

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED NEW REGULATION

DATE: August 8, 2007

REGULATION CHAPTER NO.: Chapter 1

REGULATION CHAPTER TITLE: Organization, Function and Faculty Affairs.

REGULATION TITLE AND NUMBER: Authority of the President (1.021)

SUMMARY OF REGULATION: This new Regulation sets forth the powers and duties of the President as formerly provided in Section 1001.75, Florida Statutes, incorporates and consolidates the powers and duties of the President from other existing statutory provisions and incorporates duties delegated to the President under existing University Regulations and FAMU Board of Trustees Resolutions.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution, Board of Governors Regulation Development Procedure dated July 21, 2005, Board of Governors Resolution Adopted January 7, 2003.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. James Ammons, President.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Avery McKnight, Office of the General Counsel, Suite 300 Lee Hall, Tallahassee, Florida 32307-3100, (850) 599-3591 (phone), (850) 561-2862 (fax), avery.mcknight@famu.edu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of the proposed new regulation follows:

Regulation of



Florida A&M University

1.021 Authority of the President.

(1) In accordance with s. 7(c), Art. IX of the Florida Constitution, Florida Statutes and the rules, guidelines, procedures, regulations, and resolutions of the Florida Board of Governors, the Florida Agricultural and Mechanical University Board of Trustees (FAMU Board of Trustees) hereby delegates to the President, as the Chief Executive Officer and Corporate Secretary of the FAMU Board of Trustees, responsible for the operation and administration of Florida Agricultural and Mechanical University, the following authority and duties:

(a) To recommend the adoption of regulations, rules and policies, as appropriate, to the FAMU Board of Trustees to implement provisions of Florida law governing the operation and administration of the University. Such regulations, rules and policies shall be consistent with the mission of the University and the rules, guidelines, procedures, regulations, and resolutions of the Florida Board of Governors.

(b) In accordance with the provisions of Section 1011.40, F.S., to prepare a budget request and an operating budget for approval by the FAMU Board of Trustees and to implement the operating budget of the University as prescribed by Florida law, the provisions of the General Appropriations Act and rules, guidelines, procedures, regulations, resolutions and policies of the Florida Board of Governors and the FAMU 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 FAMU Board of Trustees approved operating budget goes below 5 percent (5%), the President shall provide written notification to the FAMU Board of Trustees and the Florida Board of Governors.

(c) To recommend and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, in accordance with Florida law and rules, guidelines, procedures, regulations, resolutions or policies approved by the FAMU Board of Trustees and the Florida Board of Governors.

(d) To govern admissions, subject to Florida law and rules, guidelines, procedures, regulations, and resolutions or policies of the FAMU Board of Trustees and Florida Board of Governors.

(e) To approve, execute, and administer contracts for and on behalf of the FAMU Board of Trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the University, provided such contracts are in conformance with Florida law and rules, guidelines, procedures, regulations, resolutions or policies of the FAMU Board of Trustees and the Florida Board of Governors, and are for the implementation of approved programs of the University. The President must comply with the provisions of Section 287.055, F.S., for the procurement of professional services and may approve and execute all contracts on behalf of the FAMU Board of Trustees for planning, construction, and equipment. For the purposes of the President's contracting authority, a "continuing contract" for professional services under the provisions of Section 287.055, F.S., is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000.

1. To sign checks to pay legal obligations of the University in accordance with

Section 1011.42(7), F.S.

2. To perform banking transactions, which authority shall also be delegated to the Vice President for Administration and Financial Services and the University Treasurer.

3. To sign contracts in accordance with University rules, regulations, procedures and policies.

(f) To act for the FAMU Board of Trustees as custodian of all University property.

(g) To establish the internal academic calendar of the University within general guidelines of the Florida Board of Governors.

(h) To administer the University's program of intercollegiate athletics.

(i) To recommend to the FAMU Board of Trustees the establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of the University.

(j) To award degrees.

(k) To recommend to the FAMU Board of Trustees a schedule of tuition and fees to be charged by the University, within Florida law and rules, guidelines, procedures, regulations, resolutions and policies of the Florida Board of Governors.

(l) To organize the University to efficiently and effectively achieve the goals of the University.

(m) To review periodically the operations of the University in order to determine how effectively and efficiently the University is being administered and whether it is meeting the goals of its strategic plan approved by the FAMU Board of Trustees and adopted by the Florida Board of Governors.

(n) To enter into agreements for student exchange programs which involve students

at the University and students in other postsecondary educational institutions.

(o) To provide purchasing, contracting, and budgetary review processes for student government organizations.

(p) To ensure compliance with federal and state laws, rules, regulations, and other requirements which are applicable to the University.

(q) 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 goals.

(r) To adjust property records and dispose of state-owned tangible personal property in the University's custody in accordance with procedures established by the FAMU Board of Trustees. Notwithstanding the provisions of Section 273.055(5), F.S., 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.

(s) To perform any powers, duties, and authority that is vested with the University.

(t) 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 President's designee, to order it sold at public auction after giving notice of the time and place of sale in a publication of general circulation on the campus. In accordance with the provisions of Florida law, all moneys realized from such sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes.

(u) In accordance with Section 1004.22, F.S., 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 President's 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.

(v) 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 in accordance with Section 1004.23, F.S.

(w) In accordance with the provisions of Section 1004.28, F.S., to serve, or to appoint a designee to serve on the board of directors and the executive committee of any direct-support organization established to benefit the University and to receive annual budgets and reports of such organizations, including the 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).

(x) To prepare and submit an annual equity report to the Chancellor of the State University System by April 1st of each year in accordance with the provisions of Section 1012.95, F.S.

(y) To certify to the Florida Board of Governors or State Department of Education, as requested, a project's compliance with the requirements for expenditure of PECO funds prior to release of funds in accordance with Chapter 1013, F.S.

(z) 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 submit documents to the Florida Board of Governors or State Department of Education, as appropriate, and to award contracts subsequent to and consistent with Board approval of the scope, timeframes, funding source, and budget of a survey-recommended project.

(aa) To approve the establishment of an educational research center for child development in accordance with the provisions of s. 1011.48, F.S.

(bb) To exercise the authority and duties presently delegated by the FAMU Board of Trustees to the President in accordance with University resolutions, regulations, rules, procedures or policies and conditions contained in the FAMU Board of Trustees written delegations of authority, including:

1. Approving travel under Section 112.061, F.S.
2. Taking routine administrative actions on behalf of the FAMU Board of Trustees actions related to the development, adoption, amendment or repeal of University regulations or rules, or any action required under the Florida Administrative Procedures Act, Chapter 120, F.S.
3. Closing 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.
4. In accordance with the provisions of Section 1013.48, F.S., approving change orders in the name of the FAMU Board of Trustees for amounts not exceeding \$250,000

in accordance with the provisions of the FAMU Board of Trustees Policy No. 2005-06, delegating such authority.

5. Employing private attorney services pursuant to Section 287.059, F.S.

6. Entering into agreements for and accept credit card payments as compensation for goods, services, tuition and fees pursuant to Section 1001.74(3)(f), F.S.

7. Securing comprehensive general liability insurance pursuant to Sections 1001.74(3) (d) and 1004.24, F.S.

8. Providing for the payment of the cost of civil actions against officers, employees or agents of the FAMU Board of Trustees pursuant to Section 1012.965, F.S.

9. Entering into articulation agreements as encouraged by Section 1007.22, F.S.

10. Employing the services of collection agencies when deemed advisable in collecting delinquent accounts and to charge off and settle accounts in such amounts as approved by the FAMU Board of Trustees, when uncollectible pursuant to Section 1010.03, F.S. The President or President's designee will annually report the status of accounts receivable charge-offs to the Board.

11. Settling lawsuits and claims in accordance with the provisions of the FAMU Board of Trustees Resolution No. 17-05, when doing so would be in the best interests of the University.

12. Preparing a capital outlay budget as a part of the annual budget, based upon and in harmony with the University's capital outlay plan for approval by the FAMU Board of Trustees. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources in accordance with Section 1013.62, F.S.

13. Administering a program for the maintenance and construction of facilities

pursuant to Chapter 1013, F.S.

(cc) The President may further delegate, in writing, authority to the Provost, Vice Presidents, and other appropriate University personnel to serve as the President's designee. This authority may not be further delegated. A copy of any and all such delegations shall be provided to and retained by the Office of the General Counsel. The Office of the General Counsel shall post such delegations on its webpage.

Specific Authority Board of Governors Regulation Development Procedure dated July 21, 2005.
Law Implemented Board of Governors Resolution Adopted January 7, 2003. New 9- -07.

Coding: ~~Strikeovers indicate deletions;~~ underlinings indicate additions.