



**BOARD OF TRUSTEES
GOVERNANCE COMMITTEE MEETING**

Thursday, September 13, 2017
10:30 AM

Florida Polytechnic University
Admissions Center
4700 Research Way
Lakeland, FL 33805

Dr. Richard Hallion, Chair Rear Admiral Philip Dur, Vice-Chair
Mark Bostick Cliff Otto Don Wilson

AGENDA

- | | | |
|-------|---|----------------------------|
| I. | Call to Order | Dr. Richard Hallion, Chair |
| II. | Roll Call | Maggie Mariucci |
| III. | Public Comment | Dr. Richard Hallion, Chair |
| IV. | Approval of June 8, 2017 Minutes
<i>*Action Required*</i> | Dr. Richard Hallion, Chair |
| V. | 2016-18 Governance Committee Work Plan
<i>*Action Required*</i> | Dr. Richard Hallion, Chair |
| VI. | 2018 Government Relations Plan
<i>*Action Required*</i> | Rick Maxey/Kathy Mizereck |
| VII. | Resolution on President's Powers and Duties
<i>*Action Required*</i> | Frank Martin, Board Chair |
| VIII. | Form for President's 2017-18 Annual Review
<i>*Action Required*</i> | Dr. Richard Hallion, Chair |
| IX. | Closing Remarks and Adjournment | Dr. Richard Hallion, Chair |

DRAFT

**FLORIDA POLYTECHNIC UNIVERSITY
BOARD OF TRUSTEES
GOVERNANCE COMMITTEE
MEETING MINUTES**

**Florida Industrial and Phosphate Research Institute
1855 W. Main St., Bartow, FL 33830
June 8, 2017 @ 8:30 AM**

I. Call to Order

Committee Vice Chair Philip Dur called the Governance Committee meeting to order at 8:35 a.m.

II. Roll Call

Maggie Mariucci called the roll: Committee Chair Dick Hallion, Vice Chair Philip Dur, Trustee Mark Bostick, and Trustee Don Wilson were present (Quorum).

Other trustees present: Trustee Jim Dewey, Trustee Sandra Featherman, Trustee Jacob Livingston, and Trustee Frank Martin.

Staff present: President Randy Avent, Mr. Kevin Aspegren, Ms. Gina DeIulio, Mrs. Maggie Mariucci, Mr. Rick Maxey, Mr. Mark Mroczkowski, Dr. Terry Parker, and Ms. Kathy Mizereck.

III. Public Comment

There were no requests received for public comment.

IV. Approval of Minutes

Trustee Jim Dewey made a motion to approve the Governance Committee meeting minutes of March 15, 2017. Trustee Mark Bostick seconded the motion. A vote was taken, and the motion passed unanimously.

Trustee Mark Bostick made a motion to approve the Governance Committee meeting minutes of May 19, 2017. Trustee Dick Hallion seconded the motion. A vote was taken, and the motion passed unanimously.

V. 2016-2018 Governance Committee Work Plan

The Work Plan was reviewed with no additional comments or recommendations.

VI. Legislative Session Update

Ms. Kathy Mizereck presented the Legislative update:

The Senate confirmed all trustee appointments to the Florida Polytechnic University Board of Trustees.

PECO funds were awarded in the amount of \$2,000,000, which will be used for the Applied Research Center. Other avenues will be explored to raise additional necessary funds. Trustee Dur questioned why the University was not awarded more funding as a specialized STEM university. Ms. Mizereck replied that it is a very competitive environment and PECO funds are limited. Trustee Dur would like to meet with Legislators to present a strong case for additional funding. Construction of the ARC will not proceed until additional construction funds are raised/awarded.

One budget item vetoed by the Governor was funding to relocate the Florida Highway Patrol Academy to Polk County. If it had been approved, this could have affected Florida Poly as it relates to SunTrax.

A budget issue that will positively affect Florida Poly is approval of increases to student financial aid such as FSAG need-based scholarships; Bright Futures Academic Scholars; First Generation Matching Grants Program; Benacquisto Scholars Program expanding to out-of-state students; and the creation of Florida Farmworkers Scholarships.

Ms. Mizereck reviewed the following policy issues that directly impact Florida Poly:

Senate Bill 2502, Budget Implementing Bill: This bill extends the date by which Florida Poly must meet statutory requirements to December 31, 2017.

Senate Bill 374, Higher Education Budget Conforming Bill: This bill requires each SUS Board to develop a block tuition and fee policy and submit it to the Board of Governors by October 1, 2017 for implementation in fall 2018 with at least those incoming freshmen. Trustee Dur questioned the block tuition rate vs. credit hours tuition rate. Dr. Parker said the normal credit hour load is 12 credit hours per semester. If students increased their credit hours to 15 or 18 per semester and there was no additional tuition flow, then additional marginal costs could become substantial. This topic needs further discussion.

Ms. Mizereck stated this bill also establishes a 4-year graduation rate metric for Performance Based Funding (instead of 6-year rate) and restricts the use of state funds by Direct Support Organizations. The latter means as of July 1, 2017, Foundations may no longer use any state funds for travel and as of July 1, 2022, Foundations may no longer use any state funds for payroll. There are also changes to appointments that the Chair of the Board of Trustees can make to the institution's Foundation Board.

Also included in this bill are the increases to financial aid, which were mentioned earlier.

There is a requirement in the bill for the Board of Governors to do a study of performance funding. Mr. Maxey believes the BOG will hire an independent company to do this study and look to universities for input. There is some concern that universities may be reaching benchmarks but not receiving funding because they are in the bottom three universities out of the twelve in the State University System.

Ms. Mizereck briefly reviewed other policy issues, including what bills did and did not pass.

VII. Review of the Policy of the Annual Review of the President

Ms. Gina DeJulio stated Dr. Mason advised the next time there is a comprehensive review, a faculty, staff and student survey be administered prior to the consultant coming to campus. Discussion occurred whether the President's comprehensive review should take place every three years or five years. Trustee Featherman asked the Committee to consider the financial cost when determining how often a comprehensive review is performed, and she was in favor of doing every five years.

Ms. DeIulio stated the Board of Governors does not require a three-year comprehensive review; they only require an annual review. The renewal of the president's contract must be approved by the Board of Governors annually after a president's first five years. In the next few years, this Committee should review Dr. Mason's recommendations and consider whether to make changes to this policy.

Trustee Mark Bostick motioned to recommend approval of the current policy to the Board. Trustee Don Wilson seconded the motion. A vote was taken, and the Motion passed unanimously.

VIII. Review of the President's Goals for 2017-2018

President Avent stated his annual goals for 2017-2018 are more general and aspirational instead of detailed and task-oriented as in prior years. These annual goals still align with the current strategic plan.

Discussion occurred on whether the goal of raising \$2 million in new scholarship funding should be increased. Trustee Featherman stated the goal needs to be realistic in light of where the University is in its history. Trustee Bostick suggested not including a dollar amount at all, while Trustee Dur stated the need for a dollar amount in order to measure success. Mr. Aspegren offered to meet with Trustees individually prior to the September Board meeting to review the strategy behind Advancement's budget and fundraising goals. Trustees concurred the amount of \$2 million listed in priority #10 will be left in the goals. Trustee Dur heartily supports priorities #1 and #5.

Trustee Mark Bostick motioned to recommend approval of the President's Goals for 2017-2018 to the Board. Trustee Dick Hallion seconded the motion. A vote was taken, and the Motion passed unanimously.

IX. University President Delegation of Authority

Chair Martin reviewed a request of the Board of Governors asking that all state universities complete an analysis of their institutions' delegations of authority. This is to ensure that there is appropriate oversight of the university by the Board of Trustees.

Chair Martin directed Trustees' attention to item 3.b.i. "Board of Trustees approval for Capital Facilities Contracts." He would like to amend the wording to ensure the Board reviews the actual contract documents for capital projects greater than \$2,000,000. The amended statement would read "For construction projects greater than \$2,000,000, the Board of Trustees must approve the project prior to the execution and will authorize the President to sign the contract." President Avent expressed concern that the dollar amount is very low and this new process will slow project execution down. While Trustees said telephonic meetings could be scheduled in order to approve projects in a timely manner, Chair Martin stated that proper planning by the Procurement staff prior to regularly scheduled Board meetings should eliminate the need for extra telephonic meetings. This year, there is just one project over \$2 million. Last fiscal year, there were four such contracts.

Chair Martin requested to proceed with the amended wording. Ms. DeIulio will draft a resolution to replace the prior resolution and present this updated resolution to the Trustees.

X. Closing Remarks and Adjournment

With no further comments, the Governance Committee meeting adjourned at 9:55 a.m.

AGENDA ITEM: V

**Florida Polytechnic University
Governance Committee
September 13, 2017**

Subject: 2016-2018 Governance Committee Work Plan

Proposed Action

Recommend approval of the revised Governance Committee Work Plan to the Board.

Background Information

At the December 7, 2016 Governance Committee meeting, the committee reviewed and voted to approve the committee work plan. The work plan has been revised to provide a more even distribution of the work at the upcoming meetings.

Supporting Documentation:

Revised Governance Committee Work Plan 2016-2018

Prepared by: Gina DeIulio, VP & General Counsel

Florida Polytechnic University
Governance Committee
Work Plan 2016-2018

¹Pre-March Meeting 2017	March 15, 2017	³May 2017 – conference call	June 7-8, 2017
<ul style="list-style-type: none"> • Discussion of process for President's 360 degree evaluation 	<ul style="list-style-type: none"> • President's delegation of authority discussion 	<ul style="list-style-type: none"> • Discuss consultant's report on President's 360 degree evaluation 	<ul style="list-style-type: none"> • President's proposed goals for 2017-2018 • President's 2016-2017 evaluation outcome and compensation • Revise Board's policy on annual review of the President • Revise evaluation instrument to be used for president's 2017-2018 annual evaluation • BoT Self-evaluation discussion • President's delegation of authority continued discussion
September 13, 2017	December 6, 2017	²March 14, 2018	³May 2018 – conference call
<ul style="list-style-type: none"> • 2018 Government Relations Plan • Review and revise the Florida Polytechnic University Board of Trustees Bylaws • Review and revised BOT resolution: <i>Powers and Duties of the President</i> to conform to BOG guidelines • Revise evaluation instrument to be used for president's 2017-2018 annual evaluation 	<ul style="list-style-type: none"> • BOT Self-evaluation discussion 	<ul style="list-style-type: none"> • Review and revise the Florida Polytechnic University Board of Trustees Bylaws 	<ul style="list-style-type: none"> • Discuss President's self-evaluation and proposed goals
²June 6-7, 2018	²September 12, 2018	²December 5, 2018	
<ul style="list-style-type: none"> • Make recommendations to Board on President's proposed goals for 2017-2018, President's 2016-2017 evaluation outcome and compensation 	<ul style="list-style-type: none"> • 2019 Government Relations Plan 	<ul style="list-style-type: none"> • 	
¹ Meeting will be held if needed ² Tentative until approved by the Board of Trustees ³ Exact date to be determined			

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AGENDA ITEM: VI

**Florida Polytechnic University
Board of Trustees
Governance Committee
September 13, 2017**

Subject: 2018 Government Relations Plan

Proposed Committee Action

Recommend approval of the 2018 Government Relations Plan to the Board of Trustees.

Background Information

Rick Maxey, Government Relations Director will present the 2018 Government Relations Plan.

Supporting Documentation:
Presentation

Prepared by: Rick Maxey, Government Relations Director



FLORIDA POLYTECHNIC
UNIVERSITY

Government Relations 2018 Advocacy Plan

Rick Maxey
Director Government Relations
9/13/17

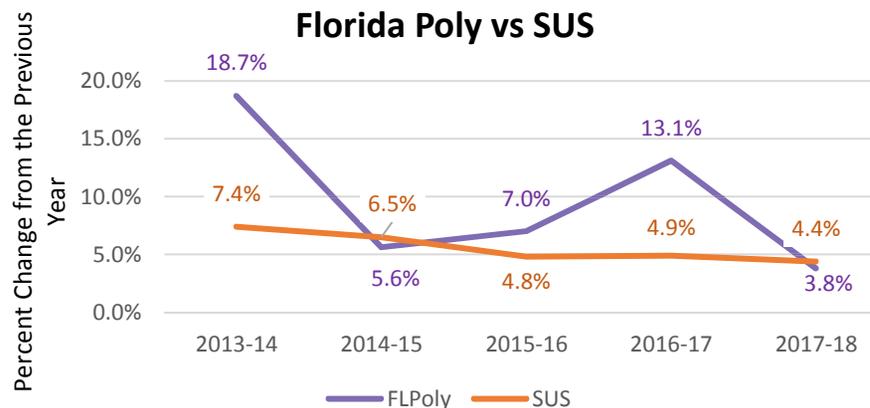


Appropriations History

Florida Poly Appropriations History



Percent Change Florida Poly vs SUS



Over \$300,000,000 has been invested in Florida Poly's development by the State of Florida.



The Environment



- Highly regulated
- Very political
- Frequent leadership changes
- Complicated to navigate
- Intense competition for funds

Success requires an understanding of the role of each and how to communicate our message effectively.



Outline

- Introduction
- **Goals & Strategies**
- **Legislative Process**
- **Congressional Approach**
- **Summary**



Strategic Goals

- Develop strong champions
- Become a state priority
- Create top of the mind identity





2018 Session Goals

- **Applied Research Center**
– \$26,696,763



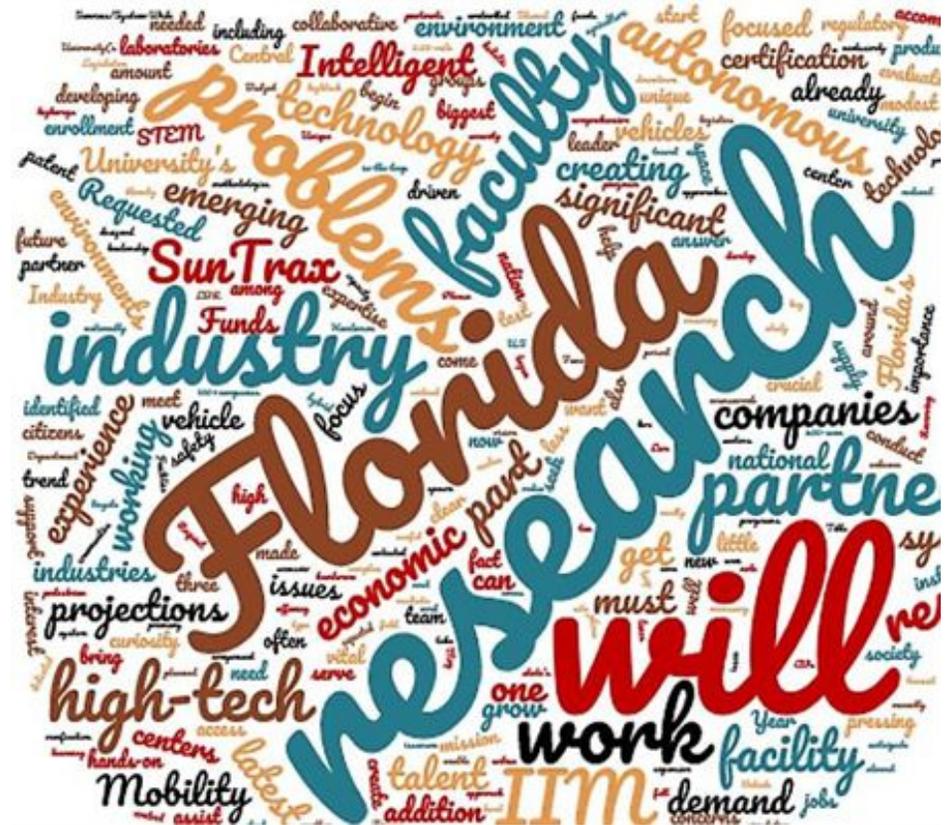
- **Institute for Intelligent Mobility**
– \$20,000,000
- **Technology Education Model Program**
– \$4,500,000
- **Sustainability for Economic Growth**
– \$4,493,400



It Isn't About Florida Poly

It's about...

- High-tech, high-wage jobs
- Keeping talent in Florida
- Moving goods and people
- Sustainable communities
- Florida's economic position in the world





2018 Session Approach

- **Align priorities**
- **Engage advocacy stakeholders**
 - Trustees
 - Foundation members
 - Partners
- **Identify and support champions**
- **Communicate needs clearly**



Activities

- Bring stakeholders to campus
- Make summer visits
- Gain industry support
- Disseminate monthly newsletter
- Host Florida Poly Day
- Participate in events
- Hold appreciation events



UNIVERSITY JOINS TOP RESEARCH LABS WITH NEW EQUIPMENT

Florida Polytechnic University is now home to a collection of analytical instruments typically found in some of the top research labs in the country.

While most of the general public has never heard of an X-ray diffractometer, they've certainly seen its products. A diffractometer uses X-rays to determine the structure of a crystal. It's a test used to study the quality of everything from the microchips in your cell phone to the strength of an airplane's wing. Now,

For students serious about pursuing a career in nanotechnology, Dr. Matyi is also offering internships. This program will train students to become subject matter experts in one of the many analytical functions and capabilities of the SmartLab. Besides providing students with a hands-on experience on an advanced



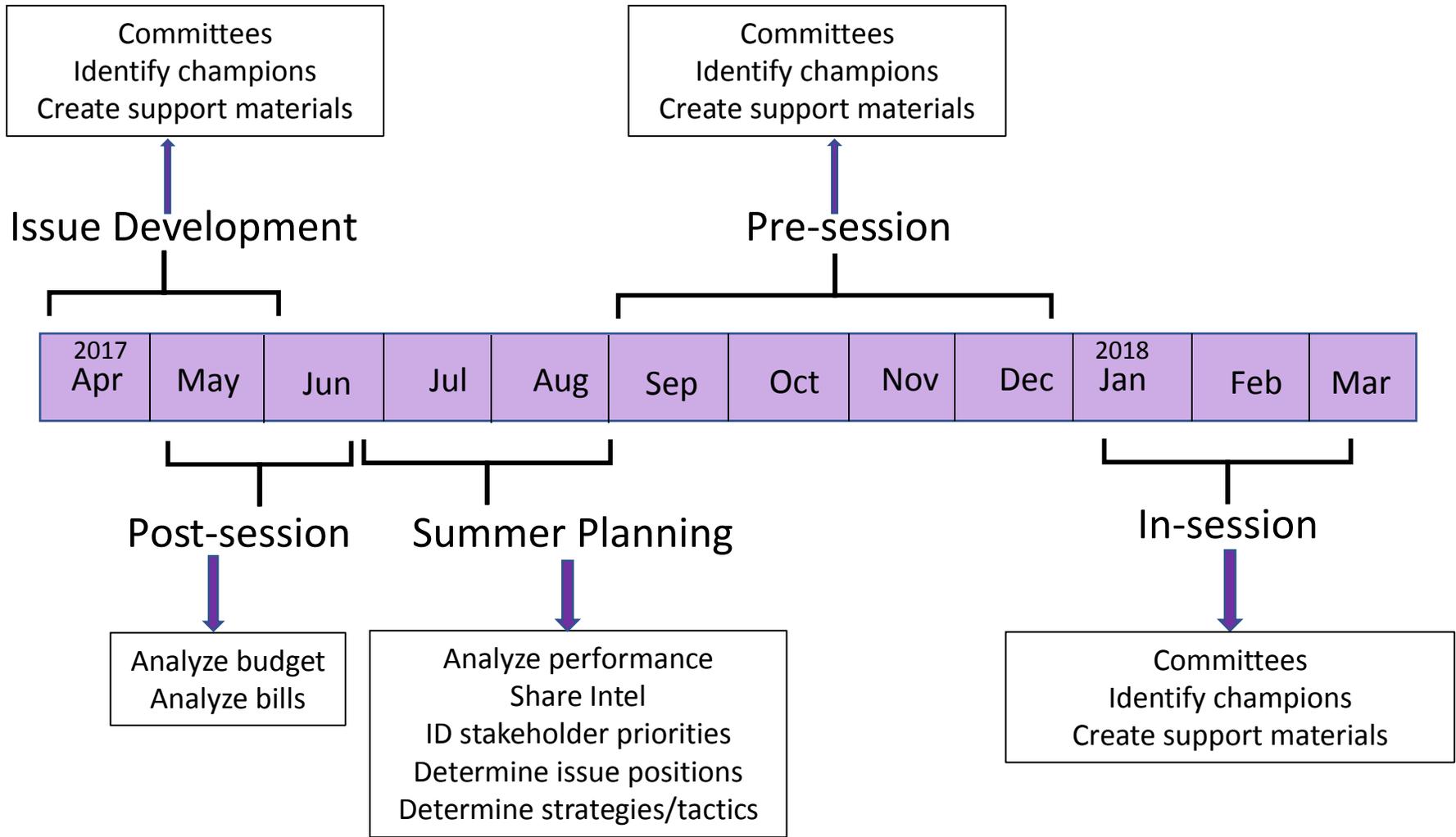


Outline

- Introduction
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2018 Legislative Cycle





Interim Committee Weeks

- **Interim Committee Weeks**
 - **September 12-15, 2017**
 - **October 9-13, 2017**
 - **October 23-27, 2017**
 - **November 6-9, 2017**
 - **November 13-17, 2017**
 - **December 4-8, 2017**
- **Session Dates**
 - **January 9, 2018 - March 9, 2018**





Outline

- Introduction
- Goals & Strategies
- Legislative Process
- **Congressional Approach**
- **Summary**



Congress



- **First session**

January 3rd in odd-numbered years to Jan. 3rd of the following year

- **Second session**

January 3rd in even-numbered years to January 2nd of the following year





Federal Activities

Goals

- Monitor & engage on national issues
- Engage federal agencies
- Create & maintain relationships with key staff

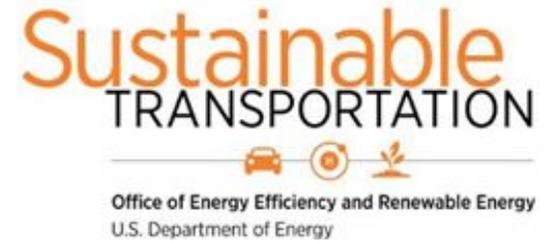
Near Term Activities

- SUS R&D workshop Sept. 26-27, 2017
- Congressional delegation (October 2017 – tentative)

Direct appropriations to universities are rare since earmarks were discontinued.



Federal Agencies



**U.S. Department
of Transportation**





Summary

- Engage key decision makers
- Work with stakeholders
- Focus on benefits to Florida

**Top Priorities: (1) Applied Research Center
(2) Institute for Intelligent Mobility**

AGENDA ITEM: VII

**Florida Polytechnic University
Governance Committee
September 13, 2017**

Subject: BOT Resolution on Powers and Duties of the President

Proposed Action

Recommend approval of Board of Trustees Resolution 2017-003 Powers and Duties of the President and **rescinding of** Board of Trustees Resolution 2014-001 Powers and Duties of the President to the Board.

Background Information

Based on the Board of Governors' Best Practices on delegations of authority, the Governance Committee held discussions related to the delegation of authority to the President at its March 2017 and June 2017 meetings. The proposed resolution was drafted to include all the delegations contained in the BOG document "Delegation Best Practices and Principles" and the delegations previously contained in BOT Resolution 2014-001 that were not addressed in the Best Practices document. In addition, the BOT Chair and Committee made some decisions related to revisions to authority in specific areas (such as contract signature authority in purchasing agreements, leases of real property, construction contracts, profession architectural services contracts, the handling of claims and settlements, and personnel matters involving VPs or executives) and those revisions are reflected in the draft BOT Resolution 2017-003.

Supporting Documentation:

DRAFT Board of Trustees Resolution 2017-003 Powers and Duties of the President
BOG Delegation Best Practices and Principles

Prepared by: Gina DeIulio, VP & General Counsel

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

**Board of Trustees
Resolution 2017-003**

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 rescinds the prior Board of Trustees Resolution 2014-001 and resolves to establish the powers and duties of the President of Florida Polytechnic University as follows:

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 powers and duties, 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 and other forms of insurance, as necessary, 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) To serve as Corporate Secretary of the Board of Trustees, and in the capacity of Secretary, shall give notice of all meetings of the Board of Trustees and its committees, set the agenda for meetings of the Board of Trustees in consultation with the chair, record and maintain the minutes of any Board of Trustee or committee meetings, including a record of all votes cast, in accordance with Florida Statutes section 286.011(2) attest to all documents which have been executed by the Board of Trustees, and act as custodian of the Corporate Seal.
- (p) Consult with the Board of Trustees in a timely manner on any matters appropriate to its policy-making and fiduciary functions and serve as the University's key spokesperson.

(q) Execute all documents on behalf of the University and the Board of Trustees consistent with law, Board of Governors and Board of Trustees resolutions, rules, regulations and policies and the best interests of the University. No such document may purport to limit any Board of Trustees member's individual discretion in discharging the responsibilities of a Trustee.

(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) Recommend to the Board of Trustees the establishment and termination of undergraduate and graduate degree programs.

(c) Develop, approve, and implement non-degree, including non-college credit, granting educational programs of the University.

(d) Award degrees, including posthumous, in memoriam and honorary degrees.

(e) Develop, approve, and enter into agreements for student exchange and study abroad programs and implement such programs, including without limitation those that are ancillary to the degree and non-degree, including non-college credit, granting programs of the University.

(f) Establish the internal academic calendar of the University within general guidelines of the Board of Governors.

(g) Govern admissions.

(h) 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.

- (i) Approve the internal procedures of student government organizations.
- (j) Provide purchasing, contracting and budgetary review process for the student government organizations.
- (k) Approve, if necessary, the establishment of an educational research center for child development in accordance with the provisions of section 1011.48, Florida Statutes.
- (l) Administer all aspects of the University intercollegiate athletics program, if any, 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 serving in a Vice President capacity or other executive direct report position to the President or the Board of Trustees, and the Chief Audit Executive and Chief Compliance Officer. The President shall also consult with the Board Chair on an annual basis to review the positions covered by this provision and amend the list based on the mission and strategic priorities of the University. The General Counsel, Chief Audit Executive and Chief Compliance Officer shall report to the Board of Trustees and the President.
- (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.
- (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 or other electronic 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) To authorize budget transfers from depositories or accounts, and sign checks or otherwise authorize payment of 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 to charge off and settle 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) Ensure that all plans for 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 Board of Governors or Department of Education, as appropriate, and to award contracts subsequent to and consistent with Board of Trustees approval of the scope, timeframes, funding source, and budget of a survey-recommended project. (F.S. section 1013.371).

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

(d) 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.

(e) Approve and execute contracts for the purchase, sale, lease, license or acquisition of commodities, goods, equipment and contractual services, including professional architectural services (Purchasing Agreements) with a contract value up to and including \$500,000 (contract value includes initial term and all potential renewals).

For Purchasing Agreements where the contract value exceeds \$500,000, the Board of Trustees' approval is required prior to executing the Purchasing Agreement. In addition, if there are subsequent amendments to a Purchasing Agreement that would cause the contract value of the agreement to exceed \$500,000, approval by the Finance and Facilities Committee is required prior to executing the amendments.

At each regular Finance and Facilities Committee meeting, the committee will be provided an update on the current Purchasing Agreements (which shall include the vendor's name and expenditures to date for those contracts awarded) with a contract value in excess of \$200,000 as an informational item.

Purchasing Agreements related in scope that are with the same vendor shall be aggregated for the purposes of determining approval authority and reporting requirements.

(f) Approve and execute contracts for the lease, rental, or use of real property (Lease Agreements) for University-related purposes where the University is the lessee/renter/user, provided the term of the Lease Agreement does not exceed 5 years or 25,000 square feet.

For Lease Agreements where the agreement exceeds 5 years or 25,000 square feet, the Board of Trustees' approval is required prior to executing the Lease Agreement. In addition, if there are subsequent amendments to a Lease Agreement that would cause the agreement to exceed 5 years or 25,000 square feet, approval by the Finance and Facilities Committee is required prior to executing the amendments.

(g) The President has authority to approve and execute contracts for leasing University real property to a third party, provided the term of the contract does not exceed 3 years.

For contracts where the term exceeds 3 years, the Board of Trustees' approval is required prior to issuing the competitive solicitation or prior to executing the contract.

(h) Approve and execute contracts for minor construction projects up to \$2,000,000. For construction projects and capital facilities contracts greater than \$2,000,000, the Board of Trustees must approve the project prior to the execution and will authorize the President to sign the contract. In addition, for such construction projects and capital facilities contracts greater than \$2,000,000, the Board of Trustees must approve and authorize the President to sign the contract with the professional architect.

(i) 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 \$100,000. All such approvals shall be for the purpose of expediting the work in progress. The President may approve and execute change orders for an amount exceeding \$100,000 only after consultation with and approval of the chair of the Finance and Facilities Committee, or if the chair has a conflict of interest, the Board Chair's designee. The Board 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.

Change orders exceeding \$100,000 require the approval of the Board of Trustees Finance and Facilities Committee prior to execution.

All change orders shall be reported to the Board of Trustees and entered in to the official minutes as soon as practicable at a regular meeting of the Board.

(j) 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.

(k) 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.

(l) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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. Prior to appointing representatives to the governing boards of direct support organizations or any other affiliated organization of the University, the President shall consult with the chair of the Board, or other trustee designee.

(c) Accept gifts, grants, bequests, and devises on behalf of the university and control the University's fund-raising activities.

(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, defend, 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.

For settlement of claims up to \$300,000, the President may take action. For settlement of claims greater than \$300,000, but less than \$750,000, the President may take action after consultation with the Chair of the Board of Trustees. For claims above \$750,000, the President will consult with and obtain the approval of the Board Chair prior to taking action and will notify the Board Vice Chair.

The President shall notify all trustees about settlements at or above \$300,000.

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

(m) Have vested with the University President or President's designee the powers, duties and authority that is vested with the University; to exercise the authority and duties delegated by the Board of Trustees to the President in accordance with University regulations, policies and conditions contained in the Board of Trustees written delegations of authority, and as required by Board of Governors directives and state and federal law.

(n) 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.

(o) Issue directives and executive orders. Such directives and orders shall not violate existing Board of Trustees policies.

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

(q) If any additional contract or other matter of the University, a direct support organization, or other University affiliated entity, beyond ordinary standards and not covered by specific standards, would be considered material to the University and/or a direct support organization or University affiliated entity, including its resources or reputation, or would generate significant media attention, the President or designee is expected to confer with the chair of the Board and to notify the vice chair of the Board. Also, if any matter is expected to generate significant media attention outside of the ordinary course, the President is expected to notify the full Board of Trustees. The chair of the Board and the President shall collaborate over time to support their mutual understanding of this expectation, recognizing that there are judgments involved for both of them.

Adopted by the Florida Polytechnic University Board of Trustees on September 13, 2017

Signed: _____
Frank T. Martin, Chair

AGENDA ITEM: VIII

**Florida Polytechnic University
Governance Committee
September 13, 2017**

Subject: President's Annual Review Form

Proposed Action

Review President's Annual Review Form for 2017-18 Review and make recommendation to the Board of Trustees.

Background Information

Pursuant to the Board's Policy on Annual Review of the President, the Governance Committee is delegated the responsibility for organizing and conducting the annual review process with the President and making recommendations to the full Board. The Governance Committee previously approved a review form to be sent out to all the trustees so that each trustee could complete the form to provide their feedback on the President's performance.

The review form has been used to conduct two annual reviews and the Governance Committee reviewed the form to see if any changes are warranted. The form has been updated to reflect the President's goals and priorities for 2017-2018 which were approved by the Board in the June 2017 meeting.

Supporting Documentation:

DRAFT President's Annual Review form for 2017-18

Prepared by: Gina DeIulio, General Counsel



PRESIDENT'S ANNUAL REVIEW

Name: _____

Review Period: July 1, 2017 to June 30, 2018

PRODUCE HIGHLY SOUGHT-AFTER GRADUATES

1

Grow admissions outside of Central Florida and increase diversity and academic quality to become a more selective institution.

Exceeds Expectation

Meets Expectation

Below Expectation

Comments:

2

Strengthen the academic program with focus on instructional delivery, rigor, advising and engagement.

Exceeds Expectation

Meets Expectation

Below Expectation

Comments:

3

Provide academic services and learning support to increase retention and 4-year graduation rates.

Exceeds Expectation

Meets Expectation

Below Expectation

Comments:

4

Deliver excellent services and foster a climate of active and engaged student life.

Exceeds Expectation

Meets Expectation

Below Expectation

Comments:

BUILD A HIGH-TECHNOLOGY ECONOMY AROUND FLORIDA POLY

5

Grow the faculty body and research infrastructure to build impactful programs in technologies relevant to the state economy.

Exceeds Expectation

Meets Expectation

Below Expectation

Comments:

6

Enhance industry relationships by expanding both the number and depth of interactions. Refocus industry outreach efforts to deliver more impact and grow stronger bonds through internships, industry -motivated projects and advisory boards.

Exceeds Expectation

Meets Expectation

Below Expectation

Comments:

7

Promote real-world problem solving and leadership skills through competitions, undergraduate research and entrepreneurship opportunities.

Exceeds
Expectation

Meets
Expectation

Below
Expectation

Comments:

INCREASE ACCOUNTABILITY AND GROW PUBLIC SUPPORT FOR THE UNIVERSITY

8

Work to engage all stakeholders in developing a new strategic plan for the University.

Exceeds
Expectation

Meets
Expectation

Below
Expectation

Comments:

9

Further strengthen relationships with community leaders, state legislature, Board of Trustees and Board of Governors to support our objectives.

Exceeds
Expectation

Meets
Expectation

Below
Expectation

Comments:

10 | Develop a sustainable discount rate model for attracting strong students and launch a Development campaign to raise \$2M in new scholarship funding.

Exceeds Expectation | Meets Expectation | Below Expectation

Comments:

11 | Improve the unrestricted net position of the University and improve at least five major institutional processes.

Exceeds Expectation | Meets Expectation | Below Expectation

Comments:

12 | Attract and retain strong faculty and staff by growing wages to become more competitive. Finalize annual reviews, merit pay and promotion policies.

Exceeds Expectation | Meets Expectation | Below Expectation

Comments:

Overall Rating

Exceeds
Expectations

Meets
Expectations

Below
Expectations

Comments:

General Comments

Trustee's Signature: _____ Date: _____