SUBJECT: Ethics Policy of the FGCU Board of Trustees

PROPOSED BOARD ACTION

Approve Ethics Policy of the FGCU Board of Trustees

BACKGROUND INFORMATION

At the April 10, 2003 meeting, the Board of Trustees approved revised bylaws recognizing that Trustees stand in a fiduciary relationship to the University and requiring that the Board adopt a written ethics policy for its members. The Board Chair requested that General Counsel develop such a policy to bring before the Board for its review and consideration at the May 29, 2003 meeting. Adoption of this policy will provide a framework for guiding ethical conduct and procedures for disclosing conflicts of interest, thereby ensuring that the University is governed in the public trust and with integrity.

Supporting Documentation Included: Proposed Ethics Policy for the FGCU Board of Trustees

Prepared by: Wendy Morris, General Counsel

Legal Review by: N/A

Submitted by: Wendy Morris, General Counsel
FLORIDA GULF COAST UNIVERSITY
BOARD OF TRUSTEES POLICY

ETHICS POLICY OF THE BOARD OF TRUSTEES

ARTICLE I
PREAMBLE

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

ARTICLE II
ETHICS POLICY

Section I. Conflict of Interest

Introduction. Trustees shall be governed by the requirements of the Code of Ethics for Public Officers and Employees in Sections 112.313-112.326, Florida Statutes. Particular adherence is required to the provisions of Section 112.313, Florida Statutes, as it relates to: solicitation or acceptance of gifts; doing business with one’s agency; unauthorized compensation; salary and expense; misuse of public position; conflicting employment or contractual relationship; and disclosure of financial and gift information to the Commission on Ethics. This policy is intended to supplement and implement these requirements. In the event of a conflict between this policy and the Code, the Code will control.

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

- “Family Member” includes spouse, parents, siblings, aunts/uncles, children, domestic partner and any person residing in a Trustee’s household.

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

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

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

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

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

**Section II. Authority of Board Members**

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

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

Section IV. Use of Official Authority

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

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

Section V. Employees, Students and Special Interest Groups

Trustees shall use proper channels when dealing with employees, students, citizens and special interest groups. Trustees will not give directions or instructions to University employees, but will provide input and suggestions to the President who is responsible for the day-to-day management of the University. Trustees should refer any grievances or complaints received from or about employees, students or University matters to the President. Trustees shall not attempt to influence the hiring decision or employment of University employees, except the President. Trustees will support employees in the proper performance of their duties. Trustees shall not attempt to influence decisions related to the admission of students to the University or degree programs, or decisions related to the award of financial aid or scholarships.

Section VI. Confidential and Other Information

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

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

Section VII. Time Commitment

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

Section VIII. Outside Employment and Activities of the President

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

Section IX. Application and Administration of Policy

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

Section X. Distribution of Policy

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

Approved May 29, 2003
Florida Gulf Coast University Board of Trustees
May 29, 2003

SUBJECT: Parking Rules

PROPOSED BOARD ACTION

Approve amendments to Rule 6C10-8.004, F.A.C., Decal and Permit Fees, and Rule 6C10-8.005, F.A.C., Regulations

BACKGROUND INFORMATION

Sections 1001.74, 1006.66, and 1009.24(12)(p), Florida Statutes, require that the Board of Trustees adopt rules regulating traffic on the campus and establishing parking fees. The University’s rules addressing this subject matter are contained in Chapter 6C10-8, F.A.C., Parking and Traffic Regulations.

The proposed rule changes will update the rules by establishing annual parking fees for faculty/staff lots at $75.00 and for reserved parking at $300.00. In addition, the amendments will establish a sliding scale daily special event permit fee of $1 for general lot parking, $3 for Alico Arena lot parking (basketball games) and $5 for Alico Arena lot parking (all other events).

Other proposed changes will provide for short term parking areas or will update statutory citations.

The FGCU Parking Committee recommended these fee changes.

Supporting Documentation Included: (1) Notice of proposed rulemaking, and (2) proposed amended rule text

Prepared by: Wendy Morris, General Counsel
           Robert Harris, Director of University Police

Legal Review by: N/A

Submitted by: Curtis Bullock, Vice President for Administrative Services
NOTICE OF PROPOSED RULE MAKING
DEPARTMENT OF EDUCATION
Florida Gulf Coast University Board of Trustees

RULE CHAPTER TITLE: Parking and Traffic Regulations
RULE CHAPTER NUMBER: 6C10-8

RULE TITLE: Decal and Permit Fees
RULE NO: 6C10-8.004
Regulations 6C10-8.005

PURPOSE AND EFFECT: The purpose and effect of the rule amendments is to revise and update the parking rules to establish parking decal and permit fees for faculty/staff parking lots and faculty/staff reserved parking. An additional purpose of the amendments is to establish a three-tiered special event parking permit fee and to provide for short-term parking.

SUMMARY: The current rules prescribe a uniform special event parking permit fee and parking decal and permit fees for general lot and student housing parking. The proposed rule amendments will establish parking decal and permit fees for general lot parking, faculty/staff lot parking, faculty/staff reserved parking, and student housing parking. The proposed rule amendments also will establish a three-tiered special event parking permit fee and authorize the designation of short term parking areas. The amendments arise from the University’s growth and the recommendations of the University’s Parking Advisory Committee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 120.54, 1001.74(4), FS
LAW IMPLEMENTED: 1001.74(35), (39), 1006.66, 1009.24(12)(p), FS

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 25, 2003, 2:30 PM
PLACE: Whitaker Hall Room 101
Florida Gulf Coast University
Fort Myers, Florida 33965
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE OR TO OBTAIN A COPY OF THE PROPOSED RULE IS:
Wendy S. Morris
General Counsel
10501 FGCU Blvd. South
Fort Myers, FL 33965-6565
(239) 590-1100

A COPY OF THE PROPOSED RULE IS POSTED ON THE WEB AT:
www.fgcu.edu/rules/

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program must at least seven (7) calendar days prior to the event notify Julie Heuer, Senior Administrative Assistant, at (239) 590-1100. If you are hearing or speech impaired, please call (239) 590-1405 (TDD).

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Harris, Director, University Police, Florida Gulf Coast University

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Curtis D. Bullock, Vice President, Administrative Services, Florida Gulf Coast University

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FORT MYERS NEWS PRESS: February 10, 2003
DEPARTMENT OF EDUCATION
Florida Gulf Coast University Board of Trustees

RULE CHAPTER TITLE: Parking and Traffic Regulations
RULE CHAPTER NO: 6C10-8

RULE TITLE: Decal and Permit Fees
RULE NO: 6C10-8.004

Regulations
6C10-8.005

FULL TEXT OF PROPOSED RULE
6C10-8.004. Decal and Permit Fees.

The annual registration fee for decals and permits is provided below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Affixed</th>
<th>Hanging</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Lot Parking (All lots)</td>
<td>$75.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>Faculty/Staff Lot Parking</td>
<td>$75.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>Faculty/Staff Reserved Parking</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

Student Housing Provided for in rental fees.

<table>
<thead>
<tr>
<th>Description</th>
<th>Affixed</th>
<th>Hanging</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Lot Parking (All lots)</td>
<td>$25.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Faculty/Staff Lot Parking</td>
<td>$25.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Student Housing Provided for in rental fees.

The special event permit fee is provided below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Lot Parking</td>
<td>$1.00 per day</td>
</tr>
<tr>
<td>Alico Arena Lot Parking (basketball games)</td>
<td>$3.00 per day</td>
</tr>
<tr>
<td>Alico Arena Lot Parking (all other events)</td>
<td>$5.00 per day</td>
</tr>
</tbody>
</table>

With the exception of faculty/staff reserved parking, decals and permits can be purchased on a per term basis for a fee of $30.00 per term. A daily fee of $1.00 for parking will be charged for special events. An applicant for vehicle registration will be issued either an affixed decal or a hanging permit if available for the category of vehicle being registered as indicated by the chart above. Decals are non-transferable. Permits are transferable to any other four-wheeled vehicle that is registered in accordance with this rule and is owned, leased or operated by the applicant. Special event permit fees shall be waived for vehicles displaying valid annual or term parking decals/permits.

Specific Authority 1001.74(4), 229.0081(2) FS.
Law Implemented 1001.74(35), (39), 1006.66, 1009.24(12)(p) 240.268 FS.
History-- New 7-10-97, Amended 10-4-00, 9-4-02, ________.
6C10-8.005. Regulations.

(1) Decal/Permit Registration; Replacements; Refunds

(a) If a vehicle registered by an affixed decal is sold, traded, or destroyed or if the affixed decal is defaced, the original registrant may obtain a replacement decal for a fee of $5.00 upon presenting the original decal, along with the new vehicle registration (if applicable), to the University Police and Safety Department or the Cashier's Office.

(b) All lost, stolen or defaced decals should be reported to the University Police and Safety Department.

(c) Lost or stolen decals or permits will not be replaced and the registrant will be required to purchase a new decal or permit.

(d) A full refund will be issued for affixed decals or hanging permits sold in the current term if returned intact before the last day of Drop/Add for that term and if the student is no longer enrolled in any course at the University. Refund checks will be mailed to students at the address recorded in the Registrar's Office. The University Police and Safety Department or the Cashier's Office will give no cash refunds.

(e) University employees may elect to have vehicle registration fees deducted from their paychecks through payroll deduction.

(f) Temporary permits may be issued under the following circumstances:

1. When the registered vehicle is undergoing repairs and the registrant is driving a loaner or rental vehicle

2. When a college or department is hosting a special event such as a seminar or meeting on University property; or

3. When a college or department employs temporary or seasonal personnel for duration of no more than two weeks. Where the duration of temporary or seasonal employment is more than two weeks, the cost of a term decal or permit shall be prorated and assessed.

(2) Decal/Permit Display. Decals and permits shall be displayed according to the following regulations:

(a) All persons who park motor vehicles on University premises shall display either a valid decal or permit.

(b) Decals shall be permanently affixed midway down the left side of the windshield of four wheeled motor vehicles or as otherwise directed by the University Police and Safety Department at the time of registration depending upon vehicle configuration.
(c) A hanging style permit shall be displayed at all times while on campus on the rear view mirror with the permit number facing outward.

(d) Decal shall be permanently affixed to the rear fender of two-wheeled vehicles, or if there is no fender, as directed by the University Police at the time of registration.

(e) No person shall transfer a decal or permit to another person, alter a decal or permit, falsify documents to obtain a decal or permit or to otherwise possess, obtain or display a decal or permit that is not registered in his or her name. Any such act constitutes decal/permit fraud.

(3) Traffic Rules. For purposes of rule Chapter 6C10-8, motorcycles, motor scooters, mopeds, bicycles and motorized disability access vehicles are considered to be motor vehicles. Operation of motor vehicles on University roadways and in parking lots is subject to the following regulations:

(a) Pedestrians and wildlife have the right-of-way over motor vehicles. Pedestrians must use crosswalks when crossing a roadway.

(b) The speed limit in all parking lots is 15 miles per hour and the speed limit on roadways is 30 miles an hour, unless otherwise posted.

(c) Motorists and pedestrians shall follow and obey all traffic signs and devices and orders given by University police. Directions given by University police supersede posted regulations and traffic signals.

(d) University police may erect barriers on roadways and in parking lots from time to time to prevent the entry of vehicles. No person shall move or remove barriers or enter into areas barricaded by police.

(e) No motor vehicles, other than police, emergency or service vehicles, and motorized disability access vehicles shall be operated or parked on grass, walkways, sidewalks, fire hydrant areas, service areas, or other prohibited zones, except where specifically permitted by signage.

(f) No person shall alter, deface or remove any traffic control device or sign.

(g) No second person shall ride on a motorcycle, motor scooter, or bicycle unless the vehicle is designed and equipped with a seat for a second person.

(h) All vehicular accidents, which occur on University property, shall be reported to the University Police and Safety Department.
(4) Parking Rules.

(a) Posted signs, wheel stops and other markings designate the various parking areas on campus. Temporary parking areas may be designated by the University by placement of delineating signs, wheel stops or other identifying marks. Parking areas may be restricted by classification, time or purpose. Parking areas restricted by classification, time or purpose shall be considered "no parking" zones to those individuals who do not fall within the restriction of the classification. The following parking restrictions are found in areas on the University's premises:

1. Disabled
2. Motorcycle/moped/bicycle
3. State Vehicles
4. Loading Zone
5. Visitor
6. Faculty/Staff Lot
7. Faculty/Staff Reserved
8. Short Term

(b) The following rules apply to the parking of motor vehicles on University property:

1. All vehicles must park in marked parking spaces.
2. Visitors must obtain a visitor's parking permit from the University Police Department and may park in any delineated space, unless otherwise directed by University police.
3. No vehicle shall be parked in more than one space at a time or in a manner that straddles the marked lines of a parking space.
4. No motor vehicle shall be parked or left standing in a manner that blocks the egress or ingress of another vehicle, i.e., double-parking.
5. Motor vehicles shall not be parked or left standing in such a way as to create a hazard or an obstruction with the free movement of vehicular or pedestrian traffic.
6. No vehicle shall be parked or left standing on grass, sidewalks, or on the street, unless otherwise permitted by signage.
7. A person who must leave a motor vehicle overnight on University premises due to mechanical failure, flat tire, lack of fuel and the like, must notify the University Police and Safety Department. Any vehicle left parked on campus for more than three consecutive days and nights, without notification to the University Police and Safety Department, shall be deemed abandoned and subject to towing, impoundment and disposal at the owner's expense. Disabled vehicles shall be reported immediately to the University Police and Safety Department.

8. No major repairs to vehicles shall be performed on University property.

9. Loading zones shall be used only for the purposes of loading and unloading vehicles and only for the time limit permitted by signage.

10. No person shall park in any restricted parking space (i.e., handicapped parking, state vehicles) unless the person or vehicle satisfies the terms of the restriction. Persons with temporary disabilities may obtain special permits to park in spaces designated for handicapped parking from the University Police and Safety Department upon presentation of medical documentation. Vehicles parked in handicapped spaces without either state-issued handicapped parking permits or university-issued handicapped parking permits are subject to being towed in addition to any other penalty provided by Rule 6C10-8.006.

11. Any parking space within an assigned lot that is not reserved for a particular kind of parking is open on a first come basis to students, faculty, staff or other registrants.

12. Parking a vehicle on University premises following failure to pay or appeal any citation for a university decal, parking or traffic infraction within the time provided, or parking on University premises with a revoked decal or permit shall be considered illegal parking and subject the vehicle to towing and impoundment or immobilization at the owner's expense in addition to any other penalty or fine provided by Rule 6C10-8.006.

13. Motorcycles, motor scooters and bicycles shall be parked only in special racks or designated areas and shall not occupy spaces designated for automobiles.

14. Residential students are prohibited from parking in all academic parking lots between 7 a.m. and 7 p.m. Monday through Friday.

Specific Authority 1001.74(4) 240.227(1) FS.
Law Implemented 1001.74(35), (39), 1006.66, 1009.24(12)(p) 240.268 FS.
History – New 7-10-97, Amended 10-4-00, ________.
Florida Gulf Coast University Board of Trustees  
May 29, 2003

SUBJECT: Purchasing Rules

PROPOSED BOARD ACTION

Approve amendments to Chapter 6C10-6, F.A.C., Purchasing

BACKGROUND INFORMATION

Historically, the University’s procurement process was set forth in a complementary pair of rule chapters: Board of Regents (BOR) Chapter 6C-18, F.A.C., Administration of a Purchasing Program, and Florida Gulf Coast University (FGCU) Chapter 6C10-6, F.A.C., Purchasing. Due to changes in governance, effective January 7, 2003, the BOR rules are defunct.

The proposed amendments to FGCU Chapter 6C10-6 comprehensively update the University’s purchasing rules in light of governance changes. Sections 1001.74 and 1010.04, Florida Statutes, require that the Board of Trustees adopt rules to be followed in making purchases of commodities and contractual services.

The substantive rule changes will increase efficiencies and align the university with the direction of the public procurement marketplace. An executive summary of these substantive changes is enclosed. Technical rule changes also are proposed to update statutory citations and for clarification purposes.

Supporting Documentation Included: (1) Executive summary of substantive changes, (2) notice of proposed rulemaking and (3) proposed amended rule text

Prepared by: Wendy Morris, General Counsel  
Daphyne Sesco, Director of Purchasing

Legal Review by: N/A

Submitted by: Curtis D. Bullock, Vice President for Administrative Affairs
Executive Summary
Proposed Substantive Amendments to Purchasing Rules

Rule 6C10-6.012, Statement of Intent

- Recognizes the authority of the Board of Trustees to prescribe the University procurement process

Rule 6C10-6.013, Definitions

- Expands the list of defined terms to include bid, change order, direct owner purchase, governmental entities, informal quotation, minor irregularity (in a competitive solicitation response), proposal, purchase order, and reply (to a competitive solicitation)
- Provides that the University will obtain informal quotations for those services or commodities that are not on state contract and that are expected to fall between the amounts of $5000 and the competitive solicitation requirement of $50,000

Rule 6.014, Purchasing Authority of the University

- Delegates authority to the President or designee to serve as the central procurement officer of the University
- Deletes a requirement to maintain an Annual Certification List of vendors
- Provides that the President or designee may reject or cancel a competitive solicitation when in the best interests of the University
- Reserves the right to waive minor irregularities in an otherwise valid competitive solicitation response

Rule 6.015, Competitive Solicitations Requirement

- Increases the competitive solicitation amount from $25,000 to $50,000
- Prohibits the division of purchases to avoid the competitive solicitation amount
- Authorizes requiring vendors to submit a security with a competitive solicitation response when the contract amount is expected to be greater than $100,000 and such requirement is in the University’s best interests
- Requires the advertisement of all competitive solicitations on the University website
- Requires the advertisement of competitive solicitations above $50,000 in the Florida Administrative Weekly, on the Florida Communities Network website or in a newspaper of general circulation
- Provides that the unit price will prevail in the event of an extension error in a competitive solicitation response
- Specifies that a contractor may unilaterally withdraw a competitive solicitation response within seventy-two (72) hours after submission of the response
 Provides that a vendor may withdraw a competitive solicitation response at any time with the consent of the President or designee when the University’s interests will not be affected adversely by withdrawal of the response

 Requires that the University publicly post a notice of intent to award a competitive solicitation at the Purchasing Department for at least seventy-two (72) hours

 **Rule 6.016, Purchase of Commodities or Contractual Services**

 - Deletes a requirement that printing be purchased in accordance with Chapter 283, FS, since this law no longer applies to universities
 - Provides that the University is an equal opportunity institution, that the University promotes procurement participation and contract award with minority business enterprises (MBEs) and that the University will use good faith efforts to ensure that MBEs are aware of procurement and contract opportunities
 - Clarifies that the President or designee may waive the competitive solicitation process and make an emergency purchase when procurement delay threatens the health or safety of person(s) or animal(s), the protection or continuance of a vital university function, or the preservation or protection of property
 - Expands the list of competitive solicitation exemptions to exempt purchases relating to the direct owner purchase program, lobbyist services and leases of space for 5,000 feet or less, and also exempts from competitive solicitation purchases from direct support organizations, purchases required by a grant or to pursue a research project, and purchases from other governmental entities.

 **Rule 6.017, Bonds**

 - Authorizes the University to require a vendor to furnish a payment and performance bond when the contract amount is greater than $200,000 and the University is uncertain about the vendor’s ability to perform the contract

 **Rule 6.018, Contracts**

 - Authorizes the University to enter into contracts that limit the liability of a vendor in accordance with Section 672.719, FS

 **Rule 6.019, Standard of Conduct**

 - Restates the requirement that all persons taking part in the procurement process follow the State of Florida Code of Ethics for Public Officers and Employees, Chapter 112, Part III, FS, and the University’s rule on outside employment and activities
 - Requires that University employees handling purchasing matters be protected from improper external political or business influences
Rule 6.020, Purchase of Motor Vehicles

- No substantive changes
NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF EDUCATION
Florida Gulf Coast University Board of Trustees

CHAPTER TITLE: Purchasing
CHAPTER NUMBER: 6C10-6

RULE TITLES: RULE NOS.:
Statement of Intent 6C10-6.012
Definitions 6C10-6.013
Purchasing Authority of the Institution 6C10-6.014
Competitive Solicitation Requirement 6C10-6.015
Purchase of Commodities or Contractual Services 6C10-6.016
Bonds 6C10-6.017
Contracts 6C10-6.018
Standard of Conduct 6C10-6.019
Purchase of Motor Vehicles 6C10-6.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to implement the Florida Gulf Coast University Board of Trustees’ authority to adopt purchasing rules in accordance with the K-20 Education Code, Chapters 1000-1013, Florida Statutes. Additional purposes of the rule amendments are to update the University’s procurement process to increase efficiencies and to clarify the ethical responsibilities of parties involved in University procurement.

SUMMARY: The Purchasing Chapter was promulgated in 1999 and describes the University’s purchasing policies and procedures, including the purchasing authority of the University and the requirements for competitive solicitation and payment and performance bonds. The Chapter further prescribes ethical standards for university employees handling procurement matters and the conditions for the extension and renewal of procurement contracts. The proposed revisions to the Chapter reflect changes in higher education governance structure and statutory authority, clarify definitions, update procurement procedures and clarify the ethical responsibilities of parties involved in University procurement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.
Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 1001.74(4), 1010.04(2), FS
LAW IMPLEMENTED: 112.313, 120.57, 287.055, 287.09451, 288.703(2), 672.719, 1001.74(5), (17), (29), 1001.75(5), 1004.28, 1010.04, FS
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: May 12, 2003 at 2:30 PM
PLACE: Academic Building Three, Room 124
Florida Gulf Coast University,
Fort Myers, FL 33965

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE OR TO OBTAIN A COPY OF THE PROPOSED RULE IS:
Wendy S. Morris
General Counsel
10501 FGCU Blvd. South
Fort Myers, FL 33965-6565
(239) 590-1100

A COPY OF THE PROPOSED RULE IS POSTED ON THE WEB AT: www.fgcu.edu/rules/

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program must at least seven (7) calendar days prior to the event notify Julie Heuer, Senior Administrative Assistant, at (239) 590-1100. If you are hearing or speech impaired, please call (239) 590-1405 (TDD).

NAME OF PERSON ORIGINATING PROPOSED RULE: Daphyne Sesco, Director of Purchasing, Florida Gulf Coast University

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Curtis D. Bullock, Vice President, Administrative Services, Florida Gulf Coast University

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FORT MYERS NEWS PRESS: January 22, 2003

It is the intent of the Florida Gulf Coast University Board of Trustees to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. The process will reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on university contracts is a privilege, not a right.


(1) Artistic Services -- Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, craft arts, industrial design, costume design, fashion design, web design, motion pictures, television, radio or tape and sound recording or in any other related field.

(2) Bid – A competitive sealed response received pursuant to the issuance of an Invitation to Bid by a responsive and qualified bidder or offeror.

(3) Change Order -- A University document formalizing the amendment of a purchase order.

(4) Commodity -- Any of the various supplies, materials, goods, merchandise, food,
equipment or other personal property, including a mobile home, trailer, or other portable 
structure, which are purchased, leased, lease-purchased or otherwise contracted for by the 
University In stitut ion. "Commodity" also includes interest on deferred-payment contracts 
entered into by the University Institution for the purchase of other commodities. Printing 
of publications and software to be used pursuant to license agreements shall be 
considered a commodities when let upon contract in accordance with Section 283.33, 
Florida Statutes.

(3) Competitive Bid/Proposal -- The response submitted to an Invitation to Bid or a 
Request for Proposal by responsive and qualified bidders or offerors.

(54) Competitive Negotiation -- The establishment of a contract through deliberation, 
discussion or conference on the specifications, terms and conditions of a proposed 
agreement.

(65) Competitive Solicitation -- An Invitation to Bid, Request for Proposal or Invitation 
to Negotiate to competitively select a contractor with the title, date, and hour of the 
public solicitation opening designated.

(76) Contractor/Vendor -- A person or firm who contracts to sell commodities or 
contractual services to the University Institutions.

(87) Contractual Service -- The rendering by a contractor of its time and effort rather 
than the furnishing of specific commodities. The term applies only to those services 
rendered by individuals and firms who are independent contractors. "Contractual service" 
does not include labor or materials or selection of professional services for the 
construction, renovation, repair or demolition of facilities entered into pursuant to 
Chapter 255, Florida Statutes.

(9) Direct Owner Purchase -- The purchase of materials or equipment by the University 
that were originally included in a construction manager, contractor or subcontractor bid, 
proposal or reply for a University construction project.

(108) Extension -- An increase in the time allowed for the contract period due to 
circumstances for which neither party is at fault.

(11) Governmental Entities -- the State of Florida including its local governments and 
political subdivisions, the federal government, and other public or private educational 
institutions, cooperatives or consortia.

(129) Independent Contractor -- A person or firm who provides a service to the 
University Institution, but does not have any employment or other relationship or 
connection with that University Institution, except as provided in Section 112.313, Florida 
Statutes.

(10) Institution -- A term used to refer to the individual units defined in Section
240.2011, Florida Statutes, as the Board of Regents or the individual universities named therein.

(13) Informal Quotation – A written or oral quotation not requiring a formal competitive solicitation. Written evidence of oral quotations shall be maintained. Informal quotations shall be used for those services or commodities that are not on state or University contract and that meet or exceed $5,000 but are less than the competitive solicitations requirement in Fla. Admin. Code R. 6C10-6.015.

(14) Invitation to Bid -- A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or contractual services defined, for which bids are sought.

(15) Invitation to Negotiate -- An invitation extended to prospective contractors by an Institution, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. A written solicitation to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

(16) Minor Irregularity -- A variation from the terms and conditions of a competitive solicitation that does not affect the price of the commodities or services, give the vendor an advantage or benefit not enjoyed by other vendors, or adversely impact the interests of the University.

(17) Minority Business Enterprise -- A business concern as defined in Section 288.703(2), Florida Statutes.

(18) President -- The chief executive administrative officer of the University, responsible for the operation and administration of the University.

(19) Proposal – A competitive sealed response received from a vendor pursuant to the issuance of a request for proposal.

(20) Public Entity Crime -- A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.

(21) Purchase -- An acquisition of commodities, licenses or contractual services obtained by contracting in any manner, whether by rent, lease, installment- or lease-purchase or outright purchase.

(22) Purchase Order – A University document formalizing a purchase transaction with a vendor and authorizing the vendor to deliver goods or services.
Purchases for Resale -- The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

Renewal -- Contracting with the same contractor for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.

Reply -- A competitive sealed response received from a vendor pursuant to the issuance of an Invitation to Negotiate.

Request for Proposal -- A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined.

Responsive and Qualified Bidder or Offeror -- A contractor/vendor who has submitted a bid, reply or proposal that conforms in all material respects to a competitive solicitation.

Term Contract -- An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed period of time.


6C10-6.014. Purchasing Authority of the University.

The President or designee is delegated authority to serve as the central procurement officer for the University and has the duty to: The Director of Purchasing is delegated authority to serve as the central procurement officer for the University and shall exercise the powers, duties and functions of said position. The Director shall establish a system of coordinated, uniform procurement policies, procedures, and practices (refer to procurement policies and procedures as set forth in "Purchasing Handbook" dated July, 1999) to be used in acquiring commodities and contractual services, as follows:

(1) Canvassing sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.

(2) Removing any contractor from the University's competitive vendor list that fails to fulfill any of its duties specified in a contract with the University or governmental entity.

(3) Planning and coordinating purchases in volume and negotiating and executing
agreements and contracts for commodities and contractual services under which the University may make purchases.

(4) Developing an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities services that are frequently purchased and are available from a single source.

(45) Evaluating and approving contracts let by governmental entities the Federal Government, other states, political subdivisions, or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interests of the University, to make purchases under contracts let by such other entities.

(56) Electing as an alternative to any provision in Section 120.57(3)(c), Florida Statutes, to proceed with a competitive solicitation or contract award process when it is set forth, in writing, that the particular facts and circumstances which demonstrate that the delay due to staying the solicitation or contract award process would be detrimental to the interests of the University. After the award of contract resulting from a competitive solicitation in which a timely protest was received and in which the University did not prevail, the contract will be cancelled and re-awarded to the prevailing party unless the final order or settlement between the parties provides otherwise create an immediate danger to the public health, safety, welfare or other substantial loss to the State.

(67) Awarding contracts for commodities and contractual services to one or multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be made on behalf of the University or a consortia of the University and other governmental entities a University, an Institutional, regional or State University System-wide basis and the contracts may be for multiple years.

(8) Delegating any and all of the above authority, powers, and duties to the appropriate employee within the University.

(7) Reject or cancel any or all competitive solicitations when determined to be in the best interests of the University.

(8) Reserve the right to waive any minor irregularities in an otherwise valid bid, proposal or reply. Variations that are not minor cannot be waived.


(1) All purchase orders or contracts for the purchase of commodities or contractual
services exceeding $50,000 shall be awarded pursuant to a competitive solicitation, unless otherwise authorized in Chapter 6C10-6, F.A.C., by Rule 6C10-6.016. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(2) The University shall require vendors to submit a solicitation security with their response to a competitive solicitation when the contract amount is expected to be greater than $100,000 and it is in the University’s best interests to require the security. The solicitation security shall be in the form of a bid bond, certified, treasurer’s or cashier’s check or bank draft and the required amount shall be no greater than ten percent (10%) of the estimated value of the response value. The failure to submit such security with the response shall result in disqualification of the response.

(32) Competitive solicitations for purchases that are expected to be in excess of $50,000 shall be advertised in the Florida Administrative Weekly, a newspaper of general circulation, or electronically posted on the www.myflorida.com website (Florida Communities Network). for purchases of commodities that are expected to be in excess of $150,000 and for purchases of contractual services that are expected to be in excess of $50,000. All competitive solicitations will be electronically posted on the University’s www.fgcu.edu/ website (Purchasing Department). The President or designee shall waive the advertisement requirement when the number of potential responders is limited and can otherwise be solicited, when the availability of funding so requires, or when delivery is urgent.

(42) When only one response is received to a competitive solicitation for commodities or contractual services exceeding $50,000, the University will review the solicitation response and circumstances surrounding the solicitation to determine if a second call for a competitive solicitation will yield the same results. If it is determined that a second call is not in the University’s best interests or would yield the same results, then the University will proceed with the acquisition.

(53) When multiple responses that are equal in all respects are received to an invitation to bid competitive solicitation, the University will give preference, in the following order of priority, to bids that include minority business enterprise participation, commodities manufactured in the State of Florida, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state, to determine the contract award. If use of these preferences does not determine a contract award, the toss of the coin shall be used to award the contract.

(4) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(6) In the case of extension errors in a response to a competitive solicitation, the unit price will prevail.

(7) A Contractor may withdraw a competitive solicitation response, in writing, within
seventy-two (72) hours of the response opening, excluding Saturdays, Sundays and University holidays, or at any time thereafter with the written consent of the President or designee when the University’s interests will not be adversely affected by the withdrawal.

(8) Notices of Intent to Award competitive solicitations shall be publicly posted at the Purchasing Department for a minimum of seventy-two (72) hours excluding Saturdays, Sundays and University holidays.


6C10-6.016. Purchase of Commodities or Contractual Services.

(1) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.

(2) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University include:

(a) Physical damage on vehicles and boats;

(b) Inland marine on property owned, leased, or loaned to or by the University;

(c) Building and property damage;

(d) Equipment losses due to theft;

(e) Equipment subject to transportation;

(f) Loss of rental income;

(g) Commercial general liability insurance for scientific equipment;

(h) Excess general liability coverage;

(i) Camps insurance.

All insurance purchased for property damage shall have a minimum of a $1,000 deductible.

(3) Purchase of Printing. Printing shall be purchased in accordance with Chapter 283, Florida Statutes.

(34) Purchases from Minority Business Enterprises. The University is an equal
opportunity institution and promotes procurement participation and contract award with Minority Business Enterprises (“MBEs”). MBEs should have a fair and equal opportunity to compete for dollars spent by the University to procure commodities and contractual services. Competition ensures that prices are competitive and that a broad vendor base is available. The University will use good faith efforts to ensure that MBE vendors are aware of procurement and contract opportunities.

(a) The University has established procedures to encourage and promote the use of minority business enterprises. The procedures include: hiring a minority business consultant to increase minority business enterprise participation in contracting; establishing monetary goals based on prior year expenditures by percentages; developing an annual utilization plan; developing a system to record statistical data on monetary transactions with state-certified and non-state-certified minority business enterprises; and, reporting statistical data on expenditures with certified minority business enterprises to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives on or before February 1 of each year. The development of a minority business enterprise program shall be based on the recommendations in the most recent disparity study.

(b) Certification of minority business enterprises may be by state or local governmental entities. For those minority business enterprises certified by local governmental entities, the University will be responsible for reviewing the certification process for assurance of minority status.

(45) Purchases from Contractors Convicted of Public Entity Crimes. The University shall not accept a competitive solicitation from or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date of being added to the convicted vendor list.

(56) Purchasing actions that are not subject to the competitive solicitation process include:

(a) Emergency Purchases. When the President or designee Director of Purchasing determines, in writing, that the delay due to the competitive solicitation process threatens the health or safety of person(s) or animal(s), the protection or continuance of a vital University function or the preservation or protection of property is an immediate danger to the public health, safety, or welfare of the University, the University will proceed with the procurement of commodities or contractual services without a competitive solicitation. The emergency purchase shall be limited to the purchase of the type of items and quantities or for a time period sufficient to meet the threat and shall not be used to meet long-term requirements.

(b) Sole Source Purchases. Commodities or contractual services available from a single source of supply capable of meeting all specifications, terms, and conditions will be exempted from a competitive solicitation process.
(c) Purchases from competitively solicited contracts and negotiated annual price agreements established by the State of Florida, other governmental entities, other Institutions in the State University System, or other independent colleges and universities are not subject to further competitive solicitation.

(d) Commodities to be incorporated into any public works project (as that term is defined in Fla. Admin. Code R. 12A-1.094) which are procured by the University as a direct owner purchase are not subject to any further competitive solicitation.

(67) Commodities and contractual services that are not subject to the competitive solicitation process include:

(a) Artistic services;

(b) Academic reviews;

(c) Lectures;

(d) Auditing and accounting services;

(e) Legal and lobbyist services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;

(f) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client.

(g) Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of Section 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;

(h) Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;

(i) Family placement services;

(j) Training and education services;
(k) Advertising;

(l) Contractual services or commodities provided by other governmental entities, and other agencies, another Institution in the State University System or other independent colleges and universities;

(m) Conferences, workshops, programs or Continuing education events or programs that are offered to the general public for which fees have been collected to pay all associated expenses associated with the event or program;

(n) Conferences, workshops, programs or events that are required by a grant to be purchased, attended, held or organized;

(o) Purchases from firms or individuals that are prescribed by state or federal law or required by a granting agency;

(p) Regulated utilities and government franchised services;

(q) Regulated public communications, except long distance telecommunication services or facilities;

(qq) Extension of an existing contract;

(r) Renewal of an existing contract if the terms of the contract specify renewal option(s);

(s) Purchases from the Annual Certification List developed by each Institution;

(st) Purchases for resale.

(t) Contractual services or commodities provided by a direct support organization;

(u) Training, programming and other services available from the owner or licensor of copyrighted software or its designated provider of such services;

(v) Purchases of materials, supplies, equipment or services for research purposes when the Director of Sponsored Research or designee certifies in writing that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project;

(w) Leases of space by the University for 5,000 square feet or less in a privately-owned building.

(7§) Participants in Contract Awards Not Subject to Competitive Solicitations.

(a) No person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be eligible to contract
with the respective University dealing with the specific subject matter.

(b) The individuals taking part in the development or selection of criteria for evaluation, the evaluation process and the contract award in any purchase shall be independent of, and have no conflict of interest in, the entities evaluated and selected.


6C10-6.017. Bonds.

(1) Payment and Performance Bonds. The University shall require any vendor contracting with the University to provide services or commodities that include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the contract amount is greater than $200,000 and the University is uncertain about the contractor's ability to perform.

(a) Any contractor contracting with a University for the construction, renovation, demolition or repair of a building shall be required to furnish a payment and performance bond, with good and sufficient securities, to the University before beginning work on the project. The bonding requirements shall be in accordance with Chapter 255, Florida Statutes.

(b) A contractor shall promptly make payments to all contractors or subcontractors supplying labor, materials and supplies used in the performance of the contract, in accordance with Chapter 255, Florida Statutes.

(c) The bond or security must be in an amount equal to 100% of the response submitted to the competitive solicitation.

(2) Solicitation Protest Bond. Any contractor that files an action pursuant to Section 120.57(3)(b), Florida Statutes, protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal written protest, post with the University, a bond, cashier's check or money order payable to the University in an amount equal to: 10% of the estimated value of the protestor's bid or proposal; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond, cashier's check or money order shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. Failure of the protesting contractor to file the required bond, cashier's check or money order at the time of filing the formal protest shall result in the denial of the protest.

6C10-6.018. Contracts.

(1) Contracts for commodities or contractual services shall consist of a purchase order or bilateral agreement signed by the chief administrative officer of the University President or designee prior to goods or services being rendered by the contractor. For purchases that the President or designee determine are emergency purchases in accordance with Fla. Admin. Code R. 6C10-6.016(6)(a), a contract shall consist of a purchase order or bilateral agreement signed by the President or designee prior to or within thirty (30) days of the goods or services being rendered by the contractor.

(2) Any contract for the purchase of services or tangible personal property for a period in excess of one fiscal year shall include the following statement: "The State of Florida and University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature".

(3) Extension of a contract shall be for a period not to exceed 12 months, shall be in writing, shall be signed by both parties, and shall be subject to the same terms and conditions set forth in the initial contract and any amendments thereto. There shall be only one extension of a contract.

(4) A contract may contain provisions for renewal for a period no longer than the initial term be renewed on a yearly basis for a period of up to 2 years after the initial contract term or for a period no longer than the term of the original contract; whichever period is longer. If the commodity or contractual service is purchased as a result of a competitive solicitation, the cost of any contemplated renewal must be included in the competitive solicitation. All contract renewals are subject to sufficient annual appropriations and shall be executed in writing by both parties.

(5) The President or designee is authorized to enter into deferred payment agreements through the State of Florida’s Consolidated Equipment Financing Program. When any commodity contract requires deferred payments and the payment of interest, such contract will be submitted to the State of Florida Comptroller for the purpose of pre audit review and approval prior to acceptance by the University. The University president shall have the authority to enter into deferred payment agreements utilizing the State of Florida Comptroller's Consolidated Equipment Financing Program. No agreement shall establish a debt of the state or shall be a pledge of the faith and credit of the state; nor shall any agreement be a liability or obligation of the state except from appropriated funds.

(6) In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a vendor in accordance with Section 672.719, Florida Statutes.


(1) It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. All persons taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall follow all relevant portions of the State of Florida Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes, and the University’s rule on outside employment and activities, Rule 6C10-5.012, F.A.C.

(2) Purchasing officers shall be protected from improper pressures of external political or business interests. It shall also be a breach of ethical standards for any contractor or potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or contractual services.


(1) The term "motor vehicle" includes any automobile, truck, watercraft or other vehicle designed primarily for transporting persons, and construction vehicles or farm equipment.

(2) The University has the authority to:

(a) Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;

(b) Obtain the most effective and efficient use of motor vehicles for University state purposes;

(c) Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University.

(d) Contract for specialized maintenance services.

(3) Motor vehicles owned, leased or operated by the State University System shall be available for official University business only.

FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES
May 29, 2003

SUBJECT:  2003-04 Initial Operating Budget

PROPOSED BOARD ACTION

(1) Approve FGCU’s 2003-04 Initial Operating Budget.
(2) Delegate operating budget amendment authority not to exceed 10% to the
    University President.

BACKGROUND INFORMATION

University boards of trustees are authorized to approve their respective
institution’s annual operating budgets for implementation at the start of the fiscal
year- July 1.

The exact allocation to be distributed to the University is not fully known since the
regular session of the legislature ended with no State budget. A special session
has been called for May 12, 2003. The base allocation in addition to standard
issues such as cost to continue, salary increases, changes in retirement and
health costs, etc. have not yet been made. Additionally, enrollment and tuition
increases have a substantial impact on the operations of the University, its
revenues, and is a variable that is yet to be determined by the legislature. In
order that the University have in place a budget approved by the Board on July 1,
2003, the Initial FGCU 2003-04 Operating Budget is attached for the Board’s
consideration. This initial operating budget tracks the existing 2002-03 operating
budget with known growth issues added and will suffice until after the legislative
session and subsequent review and approval of the State budget by the
governor.
Supporting Documentation Included:  Proposed 2003-04 Initial Operating Budget

Prepared by:  David Vazquez, Director of University Budgets

Legal Review by:  Wendy Morris, General Counsel  (May 12, 2003)

Submitted By:  Curtis Bullock, Vice President for Administrative Services
As part of the fiscal control process of the institution, the University develops an annual operating budget that plans the utilization of resources throughout the year. The operating budget serves not only as a fiscal control agent, but a measure of performance and activity.

During the course of the fiscal year, non-substantive issues and central office budget amendments occur periodically that alter the budget as the year progresses. Additionally, grant awards and Student Government activities lead to further changes in the budget. The University is requesting that the Board of Trustees approve the initial 2003-04 operating budget as presented and delegate to the President the authority to amend these budgets as appropriate by an amount not to exceed 10%, with adjustments based on central office allocations, specific appropriations, grant awards, and student activities to be exempt from the above increase restriction. The flexibility to amend the budget will allow the institution to manage the daily operations and allocate resources to best meet the mission of the institution.
Florida Gulf Coast University  
Initial Operating Budget Request  
Fiscal Year 03-04

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Florida Gulf Coast University Board of Trustees
May 29, 2003

SUBJECT: FGCU President’s Annual Performance Evaluation for 2002-03

PROPOSED BOARD ACTION

Conduct the annual performance evaluation for 2002-03 of President Bill Merwin during the Board’s May 29 meeting

BACKGROUND INFORMATION

Florida’s state university boards of trustees are authorized to evaluate and compensate their respective institutions’ presidents, who serve as chief executive officers. The FGCU Board of Trustees is scheduled to conduct the 2002-03 performance evaluation of President Bill Merwin during the May 29 Board meeting. President Merwin is providing a self-evaluative report that addresses outcomes for each of the 2002-03 president’s performance measures adopted by the FGCU Board.

Supporting Documentation Included: “President’s Self-Evaluation Performance Report (2002-03)”

Prepared by: Susan Evans, Office of the President

Legal Review by: N/A

Submitted by: President Bill Merwin
MEMORANDUM

TO: Florida Gulf Coast University Board of Trustees
FROM: President Bill Merwin
DATE: May 12, 2003


Florida’s system of university governance has among its many merits the responsibility for university boards of trustees to evaluate and hold accountable their respective university presidents. The Florida Gulf Coast University Board of Trustees, with the assistance of consultant Dr. James Koch, last year conducted an exhaustive performance evaluation of the FGCU President. This process, which included focus group and individual interviews with more than 50 FGCU constituents, will be repeated every three years. In the interim years, the FGCU Board conducts annual performance evaluations that employ a president’s self-evaluation report relative to the annual performance measures adopted by the Board. This document is my self-evaluation report for the fiscal year July 1, 2002 through June 30, 2003.

Now in its sixth year since opening in 1997, FGCU continues to experience tremendous student enrollment growth. In fact, while the average rate of the state universities’ growth over the last three-year period was 5.3%, FGCU’s enrollment growth was 12.6%, 25.9% and 27.6% for each of the past three years. During the 2002-03 year, the University attained its historic target of 3,000 Full-Time-Equivalent (FTE) students – a goal that faculty and staff have worked diligently toward since the University opened.

The University’s explosive growth is the primary reason for our serious concern with the anticipated new state budget. As you know, the Florida Legislature concluded its regular session on May 3 without adopting a new state budget for the fiscal year beginning July 1. Proposed budget cuts for the state universities loom large, and FGCU’s annual operating budget could be cut by as much as $2.3 million under one budget scenario. This fact – coupled with the elimination of enrollment growth funding in the budget - places our young, growing institution in a precarious position for the coming year, with impacts to be felt long afterwards. Because of the anticipated budget cuts, FGCU has for the first time ever been forced to place qualified freshmen students on a waiting list for fall
admission, and we have frozen searches for more than 25 new faculty and staff positions greatly needed to serve our students.

As of this writing, the new state budget will be determined during a special legislative session to be held May 12 through May 27. My university president colleagues and I are working diligently to persuade legislators of the critical ramifications of the proposed cuts to university operating budgets – as well as the dire consequences of eliminating enrollment growth funding, as has been proposed. FGCU has been fortunate to have trustees, Foundation directors, and community partners aggressively championing the funding needs for our institution.

This advocacy on the part of the FGCU Board of Trustees is just one of the many reasons why having its own governing board has been so successful for the University. We are governed by a group of individuals with the ability and opportunity to make local and nimble decisions about FGCU – for both today and the long term. As stewards of this University, you clearly are committed to FGCU’s delivering the highest quality education possible in Southwest Florida, and I look forward to our continued relationship in achieving our shared goals.

The President's Performance Measures provide a framework of the responsibilities held by the institution’s chief executive officer. I will be pleased to provide any additional information you would like on the self-evaluative responses to the measures.

<table>
<thead>
<tr>
<th>1. GOAL: Grow Student Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Fall Term Headcount:</strong></td>
</tr>
<tr>
<td>Actual Fall 2001</td>
</tr>
<tr>
<td>4235</td>
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</tr>
<tr>
<td>4747</td>
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<tr>
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<tr>
<td>5258</td>
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<td>2389</td>
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2002- 03 Enrollment Plan
2521

2002-03 Actual (Pending)
2960 (Fundable FTE)
3022 (Total of Fundable FTE, and Non-Fundable Waivers)

2. GOAL: Diversify Student Enrollment

A. Students of Color:

Actual Fall 2001
593

Projected Fall 2002
664

Actual Fall 2002
777

B. International Students:

Actual Fall 2001
228

Projected Fall 2002
235

Actual Fall 2002
315

RESPONSE:
For “A” – Continued growth anticipated in students of color.
For “B” – Growth in the international students is limited due to the current political climate and federal initiatives that are monitoring the influx of international students.
3. GOAL: Increase Number of Undergraduate & Graduate Degrees Awarded

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*RESPONSE:
Final degrees awarded totals for 2002-03 will be available August 2003.

4. GOAL: Improve Freshman* to Sophomore Retention Rates

<table>
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<tr>
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(*Freshman = First-Time-In-College Student with Fewer than 12 Semester Credit Hours.)

RESPONSE:
(1) FGCU’s Dean of Enrollment Management has instituted a Retention Management Council for the purpose of identifying key retention performance indicators that can be utilized for assessment of student retention, and implementing aggressive programs aimed at retaining freshmen for the sophomore year and beyond to successful graduation.

(2) The revised methodology represents standard practice that synchronizes with common data set reporting requirements of the Florida Board of Education/Division of Colleges & Universities as of FY 2002-03. In this approach, a freshman who first enrolls at FGCU in either summer or fall semester of year one, is considered retained if he/she enrolls for fall semester in year two. (Under the previous methodology, a student was considered retained if he/she enrolled for any semester during year two, which resulted in slightly higher percentage rates.)
(3) The expansion of the percentage allows for addressing the intent to grow at 0.5% annually.

5. GOAL: Build New Facilities on Campus

- **Alico Arena** – Goal of Fall 2002 Main Completion, with Addition Completed in Spring 2003.
- **Student Union** – Goal of Spring 2003 Completion.
- **Art and Music Building** – Goal of Fall 2002 Completion.
- **Aquatics Center** – Begin construction in January 2003.
- **Sugden Welcome Center** – Begin construction in January 2003.
- **WCI Green Building & Demonstration Center** – Begin construction in Summer 2003.
- **Kleist Health Education Center** – Begin construction Spring 2004.
- **Library Expansion** – Begin construction in Spring 2004.
- **Building 5** – Begin construction in Spring 2004.
- **Student Housing/Phase 5** – Begin construction in Spring 2003.

**RESPONSE:**

- **Student Union** – COMPLETED. Opened April 17, 2003. On time and in budget.
- **Aquatics Center** – Began construction in January 2003. (NOTE: Completion Fall 2003).
- **Student Housing/Phase 5** – Began construction in Spring 2003. (NOTE: Completion in Fall 2003).
6. GOAL: Increase Non-State Funding Support:

A. Sponsored Research Funds:

<table>
<thead>
<tr>
<th>Year</th>
<th>Actual</th>
<th>Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$6.2 Million</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>$9.1 Million*</td>
<td>(163 Proposals Submitted)</td>
</tr>
<tr>
<td>2002-03</td>
<td>$9.1 Million</td>
<td>(170 Proposals/Increase of 10%)</td>
</tr>
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<td>$9.1 Million</td>
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(* Included a one-time matchable grant of $1.3 million for WGCU –TV)

B. Private Contributions & Gifts:

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<tr>
<th>Year</th>
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<th>Goal</th>
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<tbody>
<tr>
<td>2000-01</td>
<td>$12 Million</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>$15 Million</td>
<td></td>
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7. GOAL: Increase/Improve Academic/Community Outreach

- Strengthen A.S. articulation with Edison Community College.
- Explore an academic research relationship with Naples Botanical Garden.
- Launch the Charlotte Center.
- Increase memberships and participation in the Renaissance Academy.
- Launch the Center for Civic Engagement through community partnerships.
- Explore an academic research relationship with Rookery Bay National Estuarine Research Reserve.

**RESPONSE:**

- **A.S. articulation with Edison Community College** – There are currently 30 students taking six hours each in the ECC/FGCU pilot program that was offered this spring and again this summer at the Lee County Sheriff's office. Fifteen of these have now been officially enrolled in the Bachelor of Applied Science degree with a concentration in Public Services Management, and the other 15 are in various stages of advisement by the new partnership articulation advisor and will either be enrolled at ECC or FGCU depending on their individual situation.

- **Academic research relationship with Naples Botanical Garden** – The Naples Botanical Garden is a major initiative being developed on 160 acres of land in East Naples. Interest in FGCU having a research facility within the Garden culminated on April 17 with a press conference and public signing of a Letter of Intent to build a research and education facility on Garden property that will be owned by FGCU. Working in conjunction with the NBG advancement vice president, the FGCU Foundation has started a fund raising effort to obtain $2.5 million from private sources. The State will match these dollars from the Courtelis capital matching fund.
for a $5 million facility of approximately 15,000 square feet. The research and education agendas will include areas such as ethnobotany, native plant conservation, and other related environmental topics. This initiative fits strategically into FGCU's growing biotechnology emphases. Together with the existing FGCU Naples Center and the planned Marine Science Laboratory at Rookery Bay, this partnership with the Naples Botanical Garden further expands our regional impact in Collier County. Dr. Jack Crocker represents FGCU on the NBG Board of Directors and serves as liaison between the two institutions.

- **Launch Charlotte Center** – The generous support of Charlotte County donors made possible the opening of the FGCU Charlotte County Center in the 2002-2003 Fall semester. The FGCU Foundation reports that Charlotte County individuals, County and City government, hospitals and healthcare agencies, and others have stepped forward to give or pledge a total of $500,000 over a five-year period to help underwrite the Center. A series of focus group meetings has taken place in order to identify community needs and to hear key constituent ideas. An elementary education program has started, a variety of credit and non-credit courses were offered in the fall and spring semesters, and planning continues for future offerings. Office space is being provided by the Charlotte County Cultural Center, and we are planning an office location also at the Edison Community College Charlotte County Campus. FGCU will hire a full-time director for the Center in July 2003.

- **Increase memberships and participation in Renaissance Academy** – The Renaissance Academy continues to grow. The lifelong learning programs of courses, lectures, concerts, film series, and study tours have attracted more than 2,000 participants in the Fall and Winter sessions with the Spring just beginning. Programs have been offered on Marco and Sanibel Islands, Bonita Bay Properties-The Brooks and Bonita Bay, Bonita Springs, Ft. Myers (Key Bank), FGCU campus, and the Naples Center. The Academy offered programs as well through three new partnerships at Tower Pointe in Arbor Trace, Palmira Golf Club, and WCI Sun City. The most active of the program sites continues to be the Naples Center. Plans are in the works to further connect Renaissance Academy participants to FGCU (Honorary Alumni) by adding them to the mailing list for the "Visions" newsletter.

- **Launch a Center for Civic Engagement** – The FGCU Center for Civic Engagement was established during the Fall semester of this academic year. Linda Summers, who had started and directed the Service Learning program, was named director. Service Learning and other related activities are under the Center. (During 2002-03, FGCU students performed approximately 50,000 hours of service learning to the greater communities.) Two major initiatives were begun in the Center for Civic Engagement. One involved a plan to expand the integration of Service Learning activities into credit courses. The Faculty Senate approved this initiative and workshops led by nationally prominent civic engagement
expert Barbara Holland have been held to aid faculty in restructuring courses. The second major event was being the co-recipient with the Community Foundation of Collier County of a grant from the Stranahan Foundation to administer and interpret a Social Capital Benchmarking Survey for Collier County. This survey is a national project of the Saguaro Institute of Harvard University.

- **Academic research relationship with Rookery Bay National Estuarine Research Reserve** – During spring 2003, FGCU and Rookery Bay entered into a Memorandum of Understanding to establish a partnership devoted to marine science. FGCU has agreed to place the FGCU Marine Science Laboratory on land adjacent to the existing Rookery Bay facility in Collier County. And, scientists of the two institutions will jointly conduct research.

**8. GOAL: Develop Research Park**

- Secure land and associated infrastructure funding for a research, development, business & technology park near FGCU campus.

**RESPONSE:**
Continue to work with private developer who owns land for research park. He has committed 20 acres to FGCU for a central location in the park.


- Secure land for a developmental research school adjacent to TECO Arena.
- Acquire Florida legislative designation as a charter developmental research school.

**RESPONSE:**
Continued to work with private land owner who has made commitment of 75 acres of land to FGCU for the charter developmental research school. The legislative designation was postponed until the 2004 legislative session since the project will have a fiscal impact, and legislators during the 2003 session did not agree to new projects like this with fiscal impacts. In addition, preliminary discussions are being held with Collier and Lee Schools Foundations about a possible project, Enterprise Village, on that site. Also, visited a number of successful charter school sites, including some with university affiliations, as well as explored a number of facilities designs, and began laying the foundation for the capital campaign that will be needed.
10. GOAL: Intercollegiate Athletics

- Establish new programs in men’s and women’s basketball.
- Establish new program in men’s baseball.
- Establish new program in women’s softball.
- Establish new programs in men’s and women’s cross country.
- NCAA Self-Study. Complete an NCAA self study and implement any recommendations that the study defines. Continue to work with the NCAA to complete all requirements for NCAA provisional membership.
- Women’s Volleyball. Launch women’s volleyball program to begin play in Fall 2004.

**RESPONSE:**

- Established new programs in men’s and women’s basketball. First season records were 23-9 for men’s, and 30-1 for women’s.
- Established new program in men’s baseball. First season record was 35-15-3.
- Established new program in women’s softball. First season record was 33-17-1.
- Established new programs in men’s and women’s cross country.
- NCAA Self-Study. Completed an NCAA self study and implemented recommendations determined by the study. Continued to work with the NCAA to complete all requirements for NCAA provisional membership, and will request a waiver to shorten the provisional membership period by two years.
- Women’s Volleyball. Will launch women’s volleyball program to begin play in Fall 2004.
- Additional accomplishments include:
  - Teams finished seasons with combined student-athlete average GPA of 3.2.
  - Opened Alico Arena.
  - Combined teams’ record for 2002-2003 was 362-56-3 (86.6% winning percentage).

11. GOAL: Balance the Budget


**RESPONSE:**

FGCU will end the July 1, 2002 – June 30, 2003 budget period with a balanced budget.
12. GOAL: Alliance of Educational Leaders

- Continue to develop plans for the K-20 school (Charter Developmental Research School).
- Be responsive to business/workforce by working with area’s economic development councils and workforce boards and continuing to update and expand website – [www.swfleducation.com](http://www.swfleducation.com).
- Develop format to present articulation agreements that is easily understood and used (which will further demonstrate “seamlessness” and career paths/choices).
- Facilitate multi-agency collaborations and partnerships (in particular, in the areas of the reading and legislation) that leverage the region’s intellectual, time and fiscal resources.

**RESPONSE:**

- Continued to develop plans for the K-20 school (Charter Developmental Research School).
- Responsive to business/workforce by working with area’s economic development councils and workforce boards and continued to update and expand website – [www.swfleducation.com](http://www.swfleducation.com). Also, linked with new website of [www.usworks.com/southwestflorida](http://www.usworks.com/southwestflorida). And, actively participated in workforce board and economic committees and task forces.
- Developed format to present articulation agreements that is easily understood and used (which will further demonstrate “seamlessness” and career paths/choices). With area economic development councils, expanded the articulation agreement focus to a marketing plan that develops more career paths/opportunities for youth in Southwest Florida.
- **Grants/projects: COW (Classroom on Wheels)** – Alliance partnership with the Southwest Florida Workforce Development Board to purchase and furnish a portable classroom that moves among the region’s high schools (beginning with three in Lee County). At each location, 9th grade students are given a classroom orientation about careers and educational pathways to those careers. Then, there are four days in the COW during which students have hands-on experiences applying math and science skills to trades (electric, plumbing, HVAC). We will be seeking funding for next year and hope to expand the program to include other career fields.
- **Grants/projects: CARC (Career Advancement and Retention)** – Alliance partnership with the Southwest Florida Workforce Development Board to assist educational paraprofessionals (teacher aides) in obtaining the required 60 hours or AA degrees as stipulated by the No Child Left Behind Legislation. Funding supplies tuition, books, child care, transportation money, etc. and involved Charlotte, Collier, Hendry and Lee Counties (approx. 75 ed paraprofessionals to date).
- **Grants/projects: Reading First** - State of Florida grant (No Child Left Behind legislation) – Alliance partnership with the school districts of Charlotte, Collier, and Lee Counties and the Southwest Florida Workforce Development Board.
Development Board to target K-3 reading in eligible schools. Six year grant ($3.7 million for the first year for three counties) with declining funding. Leverage fiscal, time and human resources and best results/practices. Currently, the Alliance is coordinating four Summer Academies serving 700 teacher participants in the three districts.

- **Grants/projects: Reading First – Round 2**: State of Florida grant (No Child Left Behind legislation). Same as above. Notification arrived on May 12 of receipt of this award adding two schools per district to the initiative (scored 99 out of 100 points).

- **Grants/projects: Early Reading First** - Federal Grant (No Child Left Behind legislation) application. Alliance partnership with 3 counties (Charlotte, Collier, Lee), Florida Gulf Coast University, the School Readiness Coalitions of Charlotte, Collier and Lee Counties and the Workforce Development Board to target PreK literacy skills by establishing three Centers of Excellence (one in each district). This project is in close alignment with the Reading First initiative. Pending funding.

- **Grants/projects: Teach for Florida** - State Grant. FGCU initiative and Alliance partnership with Edison College and Barry University to identify teaching candidates who currently hold at least a bachelor’s degree and to enroll them in a fast track to alternative certification. Separate Workforce grant has been applied for in order to provide tuition/books funding (up to $2500 each candidate) in support of initial grant.

- **Project/grant: Workforce “Take Stock” Scholarships** - Alliance/Workforce Development partnership to provide scholarships to eligible students in the form of pre-paid tuition combined with students maintaining grades and attendance and remaining drug-free. FGCU is assisting in the oversight of this.

- **Project/grant: Articulations** - Alliance regional effort to define and communicate agreements among educational institutions to assist students/families in understanding career pathways and opportunities to earn advance credits. Second goal is to identify areas where articulations are missing and begin to develop them.

- **Project/grant: Enterprise Village** - the Alliance is facilitating requests from Collier and Lee Schools Foundations and Junior Achievement to explore interest and feasibility of a regional Enterprise Village/Finance Park site. This would provide an enhancement to the economic and business education of 5th and 8th grade students both in the classroom and at an outside site (Enterprise Village and Finance Park).
13. GOAL: Educational Governance Transition

- Begin implementation of Section 7, Article IX of the Florida Constitution, entitled State University System, which was approved in the November 2002 general election as Constitutional Amendment 11 (effective January 7, 2003). (NOTE: It is anticipated that this process will be completed during 2004.)

**RESPONSE:**
Implementation items during 2002-03 included:
- Promulgated & revised University rules (Examples – DSO, Tuition & Fees 02-03, Purchasing, and Parking).
- Revised FGCU Board of Trustees Bylaws.
- Transitioned University smoothly to being employer, including (1) the voluntary recognition of UFF as collective bargaining agent, (2) laying the groundwork and preparation for collective bargaining negotiations, (3) updating personnel policies, procedures and employment contracts, and (4) working with PERC and AFSCME in setting up a representation election.
- Revised standard University contracts and other legal documents to reflect governance changes.
- Proposed Ethics Policy for FGCU Board of Trustees (On May 29, 2003 Meeting Agenda).
- Developed new FGCU Mission and Vision Statements.
- Implemented new Student Code of Conduct.
- Created FGCU Financing Corporation Direct Support Organization.
- Implemented transition from State Accounting System to FGCU system.

14. GOAL: Develop Statement and Plan

- Develop new FGCU mission and vision statements, and devise an accompanying set of new strategic plans with measurable quantitative benchmarks for the next five years.

**RESPONSE:**
A comprehensive process culminated in the development of a new FGCU mission statement and a vision statement, which were adopted by the FGCU Board of Trustees. The University Long-Range Planning Committee is currently developing a set of strategic directives for the next five years. All of the directives will be measurable and comprise the most critical areas for University development. A final set of these directives will be presented to the FGCU Board of Trustees in the fall of 2003.
15. GOAL: Contribute to Florida’s New K-20 Education System

- Continue to contribute to Florida’s new K-20 seamless education system to meet student needs, through The Alliance of Educational Leaders, the charter developmental research school, and other projects.

**RESPONSE:**

Took a leadership role in Florida’s K-20 seamless education approach through service as chair of The Alliance of Educational Leaders, as well as the charter developmental research school initiative.

**ADDITIONAL INITIATIVES/ACCOMPLISHMENTS:**

- **Student Housing/Phase V.** Increasing numbers of First-Time-in-College (FTIC) students and other demand has necessitated the construction of the next phase of student housing on campus. Currently, residences exist to house 1,100 students. The construction of Phase V will increase total occupancy to 1,400 students, with completion scheduled for August 2003.

- **Campus Communications.** The following groups provide outstanding access to the FGCU president for communication on University issues: Faculty Senate, Student Government Association, Deans Council, Staff Advisory Council (SAC), President’s Executive Group, and President’s Cabinet. In addition to regular meetings with these groups, emailed “President’s Messages” on timely issues and news are sent regularly to students, faculty, staff, FGCU Board of Trustees, and FGCU Foundation Board of Directors. Town hall meetings featuring the president are held on an ongoing basis, and a new television show entitled “FGCU Quarterly Report” has been launched on WGCU-TV.

- **Resort/Hospitality Management Program.** A $5 million gift from Herb and Peg Sugden was secured to fund the program’s initial operations, as well as construction of an academic building to house the program. The advisory board of industry professionals continues to provide excellent leadership and additional fundraising leads.

- **Biotechnology Funding Challenge.** Private funds were secured for The Whitaker Foundation’s $300,000 matching challenge grant to be used for development of an FGCU biotechnology program, and for faculty cluster hires in this emerging field of study. In addition, another gift valued at approximately $300,000 has been secured that will also support the biotechnology program.
• **Marine Science Laboratory.** A partnership agreement was developed with the Rookery Bay National Estuarine Research Reserve in Collier County. After evaluating 37 potential sites, Rookery Bay was selected as the site on which to construct an FGCU marine science laboratory.

• **Staff Advisory Council (SAC) Climate Survey.** A climate survey of FGCU’s staff was conducted, with focus groups meeting to develop recommendations. This climate survey is similar to the one conducted last year for FGCU faculty as part of the University’s ongoing commitment to continuous improvement. Salary equity studies are being conducted for faculty and staff to determine if wages are compatible with market standards – and funding solutions will be sought for equity adjustments as needed.

• **Ginn Project.** A gift commitment valued at $13.9 million (more than $20 million with eligible state matching funds) was secured to significantly increase the campus lands for future growth and development, and to jumpstart important new academic degree programs.

• **Southern Association of Colleges and Schools (SACS).** During 2002-03, FGCU began the process for SACS reaffirmation, which is required every five years after the initial accreditation award.

• **Florida Association of Colleges and Universities (FACU).** The FGCU President is serving during 2002—2003 as the President of FACU, an organization of the state’s 65 public and private community colleges and universities. During 2002-03, the first joint legislative agenda was developed for lobbying the Florida Legislature. Also, FACU met with the publisher, editor and writers of Florida Trend magazine to highlight the role of Florida’s colleges and universities as major contributors to the state’s economic prosperity – resulting in the magazine’s news and editorial coverage to this effect.

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In closing, let me acknowledge the extraordinary teamwork of our fine faculty, staff, students, FGCU Foundation Board of Directors, community partners, elected officials and, of course, trustees to help Florida Gulf Coast University achieve so much during 2002-03. It is a pleasure to serve as president of an institution that is so committed to academic excellence and service, and I sincerely appreciate the support provided me by the Florida Gulf Coast University Board of Trustees.

(END)
Florida Gulf Coast University Board of Trustees
May 29, 2003

SUBJECT: President’s Performance Measures for July 1, 2003 – June 30, 2004

PROPOSED BOARD ACTION

Approve proposed measures

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees is required by law to annually evaluate the performance of the FGCU president. The Board’s initial performance evaluation was conducted at its June 2002 meeting, followed by the fall 2002 negotiation and approval of an employment contract for the president. Subsequently, president’s performance measures for 2002-03 were adopted by the FGCU Board, and will be used as the basis for the Board’s annual evaluation of President Bill Merwin during the May 29 meeting.


Supporting Documentation Included: “Proposed President’s Performance Measures for July 1, 2003 – June 30, 2004"

Prepared by: Susan Evans, Office of the President

Legal Review by: N/A

Submitted by: President Bill Merwin
Florida Gulf Coast University

President’s Performance Measures
For July 1, 2003 – June 30, 2004

1. GOAL: Student Enrollment

A. Fall Term Headcount:

    Actual Fall 2001
        4235

    Projected Fall 2002
        4747

    Actual Fall 2002
        5258

    Projected Fall 2003
        5780 (10% Increase)

B. Full-Time Equivalent (Fundable):

    Actual 2001- 02
        2389

    2002- 03 Enrollment Plan
        2521

    2002-03 Actual (Pending)
        2960 (Fundable FTE)
        3022 (Total of Fundable FTE, and Non-Fundable Waivers)

    Projected 2003-04
        3197 (8% Increase)
2. GOAL: Diversified Student Enrollment

A. Students of Color:

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**NOTE:**

For “A” – Continued growth anticipated in students of color.
For “B” – Growth in the international students is limited due to the current political climate and federal initiatives that are monitoring the influx of international students.
3. GOAL: Number of Undergraduate & Graduate Degrees Awarded

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*NOTE:
Final degrees awarded totals for 2002-03 will be available August 2003.

4. GOAL: Freshman* to Sophomore Retention Rates

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(*Freshman = First-Time-In-College Student with Fewer than 12 Semester Credit Hours.)

*NOTE:
(1) FGCU’s Dean of Enrollment Management has instituted a Retention Management Council for the purpose of identifying key retention performance indicators that can be utilized for assessment of student retention, and implementing aggressive programs aimed at retaining freshmen for the sophomore year and beyond to successful graduation.

(2) The revised methodology represents standard practice that synchronizes with common data set reporting requirements of the Florida Board of Education/Division of Colleges & Universities as of FY 2002-03. In this approach, a freshman who first enrolls at FGCU in either summer or fall semester of year one, is considered retained if he/she enrolls for fall semester in year two. (Under the previous methodology, a student was considered retained if
he/she enrolled for any semester during year two, which resulted in slightly higher percentage rates.)

(3) The expansion of the percentage allows for addressing the intent to grow at 0.5% annually.

5. GOAL: Construction of New Facilities on Campus

- **Aquatics Center** – Completion in fall 2003.
- **Student Housing/Phase 5** – Completion in fall 2003.

6. GOAL: Non-State Funding Support:

A. Sponsored Research Funds:

<table>
<thead>
<tr>
<th>Year</th>
<th>Actual</th>
<th>Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$6.2 Million</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>$9.1 Million*</td>
<td>(163 Proposals Submitted)</td>
</tr>
<tr>
<td>2002-03</td>
<td>$9.1 Million</td>
<td>(170 Proposals/Increase of 10%)</td>
</tr>
<tr>
<td>2002-03</td>
<td>$9.1 Million</td>
<td></td>
</tr>
<tr>
<td>2003-04</td>
<td>$10 Million</td>
<td>(10% increase)</td>
</tr>
</tbody>
</table>

(* Included a one-time matchable grant of $1.3 million for WGCU –TV)

B. Private Contributions & Gifts:

<table>
<thead>
<tr>
<th>Year</th>
<th>Actual</th>
<th>Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$12 Million</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>$15 Million</td>
<td></td>
</tr>
<tr>
<td>2002-03</td>
<td>$12.5 Million</td>
<td></td>
</tr>
<tr>
<td>2002-03</td>
<td>$14.6 Million</td>
<td></td>
</tr>
<tr>
<td>2003-04</td>
<td>$13 Million</td>
<td></td>
</tr>
</tbody>
</table>
7. GOAL: Academic/Community Outreach

- Continue to strengthen A.S. articulation with Edison Community College.
- Grow an academic research relationship with Naples Botanical Garden.
- Increase offerings at the Charlotte Center.
- Increase memberships and participation in the Renaissance Academy.
- Grow the Center for Civic Engagement through community partnerships.
- Continue to develop an academic research relationship with Rookery Bay National Estuarine Research Reserve.

8. GOAL: Research Park

- Secure from private developer who has made commitment to FGCU 20 acres of land and associated infrastructure in a planned research, development, business & technology park near FGCU campus.

9. GOAL: Charter Developmental Research School (PreK-20)

- Secure land for a charter developmental research school adjacent to TECO Arena. Private land owner has made commitment of 75 aces of land to FGCU.
- During 2004 session of the Florida Legislature, acquire designation as a charter developmental research school.
- Continue to explore possible facilities designs, as well as private funding opportunities.

10. GOAL: Intercollegiate Athletics

- Complete construction of and open new baseball/softball complex on campus.
- Complete construction of and open new aquatics center on campus.
- Hire full-time Senior Woman Administrator (SWA).
- Hire women’s volleyball coach, and launch program to begin play in fall 2004.
- Continue to work with NCAA on shortening period of provisional membership.
- Achieve a combined student-athlete average GPA of 3.0.
11. GOAL: Balanced Budget


12. GOAL: Alliance of Educational Leaders, & K-20 Seamless Education

- Continue to develop plans for the K-20 school (Charter Developmental Research School).
- Respond to business/workforce by working with area’s economic development councils and workforce boards and continuing to update and expand the Alliance website – www.swfleducation.com.
- Strengthen partnerships among Alliance members to enhance education in Southwest Florida and increase K-20 seamless educational opportunities.

13. GOAL: Educational Governance Transition

- Complete implementation of Section 7, Article IX of the Florida Constitution, entitled State University System, which was approved in the November 2002 general election as Constitutional Amendment 11 (effective January 7, 2003).

14. GOAL: FGCU Mission Statement and Plan

- Incorporate new FGCU mission and vision statements into accompanying set of new strategic directives with measurable quantitative benchmarks for the next five years.

15. GOAL: Equity Accountability Program (EAP) for Recruitment and Promotion of Women and Minority Professionals

- Hold FGCU deans, directors and division heads accountable for developing and maintaining institutional practices that encourage the achievement of equity goals for faculty and staff.

16. GOAL: Local Collective Bargaining

- Negotiate and implement an FGCU-United Faculty of Florida (UFF) Collective Bargaining Agreement.
17. GOAL: Faculty and Staff Salaries

- Evaluate and address salary market equity for FGCU faculty and staff.

18. GOAL: FGCU Student Housing – Phase VI

- Evaluate the need for additional student housing on campus. If warranted, finance and construct Phase VI of student housing for completion by fall 2004.

19. GOAL: FGCU Accounting System

- As part of the devolution of authority from the state to the local level, complete conversion to local Banner Financial Management System and implement July 1, 2003. And, complete conversion to Banner Payroll System and implement January 1, 2004.

(END)