



FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
GOVERNANCE COMMITTEE

Wednesday, December 5, 2018
12:15 p.m. **approximate start time*
Florida International University
Modesto A. Maidique Campus
Graham Center Ballrooms

Committee Membership:

Claudia Puig, *Board Chair*; Jose J. Armas, *Board Vice Chair*; Cesar L. Alvarez; Leonard Boord;
Gerald C. Grant, Jr.; Justo L. Pozo

AGENDA

- | | |
|---|--------------------|
| 1. Call to Order and Chair's Remarks | Claudia Puig |
| 2. Approval of Minutes | Claudia Puig |
| 3. Discussion Items <i>(No Action Required)</i> | |
| 3.1 Amended Board of Governors Regulation 9.011 University
Direct Support Organizations and Health Services Support
Organizations | Carlos B. Castillo |
| 3.2 Board of Trustees-President Delegations of Authority | Carlos B. Castillo |
| 4. New Business <i>(If Any)</i> | Claudia Puig |
| 5. Concluding Remarks and Adjournment | Claudia Puig |

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THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Governance Committee

December 5, 2018

Subject: Approval of Minutes of Meeting held September 5, 2018

Proposed Committee Action:

Approval of Minutes of the Governance Committee meeting held on Wednesday, September 5, 2018 at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

Background Information:

Committee members will review and approve the Minutes of the Governance Committee meeting held on Wednesday, September 5, 2018 at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

Supporting Documentation: Minutes: Governance Committee Meeting, September 5, 2018

Facilitator/Presenter: Claudia Puig, *Governance Committee Chair*

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
GOVERNANCE COMMITTEE
MINUTES
SEPTEMBER 5, 2018**

1. Call to Order and Chair's Remarks

The Florida International University Board of Trustees' Governance Committee meeting was called to order by Board Chair Claudia Puig on Wednesday, September 5, 2018 at 12:00 p.m. at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

Board Chair Puig welcomed all Trustees and University faculty and staff to the meeting.

General Counsel Carlos B. Castillo conducted roll call of the Governance Committee members and verified a quorum. Present were Trustees Claudia Puig, *Board Chair*; Cesar L. Alvarez; Leonard Boord; Gerald C. Grant, Jr.; and Justo L. Pozo.

Trustee Jose J. Armas, *Board Vice Chair*, was excused.

Trustees Dean C. Colson, Natasha Lowell, Joerg Reinhold, Marc D. Sarnoff, Jose L. Sirven, III, and Rogelio Tovar and University President Mark B. Rosenberg were also in attendance.

2. Approval of Minutes

Board Chair Puig asked if there were any additions or corrections to the minutes of the Governance Committee meetings held on May 23, 2018 and June 6, 2018. A motion was made and unanimously passed to approve the minutes of the Governance Committee meetings held on Wednesday, May 23, 2018 and Wednesday, June 6, 2018.

3. Action Items

G1. 2018 Florida Educational Equity Act Report

Director of Equal Opportunity Programs and Diversity Shirlyon J. McWhorter presented the 2018 Florida Educational Equity Act Report for the Committee's review. Ms. McWhorter provided an overview of the University's 2017-18 Florida Equity Report, explaining that the Report is comprised of three areas: enrollment; athletics; and employment. She reported on the University's performance in various areas, including the representation of under-represented groups among full-time First Time in College (FTIC) students, research doctorates awarded, and female students' participation in college athletics.

Board Chair Puig and Trustee Gerald C. Grant, Jr. concurred that initiatives in the areas of academic advising, outreach efforts, and student financial assistance have contributed to student success.

In response to Board Chair Puig's inquiry, Provost and Executive Vice President Kenneth G. Furton explained that the percentage of tenured faculty is indicative of an institution's maturity and also is directly correlated with certain national rankings.

In response to Trustee Leonard Boord's inquiry pertaining to metrics that capture the impact of academic advising, Senior Vice President for Academic and Student Affairs Elizabeth M. Bejar stated that while the Equity Report template, which is determined by the Board of Governors, may not provide the format where this information can be presented, quantitative metrics to assess academic advising services can be provided to the Trustees separately. Provost Furton indicated that student dashboards allow advisors to more easily monitor student progress and success, manage their advising relationship, and collect student data.

In response to Trustee Boord's inquiry pertaining to the use of technology in furthering advising efforts, Sr. VP Bejar explained that the University has developed an intrusive model of advising, where advising is mandatory for all students in their freshmen year. She indicated that FIU utilizes a universal advising record and predictive data analytics, which are supported by a technology-augmented advising system.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend FIU Board of Trustees approval of the 2018 Florida Educational Equity Act Report.

G2. Ratification of the 2018-2021 Collective Bargaining Agreement between the Florida International University Board of Trustees and the United Faculty of Florida - FIU Chapter

Provost Furton presented the ratification of the 2018-2021 Collective Bargaining Agreement between the FIU Board of Trustees and the United Faculty of Florida - FIU Chapter for Committee review. He presented an overview of the key terms, explaining that the new contract is a three-year contract, that all eligible covered employees will receive a 1.50% retention increase to their base salaries, with a minimum increase of \$750, and that the promotion increase from Instructor to Assistant Librarian will be increased from 9% to 11%

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the FIU Board of Trustees (the BOT) ratify the 2018-2021 Collective Bargaining Agreement between the BOT and the United Faculty of Florida (UFF) – FIU Chapter.

G3. Updated Exclusion Resolution and Designation of Key Management Personnel and Delegation of Authority

Provost Furton presented the Updated Exclusion Resolution and Designation of Key Management Personnel and Delegation of Authority for Committee review. He explained that Department of Defense regulations and policy require that the University's key management personnel, including Board of Trustees members, either be cleared to the level of the facility clearance or be expressly excluded from classified access. He stated that the composition of the FIU Board of Trustees has changed since the adoption of the Exclusion Resolution and that accordingly, an update to the Exclusion Resolution is needed to reflect the current composition of the FIU Board of Trustees and the exclusion of those Board members, including the new Board of Trustees members, from the requirements for a personnel security clearance.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees adopt a Resolution that updates the exclusion of the named members of the FIU Board of Trustees from the requirements for a personnel security clearance and adopt a Resolution designating Key Management Personnel for Florida International University's facility clearance, and delegating to them certain responsibilities and authorities pursuant to the National Industrial Security Program Operating Manual (NISPOM).

4. New Business

No new business was raised.

5. Concluding Remarks and Adjournment

With no other business, Board Chair Claudia Puig adjourned the meeting of the Florida International University Board of Trustees Governance Committee on Wednesday, September 5, 2018 at 12:29 p.m.

There were no Trustee requests.

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THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Governance Committee

December 5, 2018

Subject: Amended Board of Governors Regulation 9.011 University Direct Support Organizations and Health Services Support Organizations

Discussion Item. No Action Required.

Supporting Documentation: Florida Board of Governors Regulation 9.011 University Direct Support Organizations and Health Services Support Organizations, *as amended by the BOG on Nov. 8, 2018*

FIU Regulation 1502 Direct Support Organizations

SUS DSO Regulations Comparison Chart

Facilitator/Presenter: Carlos B. Castillo

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9.011 University Direct Support Organizations and Health Services Support Organizations

(1) University boards of trustees may establish direct support organizations (“DSO”) and health services support organizations and certify them to use university property, facilities and personal services. Such support organizations shall be organized and operated to serve the best interests or missions of the university, including a university’s research, education and service missions, and may receive, hold, invest, and administer property and make expenditures to or for the benefit of the university or for the benefit of a research and development park or research and development authority affiliated with a university.

(2) Each board of trustees shall establish by regulation conditions with which a support organization must comply in order to use university property, facilities, or personal services and such additional conditions, controls, and requirements for support organizations as each board deems appropriate to provide for budget and audit review and oversight. In addition, the regulation must include the following conditions:

- (a) The establishment of appropriate thresholds that delineate when approval by the board of trustees is required for the purchase of goods and services by a DSO.
- (b) All debt issued by a DSO is subject to the State University System Debt Management Guidelines and all public-private partnership transactions involving a DSO are subject to the State University System Public-Private Partnership Guidelines.
- (c) The establishment of appropriate thresholds that delineate when approval is required by the board of trustees for the acquisition of real property and the construction or renovation of facilities by a DSO.
- (d) University personal services used by a DSO are subject to the remuneration requirements set forth in section 1012.976, Florida Statutes.
- (e) A DSO is prohibited from using state funds for travel expenses incurred by the DSO.
- (f) A DSO is prohibited from giving, either directly, or indirectly, any gift to a political committee as defined in section. 106.011 Florida Statutes, for any purpose.

(23) The Director or Chief ~~Executive~~ Operating Officer of the support organization shall report to the University President or designee.

(34) Operating budgets of support organizations shall be prepared at least annually, and approved by the organization’s governing board and the university board of trustees ~~or designee~~. Significant changes in planned expenditures in the approved budget must be reported to the university board of trustees ~~or designee~~ as soon as practicable but no later than the deadline established by a board of trustees.

(45) Support organizations shall provide for an annual audit conducted pursuant to university regulations or policies. The annual audit report shall be submitted to the university board of trustees for review. The ~~approved~~ audit report shall be submitted to the Board of Governors, and the Auditor General. The university board of trustees or designee, the Board of Governors, the Auditor General, and the Office of Program and Policy Analysis and Government Accountability may require and receive any records relative to the operation of a support organization from the organization or its independent auditors.

(56) Each support organization shall submit its federal Internal Revenue Service application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990) to the university board of trustees or designee at the times required by the applicable regulation or policy of the board of trustees. Copies of such forms shall be provided by each university to the Board of Governors.

(7) As of July 1, 2019, any transfer of a state appropriation to a DSO is limited to funds pledged for capital projects.

- (a) This regulation does not prohibit the transfer of non-state funds between university DSOs, or the transfer of non-state funds to the DSO, as long as the original source of funding was not a state appropriation.
- (b) A DSO may transfer funds and provide the use of DSO property, facilities or personal services without any charge to the university.
- (c) Effective for fiscal 2018-2019, and annually thereafter, each university will report to the Legislature and the Board of Governors all transfers of state funds to each university DSO, using the format and instructions specified by the Chancellor.

(8) A support organization shall provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, religion, age, disability, marital status, veteran status, or any other basis protected by law.

(89) The chair of the university board of trustees shall appoint at least one representative to each DSO board of directors and executive committee (if any). The university president or designee shall also serve on the board of directors and executive committee of each DSO. The university board of trustees shall approve all appointments to any DSO board other than the chair's representative(s) or the president or president's designee. The chair's designee may not be the university president; nor may the chair and president appoint the same person to represent both the chair and the president on any one DSO board.

(610) University boards of trustees shall decertify a support organization if the university board of trustees or designee determines that the organization is no longer serving the best interest or mission of the university and decertification is appropriate.

In decertifying a support organization, the board of trustees shall require an accounting of the organization's assets and liabilities and take such reasonable action as necessary to secure the return of all university property and facilities as requested by the university.

Authority: Section 7(d), Art. IX, Fla. Const., History – Formerly 6C-3.12, 11-18-70, Amended and Renumber 12-17-74, Amended 4-14-76, 6-25-80, 8-11-85, Formerly 6C-9.11, Amended 9-28-86, 2-13-89, 4-10-90, 12-9-91, 8-1-94, 4-16-96, Amended and Renumbered 8-6-09, Amended XX-XX-XX.

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FIU-1502 Direct Support Organizations.

1. The President of the University may recommend to the Board of Trustees that an organization meeting the requirements of Florida law pertaining to Direct Support Organizations (“DSO”) be designated a Florida International University DSO. Upon approval by the Board of Trustees and the Board of Governors, a DSO shall be considered to be certified and authorized to use the property, facilities and personal services of the University.

2. In order to be considered for certification as a DSO, an organization must fulfill the requirements of Florida law pertaining to DSOs, the Board of Governors’ Regulations and must have Articles of Incorporation and Bylaws that together:

a. Provide that any amendments to the Articles of Incorporation or Bylaws must be submitted by the President of the University and to the Board of Trustees for approval prior to becoming effective;

b. Provide that the organization shall provide equal employment opportunities to all persons regardless of race, color, religion, gender, age, disability, marital status, sexual orientation, veteran’s status or national origin;

c. Prohibit the giving, directly or indirectly, of any gift to a political committee or committee of continuous existence as defined in the Florida Statutes for any purpose other than those certified by a majority roll call vote of the organization’s governing board at a regularly scheduled meeting as being directly related to the educational mission of the University; and

d. Provide that an annual budget, which has been approved by its governing board and recommended by the President of the University, is submitted to the Board of Trustees for review and approval. Such proposed budget shall be approved by the Board of Trustees no later than sixty (60) days after the first day of the fiscal year to which the proposed budget pertains. Each proposed budget shall include therein:

i. Expenditures for the construction of physical facilities, and

ii. Salary supplements, compensation and benefits provided to the President, University faculty, University staff, and DSO employees to be paid with assets of the DSO, which shall be specifically identified.

e. Provide that the University shall have the right to audit the books, records and operations of the organization as the University determines appropriate in the exercise of its oversight.

f. Prepare and submit to the President, no later than the first day of each quarter of the organization’s fiscal year, a quarterly expenditure plan that separately delineates planned actions which would cause a commitment of University resources or which represent a significant commitment of the resources of the DSO, including:

- i. Major fund raising events and campaigns and their purpose;
- ii. Compensation and benefits to University employees and employees of the organization;
- iii. Capital projects, including land acquisition, construction, renovation or repair; and
- iv. Other major commitments of the resources of the organization.

g. Have a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees and the Board of Governors no later than the end of the fourth month following the close of the organization's fiscal year.

i. Audits shall be conducted pursuant to the requirements of the Florida Statutes and in accordance with rules adopted by the Auditor General.

ii. The President of the University shall submit the annual audit report to the Auditor General and the Board of Governors no later than nine (9) months after the close of the organization's fiscal year. A DSO must also submit to the Board of Governors its Federal Internal Revenue Service Application for Recognition of Exemption form and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form.

h. Provide that the DSO assets be distributed for the benefit of the University as directed by the Board of Trustees of the University if the organization is decertified as a DSO.

3. The Chair of the Board of Trustees may appoint a representative to the governing body and the executive committee of each DSO. In addition, the President of the University or a designee shall also serve on the governing body and executive committee of each DSO. The President of the University may also appoint other members of the University administration, faculty, student body or public to serve on the governing body and executive committee of each DSO for terms designated by the President of the University as provided in the DSO's Articles of Incorporation and/or Bylaws.

4. The President of the University shall have the power to:

- a. Monitor and control the use of University resources by the organization;
- b. Control the use of the University name by the DSO; and
- c. Monitor compliance of the organization with federal and state laws.

5. The Director or Chief Operating Officer of a DSO shall report to the University President or designee, who shall be a Vice President of the University or other Senior Officer reporting directly to the University President.

6. The President of the University may recommend to the Board of Trustees that an organization be decertified as a DSO if the President determines that the organization is no longer serving the best interest of the University. The recommendation for decertification shall include a plan for disposition of the organization's assets and liabilities.

7. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the Board of Governors, the University Board of Trustees, the Auditor General or the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of Florida's Public Records Laws.

Specific Authority Board of Governors Resolution dated January 7, 2003. History—New 5-8-03, Formerly 6C8-6.100, Amended 9-12-08, Amended 9-6-16.

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SUS DSO REGULATIONS COMPARISON CHART

University ¹	Real Estate and Construction and Renovation Threshold	Purchases of Goods and Services Threshold	BOT Appointments
UF		Not Yet Posted	
USF	<p>Finance Committee Chair: ≥ \$1 million and < \$2 million</p> <p>Finance Committee: ≥\$2 million</p> <p>“purchases, acquisitions, projects and issuance of debt”</p>	<p>Finance Committee Chair:</p> <p>Purchases of goods and services ≥ \$1 million and < \$2 million</p> <p>Finance Committee:</p> <p>Purchases of goods and services ≥\$2 million</p>	<p>“a) The Articles or Bylaws, as applicable, of a Support Organization shall require the appointment of at least one representative to the Support Organization’s board of directors and its executive committee by the Board Chair. The Board Chair’s representative(s) may be selected by the Board Chair from the existing membership of the Support Organization’s board of directors or its executive committee.”</p> <p>“b) The Articles or Bylaws, as applicable, of a Support Organization shall require the President, or his or her designee, serve on the Support Organization’s board of directors and its executive committee.</p> <p>“c) The Board shall approve all other appointments to the board of directors of each Support Organization.”</p>
FSU		Not Yet Posted	

¹ In order of largest to smallest based on 2016-2017 Operating Revenues. FIU falls between FAU and UCF in terms of operating revenues. New College not included due to small size.

SUS DSO REGULATIONS COMPARISON CHART

University ¹	Real Estate and Construction and Renovation Threshold	Purchases of Goods and Services Threshold	BOT Appointments
UCF		Not Yet Posted	
FAU	<p>BOT approval:</p> <p>Acquire real property > \$1 million but no approval required between university and a DSO or between DSOs.</p> <p>Construction or renovation of facilities > \$1 million but no approval required between university and a DSO or between DSOs.</p>	<p>BOT approval:</p> <p>Purchase goods and services > \$1 million but no approval required between university and a DSO or between DSOs.</p>	<p>“The Chair of the Board of Trustees shall appoint at least one representative to the governing board of directors and executive committee of the organization, and the President of the University or his/her designee will serve on the governing board and executive committee of the organization. The Board of Trustees shall approve all other appointments, including without limitation appointments through election by the organization’s board, to any Direct Support Organization’s board. The Chair’s designee may not be the President of the University; nor may the Chair and President appoint the same person to represent both the Chair and the President on any one Direct Support Organization board.</p> <p>The appointments of the Chair and the President shall be effective immediately upon written notice to the Direct Support Organization’s board chair. All other appointments, including any re-appointments, shall not be effective, and no person may</p>

SUS DSO REGULATIONS COMPARISON CHART

University ¹	Real Estate and Construction and Renovation Threshold	Purchases of Goods and Services Threshold	BOT Appointments
			assume or retain any position on a Direct Support Organization, until approved by the Board of Trustees.”
FGCU		Not Yet Posted	
UNF	<p>Approval of Chair of Finance & Facilities Committee and reported to BOT:</p> <p>Acquiring real property > \$1 million</p> <p>Construction or renovation of facilities > \$ 1 million</p>	<p>Approval of Chair of Finance & Facilities Committee and reported to BOT:</p> <p>Purchase of goods and services > \$1 million</p>	<p>“The Chair of the Board of Trustees shall appoint at least one representative to the governing board of directors and executive committee of the organization, and the President of the University or his/her designee will serve on the governing board and executive committee of the organization. The Board of Trustees shall approve all other appointments, including without limitation appointments through election by the organization’s board, to any Direct Support Organization’s board. The Chair’s designee may not be the President of the University; nor may the Chair and President appoint the same person to represent both the Chair and the President on any one Direct Support Organization board. The appointments of the Chair and the President shall be effective immediately upon written notice to the Direct Support Organization’s board chair. All other appointments, including any re-appointments, shall not be effective, and no person may assume or retain any position on a Direct Support Organization, until approved by the Board of Trustees.”</p>

SUS DSO REGULATIONS COMPARISON CHART

University ¹	Real Estate and Construction and Renovation Threshold	Purchases of Goods and Services Threshold	BOT Appointments
FAMU		Not Yet Posted	
UWF		Not Yet Posted	
Fla Poly	<p>BOT approval:</p> <p>Acquiring real property > \$1,000,000</p> <p>Constructing or renovating a facility and the cost of construction or renovation > \$1,000,000</p>	<p>BOT approval:</p> <p>Good and services purchases total value of the contract > \$500,000.</p>	<p>“The Chair of the BOT shall appoint at least one representative to the governing board and the executive committee of each DSO and the President or designee shall serve on the governing board and the executive committee of each DSO. The BOT must approve all other appointments or reappointments to the DSO’s board of directors prior to them being effective.”</p>

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Governance Committee

December 5, 2018

Subject: Board of Trustees-President Delegations of Authority

Discussion Item. No Action Required.

Supporting Documentation: FIU Board of Trustees Delegation of Authority to the FIU President

Florida Board of Governors Discussion Draft on Delegation Best Practices and Principles

Comparison SUS BOT-Presidential Delegations

Facilitator/Presenter: Carlos B. Castillo

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FIU Board of Trustees Delegation of Authority to the FIU President

Type of Authority Delegated	Source of Authority
<p><u>Contracting Authority:</u></p> <p>The President was provided with authority to enter into contracts on behalf of the FIU BOT which are necessary to effectuate all programs and actions approved by the BOT in its approval of the yearly budget. [9-2-2003 BOT Resolution]</p> <p>The President was also provided with the following contracting authority in the 11-14-2008 BOT Resolution:</p> <ul style="list-style-type: none"> • To enter into agreements for student/faculty exchange programs which involve students/faculty at the University and students/faculty in other postsecondary educational institutions. [#10] • To enter into articulation agreements. [#11] • To approve, execute, and administer all contracts that are typical for a University CEO to execute, for and on behalf of the FIU Board of Trustees, including, but not limited to, the acquisition or provision of commodities, goods, equipment, and services; the license or lease of real or personal property to or from the University, and the planning and construction of facilities. [#16] • To enter into agreements for and accept credit card payments as compensation or goods, services, tuition, and fees. [#19] • To negotiate, enter into, and execute research contracts, to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue by reason thereof. The President may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of such costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as prohibited by law. [#26] 	<p>BOT Resolution 9-2-2003 [Chart #6]</p> <p><u>See Also</u>, November 14, 2008 BOT Resolution. [Note: This Resolution authorizes the President to delegate to divisional vice presidents and other appropriate University personnel the authority as described in the Resolution, so long as: the Delegation is in writing, such delegation specifies whether the authority can be further delegated, and the conditions for same, and a copy of such delegation is filed in the Office of the General Counsel. [#34 Reso.]</p>
<p><u>Directives/Executive Orders:</u></p>	<p>BOT Resolution 12-6-2001 [Chart #3]</p>
<p>The President may issue directives and executive orders consistent with existing Board policies and law.</p>	
<p><u>Lawsuits:</u></p>	<p>BOT Resolution Dated February 18, 2002 [Chart No. 4 & 5]</p>

FIU Board of Trustees Delegation of Authority to the FIU President

Type of Authority Delegated	Source of Authority
<p>The President has the authority to initiate lawsuits. The president should seek Board approval on commencement of suits above \$100,000. A regular agenda item should be provided by the University President to report new legal actions to the Board.</p>	
<p><u>University Depositories: Transfer of Funds:</u></p> <p>The President is authorized to transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes, and may transfer funds in a similar manner when the transfer does not represent an expenditure, advance, or reduction of cash assets.</p>	<p>BOT Resolution dated November 22, 2004 [Chart #10]</p> <p>The President may authorize a University Official as his designee to perform any and all of the same actions set forth herein.</p>
<p><u>Student Matters:</u></p> <ul style="list-style-type: none"> • To govern admissions. [Reso. #7] • To award degrees [Reso. #9] • To provide purchasing, contracting, and budgetary review processes for student government organizations [Reso. #22] 	<p>BOT Resolution dated November 14, 2008</p>
<p><u>Academic Matters:</u></p> <ul style="list-style-type: none"> • To recommend to this Board the establishment and termination of undergraduate and masters-level degree programs within the approved role and scope of the University. [Reso. #8] • To enter into Articulation Agreements. [Reso. #11]. • To establish the internal academic calendar of the University [Reso. #12] • To approve the establishment of an educational research center for child development [Reso. #32] 	<p>BOT Resolution dated November 14, 2008</p>
<p><u>Property: Facilities/Construction/Insurance:</u></p> <ul style="list-style-type: none"> • To close all or portions of the University campuses and cease normal operations and services in the event of an emergency, when, in the President's judgment, such action would protect, the safety, health, and welfare of the University faculty, students, and staff, and the University Facilities and grounds. In exercising this authority, the President is authorized to determine and designate those employees who are required to provide essential services during the closing. [Reso. #13] • To secure comprehensive general liability insurance. [Reso. #21] • To act as custodian of all University property. [Reso. #23] 	<p>BOT Resolution dated November 14, 2008</p>

FIU Board of Trustees Delegation of Authority to the FIU President

Type of Authority Delegated	Source of Authority
<ul style="list-style-type: none"> • To adjust property records and dispose of state-owned tangible personal property in the University's custody and deposit, disburse, and account for all monies received from the sale of such property. [Reso. #24] • To take charge of any lost or abandoned personal property found on the University campus or on premises owned or controlled by the University or any direct support organization thereof, and if the property is not claimed by the owner within a reasonable period of time as designated by the President or designee, to order it sold at public outcry, after giving notice of the time and place of sale in a publication of general circulation on the campus, and deposit the moneys realized from the public sale in the appropriate fund. [Reso. #25] • To perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and to enforce the University's rights therein. [Reso. #27] • To administer a program for maintenance and construction of facilities. [Reso. #29] • To certify to the appropriate authority, as requested, a project's compliance with the requirements for expenditure of PECO funds for release of funds [Reso. #30] • To ensure that all plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants conform to the requirements of the Florida Building Code and the Florida Fire Prevention Code. The President is authorized to take all steps necessary to carry out the projects. [Reso. #30] 	
<p><u>Financial/Budget:</u></p> <ul style="list-style-type: none"> • To prepare a budget request and an operating budget for consideration and approval by the FIU Board of Trustees, and to implement the operating budget of the University. [Reso. #14] • To prepare a capital outlay budget as part of the annual budget based upon and in harmony with the University's capital outlay plan for approval by the FIU Board of Trustees. [Reso. #15] • To perform banking transactions, as necessary. [Reso. #17] • To recommend to the Board a schedule of tuition and fees to be charged by the University. [Reso. #18] • To employ the services of collection agencies for collecting delinquent accounts and to charge off and settle accounts when uncollectible. The President will report the status of accounts receivable charge-offs to the Board on an annual basis. [Reso. #20] • To provide for the payment of the cost of civil actions against officers, employees, or agents of the FIU Board of Trustees. 	<p>BOT Resolution dated November 14, 2008</p>

FIU Board of Trustees Delegation of Authority to the FIU President

Type of Authority Delegated	Source of Authority
<p><u>General Authority [11-14-2008 BOT Resolution]:</u></p> <ul style="list-style-type: none"> • To Organize the University to efficiently and effectively achieve the goals of the University. [Reso. #1] • To periodically review the operations of the University in order to determine how effectively and efficiently the University is being administered and whether it is meeting the goals of its strategic plan. [Reso. #2] • To have the powers, duties, and authority that is vested with the University. [Reso. #3] • To recommend the adoption of regulations and policies, as appropriate, to this Board, and to take routine administrative actions on behalf of this Board related to the regulation development process or related to the rulemaking process. [Reso. #4] • To ensure compliance with federal and state laws, rules, regulations, and other requirements which are applicable to the University. [Reso. #5] • To maintain all data and information pertaining to the operation of the University, and report on the attainment by the University of Institutional and statewide performance accountability goal. [Reso. #6] 	<p>BOT Resolution November 14, 2008</p>

Delegation Best Practices and Principles

The following points are best practices and principles gleaned from our review of other universities and university systems and have been included as general parameters for consideration by boards of trustees when undertaking a review of presidential delegations of authority.

- All delegations should be in writing, maintained by a central office at the university, and at least a summary should be publicized on the university's website.
- Authority for matters that require specific approval of the board of trustees may not be re-delegated. **(Note: This determination may require assessment of language as well as Board of Governors' practice, as designee language is not consistently used when allowed. Areas where Board of Trustee approval is required includes, but is not limited to, strategic plans, work plans, debt management, public-private partnerships, new degree programs, budgets, regulations, naming of buildings, educational sites, and establishing direct support organizations.)**
- Generally, delegations of authority "flow down" through the chain of command. The Board delegates authority to the President, who delegates to a direct report, etc.
- Each delegation should include the source of the delegated authority, a description of or reference to the delegated authority, limitations including restrictions on re-delegation, and a reference to any existing delegations that will be modified, amended, or superseded by the action.
- Delegations should be made to a position (or position **and** individual while incumbent) not an individual.
- Re-delegated authority must note the original delegation, be consistent with the conditions of the original delegation, and reported to the board of trustees.
- Delegation or re-delegation is prohibited if the delegate holds a specific or unique individual conflict of interest or the appearance of a conflict (e.g., based on the individual's financial interests), or if such a conflict or appearance of a conflict develops or occurs. If such a conflict of interest or the appearance of a conflict arises once the delegation or re-delegation is in effect, the delegate or the delegate's supervisor must manage the conflict. If the conflict of interest or the appearance of a conflict persists, the delegation or re-delegation should be withdrawn.
- Consider whether a delegation should be converted to a role or responsibility and incorporated into an employee's job description.
- Establish a deadline for a periodic Board review of all delegations, including benchmarking.

University President Duties and Responsibilities

The President shall serve as the Chief Executive Officer and Corporate Secretary of the Board of Trustees, and shall be responsible for the operation and administration of the University consistent with the authority delegated as may be made by the Board of Trustees from time to time. In carrying out these duties and responsibilities, the President shall:

(1) University Administration and Oversight.

- (a) Organize the University to efficiently and effectively achieve its goals, and periodically review and provide reports to the Board of Trustees on University operations in order to determine how effectively and efficiently the University is being administered and whether it is meeting the strategic goals of the University, including the goals of its strategic plan adopted by the Board of Governors and other strategic goals for advancement of the University endorsed by the Board of Trustees
- (b) Prepare a strategic plan in alignment with the Board of Governors' system wide strategic plan and regulations, and the University's mission for consideration and approval by the Board of Trustees for submission to the Board of Governors.
- (c) Prepare a multi-year workplan for consideration and approval by the Board of Trustees for submission to the Board of Governors that outlines the University's top priorities, strategic directions, and specific actions and financial plans for achieving those priorities, as well as performance expectations and outcomes on institutional and system wide goals. The workplan shall reflect the University's distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs, as well as national and global needs as applicable to the University's mission.
- (d) Prepare and periodically update a policy addressing conflicts of interest for the Board of Trustees and University employees.
- (e) Maintain an effective information system to provide accurate, timely, and cost-effective information about the University, and require that all data and reporting requirements of the Board of Trustees and Board of Governors be met.
- (f) Take routine administrative actions on behalf of the Board of Trustees related to the development, adoption, amendment or repeal of University regulations, or any action required under the Florida Administrative Procedures Act, Chapter 120, Florida Statutes. This authority does not include the final approval of University regulations.
- (g) Propose regulations for approval by the Board of Trustees, when appropriate.
- (h) Establish procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

- (i) Secure comprehensive general liability insurance pursuant to sections 1001.706(4)(d) and 1004.24, Florida Statutes.
- (j) Provide for payment of the cost of civil actions against officers, employees, or agents of the Board of Trustees.
- (k) Govern traffic on the grounds of the University and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.
- (l) Establish the program for campus safety and emergency preparedness, including safety and security measures for University personnel, students, and campus visitors.
- (m) Close all or portions of the University campus and cease normal operations and services in the event of an emergency, when, in the President's judgment, such action would protect the safety, health and welfare of the University faculty, students and staff, and the University facilities and grounds. In exercising this authority, the President is authorized to determine and assign those employees who are required to provide essential services.
- (n) Consult with the Chancellor of the State University System prior to recommending any acquisition, establishment, reclassification, relocation, or closure of additional campuses or special purpose centers to the Board of Trustees.
- (o) Set the agenda for meetings of the Board of Trustees in consultation with the chair.
- (p) Consult with the Board of Trustees in a timely manner on any matters appropriate to its policy-making and fiduciary functions.

(2) Academic Programs and Student Affairs.

- (a) Propose for adoption by the Board of Trustees, as appropriate, University regulations or policies in areas including, but not limited to:

1. Authorization and discontinuance of degree programs;
2. Articulation and access;
3. Admission and enrollment of students;
4. Minimum academic performance standards for the award of a degree;
5. Student financial assistance;
6. Student activities and organizations;
7. Student records and reports;
8. Antihazing, related penalties, and program for enforcement;
9. Reasonable accommodation of religious observances;
10. Textbook and instructional materials affordability; and
11. Uniform Student code of conduct and related penalties.

Such regulations or policies shall be consistent with any applicable Board of Governors' regulations.

- (b) Develop, approve, and implement non-degree, including non-college credit, granting educational programs of the University.
- (c) Award degrees, including posthumous, in memoriam and honorary degrees.
- (d) Develop, approve, and implement student exchange programs, including without limitation those that are ancillary to the degree and non-degree, including non-college credit, granting programs of the University.
- (e) Establish the internal academic calendar of the University within general guidelines of the Board of Governors.
- (f) Establish a committee to periodically review and evaluate the student disciplinary system. At least one-half of the members of the committee shall be students appointed in consultation with the student body president.
- (g) Approve the internal procedures of student government organizations.
- (h) Approve the establishment of an educational research center for child development in accordance with the provisions of section 1011.48, Florida Statutes.
- (i) Administer all aspects of the University intercollegiate athletics program, with periodic reports to the Board of Trustees on the operations of the program including, but not limited to, finances, audit and compliance, and changes in key personnel.

(3) Personnel.

- (a) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, in accordance with regulations and policies of the Board of Trustees and the Board of Governors.
- (b) Consult with the chair of the Board of Trustees, or other trustee designee, on the hiring, dismissal, and compensation of any person to serve in a Vice President capacity, as the Athletic Director, or as a Head Coach, or other executive direct report position to the President or the Board of Trustees. **(Note: Larger institutions may want to consider whether to establish a monetary threshold in connection with the hiring of an Athletic Director and Head Coach that would trigger a requirement to consult with the trustee chair. UF is considering a \$1 million annual compensation threshold that would trigger the requirement to confer with the trustee chair and to notify the trustee vice chair.)**
- (c) Approve travel in accordance with section 112.061, Florida Statutes.
- (d) Serve as the University representative with regard to administering collective bargaining matters; appoint members to the collective bargaining teams to negotiate agreements on behalf of the Board of Trustees; and execute on behalf of the Board of

Trustees final agreements approved by the Board of Trustees after ratification by collective bargaining units.

(4) Financial Management.

(a) Keep the Board of Trustees apprised of the financial condition of the University and any direct support organizations certified by the Board of Trustees or affiliated organizations subject to the oversight of the Board of Trustees.

(b) Prepare an institutional budget request, including a request for fixed capital outlay, and an operating budget for approval by the Board of Trustees.

(c) Recommend to the Board of Trustees a schedule of tuition and fees to be charged by the University in accordance with the provisions in section 1009.24, Florida Statutes.

(d) Recommend to the Board of Trustees a regulation for the waiver for tuition and fees pursuant to law and regulations established by the Board of Governors.

(e) 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. **(Note: This captures existing accounting requirements, as regulatory and professional authorities may amend them over time.)**

(f) In accordance with the provisions of section 1011.40, Florida Statutes, prepare the operating budget of the University as prescribed by law, regulations of the Board of Governors, policies of the Board of Trustees, and provisions of the General Appropriations Act, for approval by the Board of Trustees. The proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the Board of Trustees approved operating budget goes below 5 percent, the President shall provide written notification to the Board of Governors.

(g) Enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(h) 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 and acceptance by the Board of Trustees.

(i) Establish policies and procedures for the implementation of appropriate financial controls, with review by the University's internal auditor.

(j) Sign checks to pay legal obligations of the University in accordance with section 1011.42(7), Florida Statutes.

(k) Perform banking transactions, which authority may also be delegated to the Vice President and Assistant Vice President for Administration and Finance, the University Controller and Associate Controller, the University Treasurer, and other positions deemed by the President or senior designee reporting to the President to have responsibility for financial matters.

(l) Employ private attorney services after consulting with the university's General Counsel.

(m) Employ the services of collection agencies when deemed advisable in collecting delinquent accounts and charging off and settling accounts when uncollectible. The President will annually report the status of accounts receivable charge-offs to the Board, which may be provided through the university's financial statements or reports.

(n) Ensure the Board of Trustees is presented with sufficient information for prudent decision-making for projects subject to the Board of Governors Debt Management Guidelines and Public-Private Partnership Guidelines, and University guidelines.

(5) Property and Purchasing.

(a) Administer a program for the maintenance and construction of facilities pursuant to Chapter 1013, Florida Statutes; certify to the Board of Governors or Department of Education, as requested, a project's compliance with the requirements for expenditure of Public Education Capital Outlay funds.

(b) Act for the Board of Trustees as custodian of all University property.

(c) Approve and execute contracts for purchase, sale, lease, license, or acquisition of commodities, goods, equipment, and contractual services, leases of real and personal property, and construction in accordance with Board of Governors' regulations. 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. **(Note: This paragraph groups together categories that are separate and distinct in nature, e.g., goods and services and leases. Monetary thresholds and/or term limitations for contracts for goods and services and leases will vary depending upon the size and complexity of a university. The thresholds and/or term limitations set forth below are examples derived from other universities that vary in size and complexity and are simply intended to help inform the boards of trustees' discussion on this topic.)**

- Examples of monetary and term limitations are:
 - Purchases of goods and service not to exceed \$500,000 (Illinois State University);
 - Purchases of goods and services not to exceed \$1,000,000 (University of Minnesota);
 - All contracts with a total cost or monetary value not to exceed \$1,000,000, including all potential renewals (University of Texas) **(Note: Board of**

Governors' regulations dealing with construction contracts include a delegation of authority to university presidents to execute contracts for projects up to \$2,000,000);

- Purchases of goods and services not to exceed \$2,500,000 (University of Texas and this is being increased to \$5,000,000);
- Purchases of goods and services at the University of Michigan, Pennsylvania State and Ohio State have no monetary threshold for President;
- UF is considering requiring approval of the UF Finance and Facilities Committee for purchases of goods and services that are: $\geq \$10,000,000$ total value & $\geq \$2,000,000$ per year average/ or ≥ 10 years with exclusivity.
- Leases of real property with an annual lease payment not to exceed \$1,000,000 (California State);
- Leases of real property and easements if the amount to be paid by or to the university does not exceed \$1,250,000 (University of Minnesota);
- Leases of real property that do not exceed 10 years or 50,000 square feet (University of Michigan);
- Leases of real property that do not exceed \$10,000,000 (Ohio State);
- The president is authorized to approve and execute real property rental agreements, leases, ground leases, and other documents pertaining to the use of rental property for university-related purposes with a term of not more than 20 years (excluding options when the university is lessee, but including options provided by the university as lessor) (University of California); and
- Lease agreements with a term of 20 or more years or with options that result in a potential term of 20 or more years require board approval (California State);
- UF is considering requiring board approval for leases that exceed 10 years or 50,000 square feet or \$10,000,000 net present value.

(d) In accordance with the provisions of section 1013.48, Florida Statutes, approve change orders in the name of the Board of Trustees for amounts not exceeding \$_____. All such approvals shall be for the purpose of expediting the work in progress and shall be exercised in accordance with the President's further delegation of change order approval authority to the Office of Administration and Finance. The President or designee may make change orders for an amount exceeding \$_____ after consultation and approval of the chair of the Finance Committee. Change orders exceeding \$_____ require the prior approval of the Finance Committee. All change orders shall be reported to the Board and entered in to the official minutes as soon as practicable at a regular meeting of the Board. **(Note: Monetary thresholds for change orders will vary depending upon the size and complexity of the university. The thresholds set forth below are examples derived from other universities that vary in size and complexity and are simply intended to help inform the boards of trustees' discussion on this topic.)**

- Change orders less than \$250,000 (FAMU);
- Change orders not exceeding \$100,000 (UNF)
- Change orders not exceeding 10% of the contract (Penn State)

- UF is considering not exceeding 10% of the Guaranteed Maximum Price, with anything change order exceeding 10% to require approved by the UF Finance and Facilities Committee;
- (e) Regulate the use, maintenance, protection, and control of, and the imposition of charges for, 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) Adjust property records and dispose of state-owned tangible personal property in the University's custody in accordance with the procedures established by the Board of Trustees. Notwithstanding the provisions of section 273.055(5), Florida Statutes, all moneys received from the disposition of state-owned tangible personal property shall be retained by the University and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The University shall maintain records of the accounts into which such moneys are deposited.
- (g) Protect, develop, and transfer the work products of University personnel and other University agents and contractors, which authority shall include but not be limited to licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks on such products.
- (h) In accordance with section 705.18, Florida Statutes, and Board of Governors' regulation, take charge of any lost or abandoned personal property found on the University campus or on premises owned or controlled by the University or any direct support organization thereof. If the property is not claimed by the owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the President, the President or his or her designee shall dispose of or make use of the property in accordance with established policies and procedures that best meet the needs of the University.
- (i) Prepare a campus master plan for adoption by the Board of Trustees, prepare a campus development agreement for execution by the Board of Trustees, pursuant to section 1013.30, Florida Statutes, and report on progress under the Master Plan.
- (j) Recommend for adoption and promulgation by the Board of Trustees, regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services, in accordance with Board of Governors' regulations.
- (k) Exercise responsibility for the fire safety and sanitation of public educational and ancillary plants.

(6) Miscellaneous Powers and Duties.

- (a) In accordance with section 1004.28, Florida Statutes, and Board of Governors' regulation, recommend to the Board of Trustees for final approval, the creation and certification, as well as the decertification and dissolution, of direct support organizations, and any other affiliated organization of the University whose authorizing legislation, bylaws or agreement with the University so requires, in order to serve the needs or further the interests of the University.
- (b) Appoint a representative to the governing boards of each direct support organization or any other affiliated organization of the University.
- (c) Accept gifts, grants, bequests, and devises on behalf of the university.
- (d) In accordance with the terms specified by the donor, to designate the purpose for which, and the location at which, the income and/or principal of a gift shall be used and to make allocations in accordance therewith.
- (e) To determine, consistent with any expressed intent of the donor, the purpose for which and the location at which a gift shall be used, to determine whether income and/or principal shall be used, and to make allocations and reallocation in accordance therewith, to the extent not specified by the donor of a gift.
- (f) Establish policies regulating the administration and operation of the University Division of Sponsored Research. The President, or his or her designee, is authorized to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue by reason thereof. The President or his or her designee may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of such costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as may be prohibited elsewhere by law.
- (g) All purchases of a division of sponsored research shall be made in accordance with the policies and procedures of the University and the purchasing regulations of the Board of Governors; however, upon certification addressed to the President that it is necessary for the efficient or expeditious prosecution of a research project, the President may exempt the purchase of material, supplies, equipment, or services for research purposes from the general purchasing requirement of the Florida Statutes.
- (h) Comply with all applicable laws, rules, regulations, and requirements.
- (i) Minimize university risk and manage the university's risk management program.
- (j) Delegate in writing to any employee of the University who:
 - 1. is a Vice President with responsibility in an area relating to the subject matter of the delegation; or

2. is a manager with responsibility in an area relating to the subject matter of the delegation who reports directly to a position at or above the level of Vice President; or
3. holds a position at the University that is equivalent in seniority or responsibility to a Vice President or such manager, as determined by the President or the Vice President for Human Resources; or
4. is deemed by the President to have the appropriate capabilities,

provided that the delegation specifies the date of the delegation, the name and title of the delegee, the particular authority or portion of authority being delegated and a copy of such delegation is filed with the delegee and with the Vice President and General Counsel of the University, and a summary table of the delegations is provided to the Board of Trustees. Although the president may re-delegate to appropriate officials, the president retains the final authority and responsibility for the administration of the university and may condition, limit, or revoke any delegated signature authorities at any time. Authorities the president reserves may not be exercised by any other person, unless expressly authorized by administrative policy or presidential directive.

(k) Initiate and settle lawsuits and claims and appeal adverse rulings when doing so would be in the best interests of the University. Notice and reports referenced below may be oral. **(Note: settlement ranges are likely to vary depending upon the size and complexity of the university. For discussion purposes, we are including several different thresholds).**

1. For settlement of claims up to \$100,000/\$500,000/\$750,000, the President or designee may take action.
2. For settlement of claims greater than \$100,000/\$500,000/\$750,000, but less than \$250,000/\$750,000/\$1,000,000, the President or designee may take action after consultation with the Chair of the Finance Committee or the Chair or Vice Chair of the Board of Trustees, as appropriate.
3. For claims above \$250,000/\$750,000/\$1,000,000, the President will consult with and seek the approval of the members of the Finance Committee/**or alternatively confer with the Chair and notify the Vice Chair of the Board of Trustees** (Proposed UF language). The President or designee shall notify all Trustees about settlements at or above \$250,000/\$500,000/\$750,000/\$1,000,000.

(l) Perform such other duties as are not retained by the Board of Trustees and as may be necessary or appropriate for the administration of the University, in compliance with any applicable laws, Board of Trustees and Board of Governors' regulations, policies, and resolutions.

(m) Nothing in this regulation should be construed as limiting or divesting the Board of Trustees' right to exercise any authority or responsibility as deemed appropriate.

COMPARISON SUS BOT-PRESIDENTIAL DELEGATIONS¹

Univ. ²	Procurement (non-construction)	Construction / Change Orders	Presidential Direct Reports	Real Estate Leases	Lawsuits & Claims Authority
UF: Listed out approvals in chart format by approving body and position. Also addressed affiliated entities. (In process for BOT approval.)	BOT Chair approval and notice to BOT Vice Chair: goods and services contracts w/ ≥\$10M in total value; ≥\$2M per year spend; or ≥10 years and exclusive.	BOT approval of Capital Facilities Projects: 1) using state funds; or 2) >\$2M Definition of Capital Facilities Project includes any expenses needed to operate a new or improved building or change orders that cause a project to hit the approval, or >\$2M or 10% of the guaranteed maximum price.	BOT Chair approval and notice to the BOT Vice Chair: -Compensation of all UF VPs and UF president's executive direct reports -Compensation of any employee >\$1M Prior conferral with BOT Chair and notifying BOT Vice Chair: search process, hiring and firing of any UF cabinet member	BOT approval: leases ≥10 years; leases >50K square feet; or leases ≥\$10M total spend.	BOT Chair approval and notice to the BOT Vice Chair: Settlement of claims >\$1M Prior conferral with BOT Chair and notifying BOT Vice Chair: Settlement of claims between \$750K and \$1M Legal Claim: Any complaint (formal or informal), legal proceeding, arbitration, administrative proceeding or government enforcement proceeding.
USF: Updated existing USF policy on Delegations of General Authority and Signatory Authority.	Finance Committee Chair approval: Contract ≥ \$1M. Finance Committee approval: Contract ≥ \$2M. Contracts, including contract amendments during same fiscal year, with related scope aggregated	Finance Committee Chair approval: change orders > \$1M or 10% of the approved expenditure amount, whichever is less. Finance Committee approval: change orders ≥ \$2M.	BOG standard provision.	BOT Chair reserved approval right of material real property transactions: -space leases or ground leases with a total cumulative cost over the term of the lease > \$5M. The initial term of the USF system space lease should not exceed 10 years. Requests for exceptions to the initial lease term limitation will be	BOT Chair approval: settlement of claims > \$1M. BOT Chair and Finance Committee approval: Settlement of claims ≥ \$2M. Settlement of claims includes notice, approvals, and reports either verbal or in a format that best protects the legal

¹ New College of Florida not included due to small size.

² In order of largest to smallest based on 2016-2017 Operating Revenues. FIU falls between FAU and UCF in terms of operating revenues.

Univ. ²	Procurement (non-construction)	Construction / Change Orders	Presidential Direct Reports	Real Estate Leases	Lawsuits & Claims Authority
	<p>for purposes of determining whether threshold met.</p> <p>Reporting: List of all contracts for procurement of goods and services ≥ \$1M provided quarterly to Finance Committee as information item.</p>	<p>Reporting: A list of all change orders ≥ \$1M submitted to Finance Committee as information item.</p>		<p>considered. The lease, however, may include options to renew for as many terms as are in the institution's best interest.</p>	<p>interests of the University and that complies with applicable law.</p>
<p>FSU: Assessed FSU regulations, policies, practices, delegations against all of the BOG recommended best practices.</p>	<p>BOT Chair Consultation:</p> <ul style="list-style-type: none"> -total dollar value ≥ \$10M, or - annual dollar value ≥ \$2M, or -exclusivity of ≥ 10y. <p>Additionally, a report shall be made to the full BOT annually of these contracts.</p>	<p>Non-construction procurement consultation applies to construction contracts as well.</p> <p>BOT chair consultation: any change order > 10% of the price of the contract.</p>	<p>BOG Standard Provision plus head coaches earning > \$ 1M.</p>	<p>Not addressed separately; handled like non-construction procurement.</p>	<p>BOT Chair consultation:</p> <p>Settlements of ≥ \$500K.</p>
<p>UCF: Lists very specific areas for approval.</p> <p>Affiliated entities are covered in certain instances when noted: DSOs, practice plan</p>	<p>BOT approval:</p> <ul style="list-style-type: none"> -Any <u>contractual obligation</u> of either (1) more than 5 years or (2) aggregate net value ≥ \$5M. - Financial commitment, obligation, or contingent risk of the smaller of (1) \$5M or more and (2) .5% of the university budget or more. 	<p>BOT approval:</p> <ul style="list-style-type: none"> -All capital projects with ≥ \$2M and material changes. -Use of university funds > \$2M in construction costs and all changes to such projects that increase project costs by 	<p>BOT approval: hiring, dismissal or reduction in compensation of VPGC, Chief Compliance Officer or Chief Audit Executive.</p> <p>BOT chair consultation before implementing:</p> <ul style="list-style-type: none"> -Hiring, dismissal and any annual increase of > 5% comp of VP or other 	<p>Not addressed separately; handled like non-construction procurement.</p>	<p>Consultation w/ BOT chair before initiating, appealing, settling lawsuits involving the University or affiliated entities other than tort claims handled by the Division of Risk Management.</p>

Univ. ²	Procurement (non-construction)	Construction / Change Orders	Presidential Direct Reports	Real Estate Leases	Lawsuits & Claims Authority
corporations, self-insurance funds.	NOTE: Unclear whether this applies to research grants.	> 10% of original estimate. -changes to \$2M or more line item in capital budget > 10% of the value of the line item.	Pres direct report, the head football or head men's basketball coach. -employment contract with employee of UCF or affiliated entity with a term > 1 year.		
FAU					
FGCU: Utilized existing framework and updated (tracks UF's old original delegation document)	Not addressed.	BOT chair consultation: any request for a change order > ten percent (10%) of the guaranteed maximum price.	BOT approval: Organization structure of VPs BOT chair approval: -Pres direct report employment contracts and extensions -Pres direct report compensation and adjustments BOT chair consultation: -hiring, dismissal and compensation of VPs, including AD, and other direct reports to Pres or BOT	BOT chair consultation: Lease payments > \$250K.	Reauthorized the President to settle litigation ≤ \$ 100K. Reauthorized the President or designee, after receiving the advice of the General Counsel, as well as providing advance notification by the President to the BOT, to approve the commencement of legal proceedings or the appeal of an adverse ruling against the University. Reporting: commencement or appeal of legal proceedings.

Univ. ²	Procurement (non-construction)	Construction / Change Orders	Presidential Direct Reports	Real Estate Leases	Lawsuits & Claims Authority
UNF: Overall tracks BOG best practices document with university specific adjustments.	Chair of Finance and Facilities Committee approval: contract for the purchase of goods and services > \$1M.	<p>Prior approval of Finance and Facilities Committee: change orders > \$1M.</p> <p>Consultation and approval of Chair of Finance and Facilities Committee: change orders for an amount > \$100K.</p> <p>Reporting: all change orders shall be reported to BOT.</p>	BOG standard provision.	Not addressed separately; handled like non-construction procurement.	<p>President delegated authority to initiate and settle lawsuits and claims, and appeal adverse rulings in accordance with the provisions of the UNF Board of Trustees Delegation of Authority approved June 20, 2006 except:</p> <p>Consultation with Chair of the Finance and Facilities Committee or BOT Chair, as appropriate: claims > \$100K but < \$250K.</p> <p>Consult with and seek the approval of the members of the Finance and Facilities Committee: claims > \$250K.</p> <p>Reporting to full BOT: all actions > \$250K</p>
FAMU: Overall tracks BOG best practices document with university specific adjustments.	President delegated authority to sign and authorize all purchasing contracts, including lease-purchase.	BOT approval: change orders > \$250K in the aggregate.	BOG standard provision.	Not addressed separately; handled like non-construction procurement.	<p>President delegated authority to initiate, appeal adverse rulings, and settle lawsuits and claims (in accordance with the provisions of the FAMU Board of Trustees Resolution No. 17-05) except as follows:</p> <p>Prior consultation with BOT Chair: For settlement of claims > \$100K but < \$250K.</p> <p>BOT Approval: settlements ≥ \$250K.</p>
UWF: Overall tracks BOG best practices	President delegated authority to sign and authorize all purchasing contracts, including lease-purchase.	President delegated authority to sign and authorize all	Not addressed.	BOT approval: -space leases with total rent over the term > \$500K.	President deleted authority to initiate and settle lawsuits and claims, and appeal adverse rulings when doing so would be in the best interests of the University.

Univ. ²	Procurement (non-construction)	Construction / Change Orders	Presidential Direct Reports	Real Estate Leases	Lawsuits & Claims Authority
document with university specific adjustments.		<p>construction contracts and change orders.</p> <p>Reporting: change orders reported to the BOT.</p>		-ground leases with cumulative rentals > \$100K or for property upon which improvements will be constructed with an estimated value > \$2M.	
Fla Poly: Tracks BOG best practices document with university specific adjustments.	<p>BOT approval: contract value > \$500K (contract value includes initial term and all potential renewals).</p> <p>Finance & Facilities Committee approval: contract amendments taking value > \$500K.</p> <p>Reporting on agreements > \$200K at each regular Finance and Facilities Committee meeting.</p> <p>Vendor contracts with related scope are aggregated for both.</p>	<p>BOT approval: major projects (i.e., >\$2M).</p> <p>Chair of Finance & Facilities consultation and approval: change orders > \$100K.</p> <p>Reporting: The BOT Chair and Vice Chair shall be notified of all change orders and will be included as an informational item on the Finance and Facilities Committee agenda.</p>	BOG standard provision.	<p>BOT approval: Lease or use of real property for term > 5 years or 25K square feet.</p> <p>Finance and Facilities Committee approval: contract amendments taking existing agreements > 5 years or 25K square feet.</p> <p>BOT approval prior to issuance of competitive solicitation or contract execution: leases of University real property to a third party with term > 3 years.</p>	<p>President delegated authority to initiate, defend, and settle lawsuits and claims and appeal adverse rulings <u>except</u> as follows:</p> <p>BOT Chair consultation required for settlement of claims > \$300K but < \$750K.</p> <p>BOT Chair approval required for settlement of claims > \$750K; also notify BOT Vice Chair.</p> <p>Reporting: The President shall notify all trustees about settlements ≥ \$300K.</p>

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