

1.001 UNIVERSITY BOARD OF TRUSTEES POWERS AND DUTIES

(1) Pursuant to Article IX, section 7(c), Florida Constitution, the Board of Governors shall establish the powers and duties of the board of trustees as set forth herein.

(2) Composition of Boards; Membership and Organization.

(a) Each university shall be administered by a board of trustees, consisting of thirteen members dedicated to the purposes of the State University System. Each university board of trustees includes six members appointed by the Governor and five members appointed by the Board of Governors, all of whom must be confirmed by the Senate. All trustees are required to attend an orientation session, preferably prior to service on the university board. The chair of the faculty senate, or the equivalent, and the president of Student Government, or the equivalent, are also members. Board of trustee members shall serve staggered terms of five years, except for the faculty and student representatives who shall serve for the duration of the term of their respective elected offices. All members are public officers subject to the requirements of the Florida Code of Ethics.

(b) Each board of trustees shall select its chair and vice chair from the appointed members. Each chair shall serve for two years and may be reelected for one additional consecutive two-year term. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Board of Governors in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal.

(c) Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061, Florida Statutes.

(d) Each board of trustees shall establish the powers and duties of the university president.

(e) Each board of trustees is authorized to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law and equity, and to give and receive donations. In all suits against the board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, on a university designee.

(f) Each board of trustees shall be primarily acting as an instrumentality of the state pursuant to s. 768.28, Florida Statutes, for purposes of sovereign immunity.

(g) Each board of trustees is subject to the public records and open meetings requirements set forth in Article I, section 24 of the Florida Constitution and laws implementing that section.

(3) University Administration and Oversight.

(a) Each board of trustees shall be responsible for the administration of its university in a manner that is dedicated to, and consistent with, the purposes of the State University System as defined by the Board of Governors.

(b) Each board of trustees may establish committees of the board that will be responsible for reviewing and making recommendations to the board on matters

pertaining to academic and student affairs, strategic planning, finance, audit, property acquisition and construction, personnel, and budgets.

(c) Each board of trustees shall adopt a strategic plan in alignment with the Board of Governors' systemwide strategic plan and regulations. University strategic plans shall be submitted to the Board of Governors for approval.

(d) Each board of trustees shall enter into a multi-year compact with the Board of Governors that outlines its university's top priorities, strategic directions, and specific actions and financial plans for achieving those priorities, as well as performance expectations and outcomes on institutional and systemwide goals. The compact shall reflect the university's distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs.

(e) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall ensure that all data and reporting requirements of the Board of Governors are met.

(f) Each board of trustees is authorized to secure comprehensive general liability insurance.

(g) Each board of trustees may provide for payment of the cost of civil actions against officers, employees, or agents of its board.

(h) Each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

(i) Each board of trustees may govern traffic on the grounds of the university, and in accordance with any mutual aid agreements entered into with other law enforcement agencies.

(j) Each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students, and campus visitors.

(k) Each board of trustees is authorized to create divisions of sponsored research and establish policies regulating the administration and operation of the divisions of sponsored research in accordance with regulations of the Board of Governors.

(4) Academic Programs and Student Affairs.

(a) Each board of trustees shall develop university regulations and be responsible for, in accordance with Board of Governors regulations, areas including, but not limited to:

- (i) authorization and discontinuance of degree programs;
- (ii) articulation and access;
- (iii) admission and enrollment of students;
- (iv) academic performance standards for the award of a degree or certificate;
- (v) student financial assistance;
- (vi) student activities and organizations;
- (vii) student records and reports;
- (viii) antihazing, related penalties, and program for enforcement;
- (ix) reasonable accommodation of religious observances; and
- (x) uniform student code of conduct and related penalties.

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

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

(d) Each board of trustees shall be expected to establish appropriate university regulations pertaining to academic and student affairs in accordance with any future Board of Governors' regulation development or amendment.

(5) Personnel.

(a) Each board of trustees shall establish the personnel program for all the employees of the university, including the president.

(b) Each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining. To the extent allowed by law, university employees shall continue to participate in the state group insurance program and the state retirement systems.

(c) Each board of trustees shall select its university president subject to ratification of the candidate by the Board of Governors. A presidential search committee shall be appointed to make recommendations to the full board of trustees, from which the board of trustees may select a candidate for ratification by the Board of Governors. Two members of the Board of Governors shall be appointed by the Chair of the Board of Governors to the presidential search committee. Each candidate selected by the board of trustees must appear before the Board of Governors at the meeting where ratification of the candidate will be considered.

(d) Each board of trustees shall select any interim or acting president subject to ratification of the candidate by the Board of Governors. Each candidate selected by the board of trustees must appear before the Board of Governors at the meeting where ratification of the candidate will be considered.

(e) Each board of trustees shall develop guidelines for the annual evaluation of the president in conjunction with the Board of Governors.

(f) Each board of trustees shall conduct an annual evaluation of the president. The chair of the board of trustees shall request formal input from the Chair of the Board of Governors and the Chancellor during the annual evaluation process pertaining to responsiveness to the Board of Governors' strategic goals and priorities, and compliance with systemwide regulations.

(6) Financial Management.

(a) Each board of trustees shall be responsible for the financial management of its university and shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with the guidelines established by the Board of Governors.

(b) Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.

(c) Each board of trustees shall establish waivers for tuition and fees pursuant to regulations established by the Board of Governors.

(d) Each board of trustees shall engage in sound debt management practices for the issuance of debt by the university and its direct support organizations, and shall comply with the guidelines established by the Board of Governors in connection with the authorization, issuance and sale of university and direct support organization debt.

(e) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by state or federal law.

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

(g) Each board of trustees shall establish policies and procedures for the performance of annual internal audits of university finances and operations. All reports generated from such audits must be submitted to the Board of Governors after review by the board of trustees.

(h) Each board of trustees and each direct support organization shall submit annual financial statements to the Board of Governors.

(7) Property and Purchasing.

(a) Prior to acquiring any real property, whether by purchase, donation or gift, for the establishment of an instructional or research site, each board of trustees must obtain approval for acquisition from the Board of Governors.

(b) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same, and approve and execute contracts for purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Real property acquired with private institutional funds shall be titled in the name of the university board of trustees on behalf of the State University System.

(c) With respect to real property to be acquired with state funds, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

(d) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013, Florida Statutes.

(e) Each board of trustees shall be responsible for the use, maintenance, protection, and control of the university-owned or university-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the university.

(f) With respect to any funds or real or personal property designated by will, deed, agreement, or court appointment to be held in trust for the benefit of the university, or its students, faculty members, officers, or employees, or otherwise, or for any educational purpose, a university board of trustees is authorized to act as trustee with full legal capacity as trustee to administer such trust property, and the title thereto shall vest in the board of trustees as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and

duties including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for or appropriate to the administration of such trust or to accomplish the purposes of any such trust. Nothing herein shall be construed to authorize a board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered.

(8) Miscellaneous Powers and Duties.

(a) Each board of trustees is authorized to form such corporate entities as are necessary to establish and maintain faculty practice plans for the collection, distribution, and regulation of fees generated by faculty members engaged in the provision of healthcare services to patients as an integral part of their academic activities and employment as faculty. Each such faculty practice plan must be adopted by the board of trustees in accordance with regulations of the Board of Governors and approved by the Board of Governors.

(b) Each board of trustees is authorized to establish direct support organizations and university health services support organizations to use university property and services in accordance with regulations of the Board of Governors.

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

(d) Each board of trustees is responsible for compliance with all applicable laws, rules, regulations, and requirements.

(e) Each board of trustees shall perform such other duties as provided by the Board of Governors.

Authority: Section 7(c), Art. IX, Fla. Const.; History: Resolution 1-07-03,