date have emerged from the review process as critical to FGCU’s mission.

Supporting Documentation Included: N/A

Committee Review: N/A

Prepared by: N/A

Submitted by: N/A
Florida Gulf Coast University Board of Trustees
June 20 & 21, 2002

SUBJECT: Minutes of April 4, 2002 Meeting

PROPOSED BOARD ACTION

Approve minutes.

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees met on April 4, 2002. Minutes of the meeting were kept, as required by Florida law.

Supporting Documentation Included: Minutes of April 4, 2002 Meeting

Committee Review: N/A

Prepared by: Barbara Krell, Office of the President

Submitted by: President Bill Merwin
Chairman Lutgert convened the meeting of the University Trustees in the Sprint Room of the Whitaker Building on the Florida Gulf Coast University Campus at 8:43 a.m., April 4, 2002 with the following members present:

Brian Cobb  
Larry Hart  
Bernard Lester  
David Lucas  
Scott Lutgert  
Harry Moon  
Edward A. Morton  
Jerry Starkey  
Linda Taylor  
Magali Solimano

Trustees Lee, Moll and Villalobos were excused.

Members of the staff present were:
William C. Merwin, President  
Brad Bartel, Provost  
Curtis Bullock, Vice President, Administrative Services  
Susan Evans, Special Assistant to the President

1. Call to Order & Chair’s Remarks

Chairman Lutgert pointed out that today’s meeting will be a half-day, but June’s meeting will most likely include Friday morning, June 7, in order to complete the business. The performance based budgeting deadline is June 1, and may require a telephone conference in May. A date will be set for that meeting which will work for all the Trustees.

Chairman Lutgert suggested the idea of the Faculty Senate Chair sitting as a non-voting member of the Board of Trustees. A motion was made by Trustee Taylor to approve this recommendation. Trustee Starkey seconded the motion. Motion carried unanimously. In Dr. Peg Gray-Vickrey’s absence Dr. Sally Mayberry, Vice President of the Faculty Senate, sat in at the Board table.
Trustee Taylor recommended that the Senate President or Vice President serve as ex-officio member of the two Board committees. She also asked that we look at our Practices and Procedures and rename the Academic Student Affairs Committee with the addition of “Faculty” as part of that committee title. President Merwin strongly endorsed this recommendation. Motion was made by Trustee Taylor to accept these recommendations. Seconded by Trustee Starkey. Motion carried unanimously.

2. Remarks from FGCU Faculty Senate – Dr. Sally Mayberry, Vice President

Dr. Mayberry thanked the Board of Trustees for this appointment and briefly updated Board members regarding recent faculty initiatives.

3. Remarks from Student Government Association (SGA) – Magali Solimano, President

Magali Solimano, President of the Student Government Association reviewed recent activities and accomplishments of the SGA.

4. President’s Report – President Bill Merwin (Appendix A)

President Merwin stated the Performance Based Budget Program is due at the Florida Board of Education by June 1st. He also stated that the efforts by Edison Community College to establish baccalaureate degree programs were dealt a blow by CEPRI. The one step left in that process is when the Florida Board of Education takes this matter up at their April 15th-16th meeting. There was a strong suggestion by CEPRI that Edison Community College should work closely with Florida Gulf Coast University to effectuate the Associate of Science Degree Program to Bachelor of Science Degree Program. President Merwin stated it is fully our intention to do that as we have done so in the past.

President Merwin reported that the President’s Renaissance Gala was a tremendous success this year raising approximately $150,000 for a variety of scholarships and projects the University has underway.

President Merwin reported he learned from Dr. Healy that another special session of the Legislature would be called to convene on April 29 with the single purpose to approve the budget. At the June UBOT meeting we will approve cuts or modifications to the budget. He also stated that the Faculty Climate Study would be done on a regular basis and that the University’s administration takes this survey seriously.

President Merwin has put together a steering committee regarding the Charter School Project, which is working with the State Charter School officials on this. He stated the searches for the Dean of Student Affairs, Vice President for University Advancement and General Counsel positions are underway. Also, the
Naples Center will open this month and preparations are underway for a similar Center in Charlotte County.

President Merwin reported that the Alico Arena would be a designated a hurricane shelter in the event of a disaster with space for 1800 persons. We are also pursuing an Army ROTC center on campus.

5. Consent Agenda – Chair Scott Lutgert

Motion was made by Trustee Moon to approve the Consent Agenda. Motion was seconded by Trustee Lester. Motion carried unanimously.

The meeting recessed until 9:55 a.m.

1. Academic/Student Affairs Committee Meeting (Includes Public Input) - Trustee Taylor presented the Committee report in the absence of Trustee Lee.

Trustee Taylor welcomed Dr. Sally Mayberry as an ex-officio member to this Committee. The Academic/Student Affairs Committee recommends approval of the award of an honorary degree (Doctorate of Humane Letters) to Ben Hill Griffin III. This first honorary degree is offered because of Mr. Griffin’s outstanding generosity to Florida Gulf Coast University. Motion was made by Trustee Cobb to approve this recommendation. Motion was seconded by Trustee Starkey. Motion carried unanimously.

Board members discussed the various information items submitted by University Administration for their review. Those categories included Enrollment Management & Integrated Marketing: An Overview, Enrollment by College, Faculty Departure Overview, Business Plan for Southwest Florida Center for Public & Social Policy, and Preview of June Board meeting items. Target enrollment goals for all of the colleges will be presented at the June meeting as will an update on the University’s mission and vision and promotion recommendations for faculty members.

7. Public Comment: Chairman Lutgert

Chairman Lutgert introduced Founding FGCU President Roy McTarnaghan to the Board of Trustees. Dr. McTarnaghan spoke in favor of the proposed Graham Amendment.

Chairman Lutgert introduced Mr. Bob Taylor, member of the Council for Education Policy and Research, who spoke against the proposed Graham Amendment.
8. Finance & Administration Committee Meeting (Includes Public Input) – Committee Chair Bernie Lester

Chairman Lester stated that there are no action items before the Committee today. He introduced Chief Bob Harris who made a presentation on Campus Safety & Security.

President Merwin reported that the major item before the Board in June would be the budget. Also important will be the potential of the Board to approve a tuition increase of up to 5% for out-of-state and non-resident graduate programs.

9. New Business – Chair Scott Lutgert

Chairman Lutgert stated the first item of new business is the Faculty Professional Development Fund item. He stated that President Merwin brought this matter to the Foundation Board and the Foundation Board has suggested $100,000 on an annual basis be committed to the Faculty Professional Development Fund. The Foundation has committed to $65,000 of that annually and asked that the balance of $35,000 be raised from outside sources. Chairman Lutgert urged the Trustees, to the extent they are capable, to contribute to that fund and he plans to do likewise.

Chairman Lutgert introduced a Resolution for consideration by the Board (Appendix B) encouraging Florida Gulf Coast University and Edison Community College to cooperate and develop appropriate guidelines for a seamless transfer for the AS to BS Articulation Agreements. A motion was made by Trustee Morton to approve the resolution. Motion was seconded by Trustee Hart. Motion carried unanimously.

10. Chair’s Closing Remarks

Chairman Lutgert stated that the June 6th meeting would include an all day session on Thursday and then a half-day session on Friday, June 7th.

Meeting adjourned 12:04 p.m.
INDEX OF MINUTES
FLORIDA GULF COAST UNIVERSITY
BOARD OF TRUSTEES
SPRINT ROOM/WHITAKER BUILDING – FGCU CAMPUS
APRIL 4, 2002

ITEM

1. Call to Order & Chair’s Remarks ...............................1
2. Remarks from FGCU Faculty Senate – Dr. Sally Mayberry,
   Vice President .................................................. 2
3. Remarks from Student Government Association (SGA)
   Magali Solimano .............................................. 2
4. President’s Report – President Bill Merwin ................. 2
5. Consent Agenda – Chair Scott Lutgert ...................... 3
6. Academic/Student Affairs Committee Meeting (Includes
   Public Input) Trustee Taylor for Trustee Lee ............ 3
7. Public Comment: Chairman Lutgert .......................... 3
8. Finance & Administration Committee Meeting (Includes
   Public Input) Committee Chair Bernie Lester ........... 4
9. New Business – Chair Scott Lutgert .......................... 4
10. Chair’s Closing Remarks ..................................... 4
APPENDIX

A. President’s Report
B. Resolution AS to BS Articulation Agreements
Florida Gulf Coast University Board of Trustees  
June 20 & 21, 2002

SUBJECT: Minutes of May 24, 2002 Conference Call Meeting

PROPOSED BOARD ACTION

Approve minutes.

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees met via conference call on May 24, 2002. Minutes of the meeting were kept, as required by Florida law.

Supporting Documentation Included: Minutes of May 24, 2002 Meeting

Committee Review: N/A

Prepared by: Barbara Krell, Office of the President

Submitted by: President Bill Merwin
Vice Chairman Taylor convened the meeting of the University Board of Trustees
via conference call at 9:05 a.m., Friday, May 24, 2002 with the following members
present:

Brian Cobb
Larry Hart (joined at 9:30 a.m.)
Renee Lee
Bernard Lester
David Lucas
Gerri Moll
Edward Morton (joined at 9:15 a.m.)
Adam Ricciardiello
Jerry Starkey
Linda Taylor
Michael Villalobos

Members of the staff present were:

William C. Merwin, President
Thomas Healy, Interim Vice President for Advancement
Susan Evans, Special Assistant to the President
Brad Bartel, Provost
Leslie Bielen, Associate Vice President, Academic Affairs
Duncan McBride, Associate Vice President, Administrative Services

1. Call to Order, Roll Call & Chair’s Remarks

Vice Chairman Taylor welcomed everyone to the first Board meeting
via conference call and asked Susan Evans to call the roll for Board members and
announce the staff members present. Roll: Scott Lutgert, absent; Linda Taylor,
present; Brian Cobb, present; David Lucas, present; Renee Lee, present; Larry
Hart, absent; Bernie Lester, present; Gerri Moll, present; Harry Moon, absent;
Jerry Starkey, present; Michael Villalobos, present; Adam Ricciardiello present. Board attorney Guy Whitesman was also present and joining in the Library Board room was President Bill Merwin, Provost Brad Bartel, Vice President Tom Healy (via conference call); Duncan McBride, Associate Vice President for Administrative Services for Curtis Bullock, Vice President, Dr. Peg Gray Vickrey, President of the Faculty Senate, Barbara Krell taking minutes and Kathy Bottoms. Marci Elliott from the Naples Daily News was present.

Susan Evans stated that nine Trustees are present which does make a quorum.

Vice Chairman Taylor stated that this since this is the first Board meeting held by conference call, she would like to make some remarks for the record. Her remarks are as follows: “The meeting and its agenda were duly noticed as required by law, and members of the public and media who wished to attend were instructed to join President Merwin and his staff on campus in Library Conference Room #148, where this meeting is originating. As required by the Board’s “Practices and Procedures,” it is necessary for a quorum of trustees to be present at any meeting where action will be taken. Today, we have before us a set of recommended performance-based funding measures, and on which we must take action during this conference call meeting. We have the required simple majority of trustees to constitute a quorum. A couple of trustees have indicated they have previous commitments beginning at 10:00 a.m., so we will move ahead with the agenda in a few moments. Let me take this opportunity to officially welcome new trustee Adam Ricciardiello, the new president of the FGCU Student Government Association. We’ll have the opportunity to meet Adam in person at the June meeting, but Adam, on behalf of the Board, we welcome you, and look forward to working with you.

Let me acknowledge today’s participation by Dr. Peg Gray-Vickrey, president of the FGCU Faculty Senate. Dr. Gray-Vickrey is representing the faculty at the Board table in a non-voting capacity, per this Board’s action at our April meeting. Dr. Gray-Vickrey has been re-elected president of the Faculty Senate, and we look forward to working with her during the next year.

The record will reflect that Board attorney Guy Whitesman is participating in today’s conference call. As announced a couple of days ago, President Merwin has hired FGCU’s first attorney, Wendy Morris. Wendy will arrive at FGCU about a week before our June meeting and will join us at the table for that meeting. Guy, on behalf of the Board, let me thank you for your support and assistance as the inaugural attorney for this Board.

If there any members of the audience who wish to make brief public comment on the agenda item before us today, please see Susan Evans to complete a speaking request form. As required by law, minutes of this meeting are being taken as with our in-person meetings, and they will be a part of our June Board
meeting agenda for approval. At this time, let me turn the meeting over to President Merwin for the agenda item before us today.”

2. **Presentation of Agenda Item – President Bill Merwin and Vice Presidents**

   President Merwin provided Board members some background information regarding Florida Statute 29 which requires a certain amount of performance-based funding. He recommended these performance measures for approval by the Board.

   President Merwin called on vice presidents to explain their respective performance measures. For the measures under “Academics – Provost Bartel. For the measure under “Administrative Services – Associate Vice President Duncan McBride for Vice President Curtis Bullock. For the measure under “Advancement” – Interim Vice President for University Advancement, Tom Healy.

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**Florida Gulf Coast University**

*Performance-Based Funding Measures*

*May 24, 2002*

**ACADEMICS:**

1. **Enrollment**
   *Meet projected FTE enrollment targets in the enrollment plan agreed upon between FGCU and the Division of Colleges and Universities.*
   **Baseline Date:** 2002-2003 academic year  
   **Target:** 2521 FTE

2. **Retention Rate**
   *Increase freshmen to sophomore retention by 0.50% annually.*
   **Baseline Date:** 2002-2003 academic year  
   **Baseline Retention Rate:** 69%

3. **Graduation Rates**
   a) **FTIC Population:** *Increase the percentage of FTIC students who graduate in six years by 2% annually.*
      **Baseline Date:** 1999-2000 academic year (First year of FGCU regional accreditation)*
Baseline Target: To be determined in 2005

b) **A.A. Transfer Population**: Increase the percentage of A.A. transfer students who graduate in four years by 2% annually.
Baseline Date: 1999-2000 academic year
Baseline Target: To be determined in 2003

c) **A.S. Transfer Population**: Increase the percentage of A.S. transfer students who graduate in four years by 1% annually.
Baseline Date: 2002-2003 academic year
Baseline Target: To be determined in 2006

4. **Research**
   Increase the total research awards and expenditures by 5% annually.
   Baseline Date: Fiscal Year 2002
   Baseline Amount: $8.1 million

5. **Licensure and Certification Passage Rate**
   Discipline licensure and certification passage rates by students will be maintained at above average national passage rates in all specific disciplines.
   Baseline Date: 2002-2003 academic year

**ADMINISTRATIVE SERVICES:**

6. **Outsourcing**
   Increase university contractual outsourcing expenditures as a percentage of the full cost of the function.
   Baseline Date: Fiscal Year 2002
   Baseline Amount: Groundskeeping 64%, Custodial Services 98%

**ADVANCEMENT:**

7. **Annual Giving**
   Increase annual revenue to the University by 5% annually.
   Baseline Date: Fiscal Year 2002
   Baseline Amount: $7.6 million

(END)
3. **Board Discussion & Vote – Vice Chair Linda Taylor**

Vice Chairman Taylor opened the floor for comments and discussion by the trustees after each measure was read into the record.

A motion was made by Trustee Lee to adopt the measures as amended. Motion was seconded by Trustee Starkey. Motion carried unanimously.

Meeting adjourned at 9:50 a.m.
INDEX OF MINUTES
FLORIDA GULF COAST UNIVERSITY
BOARD OF TRUSTEES MEETING
VIA CONFERENCE CALL
FRIDAY, MAY 24, 2002

ITEM

1. Call to Order, Roll Call & Chair’s Remarks ........................................ 1
2. Presentation of Agenda Item – President Bill Merwin and
   Vice Presidents. .......................................................... 3
3. Board Discussion & Vote – Vice Chair Linda Taylor. ....................... 5
Florida Gulf Coast University Board of Trustees
June 20 & 21, 2002

SUBJECT: Revised “Practices & Procedures”

PROPOSED BOARD ACTION

Approve revisions.

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees at its April 4, 2002 meeting adopted a motion to rename the committee previously known as “Academic/Student Affairs Committee” to “Academic/Student/Faculty Affairs Committee.” Also, the Board adopted a motion to allow its Chair to appoint ex-officio members to Board committees.

The revised language to the Board’s “Practices & Procedures” is presented for convenience in two formats. The first is indicated as “MODIFICATION DETAIL – See Pages 4 & 5,” which presents in strike-out language format the Board attorney’s recommended revisions, and the second is indicated as “FILE COPY – Most Recent Version,” which is for trustees’ files.

Supporting Documentation Included: (1) Revised Practices indicated as “MODIFICATION DETAIL – See Pages 4 & 5,” and (2) Revised Practices Indicated as “FILE COPY – Most Recent Version.”

Committee Review: N/A

Prepared by: Board Attorney Guy Whitesman

Submitted by: President Bill Merwin
I. Officers.

A. The corporate officers of the Board of Trustees ("the Board") of Florida Gulf Coast University ("FGCU" or "the University") are the Chair and the Vice-Chair. The Chair and Vice-Chair are elected from the appointed members at its first regularly scheduled meeting after July 1. The Chair shall serve for two (2) years and may be re-elected to serve one (1) additional consecutive term. Officers may be removed at any time by the affirmative vote of a majority of the members of the Board.

[§ 229.008(4), Fla. Stat. (2001). “Each board of trustees shall select its chair and vice-chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reselected for one additional consecutive term.”]

B. The Chair appoints the members of and serves as an ex officio voting member of all committees of the Board.

[§ 229.008(4), Fla. Stat. (2001). “The duties of the chair shall include presiding at all meetings of the board, calling special meetings of the board, attesting to the actions of the board, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal.”]

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

[§ 229.008(4), Fla. Stat. (2001). “The duty of the vice chair is to act as chair during the absence or disability of the chair.”]

D. The University President ("President") serves as the Corporate Secretary of the Board. The President shall be responsible to the Board for all operations of the University and for setting the agenda for meetings of the Board in consultation with the Chair.

[§ 229.0082, Fla. Stat. (2001). “The president is the chief executive officer of the university, shall be corporate secretary of the state university board of trustees, and is responsible for the operation and administration of the university.”]

shall be responsible to the board for all operations of the university and for setting the agenda for meetings of the board in consultation with the chair."

II. Meetings.

A. Regular Meetings -- At the annual meeting, 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).

B. Annual Meeting -- The annual meeting shall be the first 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 of the Board 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. The Corporate Secretary 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. The schedule of meetings shall be available on the University's website at http://www.fgcu.edu.

F. 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 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 Practices and Procedures to the contrary, all such notice matters shall meet the requirements of Florida law regarding public meetings and public records.
G. 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 a written request to attend the board meeting by telephone conference or other means of communications media technology at least thirty (30) 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 II. F. above.

H. 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.

I. 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.

III. Agenda.

A. Recommendations to the Board, included in the agenda, are presented by the President and include all matters of business or concern to the Board which have not been specifically delegated to the President. In consultation with the Chair, the President 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. The agenda for the Board meetings shall be:

1. Opening Remarks by the Chair
2. President's Report
3. Special Reports
4. Academic/Student Affairs Committee (Includes Public Input)
5. Administration & Finance Committee (Includes Public Input)
6. Consent Agenda
7. Action Items
8. Old Business
9. New Business
10. Public Comment
11. Closing Remarks by the Chair

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

D. 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.

IV. **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 being considered by the Board. Public input will be accepted by the Board immediately following committee deliberation on each item and before the committee votes. An individual or representatives of groups may be heard on any specific agenda item being considered by the Board by completing a request form and submitting it to the Board Liaison at any time prior to the Board meeting. 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 speak during the period of public comment or submit an item on the Board's agenda concerning a subject within the Board's jurisdiction must submit a written request to the President, 10501 FGCU Blvd., 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. The President in consultation with the Chair will determine whether the item will be heard and when the item will be heard. The Board may decline to hear any matter determined by it to be outside its jurisdiction.

V. Committees.

A. The Administration & Finance Committee shall review and recommend for consideration by the Board policies related to the administrative functions of the University. The Chair of the Board shall appoint any number of members to the Administration & Finance Committee and designate one (1) to serve as the Committee Chair. The Vice President of Administrative Services shall serve as a non-voting ex officio member of the Administration & Finance Committee.

B. The Academic/Student Affairs Committee shall review and recommend for consideration by the Board policies related to the academic functions of the University. The Chair of the Board shall appoint any number of members to the Academic/Student Affairs Committee and designate one (1) to serve as the Committee Chair. The Provost shall serve as a non-voting ex officio member of the Academic/Student Affairs Committee.

C. The Chair of the Board may establish additional ad hoc committees as deemed necessary for the orderly conduct of the business of the Board. In addition, the Chair of the Board may appoint to any standing or ad hoc committee (including the Administration & Finance Committee and the Academic/Student Affairs Committee) one or more non-voting ex officio member(s), who shall serve on said committee(s) for a term designated by the Chair of the Board, or if no term is designated until removed by the Chair of the Board. Appointment and removal of non-voting ex officio members of a committee, unless otherwise required under these Practices and Procedures, shall be in the Chair of the Board’s sole discretion.

D. Authority -- Committee action is reported 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 Chair of the committee reports the action taken to the Board at its next scheduled meeting.

E. 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.

VI. 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 University Board of Trustees.

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 Board Liaison, Florida Gulf Coast University, 10501 FGCU Blvd., Fort Myers, FL, 33965-6565 following the procedure specified for Board meetings in paragraph IV. A. above.

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

VII. 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 University 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 University 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 University President is encouraged to invite other members of the University community to attend and participate in meetings of the Board or its committees. The University 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 Association, Staff Advisory Council, Alumni Association, and the Florida Gulf Coast University Foundation. In addition, when relevant and appropriate, the University 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 member 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 his designee, in accordance with Florida’s statutorily-defined terms and provisions related to records of public entities. The University President or his designee will inform the Board of any such request, and provide copies of responses as applicable.

VIII. Miscellaneous Provisions.

A. Amendments -- These practices and procedures 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 -- FGCU shall indemnify, defend, and hold harmless each member of the Board of and from any and all claims, demands, civil or criminal actions, rights, defenses, counterclaims, proceedings, administrative actions, agreements, contracts, covenants, accounts, offsets, attorneys’ fees, costs, damages, liabilities, losses, expenses, suits, debts, judgments, awards, duties, or obligations, of any nature whatsoever, at law or in equity (collectively referred to as “Claims”), that arise from or relate in any way to his or her position on the Board, or any act undertaken or omitted in connection with his or her service as a member of the Board. At the direction of the Board, FGCU may procure and may maintain, at FGCU’s expense, adequate insurance coverage, including separate Directors and Officers (“D&O”) coverage, for the defense and payment of any such Claims.

[§ 229.008(8), Fla. Stat. (2001). “Whenever any civil action has been brought against any member of a university board of trustees or employee for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the university board of trustees may defray all costs of defending such action, including reasonable attorney’s fees and expenses, together with the costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. Claims based on such actions or omissions may, in the discretion of the university board of trustees, be settled prior to or after the filing of suit thereon. The board of trustees may arrange and pay for the premium for appropriate insurance to cover all such losses and expenses.”]

Note: The italicized language is for informational purposes only, and not a part of the Practices and Procedures.

Last Revised: 4/6/02
FLORIDA GULF COAST UNIVERSITY
BOARD OF TRUSTEES
INTERIM PRACTICES AND PROCEDURES

I. Officers.

A. The corporate officers of the Board of Trustees ("the Board") of Florida Gulf Coast University ("FGCU" or "the University") are the Chair and the Vice-Chair. The Chair and Vice-Chair are elected from the appointed members at its first regularly scheduled meeting after July 1. The Chair shall serve for two (2) years and may be re-elected to serve one (1) additional consecutive term. Officers may be removed at any time by the affirmative vote of a majority of the members of the Board.

[§ 229.008(4), Fla. Stat. (2001). “Each board of trustees shall select its chair and vice-chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reselected for one additional consecutive term.”]

B. The Chair appoints the members of and serves as an ex officio voting member of all committees of the Board.

[§ 229.008(4), Fla. Stat. (2001). “The duties of the chair shall include presiding at all meetings of the board, calling special meetings of the board, attesting to the actions of the board, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal.”]

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

[§ 229.008(4), Fla. Stat. (2001). “The duty of the vice chair is to act as chair during the absence or disability of the chair.”]

D. The University President ("President") serves as the Corporate Secretary of the Board. The President shall be responsible to the Board for all operations of the University and for setting the agenda for meetings of the Board in consultation with the Chair.

[§ 229.0082, Fla. Stat. (2001). “The president is the chief executive officer of the university, shall be corporate secretary of the state university board of trustees, and is responsible for the operation and administration of the university.”]

[§ 229.008(5), Fla. Stat. (2001). “The university president shall serve as executive officer and corporate secretary of the board of trustees and
shall be responsible to the board for all operations of the university and for setting the agenda for meetings of the board in consultation with the chair.

II. Meetings.

A. Regular Meetings -- At the annual meeting, 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).

B. Annual Meeting -- The annual meeting shall be the first 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 of the Board 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. The Corporate Secretary 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. The schedule of meetings shall be available on the University's website at http://www.fgcu.edu.

F. 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 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 Practices and Procedures to the contrary, all such notice matters shall meet the requirements of Florida law regarding public meetings and public records.
G. 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 a written request to attend the board meeting by telephone conference or other means of communications media technology at least thirty (30) 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 communications 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 II. F. above.

H. 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.

I. 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.

III. Agenda.

A. Recommendations to the Board, included in the agenda, are presented by the President and include all matters of business or concern to the Board which have not been specifically delegated to the President. In consultation with the Chair, the President 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. The agenda for the Board meetings shall be:

1. Opening Remarks by the Chair
2. President's Report
3. Special Reports
4. Academic/Student/Faculty Affairs Committee (Includes Public Input)
5. Administration & Finance Committee (Includes Public Input)
6. Consent Agenda
7. Action Items
8. Old Business
9. New Business
10. Public Comment
11. Closing Remarks by the Chair

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

D. 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.

IV. 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 being considered by the Board. Public input will be accepted by the Board immediately following committee deliberation on each item and before the committee votes. An individual or representatives of groups may be heard on any specific agenda item being considered by the Board by completing a request form and submitting it to the Board Liaison at any time prior to the Board meeting. 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 speak during the period of public comment or submit an item on the Board's agenda concerning a subject within the Board's jurisdiction must submit a written request to the President, 10501 FGCU Blvd., 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. The President in consultation with the Chair will determine whether the item will be heard and when the item will be heard. The Board may decline to hear any matter determined by it to be outside its jurisdiction.

V. Committees.

A. The Administration & Finance Committee shall review and recommend for consideration by the Board policies related to the administrative functions of the University. The Chair of the Board shall appoint any number of members to the Administration & Finance Committee and designate one (1) to serve as the Committee Chair. The Vice President of Administrative Services shall serve as a non-voting ex officio member of the Administration & Finance Committee.

B. The Academic/Student/Faculty Affairs Committee shall review and recommend for consideration by the Board policies related to the academic functions of the University. The Chair of the Board shall appoint any number of members to the Academic/Student/Faculty Affairs Committee and designate one (1) to serve as the Committee Chair. The Provost shall serve as a non-voting ex officio member of the Academic/Student/Faculty Affairs Committee.

C. The Chair of the Board may establish additional ad hoc committees as deemed necessary for the orderly conduct of the business of the Board. In addition, the Chair of the Board may appoint to any standing or ad hoc committee (including the Administration & Finance Committee and the Academic/Student/Faculty Affairs Committee) one or more non-voting ex officio member(s), who shall serve on said committee(s) for a term designated by the Chair of the Board, or if no term is designated until removed by the Chair of the Board. Appointment and removal of non-voting ex officio members of a committee, unless otherwise required under these Practices and Procedures, shall be in the Chair of the Board’s sole discretion.

D. Authority -- Committee action is reported 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 Chair of the committee reports the action taken to the Board at its next scheduled meeting.

E. 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.

VI. Meetings.

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Note: The italicized language is for informational purposes only, and not a part of the Practices and Procedures.
Florida Gulf Coast University Board of Trustees
June 20 & 21, 2002

SUBJECT: Existing Degree Title Change: Computer Science

PROPOSED BOARD ACTION
Approve title change of existing FGCU degree program in Computer Science.

BACKGROUND INFORMATION
Before the transition to state universities’ having their own boards of trustees, Florida Gulf Coast University made the decision to change the nomenclature for its Computer Science program from a BA in Liberal Studies with a major in Computer Science to a BS in Computer Science. The Florida Board of Education staff has asked that the FGCU Board endorse the change so that it can be added to the official State University inventory of authorized degrees.

Supporting Documentation Included: Memo from Provost

Committee Review: N/A

Prepared by: Dr. Joseph Ravelli, Dean of Planning & Evaluation

Submitted by: Provost Brad Bartel
MEMORANDUM

DATE: May 29, 2002

TO: Renee Lee
Chair, Academic/Student/Faculty Affairs Committee
FGCU Board of Trustees

FROM: Brad Bartel
Provost

SUBJECT: BS in Computer Science

FGCU has changed the degree nomenclature of its Computer Science program from a BA in Liberal Studies with a major in Computer Science to a BS in Computer Science. The nomenclature change will be effective beginning Fall 2002. The program has been transferred from the College of Arts and Sciences to the College of Business, which offers an undergraduate and graduate program in Computer Information Systems. This realignment of resources will enable the University to strengthen the program since more faculty will be available to provide instruction. In addition, the program will be more relevant to the needs of Southwest Florida through a greater emphasis on the applied and practical aspects of the computer science field. The Florida Board of Education staff have requested that our Board of Trustees endorse the change prior to their modifying the official State University inventory of authorized degrees.

c: William C. Merwin
Florida Gulf Coast University Board of Trustees
June 20 & 21, 2002

SUBJECT: Peer Institutions

PROPOSED BOARD ACTION
N/A.

BACKGROUND INFORMATION

Florida Gulf Coast University is currently developing a set of comparable peer institutions by which to compare and evaluate itself. The Board recently was provided listings of possible peer institutions, and these have been further narrowed. At the present time, the University is considering the applicability and appropriateness of fit with approximately 15 universities as both peer and aspirational institutions.

Provost Brad Bartel will make an informational presentation during the June Board meeting, and will bring a further refined list back to the Board at a later meeting for approval.

Supporting Documentation Included: (1) Chart entitled “Full Comparison Group,” (2) Chart entitled “Peer List,” and (3) Chart entitled “Aspiration List.”

Committee Review: N/A

Prepared by: Dr. Joseph Ravelli, Dean of Planning & Evaluation

Submitted by: Provost Brad Bartel
<table>
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<th>Category</th>
<th>Tier Classification</th>
<th>Rank</th>
<th>Enrollment</th>
<th>IPEDS 2000-2001 Enrollment</th>
<th>School (State)</th>
<th>Freshman retention rate</th>
<th>% of classes under 20</th>
<th>% with 50 or more</th>
<th>Student/faculty ratio</th>
<th>% of full-time faculty</th>
<th>SAT/ACT 25th-75th percentile</th>
<th>Freshmen in top 25% of HS class</th>
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<td>31%</td>
<td>8%</td>
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<td>3,187</td>
<td>3,292</td>
<td>U. of North Carolina – Asheville *</td>
<td>78%</td>
<td>57%</td>
<td>1%</td>
<td>^13/1</td>
<td>81%</td>
<td>1040-1260</td>
<td>25%</td>
<td>64%</td>
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* - Public Univ  
New Draft of FGCU Peers (ENR)  
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<td>41%</td>
<td>4%</td>
<td>15/1</td>
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<td>1%</td>
<td>17/1</td>
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<td>920-1120</td>
<td>45%</td>
<td>72%</td>
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<td>59%</td>
<td>4%</td>
<td>16/1</td>
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<tr>
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<td>15/1</td>
<td>84%</td>
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<tr>
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<tr>
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<td>3,553</td>
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<td>0.50%</td>
<td>12/1</td>
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<tr>
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</table>

* - Public Univ

New Draft of FGCU Peers (ENR)

^ - From University Website
Florida Gulf Coast University Board of Trustees
June 20 & 21, 2002

SUBJECT: Faculty Promotions

PROPOSED BOARD ACTION

Approve faculty promotions as presented.

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees has authority for approving faculty promotions. The University employs an evaluation process to screen candidates for faculty promotion, and this process is similar to those at other accredited universities across the United States. At FGCU, faculty from each of the five colleges and the library approve criteria for evaluating promotion candidates, and these evaluation plans incorporate instruction, scholarship and service. Promotion candidates prepare documentation detailing both qualitatively and quantitatively their accomplishments in the areas of instruction, scholarship and service. Each academic college/library unit faculty peer review committee and academic administration review their own candidates’ documentation. The provost reviews all candidates’ materials and promotion recommendations from the deans and peer review committees. The provost and president confer, and final recommendations are made to the FGCU Board of Trustees for action. The statewide Collective Bargaining Agreement stipulates that faculty awarded promotions will receive a 9% salary increase at the beginning of the next academic year.

Supporting Documentation Included: Recommended Faculty Promotions

Committee Review: N/A

Prepared by: Provost Brad Bartel

Submitted by: President Bill Merwin and Provost Brad Bartel
The President and Provost of Florida Gulf Coast University recommend to the FGCU Board of Trustees the following faculty for promotion:

To Associate Professor:

Dr. Carl Pacini

College: Business  
Program: Department of Accounting  
Education: Ph.D. Florida State University, 1997; Juris Doctor, Notre Dame, 1979  
Appointment at FGCU: 2000  
Specialty: Legal accounting principles, auditing

Dr. Charles Fornaciari

College: Business  
Program: Department of Management  
Education: Ph.D. Florida State University, 1996  
Appointment at FGCU: 1997  
Specialty: Corporate strategic change, business ethics

Dr. Shelton Weeks

College: Business  
Program: Department of Finance  
Education: Ph.D. University of Alabama, 1995  
Appointment at FGCU: 1997  
Specialty: Corporate governance, real estate valuation

Dr. Margaret Bogan

College: Education  
Program: Secondary Education  
Education: Ph.D. University of South Florida, 1992  
Appointment at FGCU: 2000  
Specialty: Environmental literacy

Barbara Kruse

College: Health Professions  
Program: Nursing  
Education: Ph.D. University of South Carolina, 1996  
Appointment at FGCU: 1999  
Specialty: Nursing education, use of technology in instruction
Dr. Anne Nolan
College: Health Professions
Program: Nursing
Education: Ph.D. Monash University, 2001
Appointment at FGCU: 1999
Specialty: Nursing diagnosis, remote nursing care

James Brock
College: Arts and Sciences
Program: Humanities
Education: Ph.D. Indiana University, 1992
Appointment at FGCU: 1999
Specialty: American Literature, poetry

Dr. Aswani Volety
College: Arts and Sciences
Program: Ecological Studies
Education: Ph.D. College of William and Mary, 1995
Appointment at FGCU: 1999
Specialty: Invertebrate/aquatic ecology

To Associate Librarian:
Ms. Anjana Bhatt
Program: Librarian for Business
Education: M.S. Syracuse University, 1997
Appointment at FGCU: 1997
Specialty: Web library resources

To Professor:
Dr. Judy Wynekoop
College: Business
Program: Information Systems, Decision Science, Computer Science, and Engineering
Education: Ph.D. Georgia State University, 1991
Appointment at FGCU: 1999
Specialty: Personnel issues in systems development
Dr. Marci Greene

College: Education  
Program: Division of Teacher Education  
Education: Ed.D., Texas Tech University, 1980  
Appointment at FGCU: 1997  
Specialty: Special Education

Dr. JoAnne Wilson

College: Health Professions  
Program: Environmental Health, Molecular and Clinical Sciences  
Education: Ph.D. Colorado State University, 1989  
Appointment at FGCU: 1996  
Specialty: Clinical biochemistry, immunology

Dr. Terry Wimberly

College: Arts and Sciences  
Program: Ecological Studies  
Education: Ph.D. University of Pittsburgh, 1982  
Appointment at FGCU: 1995  
Specialty: Health policy, gerontology, environmental non-profit agencies
Florida Gulf Coast University Board of Trustees
June 20 & 21, 2002

SUBJECT: Family Resource Center

PROPOSED BOARD ACTION

(1) Approve increase in biweekly fees in Infant Room from:
   $117.75 to $141.30 Students
   $127.75 to $153.30 USPS
   $137.75 to $165.30 Faculty and A&P
   $147.75 to $177.30 Community

(2) Approve increase in biweekly fees in Toddler Room from:
   $107.00 to $128.40 Students
   $117.00 to $140.40 USPS
   $127.00 to $152.40 Faculty and A&P
   $137.00 to $164.40 Community

(3) Approve increase in biweekly fees in Preschool Room from:
   $  97.00 to $116.40 Students
   $107.00 to $128.40 USPS
   $117.00 to $140.40 Faculty and A&P
   $127.00 to $152.40 Community

BACKGROUND INFORMATION

Florida Statutes (Section 6C-10.004) allow for the establishment of an educational Research Center for Child Development and for the establishment of user charges. Currently, the FGCU Family Resource Center charges a differential fee for students, staff, faculty and community as shown above. The FGCU Family Resource Center Board of Directors’ continuing commitment to high quality child care and fiscal self-sufficiency necessitates an increased revenue stream in the form of fee increases.
Supporting Documentation Included: (1) Gold Seal Rates for Lee County, and (2) Florida Statute - 6.C-10.004 Educational Research Centers for Child Development.

Committee Review: N/A

Prepared by: Dr. Hudson Rogers, Associate Dean of FGCU College of Business, and Chair of the FGCU Family Resource Center Board of Directors

Submitted by: Provost Brad Bartel
Gold Seal Rates

*Gold Seal rates are defined as the higher compensation rate for accredited childcare facilities in Florida.*

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<th>Age</th>
<th>Rate</th>
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<td>Infants, birth to 12 months:</td>
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<tr>
<td>Toddler, 1 and 2 year olds:</td>
<td>$120.00</td>
</tr>
<tr>
<td>3 year olds:</td>
<td>$114.00</td>
</tr>
<tr>
<td>4 year olds:</td>
<td>$111.60</td>
</tr>
</tbody>
</table>

Note: Lee County’s Gold Seal rates do not include lunch or snacks. To figure an equivalency to our Center rates add $17.50 to the Gold Seal rate above as our proposed rates include meals.
(1) Each university may establish an Educational Research Center for Child Development in accordance with the provisions of Section 240.531, Florida Statutes.

(2) Each center shall give highest priority to serving the children of students, followed by the children of both staff and faculty.

(3) Funds appropriated for the Educational and General activities of the State University System shall not be used to staff and operate centers. Operations may be financed either through the capital improvement trust fund fee, activity and service fee allocations, user charges, grants and donations, or any combination of these sources. The use of capital improvement trust fund fees and activity and service fees to subsidize the cost of providing services to the children of staff and faculty shall be minimized. Funds subject to bond commitment may be used only to the extent that current bond obligations and the terms of the trust indenture are met.

(4) University facilities constructed for the accomplishment of the university’s academic mission may be used for university research centers for child development provided that rent is charged, which may be minimal. Such centers will not generate a requirement for fixed capital outlay.

(5) The president shall be responsible for the operation and supervision of the educational research center for child development. The university shall promulgate rules for the operation of the educational research center for child development, including guidelines for the use and supervision of student interns, the receipt and monitoring of funds in accordance with the laws of the State of Florida and rules of the university and the Board, and participation by the student government association. It is recognized that an intent of this program is to provide research and training activities which are representative of a comprehensive scope of child development needs throughout the community. To this end, university rules shall include an admission process that provides for a student population of diverse race, ethnicity, socio-economic status, and mental and physical ability.

(6) Each university which establishes an educational research center for child development shall provide for a board of directors, in accordance with the law. The board of directors shall insure that the center is operated according to law and rules of the Board and the university.
(7) Each center is authorized to charge fees for child care and services. Fees should be set at the level required to support the cost of providing the service. Exceptions should be made for the children of students and may be made for low-income faculty and staff. These fees must be approved by the Board as required by law, and in accordance with subsection 6C-7.003(37), F.A.C.

Specific Authority 240.209(1), (3)(q), (4), 240.531(3), (4) FS. Law Implemented 240.209(1), 240.531 FS. History–Formerly 6C-2.79, Amended 10-7-74, Amended and Renumbered 12-17-74, Amended 2-18-80, 8-11-85, Formerly 6C-10.04, Amended 12-25-86, 11-29-94.
Florida Gulf Coast University Board of Trustees  
June 20 & 21, 2002

SUBJECT: Student Tuition Waivers

PROPOSED BOARD ACTION

Approve FGCU policy on student tuition waivers.

BACKGROUND INFORMATION

The 2002-03 state budget recently adopted by the Florida Legislature includes the following proviso language:

“Each university board of trustees is authorized to waive tuition and matriculation fees for purposes which support and enhance the mission of the university. All fee waivers must be based on policies which are adopted by university boards of trustees. Each university shall report the purpose, number and value of all fee waivers granted annually in a format which shall be prescribed and reviewed by the Florida Board of Education. (State Budget Line Item 166T)

Florida Gulf Coast University’s current policy on student tuition waivers and an award overview is provided for the Board’s consideration.

Supporting Documentation Included: Policy and Award Overview of FGCU Student Tuition Waivers

Committee Review: N/A

Prepared by: Dr. James Lynch, Dean of Enrollment Management

Submitted by: Provost Brad Bartel
POLICY ON STUDENT TUITION WAIVERS

PURPOSE: Florida Gulf Coast University uses state-granted budget authority for the purpose of waiving the out-of-state portion of tuition (up to 12 credit hours per student) for certain types of students to enhance campus diversity and academic quality in an ever-increasing competitive student market.

POLICY: Waivers are awarded based on the University’s established key selection criteria of recruitment, retention, diversity and service to students who meet certain initial requirements. Awards may be renewed for the duration of one academic year and carry specific criteria for renewal on a term-to-term basis. The award committee adheres to strict deadlines for acceptance of applications and requests for renewal.

APPLICATION: The Office of Enrollment Management (OEM) is the central receiving and processing location for all undergraduate and graduate student waiver applications. Undergraduate waivers are awarded in conjunction with the admission process. Graduate students may receive in-state or out-of-state graduate assistant waivers or in-state or out-of-state graduate assistant matriculation fee waivers. Graduate waivers accompany graduate assistantships and may include a stipend and work requirement.

PROCEDURE: Parameters for award and renewal eligibility differ for undergraduate and graduate students.

Undergraduate Student Waivers
Initial eligibility requirements:
✔ Approval for admission to Florida Gulf Coast University as a full-time degree-seeking first-time in college (12 or fewer semester hours completed at time of entry) or transfer (more than 12 semester hours completed at time of entry) student; out-of-state residency status; and a minimum 3.4 grade point average.

Renewal requirements:
Waiver awards are guaranteed for one term only. To renew, undergraduate students must:
✔ Continue to meet the established eligibility criteria; send written notification to the OEM that they will be seeking renewal of their waiver for the subsequent term; and submit a 1- to 2-page essay.

Graduate Student Waivers
Initial eligibility requirements:
✔ Be approved for admission to Florida Gulf Coast University as a degree-seeking student; submit supplemental application forms; and meet any additional criteria required by the awarding College or Department.

Renewal requirements:
Waiver awards are guaranteed for one term only. To renew, graduate students must:
✔ Send written notification to OEM that they will be seeking renewal of their waiver for the subsequent term and meet the conditions for renewal stipulated by the College/Department that sponsors their waivers.

ANNUAL REPORT: Each unit making awards is responsible for submitting an annual report to the OEM verifying compliance with all requirements by June 30 of each year. OEM will ensure that all awards are disbursed to the students and to ensure compliance with federal, state and institutional regulations and will forward all reports to the Dean of Enrollment Management.
## Academic Year 2001-02

### Undergraduate Student Waivers

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### Graduate Student Waivers

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<td>34</td>
<td>8</td>
<td>256</td>
<td>48,245</td>
</tr>
<tr>
<td><strong>AY01-02 Total</strong></td>
<td><strong>60</strong></td>
<td><strong>35</strong></td>
<td><strong>519</strong></td>
<td><strong>$109,368.00</strong></td>
</tr>
</tbody>
</table>

## Academic Year 2002-03 (to date)

### Undergraduate Student Waivers

<table>
<thead>
<tr>
<th>Term</th>
<th># OS waivers</th>
<th>Total Credits</th>
<th>Total Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summer 2002</td>
<td>12</td>
<td>66</td>
<td>$16,527</td>
</tr>
<tr>
<td>Fall 2002</td>
<td>47</td>
<td>546</td>
<td>~$150,150</td>
</tr>
<tr>
<td>Spring 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AY02-03 Total</strong></td>
<td><strong>12</strong></td>
<td><strong>66</strong></td>
<td><strong>$166,677.00</strong></td>
</tr>
</tbody>
</table>

### Graduate Student Waivers

<table>
<thead>
<tr>
<th>Term</th>
<th># IS waivers</th>
<th># OS waivers</th>
<th>Total Credits</th>
<th>Total Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summer 2002</td>
<td>11</td>
<td>3</td>
<td>61</td>
<td>$11,217</td>
</tr>
<tr>
<td>Fall 2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring 2003</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AY02-03 Total</strong></td>
<td><strong>11</strong></td>
<td><strong>3</strong></td>
<td><strong>$11,217.00</strong></td>
<td></td>
</tr>
</tbody>
</table>