



May 9, 2017

Mr. Joseph Maleszewski  
Inspector General  
Florida Board of Governors, State University System  
325 West Gaines Street, Suite 1614  
Tallahassee, FL 32399-0400

Dear Mr. Maleszewski,

The Florida Gulf Coast University (FGCU) Board of Trustees met today and approved an FGCU Corrective Action Plan Report of Investigation OIGC 2017-25. The Corrective Action Plan Report is attached to this letter.

We appreciate your providing the template on which to build the Report, and completing those items already addressed by our Board before today's meeting. If I can provide any additional information, please feel free to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Dudley Goodlette'.

J. Dudley Goodlette  
Chair  
Florida Gulf Coast University Board of Trustees

Attachment

c: Mr. Thomas Kuntz, Chair, Board of Governors  
Ms. Wendy Link, Chair, Board of Governors Audit and Compliance Committee  
Chancellor Marshall Criser III, State University System of Florida  
President Wilson Bradshaw, Florida Gulf Coast University  
President-elect Michael Martin, Florida Gulf Coast University  
Florida Gulf Coast University Board of Trustees





# FGCU Corrective Action Plan Report of Investigation OIGC No. 2017-025

**INSTRUCTIONS:** The following table contains the recommendations listed in the Report of Investigation OIGC No. 2017-025 as well as recommendations expressed by Board of Governors members during the March 30, 2017, Board of Governors meeting. Please complete the table below for each allegation containing a recommendation, indicating what corrective action(s) have been or will be taken and the anticipated completion date. The Board of Governors Office of Inspector General and Director of Compliance will follow-up on each item and provide the Board of Governors with a status report. Please also provide supporting documentation for the completion of corrective actions as they are taken.

Allegation /Ancillary Issue	Conclusion	Recommendation, Corrective Actions Planned/Taken, and Anticipated Completion
Allegation 1: Retaliation	N/A	No Recommendations. Allegation referred to the Florida Commission on Human Relations.
Allegation 2: Harassment (Discrimination)	Not Sustained	No Recommendations.
Allegation 3: Vice Chair Election	Sustained	When the current term for the Board of Trustees Vice Chair expires on July 31, 2017, the Board of Trustees will need to conduct an election for the officer position. We recommend that the Board elect an officer from among their appointed members in accordance with Board of Governors Regulation 1.001; section 1001.71, Florida Statutes; and the <i>Sixth Amendment and Restatement of the Florida Gulf Coast University Board of Trustees Bylaws</i> .
		<b>Corrective Actions Planned/Taken:</b> Shawn Felton resigned the Vice Chair position March 28, 2017. In the Board of Trustees special meeting held April 4, 2017, Trustee Ken Smith was selected as the Board of Trustees Vice Chair.
		<b>Anticipated Completion Date:</b> Completed April 4, 2017
Allegation 3: Vice Chair Election (Con't.)	Sustained	We recommend that the Board of Trustees update Section B of University Regulation FGCU-PR1.001 to make the language regarding Board composition consistent with the



## FGCU Corrective Action Plan Report of Investigation OIGC No. 2017-025

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		language in the <i>Sixth Amendment and Restatement of the Florida Gulf Coast University Board of Trustees Bylaws</i> , as well as with applicable provisions of the Florida Constitution, Board of Governors regulation, and Florida Statutes.
		<p><b>Corrective Actions Planned/Taken:</b> Vice President and General Counsel Vee Leonard has updated Regulation FGCU-PR1.001, and will bring it for FGCU BOT approval at the June 13, 2017 meeting. The proposed update also includes language stating that the Chair and Vice Chair are elected from Trustees appointed by the Governor and the Board of Governors. (See attached draft of FGCU-PR1.001)</p> <p><b>Anticipated Completion Date:</b> June 13, 2017</p>
Allegation 4: Employment Decisions	Not Sustained - Policy Matter	We recommend that the Board of Trustees clarify the language in Section V of the <i>Florida Gulf Coast University Board of Trustees Policy: Ethics Policy of the Board of Trustees</i> in order to resolve the potentially conflicting responsibilities communicated to Board of Trustees members as identified in the “Observations” section of the report. The Board of Trustees should ensure that amendments to the policy comply with applicable provisions of Board of Governors Regulation and guidance, SACSCOC accreditation standards, and AGB best practices, with regard to Trustees’ fiduciary responsibilities.
		<p><b>Corrective Actions Planned/Taken:</b> From Vice President and General Counsel Vee Leonard: I certainly respect the reasoning of the Inspector General related to the excerpt from Section V of the Ethics Policy referenced in the Report, however I disagree that the excerpt at issue communicated “conflicting responsibilities for the Board of Trustees members.” First, when a Trustee has been informed/made aware of “grievances or complaints . . . about employees, students or University matters,” it is possible that the information presented to the Trustee(s) would have been the University’s initial notice of the problem and would need to be communicated to the</p>



## FGCU Corrective Action Plan Report of Investigation OIGC No. 2017-025

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		<p>President. The Trustee has an obligation to make sure the University Administration receives information to enable it to respond promptly to the allegations. (The BOT Bylaws established a communication mechanism between the Board and the President.)</p> <p>Additionally, while the passing on of a grievance or complaint is through a Trustee, it is not necessarily <u>from</u> the Trustee. Moreover, while the President’s decision-making may have been informed, to some extent, by the information received from a Trustee, the University has a formal process in place for addressing a grievance or a complaint, which involves a fact-finding aspect of the allegations presented. Notwithstanding, the Ethics Policy will be revised to more clearly indicate an anticipated level of involvement by the Trustees. (Note: The BOT’s Ethics Policy has not been revised since its inception in 2003. The University Chief Compliance Officer may, at some point in the future, address the Ethics Policy more holistically).</p> <p><b>Anticipated Completion Date:</b> May 9, 2017</p>
Allegation 5: Day-to-day Operations	Not Sustained	<p>We recommend that the Board of Trustees continue to work with the Board of Governors to address questions related to the Board of Trustees’ approved strategic plan and seek approval by the Board of Governors in accordance with Board of Governors Regulation 1.001(3)(c).</p> <p><b>Corrective Actions Planned/Taken:</b> The FGCU Board of Trustees will commence review and discussion with President-elect Dr. Michael Martin after his FGCU start date of July 1, 2017.</p> <p><b>Anticipated Completion Date:</b> After July 1, 2017</p>



## FGCU Corrective Action Plan Report of Investigation OIGC No. 2017-025

Allegation/Ancillary Issue	Conclusion	Recommendation, Corrective Actions Planned/Taken, and Anticipated Completion
Allegation 5: Day-to-day Operations (Con't.)	Not Sustained	We recommend that the Board of Trustees consult with SACSCOC staff regarding changes to the University's mission, vision, and strategic plan and whether those changes modify or expand the scope of the institution or its programs and services. The purpose of this consultation should be to determine whether the University's changes constitute a substantive change under SACSCOC Comprehensive Standards 3.12, and therefore, would trigger a SACSCOC substantive change review.
		<p><b>Corrective Actions Planned/Taken:</b> On April 10, 2017, President Wilson Bradshaw and Senior Associate Provost Paul Snyder had a conference call meeting with SACSCOC Vice President Nuria Cuevas to discuss the BOG Inspector General investigation report. A copy of the BOG report was sent to Dr. Cuevas for SACSCOC review and comment. On April 17, 2017, SACSCOC President Belle Wheelan responded in a letter to President Bradshaw, noting the following: "During the course of the discussion, Dr. Cuevas agreed to review the report to determine whether any of the allegations or ancillary issues were related to the <i>Principles of Accreditation</i>. After reviewing the report in light of information shared during the conference call, we have determined that, at this time, there is no evidence of significant non-compliance with the <i>Principles of Accreditation</i> or with SACSCOC policies. For this reason, there will be no additional follow-up regarding the report." (See attached letter)</p> <p><b>Anticipated Completion Date:</b> April 17, 2017</p>
Allegation 6: Sunshine Laws	Sustained	We recommend that the Board of Trustees work with University administration to enhance new trustee orientation and to require periodic trustee training on laws affecting the University and its operations. We further recommend that the Board of Trustees retain documentation evidencing that such orientation and training occurred.



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Allegation/Ancillary Issue	Conclusion	Recommendation, Corrective Actions Planned/Taken, and Anticipated Completion
		<p><b>Corrective Actions Planned/Taken:</b> (1) The University will enhance its new trustee orientation through longer orientation sessions, and thus providing more time devoted to the topics. Please see below for “Ancillary Issue 4” for additional information. (2) In addition to the new trustee orientations, the University will hold a BOT-wide training session on the Sunshine Laws as related to public meetings and public records. It will be held annually at the June BOT meeting, and an outside presenter will be brought in to provide the training. (3) The University has documentation that each new Trustee received an orientation session and on what date. However, the University will enact a form for each new Trustee to sign indicating he/she participated in the FGCU BOT orientation and training, and the signed forms will be retained by the University.</p> <p><b>Anticipated Completion Date:</b> (1) The enhanced new trustee orientation and training will take effect with the next appointment of a new Trustee to the FGCU BOT. (2) The annual BOT-wide training session on the Sunshine Laws will be implemented with the June 13, 2017 FGCU BOT meeting. (3) The form to be signed by each new trustee indicating he/she participated in the FGCU BOT orientation and training will take effect with the next appointment of a new Trustee.</p>
Allegation 7: Degree Program Conflicts of Interest	Not Sustained	Should Trustee-recommended degree programs complete the required due diligence review for degree program feasibility, the Trustee should consider if having recommended the degree program would trigger disclosure requirements under section 112.3143, Florida Statutes, and Florida Gulf Coast University Board of Trustees Policy: Ethics Policy of the Board of Trustees. Trustees making such a disclosure should also consult with the Vice President and General Counsel regarding restraint on participation



## FGCU Corrective Action Plan Report of Investigation OIGC No. 2017-025

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		under Florida Gulf Coast University Board of Trustees Policy: Ethics Policy of the Board of Trustees.
		<p><b>Corrective Actions Planned/Taken:</b> The FGCU BOT will be reminded of the disclosure requirement and the need to consult with the Vice President and General Counsel. This will take place at the June 13, 2017 meeting of the FGCU BOT. It also will be emphasized further in the new trustee orientation and training sessions.</p> <p><b>Anticipated Completion Date:</b> June 13, 2017 and Ongoing</p>
Allegation 8: Unilateral Decision-making	Not Sustained	No Recommendations.
Ancillary Issue 2: Presidential Search Advisory Committee Meetings Minutes	N/A	We recommend that the Board of Trustees work with the Vice President and General Counsel to determine the applicability of section 1001.71, Florida Statutes, and Board of Governors Regulation 1.001(2)(j) to advisory committee meetings.
		<p><b>Corrective Actions Planned/Taken:</b> Vice President and General Counsel’s legal opinion is attached.</p> <p><b>Anticipated Completion Date:</b> May 9, 2017.</p>
Ancillary Issue 4: Trustee Orientation/Training	N/A	<p>We recommend that FGCU Board of Trustees develop a more rigorous Trustee orientation and training program. We recommend that the Board consider including in such orientation and training program, the following relevant topics:</p> <ul style="list-style-type: none"> <li>• Board of Trustees Powers and Duties (Board of Governors Regulation 1.001);</li> <li>• Florida Higher Education Governance;</li> <li>• Board of Governors-Board of Trustees Communications;</li> <li>• Association of Governing Boards of Universities and Colleges (AGB) - Fiduciary Duties and Principles;</li> </ul>



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		<ul style="list-style-type: none"> <li>• Board of Governors – Governance Agreement;</li> <li>• Florida’s Government-in-the-Sunshine Law (Chapter 286, Florida Statutes);</li> <li>• Public Records Law (Chapter 119, Florida Statutes);</li> <li>• Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes and Section 8, Florida Constitution);</li> <li>• FGCU Board of Trustees Bylaws;</li> <li>• FGCU BOT Ethics Policy; and</li> <li>• University Regulations.</li> </ul>
		<p><b>Corrective Actions Planned/Taken:</b> As indicated above for “Allegation 6: Sunshine Laws,” the University will enhance the orientation and training session for new trustees. Historically, the new trustee orientation sessions at FGCU have included many of the items listed above as recommendations; specifically, these topics already included in new trustee orientations are “Florida Higher Education Governance;” “Florida’s Government-in-the-Sunshine Law (chapter 286, Florida Statutes);” “Public Records Law (Chapter 119, Florida Statutes);” “Code of Ethics for Public Officers (Chapter 112, Part III, Florida Statutes and Section 8, Florida Constitution);” “FGCU Board of Trustees Bylaws;” and “FGCU BOT Ethics Policy.” The new trustee orientation sessions will be lengthened so that additional time can be spent on the topics. Additionally, there will be annual BOT-wide training on the Sunshine Laws, and ethics laws for public officers held at the FGCU BOT’s June meeting each year. To ensure complete compliance, the University would appreciate receiving written information from the BOG as to specifically what it recommends the university boards of trustees receive in terms of training for the above indicated items of “Board of</p>





## FGCU Corrective Action Plan Report of Investigation OIGC No. 2017-025

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		<p>Governors-Board of Trustees Communications” and “Board of Governors-Governance Agreement.”</p> <p><b>Anticipated Completion Date:</b> The enhanced new trustee orientation and training will take effect with the next appointment of a new Trustee to the FGCU BOT. It will be further enhanced by the annual BOT-wide training session on the Sunshine Laws and public officer ethics law that will be implemented with the June 13, 2017 FGCU BOT meeting. Also, each new Trustee will be given a form to sign indicating he/she participated in the FGCU BOT orientation and training.</p>
Ancillary Issue 5: Reporting Allegations of Discrimination, Harassment, or Sexual Misconduct	N/A	We recommend supervisory training on the reporting requirements contained in FGCU Regulation FGCU-PR1.003 <i>Non-Discrimination, Anti-Harassment, and Sexual Misconduct Regulation</i> .
		<p><b>Corrective Actions Planned/Taken:</b> On June 5<sup>th</sup> and 6<sup>th</sup>, 2017 the University will be providing mandatory training to those employees classified as supervisors. This training will, among other things, address an employees’ duty to report allegations of discrimination, harassment, or sexual misconduct.</p> <p>The University, through the Office of Institutional Equity and Compliance (OIEC), currently provides Responsible Employee training to all colleges (faculty) bi-annually, and to the University community twice per semester, which directly informs employees of their obligation to report allegations they become aware of related to the subject matter. In the off years, the OIEC circulates an OIEC newsletter which includes a link to the Responsible Employee Guide posted on the OIEC website. Additionally,</p>



## FGCU Corrective Action Plan Report of Investigation OIGC No. 2017-025

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		<p>the OIEC provides weekly and bi-weekly training related to recognizing and addressing allegations of sexual harassment.</p> <p><b>Anticipated Completion Date:</b> June 5 &amp; 6, 2017</p>
Ancillary Issue 5: Reporting Allegations of Discrimination, Harassment, or Sexual Misconduct (Con't.)	N/A	<p>We recommend that Vice President and General Counsel Leonard work closely with the new Director of the Office of Institutional Equity and Compliance and Title IX Coordinator regarding policy and protocol for handling similarly reported matters.</p>
		<p><b>Corrective Actions Planned/Taken:</b> The Vice President and General Counsel, Vee Leonard, has had several conversations with the new Director of OIEC and Title IX Coordinator regarding the policy and protocol for handling similarly reported matters. Conversations will continue on an on-going basis.</p> <p><b>Anticipated Completion Date:</b> April 26, 2017</p>
Additional BOG Recommendation: Audit and Compliance Committee Chair	N/A	<p>The chair of a university board of trustees should not also serve as the audit committee chair.</p>
		<p><b>Corrective Actions Planned/Taken:</b> At the Board of Trustees special meeting held April 4, 2017, Chair Goodlette resigned from the position of Audit and Compliance Committee Chair, and he selected Joseph Fogg III as the new Audit and Compliance Committee Chair.</p> <p><b>Anticipated Completion Date:</b> Completed April 4, 2017</p>



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Additional BOG Recommendation: Autonomous Audit and Compliance Committee	N/A	Audit and compliance committees should be designated as autonomous committees to enhance independence and mitigate potential conflicts that may exist within joint committees.
		<p><b>Corrective Actions Planned/Taken:</b> At its special meeting held April 4, 2017, the Board of Trustees selected Joseph Fogg III as its new Audit and Compliance Committee Chair. Additionally, the Board approved the separation of its Audit and Compliance committee as a stand-alone committee from the full Board of Trustees. Chair Goodlette appointed the following Trustees as members of the Audit and Compliance Committee: Kevin Price, J. Leo Montgomery, and Darleen Cors.</p> <p><b>Anticipated Completion Date:</b> Completed April 4, 2017</p>



## REGULATION: FGCU-PR1.001

Effective Date  
of Regulation:

### Statement of Agency Organization and Operation

02/23/2016

#### A. GENERAL INFORMATION

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

#### B. THE FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES

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

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

The Board of Trustees has oversight responsibilities for the University's direct support organizations ("DSO"), which are the Florida Gulf Coast University Foundation, Inc. and the Florida Gulf Coast University Financing Corporation. Florida Law requires that the Board of Directors for each DSO operate the entity in a manner consistent with the goals of the

University and in the best interests of the State of Florida, as determined by the Board of Trustees and the President. The DSOs are formed as not-for-profit corporations under the Florida Not For Profit Corporation Act, Chapter 617, Florida Statutes. The Internal Revenue Service has recognized the DSOs as tax-exempt charitable organizations under Section 501(c)(3) of the Internal Revenue Code.

### **C. THE UNIVERSITY PRESIDENT**

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

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

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

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

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

### **D. ADMINISTRATIVE ORGANIZATION OF THE UNIVERSITY**

#### **1. President's Cabinet**

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

President and Chief of Staff; and Vice President and General Counsel.

## 2. President's Direct Reports

### a) Provost and Vice President for Academic Affairs

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

### b) Vice President for Administrative Services and Finance

The Vice President for Administrative Services and Finance is the chief fiscal and business officer of the University and is advisor to the President on all fiscal and business matters pertaining to the University. The Vice President is also responsible for the University's enrollment management program. To assist the Vice President for Administrative Services and Finance in his/her responsibilities are an Associate Vice President for Administrative Services and Finance, an Assistant Vice President for Business Technology Services, a University Controller, a Director of Financial Aid, a Director of Public Safety, a Director of University Budgets, a Director of Physical Plant, a Director of Facilities Planning, a Director of Undergraduate Admissions, and a Director of Operations. These positions and their associated offices (as they appear in the University's Summary of Organization Chart) assist in the development of policies and ongoing operations in the Vice President's area of responsibility.

### c) Vice President for Student Affairs

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

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

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

e) Vice President and Chief of Staff

The Vice President and Chief of Staff serves as the University's Spokesperson, communicating to the media and others the University's official position on matters of importance. The person in this position is also the University's designated responder for public records requests made by the public and media. In addition, the Vice President and Chief of Staff has been delegated the responsibilities of the University Corporate Secretary in matters related to the FGCU Board of Trustees, and provides in the Chief of Staff capacity support to the University President, as directed, in a wide range of duties, including coordination of the President's Cabinet for meetings, materials, and communications. Reporting to the Vice President and Chief of Staff is a Director of Media Relations and a Director of Board Operations, and Special Projects. This position and his/her associated office (as they appear in

the University's Summary of Organization Chart) assist in the development of policies and ongoing operations in the Vice President's area of responsibility.

f) Vice President and General Counsel

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

g) Director of Intercollegiate Athletics

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

h) Director of Internal Audit

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

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



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

j) Director of Government Relations

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

k) Assistant to the President and University Ombuds

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

l) Executive Director of the FGCU Financing Corporation

[The Vice President for Administrative Services and Finance](#) serves as ~~the~~ the Executive Director of the FGCU Financing Corporation is responsible to the President for the operational management of the Financing Corporation. This includes, but is not limited to, oversight of student housing planning, financing, construction, and managing the University's general debt service and other payments as they relate to bonds held in the name of the Financing Corporation.

3. University Divisions

The University is divided into the following components:

- a) The division of the Office of the President – comprised of the Office of the Vice President and Chief of Staff, Intercollegiate Athletics, Internal Audit, Compliance and ~~Risk Management~~ [Ethics](#), Government Relations, Ombuds, and the Financing Corporation.
- b) The division of Academic Affairs – comprised of Planning and Institutional Performance, Academic and Curricular Support, Research and Graduate Studies, Undergraduate Studies, Continuing Education and Off-Campus Programs, International Services, WGPU Public Media, University Registrar, Library Services,

as well as the five colleges, their constituent departments, schools and various interdisciplinary centers and institutes.

- c) The division of Administrative Services and Finance – comprised of Business Operations, Campus Reservations and Records Management, Environmental Health and Safety, Business Technology Services, Network Services and Help Desk, Telecommunications, Finance and Accounting, Procurement Services, Bursar, Financial Aid, University Budget, Physical Plant, Public Safety, Facilities Planning, and Undergraduate Admissions.
- d) The division of Student Affairs – comprised of the Office of the Dean of Students, Counseling and Health Services, New Student Programs, Office of Housing and Residence Life, Campus Recreation, and Career Development Services.
- e) The division of University Advancement – comprised of University Marketing and Communications, Development, Stewardship and Donor Relations, Alumni Relations, Advancement Services, Athletic Gifts, and Special Events.
- f) The division of Legal Affairs – comprised of the Office of the General Counsel, the Office of Human Resources, and the Office of Institutional Equity and Compliance.

## **E. COLLEGIAL GOVERNANCE**

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

### **1. The Faculty Senate**

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

### **2. The Student Government**

The Student Government fosters an intellectual, social, and cultural environment that maximizes student potential and enhances student success. The purpose of the Student Government is to provide equal representation for all students at Florida Gulf Coast University by maintaining high levels of communication between the student body,

faculty, staff, and the community. Pursuant to Florida Statute, the president of the Student Government serves as a member of the Board of Trustees. The Dean of Student Affairs serves as the administrative liaison to Student Government.

### 3. The Staff Advisory Council

The Staff Advisory Council (“SAC”) facilitates effective communication between the staff and University administration. SAC also provides a forum to address the issues and concerns of the staff at Florida Gulf Coast University and to ensure a campus climate that reflects a strong, enthusiastic, and positive quality work life. The SAC consists of twenty-four elected members, twelve SP employees, and twelve A&P employees. The Vice President for Student Affairs serves as the administrative liaison to SAC.

### 4. Colleges

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

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

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

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

## 5. Planning and Budget Council

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

*Action by Florida Gulf Coast University Board of Trustees*

*Approved: 02/23/2016*

*Specific Authority:*

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

*History of Regulation*

*New 09/17/13; Amended 04/15/14, 02/23/16*

*Effective Date of Regulation*

*02/23/2016*



April 17, 2017

Dr. Wilson G. Bradshaw  
President  
Florida Gulf Coast University  
10501 FGCU Boulevard, South  
Fort Myers, FL 33965-6565

Dear Dr. Bradshaw:

The Southern Association of Colleges and Schools Commission on Colleges' policy, "Unsolicited Information" (available at [www.sacscoc.org](http://www.sacscoc.org)), stipulates that the Commission give appropriate consideration to significant accreditation-related unsolicited information revealed about an institution between periods of scheduled review. This policy provides that an institution be afforded the opportunity to respond to concerns raised by the review of the unsolicited information.

I am writing you today to follow-up on a telephone conference on April 10, 2017, between you, Dr. Paul Snyder, Senior Associate Provost, and Dr. Nuria M. Cuevas, the SACSCOC Vice President assigned to your institution. The purpose of the conference call was to discuss the institution's receipt of a Report of Investigation OIGC NO. 2017-025 by the Office of Inspector General and Director of Compliance of the State University System of Florida Board of Governors dated March 28, 2017. The telephone conference was requested by you and Dr. Snyder. During the course of the discussion, Dr. Cuevas agreed to review the report to determine whether any of the allegations or ancillary issues were related to the *Principles of Accreditation*. Dr. Snyder forwarded a copy of the report to Dr. Cuevas immediately following the conference call.

After reviewing the report in light of information shared during the conference call, we have determined that, at this time, there is no evidence of significant non-compliance with the *Principles of Accreditation* or with SACSCOC policies. For this reason, there will be no additional follow-up regarding the report.

We have not copied your Board chair. Please feel free to send a copy of this letter to your Board chair as you deem appropriate.

Thank you for bringing the investigation to our attention and for your cooperation in this matter.

Sincerely,

Belle S. Wheelan, Ph.D.  
President

BSW/NMC:rb

cc: Dr. Nuria M. Cuevas ✓

## MEMORANDUM

To: Florida Gulf Coast University Board of Trustees  
From: Vee Leonard, Vice President and General Counsel  
Date: April 26, 2017  
Re: Minutes for the Presidential Search Advisory Committee Meetings

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**Issue:** What is the applicability of Section 1001.71, Florida Statutes, and Board of Regulation 1.001(2)(j) to advisory committee meetings?

**Rule:** Advisory committees exercising a decision-making function in addition to fact-finding are subject to the Sunshine Law. *Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983)

**Analysis:** The citations presented above state the following: “Each university board of trustees shall keep and, within 2 weeks after a board meeting, post prominently on the university’s website detailed meeting minutes for all meetings, including the vote history and attendance of each trustee.” §1001.71, F.S. and BOG Regulation 1.001(2)(j). My opinion is that this citation is applicable also to the advisory committee created by the Board Chair. As such, a committee cannot operate, be delegated decision-making authority, and not have it be subject to the same laws to which the Board, itself, is susceptible, unless, of course, the laws do not apply.

The Florida Supreme Court case from which the rule of law is taken, *Wood v. Marston*, involved a search at the University of Florida. In that case, the President of the University was to receive from the search and screen committee a list of qualified applicants for the final selection of the law school dean. The issue in that case was whether the search and screen committee meetings were subject to sunshine requirements. In *Marston* the search and screen committee’s function included, among other things, rejecting applicants for further consideration, while advancing others. The Florida Supreme Court ultimately determined that because of the committee’s decision-making authority, the committee was subject to sunshine laws.

The primary issue to be addressed here are analogous to the issue in the *Marston* case. The subject advisory committee was the Presidential Search Advisory Committee for Florida Gulf Coast University. Its members were appointed by the Chair of the Florida Gulf Coast University Board of Trustees and charged with, among other things, screening applicants and with, ultimately recommending at least three (3) candidates for consideration as the next President of Florida Gulf Coast University.

While convened, the Presidential Search Advisory Committee’s meeting were noticed on the University’s website, its meetings were open to the public, and minutes of its meetings were created and retained. All of these actions are consistent with those of an entity subject to the sunshine laws.

**Conclusion:** I recognize that the statute and BOG Regulation at issue are not sunshine laws. Notwithstanding, it is my opinion that in order for the university board of trustees to comply with the statutory requirement and the Board of Governors Regulation, the minutes of the Presidential Search Advisory Committee would not only need to have been created and retained, but they would have had to have been posted to the University's website within two (2) weeks of the Committee meeting. It is my opinion that, as a committee created by the Board Chair, who was so authorized, the committee would be subject to the same laws as the university board of trustees.