

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

Board of Trustees Resolution 2014-001

SUBJECT: Powers and Duties of the President

The Florida Polytechnic University Board of Trustees hereby adopts the following Resolution:

The Florida Polytechnic University Board of Trustees hereby resolves to establish the powers and duties of the President of Florida Polytechnic University as follows:

The President shall perform the powers and duties in accordance with, and subject to, all applicable federal and state laws, and regulations, rules, policies or guidelines of the Florida Board of Governors (“BOG”) and the Board of Trustees (“BOT”).

The President is authorized:

- (1) To serve as **Corporate Secretary** of the BOT, and in the capacity of Secretary, shall be responsible for giving notice of all meetings of the BOT and its committees, setting the Agenda and compiling the supporting documents for meetings of the BOT in consultation with the Chair, recording and maintaining the minutes of any BOT or committee meeting, including a record of all votes cast, in accordance with Florida Statutes §286.011(2), attesting to all documents which have been executed by the BOT, and acting as custodian of the Corporate Seal.
- (2) To serve as the **Chief Executive Officer** of the University.
- (3) To be responsible for the **organization, operation, and administration** of the University, including efficient and effective **budget and program administration**, leading the University to accomplish its educational missions and goals, including regional and discipline-specific **accreditations**; monitoring **educational and financial performance**; **consulting with the BOT** in a timely manner on matters appropriate to its **policy-making and fiduciary functions**; and serving as the University's **key spokesperson**.
- (4) To **execute all documents on behalf of the University and the BOT** consistent with law, BOG and BOT resolutions, rules, regulations, and policies, and the best interests of the University. No such document may purport to limit any BOT member’s individual discretion in discharging the responsibilities of a Trustee.
- (5) To recommend to the BOT the **establishment and termination of** undergraduate and graduate **degree programs**.

- (6) To enter into **articulation agreements**. (F.S. §1117.22)
- (7) To **govern admissions**.
- (8) To establish the internal **academic calendar** of the University.
- (9) To **award degrees**.
- (10) To enter into agreements for **student exchange programs** with other postsecondary educational institutions.
- (11) To provide purchasing, contracting, and budgetary review processes for **student government organizations**. (F.S. §1009.24)
- (12) To approve the establishment of an **educational research center for child development**. (F.S. §1011.48)
- (13) To **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 will protect the safety, health and welfare of the University's students, faculty and staff and/or 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.
- (14) To recommend the **adoption of regulations** to the BOT to implement provisions of law governing the operation and administration of the University. Such regulations shall be consistent with the mission of the University and the regulations and policies of the BOG.
- (15) To take routine administrative actions on behalf of the BOT related to the development, adoption, amendment or repeal of University **regulations**, or any action required under the Florida Administrative Procedures Act, Chapter 120, F.S. This authority does not include the final approval of University regulations.
- (16) To establish and implement **policies and procedures** to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove **personnel**.
- (17) To **approve travel** in accordance with state law. (F.S. §112.061)
- (18) To recommend to the BOT a **schedule of tuition and fees** to be charged by the University.
- (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. (F.S. §1004.22)
- (20) 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 applicable federal and state law. (F.S. §1004.23)
- (21) To **prepare a budget request** and an **operating budget** for approval by the BOT. To implement the operating budget of the University as prescribed by law, regulations of the BOG, policies of the BOT, and provisions of the General Appropriations Act. 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 BOT approved operating budget goes below 5 percent, the President shall provide written notification to the Board of Governors. (F.S. §1011.40)
- (22) To **authorize budget transfers from depositories or accounts**; to **sign checks** or otherwise authorize payment of legal obligations of the University; and to **perform banking transactions**. (F.S. §1011.42)
- (23) To **approve, execute, and administer contracts for** and on behalf of the BOT 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.

(24) To **secure** comprehensive general liability and other forms of **insurance** as necessary. (F.S. §1004.24)

(25) To **enter into agreements for and accept credit card** or other electronic payments as compensation for goods, services, tuition and fees.

(26) To **employ the services of collection agencies** when deemed advisable in collecting delinquent accounts and **to charge off and settle accounts** when uncollectible pursuant to state law. The President will report the status of accounts receivable charge-offs to the BOT annually. (F.S. §1010.03)

(27) To administer a program for the **maintenance and construction of facilities.**

(28) To prepare 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 BOT. This budget shall designate the proposed capital outlay expenditure by project for the year from all fund sources in accordance with state law.

(29) To certify to the BOG or Department of Education, as requested, a project's compliance with the requirements for expenditure of **PECO funds** prior to the release of funds. (F.S. §1013.31)

(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 submit documents to the BOG or Department of Education, as appropriate, and to award contracts subsequent to and consistent with BOT approval of the scope, timeframes, funding source, and budget of a survey-recommended project. (F.S. §1013.371)

(31) In accordance with provisions of Florida Statutes §1013.48, **approve change orders in the name of the BOT for amounts not exceeding \$100,000.** All such approvals shall be for the purpose of expediting the work in progress. Change orders for an amount exceeding \$100,000 may be made by the President or designee after consultation with and approval of the Chair 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 BOT. (F.S. §1013.48)

(32) To act for the BOT as **custodian of all University property**, and to adjust property records and dispose of University-owned tangible personal property in accordance with procedures established by the BOT or BOG. The President has the authority to prioritize the use of university space, property, equipment and resources and the authority to impose charges for the use of those items.

(33) 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/designee, to sell it. (F.S. § 705.18)

(34) To control the University's **fund-raising activities.**

(35) To serve or 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. (F.S. § 1004.28)

(36) 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** adopted by the BOG.

(37) 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.

(38) To **employ private attorney services** for the benefit of the University; to initiate, defend, or settle lawsuits and claims and appeal adverse rulings when doing so would be in the best interests of the University; and to provide for the **payment of the cost of civil actions** against officers, employees or agents of the BOT acting within the course and scope of their University duties. (F.S. § 287.059)

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

(40) To **act on behalf of the University** in those instances where Federal law, Florida law, Board of Governors or Board of Trustees guidelines or regulations designate the university president as having the authority to act.

(41) To exercise such powers as are appropriate to his/her position in **promoting, supporting and protecting the interests** of the University and in **managing and directing its affairs**.

(42) To issue **directives and executive orders**. Such directives and orders shall not violate existing BOT policies.

(43) To administer the University's program of **intercollegiate athletics**, if any, in compliance with the rules and regulations of the National Collegiate Athletic Association.

(44) To have vested with the University President or the President's designee the **powers, duties, and authority that is vested with the University**; to exercise the authority and duties delegated by the BOT to the President in accordance with University regulations, policies and conditions contained in the BOT written delegations of authority, and as required by BOG directives and state and federal law.

(45) To **further delegate** to vice presidents and other appropriate University personnel the authority as described herein so long as such delegation is in writing, specifies whether the authority can be further delegated, and the conditions for same, and a copy of such delegation is filed with the General Counsel.

No person, except as provided elsewhere by law, rule, regulation, or these policies and procedures, or as otherwise delegated by the University President, is authorized to enter into any agreement, obligation, program, or other legally-enforceable commitment which purports to bind the University. The BOT's delegation of any authority or duty to the President or designee shall not limit or divest the BOT's right to exercise any such authority or duty.

Adopted: September 16, 2014.