

REGULATIONS MANUAL

CHAPTER 1—General Provisions and Executive Affairs

1-1001 Mission Statement and Goals.

New College of Florida, with a campus in Sarasota County, Florida, serves a distinctive mission as the four-year residential liberal arts honors college of the State of Florida. To maintain this mission, NCF has the following goals:

- (1) To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.
- (2) To engage in undergraduate educational reform by combining educational innovation with educational excellence.
- (3) To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.
- (4) To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.

Originally adopted 9-29-01 as By-Law of the New College of Florida Board of Trustees; amended 11-3-01, 8-24-02, 2-5-05; adopted without revision as Regulation 11-5-05. Renumbered 6-29-10 with approval of new table of contents.

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1-1002 Definitions.

The following words, phrases and abbreviations shall have the indicated meanings throughout the New College of Florida Regulations Manual.

- (1) “BOT” means the New College of Florida Board of Trustees.
- (2) “BOG” means the Florida Board of Governors.
- (3) “NCF” means New College of Florida.
- (4) “NCF employees” are those persons who have been hired by NCF and receive compensation to perform services for NCF and whose work is directed and controlled by NCF. This includes the following classes of employee: General Faculty, Executive Service employees, Administrative and Professional employees, University Support Personnel System employees. The term does not include volunteers or independent contractors.
- (5) “Regulations” are policies or procedures adopted by the BOT in accordance with procedures established by the BOG. Amendment, revision or repeal of a regulation shall constitute a regulation.
- (6) “Select regulations” are regulations that pertain to student tuition and fees, admissions, and articulation. Select regulations require review of the BOG before becoming effective.
- (7) A “substantially affected person” is any natural person with an interest in an NCF regulation that is within the zone of interest protected or regulated who suffers a real and sufficiently immediate injury in fact as a result of the application of a regulation. A substantially affected person shall also mean any association with a majority of natural persons as members satisfying the first sentence of the subsection, as long as the subject matter of the regulation is within the association’s general scope of interest and activity and the relief requested is of the type appropriate for a trade association to receive on behalf of its members.

New 11-5-05. Renumbered 6-29-10 with approval of new table of contents. Revised 9-11-10.

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1-1003 Regulation Development Process. Regulations, other than emergency regulations, shall be adopted as follows.

(1) Notice. Prior to the adoption, amendment or repeal of any regulation, except an emergency regulation, the BOT shall give notice of its intended action. This notice shall be given at least 30 days prior to any proposed BOT adoption or repeal of a regulation. Notice of a proposed regulation, amendment or repeal shall be placed on a clearly marked area on the NCF internet website, and shall include the following:

- (a) Summary of the proposed regulation.
- (b) The full text of the proposed regulation.
- (c) Reference to the authority for the regulation.
- (d) The NCF official initiating adoption of the regulation.
- (e) The procedure for commenting upon the proposed regulation, with the name, electronic address, facsimile number, telephone number, and street address of the regulation contact person who will receive comments.

(2) Comments. Any person may submit written comments concerning a proposed regulation to the contact person identified in the notice within fourteen (14) days after the date of notice on the NCF internet website. In response, the BOT may solicit additional written comments, schedule a public hearing, withdraw or modify the regulation, in whole or in part after notice, or proceed with adopting the regulation.

(3) Adoption. The BOT is responsible for adopting regulations. Regulations, except select regulations, are adopted upon approval by the BOT. The BOT will provide the BOG all regulations adopted by the BOT.

(4) Adoption of Select Regulations. Select regulations adopted by the BOT shall be provided to the BOG for review, and shall not become effective until the BOG has approved them.

(5) Filing.

(a) Place of Filing, Record and Effective Date. When adopted, the regulation shall be filed with the NCF Clerk and posted on the NCF internet website. When a regulation is filed, certification of compliance with this procedure shall be included, along with the record, including all notices, written comments, written summaries of hearings, and responses submitted pursuant to this regulation. The regulation shall become effective on the date of filing unless the regulation provides otherwise.

(b) Accessibility to Regulations. Regulations adopted by the BOT are accessible through the NCF internet website.

(6) Due Process. In implementing regulations that affect the rights of individuals, the BOT will honor established due process principles to ensure that applicable due process rights are afforded to affected individuals.

(7) Monitoring Regulations. The BOT will monitor the effects of new regulations and periodically will review existing regulations to ensure they are current and consistent.

New 11-5-05. Renumbered 6-29-10 with approval of new table of contents. Revised 9-11-10.

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1-1004 Emergency Regulation Adoption Process.

An emergency regulation may be adopted under a procedure which is fair under the circumstances if there is an immediate danger to the public health, safety, or welfare. The action taken must be only that necessary to protect the public interest in the emergency. At the time of, or prior to the BOT adopting an emergency regulation, the BOT shall publish on its internet website the specific facts and reasons for concluding that the procedure is fair under the circumstances. An emergency regulation shall not be effective for a period longer than ninety (90) days. However, the BOT may take identical action under the regular regulation development procedure set forth in NCF Regulation 1-1003.

New 11-5-05. Renumbered 6-29-10 with approval of new table of contents. Revised 9-11-10.

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1-1005 Regulation Challenge Process.

Challenges to regularly adopted regulations, unpromulgated regulations, and emergency regulations shall be initiated and maintained in accordance with this regulation and the BOG Regulation Development Process.

(1) Challenges to Regularly Adopted Regulations. A substantially affected person may seek a determination of the invalidity of an existing NCF regulation any time after the adoption of the regulation. The petition seeking such determination must state with particularity the grounds for alleging that the regulation is an invalid exercise of authority, and a sufficient explanation of the facts showing that the person challenging a regulation is substantially affected by it.

(a) A regulation is an invalid exercise of authority only if one of the following applies:

1. The BOT materially failed to follow regulation development procedures set forth herein;
2. The regulation does not comply with the law or contravenes the policies of the BOG as specified in resolution, regulation, or strategic plan;
3. The regulation vests unbridled discretion in the BOT, or
4. The regulation is arbitrary or capricious.

(b) A petition challenging an NCF regulation shall be filed with the NCF-Clerk. If the filed petition is not of sufficient specificity or does not state sufficient grounds to challenge a regulation, the petition may be dismissed, with or without leave to amend. If the petition is of sufficient specificity and states sufficient grounds to challenge a regulation, the BOT shall assign a hearing officer within fifteen (15) days after receiving the petition; if there are any disputed issues or material facts. The hearing officer shall conduct a hearing within 60 days thereafter unless the petition is withdrawn or a continuance is granted by agreement of the parties for good cause shown. If there are no disputed issues of material fact, the matter shall be referred to the BOT for resolution.

(c) The failure of the BOT to follow the regulation development procedures set forth in this procedure or in the Regulation Development Process adopted by the BOG shall be presumed to be material; however, NCF may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.

(d) Hearings shall be de novo in nature and shall be conducted pursuant to the Model Rules of Procedure, Chapter 28-106, Florida Administrative Code, except if there is any conflict, this procedure controls. The petitioner must demonstrate by clear and convincing evidence that a regulation is invalid. The petitioner shall be adverse to NCF. Other substantially affected persons may join the proceedings as interveners on appropriate terms which shall not unduly delay the proceedings.

(e) Within 30 days after the hearing, the hearing officer shall issue a recommended order directed to the BOT, which shall timely issue a final decision whether all or part of a regulation is invalid. If a regulation is declared invalid in whole or in part notice of the decision shall be given on the NCF internet website.

(2) Challenges to Unpromulgated Regulations. A petition challenging a statement of general applicability to guide the conduct or action of constituents or the public that has not been promulgated as a regulation shall be filed with the NCF Clerk. The petition shall include the text of the statement or a description of the statement and shall state with particularity facts sufficient to show that the statement constitutes a regulation as defined in this procedure and that NCF has not adopted the statement by regulation development procedures adopted by NCF or by the BOG.

(a) Within fifteen (15) days after receipt of the petition, NCF shall assign a hearing officer who shall conduct a hearing in compliance with paragraph (1) (d) and (e) of this regulation within thirty (30) days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties for good cause shown. If a hearing is held and the petitioner proves the allegations of the petition, the BOT shall have the burden of proving that regulation development is not feasible. Regulation development shall be presumed feasible unless:

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1. NCF has not had sufficient time to acquire the knowledge and experience reasonably necessary to address a statement by regulation development; or

2. Related matters are not sufficiently resolved to enable NCF to address a statement by regulation development.

(b) Within thirty (30) days after the hearing, the hearing officer shall issue a recommended order directed to the BOT, which may determine that all or part of a statement should have been promulgated as a regulation under procedures set forth in this regulation. The decision shall be published on the NCF internet website and all reliance on the statement or any substantially similar statement as a basis for action shall be discontinued.

(c) If, prior to a recommended order of a hearing officer, the BOT begins regulation development under this procedure to address the statement, a presumption is created that the BOT is acting expeditiously and in good faith to adopt regulation(s) that address the statement, and reliance upon the statement or any substantially similar statement as a basis for action shall be permitted.

(d) If the BOT fails to approve regulations that address the statement within one hundred and eighty (180) days after publishing notice of proposed regulation(s), for the purposes of the regulation challenge proceeding, a presumption is created that NCF is not acting expeditiously and in good faith to adopt regulation, and the case should proceed to a final hearing.

(3) Challenges to Emergency Regulations. Within seven (7) days after receiving a petition from a substantially affected person challenging an emergency regulation, if the petition complies with the requirements of paragraph (1) of this Regulation, the BOT shall assign a hearing officer. The hearing officer shall conduct a hearing in compliance with paragraph (1) (d) of this regulation within twenty (20) days, unless the petition is withdrawn. Within Ten (10) days of the hearing, the hearing officer shall issue a recommended order directed to the BOT, which shall timely issue a final decision.

(4) Appeals. Final decisions of the BOT may be challenged in a court of law pursuant to certiorari review under Florida Rule of Appellate Procedure 9.030 (b) (2) only after exhausting the available administrative remedies under this procedure.

New 11-5-05. Renumbered 6-29-10 with approval of new table of contents. Revised 9-11-10.

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1-1006 Authority to Sign Contracts.

(1) Authority of the President. The President has the authority to approve and execute all contracts, agreements, letters of understanding, and other documents regarding legal assurances, commitments, and obligations on behalf of the BOT.

(2) Submission to General Counsel. All contracts, agreements, letters of understanding, and other documents regarding legal assurances, commitments, and obligations shall be submitted to the General Counsel for review and approval as to form and legality.

(3) Delegation of Authority. The President may delegate to the Provost and Vice President for Finance and Administration (and their designee(s) in certain circumstances) the authority to sign described contracts and other documents.

(4) Authority Limited to President and Persons Expressly Delegated. NCF employees must not sign any contract, agreement, letter of understanding, or other document regarding legal assurances, commitments, and obligations unless they have been expressly delegated the authority to do so. Employees should contact the General Counsel for information and advice regarding authority to execute documents.

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1-1007 Public Meetings.

NCF is subject to constitutional and statutory requirements to conduct public meetings as open meetings in accordance with section 286.011, Florida Statutes.

(1) Meetings Subject to Requirements. NCF shall conduct the following meetings as open meetings in accordance with section 286.011, Florida Statutes:

(a) All meetings of the BOT, except meetings that are statutorily exempt from the requirements of section 286.011, Florida Statutes.

(b) All meetings of Committees of the BOT, except meetings that are statutorily exempt from the requirements of section 286.011, Florida Statutes.

(c) All meetings of any committee appointed by the BOT or the President that has authority to make recommendations to the BOT or to the President, except meetings that are statutorily exempt from the requirements of section 286.011, Florida Statutes. Committees subject to the requirements include search committees established to make recommendations regarding hiring new personnel, and evaluation or selection committees established to make recommendations regarding purchasing of materials, contracting for goods or services, or selection of consultants.

(d) Any gathering of two or more members of a committee is subject to open meetings requirements if a matter that will foreseeably come before the committee is discussed.

(2) Requirements for Open Meetings. All meetings subject to open meetings requirements as described in Paragraph (1) of this Regulation shall be conducted as follows:

(a) Reasonable Notice. Reasonable notice shall be given of all such meetings. Normally, at least seven (7) days notice should be given for any such meeting. Reasonable notice shall be satisfied by publication of notice on the NCF internet web site, and distribution of the notice to faculty, staff and students of NCF through the NCF electronic mail system. Meetings subject to these requirements shall be notice using Form 12.01.

(b) Open to the Public. All such meetings shall be open to the public, including any person who wishes to attend the meeting at all times.

(c) Minutes. Minutes of all such meetings will be taken, and shall be available for inspection and copying upon request. Minutes of public meetings shall be filed with the NCF Clerk.

(3) Advice Regarding Application of Open Meeting Requirements. Anyone who has questions regarding the application of open meeting requirements should contact the NCF General Counsel for information and advice.

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1-1008 Public Records.

It is the policy of NCF that all public records in the custody of NCF shall be open for inspection by any person, at reasonable times and under reasonable conditions, except records that are statutorily exempt from disclosure or designated as confidential. All custodians of public records shall make public records, except exempt or confidential records, available for inspection and shall furnish copies to anyone upon request. Prepayment of a charge for the cost of duplication and labor may be required where authorized by this regulation.

(1) Definition of Public Records. All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of NCF are public records.

(2) Confidential Records or Records Exempt from Requirements to Produce. Certain records maintained by NCF are exempt from requirements to produce public records. NCF shall carefully analyze any request for public records to ensure that confidentiality is maintained and that no statutory exemption from requirements to produce applies to the requested documents. Documents that are exempt from requirements to produce public records include but are not limited to the following:

- (a) Student records.
- (b) Medical or psychological records.
- (c) Faculty evaluation records.
- (d) Social security numbers.
- (e) Certain information regarding NCF police and mental health workers and their families.
- (f) Certain collective bargaining records.
- (g) Certain Division of Sponsored Programs records.
- (h) Certain Direct Support Organization records.
- (i) Admission application records (in accordance with section 1006.52, Florida Statutes, subject to repeal on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Florida Legislature)
- (j) Evaluations and letters of recommendation related to admissions, employment applications and receipt of honors, for which Right of Access has been waived.

(3) Procedures for Producing and Copying Public Records. When a member of the faculty or staff of NCF receives a request to inspect or copy a public record, he or she must determine whether the requested record is a public record and whether it is confidential or otherwise exempt from requirements to produce. If requested material is a public record that is not confidential or exempt, the faculty or staff member, within a reasonable time, shall:

- (a) Make the record available for inspection under reasonable conditions which may include supervision of the inspection.
- (b) Furnish copies of the records without charge where duplication and labor costs do not exceed \$10.
- (c) Where duplication and labor costs are estimated to exceed \$10, charge the requestor a reasonable fee based on the actual cost of duplication and labor in accordance with the following procedure using the NCF Public Records Charge Document (NCF Form 12.02):

1. Complete items 1-4 of the NCF Public Records Charge Document and ask the public records requestor to sign the estimate.

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2. Duplicate the requested records, then indicate actual costs of duplication and labor and secure the accountable officer's signature on the NCF Public Records Charge Document.

3. Furnish the requested record copies to the requestor when he/she presents evidence of payment in full.

(4) Location of Records. Questions concerning the location of particular records may be referred to the NCF Clerk or the NCF General Counsel.

(5) Advice Regarding Public Records Requirements. Anyone who has questions regarding the application of public records requirements should contact the NCF General Counsel for information and advice.

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1-1009 Student Records.

The policies and procedures outlined in this regulation are designed to implement the provisions of the Family Educational Rights and Privacy Act ("FERPA"; 20 U.S.C. 1232g), and sections 1002.22 and 1006.52, Florida Statutes, pursuant to which NCF is obligated to inform students and parents of their rights to review and inspect education records, to challenge and seek to amend education records, to control disclosure of education records, and to complain to the Family Policy Compliance Office or to Florida Circuit Court concerning alleged violations by NCF of any of such rights. NCF has placed the responsibility for administration of this policy with the NCF Registrar, its FERPA Coordinator.

(1) Definitions. The following definitions of terms apply to the construction of this regulation:

(a) Student—an individual who is or has been registered for an on- or off-campus program for the purpose of the award of academic credit from NCF.

(b) Education records—those records which are maintained by NCF employees/agents of NCF, which contain information directly related to a student. "Record," as used herein, includes any information or data recorded in any medium, including but not limited to handwriting, print, magnetic tapes and disks, film, microfilm, and microfiche. "Agents," as used herein, means any individual who, pursuant to express or implied authorization, represents and acts for NCF. The following types of records are expressly exempt from the definition of "education records":

1. Sole possession records—personal record of NCF employees/agents which meets the following test:

a. It was created by the NCF employee/agent as a personal memory aid; and

b. It is in the sole possession of the NCF employee/agent who created it; and

c. The information contained in it has never been revealed or accessible to any other person, including the student, except the NCF employee's/agent's "temporary substitute." "Temporary substitute," as used herein, means an individual who performs on a temporary basis the duties of the NCF employee/agent.

2. Employment records—records which are used only in relation to an individual's employment by NCF. However, the following are education records rather than employment records:

a. Records relating to a student's employment by NCF if the status as a student is or was a condition of employment.

b. Records relating to a student's employment by NCF if receipt of credit is or was based on his/her performance as an employee.

3. Pre-attendance records—records relating to an individual's application for admission to NCF prior to his/her actual attendance as an enrolled student in the program for which application was made.

4. Alumnae/i records—records created and maintained on an individual as an alumnus/alumna of NCF.

5. Law enforcement records—records created and maintained by the NCF Police Department which are used solely for law enforcement purposes, are maintained apart from education records, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction; provided that, in addition, no member of the NCF Police Department shall have access to education records where this policy authorizes release without the student's prior written consent.

6. Health records—records of NCF's Counseling and Wellness Center which are used only for the provision of medical, psychiatric, or psychological treatment and which are kept separate from education records.

(c) Personal identifier—any data or information that relates a record to an individual. This includes the individual's name, the name of the individual's parents, or other family members, the individual's address, the

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individual's social security number and any other number or symbol which identifies the individual, a list of the individual's personal characteristics, or any other information which would make the individual's identity known and can be used to label a record as the individual's record.

(2) Annual Notification.

(a) NCF will publish annually in the NCF General Catalog a notice of student rights under FERPA and sections 1002.22 and 1006.52, Florida Statutes.

(b) The notice will advise of the following:

1. A student has the right to inspect and review his/her education records.
2. NCF intends to limit the disclosure of information contained in a student's education records to the following circumstances:
 - a. The student has given prior written consent to the disclosure; or
 - b. The disclosure is of directory information which the student has not refused to permit NCF to disclose; or
 - c. The FERPA and Florida Statutes authorize NCF's disclosure of the information without the student's prior written consent.
3. A student has the right to request NCF to amend any part of his/her education record which he/she believes to be inaccurate, misleading, or in violation of his/her privacy or other rights; and, should NCF deny the student's request, that the student has a right to a hearing to present evidence that the record is inaccurate, misleading, or in violation of his/her privacy or other rights.
4. There exists the right to report violations of FERPA to the Family Policy Compliance Office of the U.S. Department of Education, and to bring an action in Florida Circuit Court for violations of section 1002.22, Florida Statutes.
5. The locations where copies of this policy are available to students.

(3) Locations of Education Records.

(a) Pre-attendance admission records are located in the Office of Admissions and Financial Aid, and the custodian for such records is the Dean of Enrollment Services & Information Technology, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.

(b) Cumulative academic records and some pre-attendance admission records are located in the Office of the Registrar and the custodian for such records is the NCF Registrar, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.

(c) Medical records are located in the Counseling and Wellness Center, and the custodian for such records is the Director, Counseling and Wellness Center, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.

(d) Psychological/Psychiatric counseling records are located in the Counseling and Wellness Center, and the custodian for such records is the Director, Counseling and Wellness Center, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.

(e) Student employment records are located in the Office of Human Resources, and the custodian for such records is the Director of Human Resources, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.

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(f) Financial aid records are located in the Office of Admissions and Financial Aid, and the custodian for such records is the Director of Financial Aid, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.

(g) Financial records are located in the NCF Business Office, and the custodian for such records is the College Comptroller, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.

(h) NCF records are located in the Office of the Provost, divisional offices, and in faculty offices. The custodian for such records is the Provost, appropriate divisional chairperson, professor, instructor or lecturer.

(i) Disciplinary records are located in the Office of Student Affairs, and the custodian for such records is the Dean of Students, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.

(j) Occasional records, student education records not encompassed within the above-enumerated categories such as copies of correspondence located in offices not listed above, either shall be collected and the student directed to their location by the FERPA Coordinator, or shall otherwise be made available to the student for inspection and review.

(4) Procedure to Inspect Education Records.

(a) Students who wish to inspect and review their education records should submit a written request to the appropriate record custodian or to the FERPA Coordinator. The request should identify as accurately as possible the specific records the student wishes to inspect and review. It may identify records according to the types listed in subsection (4) of this policy, as records located at specific places, or as records under the custodianship of specific NCF employees/agents identified by title. Records listed in this policy as "occasional records" should be identified in terms which will make it possible for the FERPA Coordinator to locate them and make them available for the student to inspect and review.

(b) The FERPA Coordinator or the record custodian shall either permit the student to immediately inspect and review his/her education records or advise the student when and where the records will be available for inspection and review. Access to education records requested in compliance with this policy shall be granted within a reasonable period of time, but in no case more than thirty (30) calendar days after the FERPA Coordinator or the record custodian receives the student's written request. The FERPA Coordinator or the record custodian or his/her designee shall have the right to be present while the student inspects and reviews the records. Upon reasonable request, NCF shall furnish the student with an explanation or interpretation of his/her record.

(c) Upon reasonable request and demonstration to the FERPA Coordinator that the failure to provide the student with copies of the requested education records will effectively deny the student the right to inspect and review such records, NCF will arrange for the student to obtain copies of such records. In the event that the student has an unpaid financial obligation to NCF, he/she shall not be entitled to transcripts or copies of education records.

(d) When records contain personally identifiable information about more than one student, a student may inspect only that information which relates to him/her.

(e) NCF reserves the right to refuse to permit a student to inspect and review the following education records:

1. The financial records of the parents of the student or any information contained therein.
2. Statements and letters of recommendation prepared by NCF officials or submitted with the student's application for admission which were placed in the student's records before January 1, 1975 or for which the student has waived his/her right of access in writing; provided, however, that if such statements and letters of recommendation have been used for any purpose other than that for which they were originally prepared, the student may inspect and review them.
3. Those records which are excluded from the definition of "education records" under this policy.

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(5) Copies of Education Records.

(a) Fees. NCF will charge the following fees for copies of education records:

1. NCF official transcripts \$10.
2. FERPA required copies of education records—the fee for FERPA required copies of education records shall be ten cents (\$.10) per page, which reflects actual copying costs but does not include the cost of search and retrieval. Copies of education records are required by FERPA under the following circumstances:
 - a. A failure to provide such copies would effectively deny the student the right to inspect and review his/her records; or
 - b. NCF has disclosed information from the student's education records under authority of the student's prior written consent and the student requests a copy of the information disclosed; or
 - c. The student requests copies of records NCF has disclosed to other schools where the student seeks or intends to enroll.
3. Copies (not signed and certified) of education records will be available to students when administratively possible, even though not required by FERPA, at a copying cost of One Dollar (\$1.00) per page plus the actual cost of search, retrieval, and mailing.

(b) When administrative costs of collecting fees exceed the amount which would be received, the FERPA Coordinator shall be authorized to waive such fees.

(c) NCF reserves the right to deny transcripts or copies of records not required by FERPA in any of the following situations:

1. The student has an unpaid financial obligation to NCF.
2. There is an unresolved disciplinary action against the student.
3. There is an unresolved litigation between the student and NCF.

(6) Directory Information.

(a) Designation of directory information. NCF hereby designates the following described personally identifiable information contained in a student's education record as "directory information" in order that NCF may, at its discretion, disclose the information without a student's further prior written consent:

1. The student's name.
2. Date and place of birth.
3. The student's dates of attendance and enrollment status.
4. Date of graduation, degrees and honors awarded.

(b) Student's refusal to permit disclosure of "directory information." NCF will publish in the Schedule of Classes for each academic term the above list, or a revised list, of the items of information it proposes to designate as "directory information." Students must notify the FERPA Coordinator in writing if they refuse to permit NCF to disclose directory information about themselves; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the academic term or the student will be deemed to have waived his/her right of refusal until the next academic term. When the FERPA Coordinator receives a student's refusal to permit NCF to disclose "directory information" about that student, the FERPA Coordinator will notify the appropriate records custodians of the student's action. The records custodians will not make any further

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disclosures of directory information about that student without the student's prior written consent except to the extent authorized by FERPA and the Florida Statutes.

(c) Publication of directory information in the NCF Directory. NCF proposes to publish for each academic year a Campus Directory which will contain certain items of directory information respecting students who are registered during the Fall Semester of such academic year. Students registering during the Fall Semester must notify the Office of the Registrar in writing of their refusal to permit NCF to disclose or publish directory information in the Campus Directory; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the fall semester or the student will be deemed to have waived his/her right of refusal with respect to the Campus Directory until the fall semester of the next academic year.

(d) Requests for directory information. All requests for directory information about students should be referred to the FERPA Coordinator.

(7) Use of Education Records. All custodians of a student's education records and other NCF employees/agents will follow a strict policy that information contained in a student's education record is confidential and may not be disclosed to third parties without the student's prior written consent except as otherwise provided in this section.

(a) College officials shall have access to student education records for legitimate educational purposes.

1. "College official," as used herein, means:

- a. A person currently serving as a member of the BOG.
- b. A person under contract to the BOG/NCF in any faculty or staff position at NCF.
- c. A person employed by the BOG as a temporary substitute for a staff member or faculty member at NCF for the period of his/her performance as a substitute.
- d. A person employed by NCF or the BOG or under contract to the BOG or State of Florida Auditor General's Office to perform a special administrative task for NCF. Such persons may be employed as secretaries, clerks, attorneys, auditors, and consultants. They shall be considered to be College officials for the period of their performance as an employee or contractor.

2. "Legitimate educational purpose," as used herein, means a College official's need to know in order to:

- a. Perform an administrative task outlined in the official's position description or contract; or
- b. Perform a supervisory or instructional task directly related to the student's education; or
- c. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.

(b) Under the following circumstances, College officials may make disclosures of personally identifiable information contained in the student's education records without the student's consent:

1. To another college or university where the student seeks or intends to enroll.
2. To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at NCF supported by federal or state funds.
3. To parties who provide or may provide financial aid to the student in order to:
 - a. Establish the student's eligibility for the financial aid;
 - b. Determine the amount of financial aid;

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- c. Establish the conditions for the receipt of the financial aid; or
 - d. Enforce the terms of the agreement between the provider and the receiver of the financial aid.
4. To state or local officials in compliance with state law adopted prior to November 19, 1974.
 5. To an individual or organization under written agreement or contract with NCF or the BOG for the purpose of conducting a study on the College's behalf for the development of tests, the administration of student aid, or the improvement of instruction.
 6. To accrediting organizations to carry out their accrediting functions.
 7. To parents of a student if the parents claim the student as a dependent under the Internal Revenue Code of 1954. NCF will exercise this option only on the condition that evidence of such dependency is furnished to the Office of the Registrar.
 8. To comply with a lawfully issued subpoena or judicial order of a court of competent jurisdiction. NCF will make a reasonable effort to notify the student before it makes a disclosure under this provision.
 9. The result of a disciplinary proceeding may be released to the victim of the student's crime of violence.
 10. To the Auditor General or the Office of Program Policy Analysis and Government Accountability, as necessary for such agencies to perform their official duties and responsibilities; these agencies shall use and maintain the records in accordance with FERPA (pursuant to section 119.15, Florida Statutes this shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature).
 11. All requests for disclosure under the ten (10) circumstances listed above, where NCF may disclose personally identifiable information without the student's prior consent to third parties other than its own officials, will be referred to the FERPA Coordinator or appropriate records custodian.
- (c) College officials are authorized to make necessary disclosures from student education records, without the student's prior consent in a health or safety emergency if the College official deems:
1. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons; and
 2. The information disclosed is necessary and needed to meet the emergency; and
 3. The persons to whom the information is disclosed are qualified and in a position to deal with the emergency; and
 4. Time is an important and limiting factor in dealing with the emergency.
- (d) College officials may not disclose personally identifiable information contained in a student's education record, except directory information or under the circumstances listed above, except with the student's prior written consent. The written consent must include the following:
1. A specification of the information the student consents to be disclosed;
 2. The person or organization or the class of persons or organizations to whom the disclosure may be made; and
 3. The date of the consent.
- (e) The student may obtain a copy of any records the College discloses pursuant to the student's prior written consent.

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(f) NCF will not release information contained in a student's education records, except directory information, to any third parties except its own officials, unless those third parties agree that they will not redisclose the information without the student's prior written consent.

(8) Records of Requests for Access and Disclosures Made from Education Records.

(a) All requests for disclosures of information contained in a student's education record or for access to the record made by persons other than College officials or the student or those requests accompanied by the student's prior written consent will be submitted to the FERPA Coordinator or appropriate records custodian. The FERPA Coordinator or appropriate records custodian will approve or disapprove all such requests for access and disclosures and, except for requests for directory information, he/she will maintain a record of these actions.

(b) This record of requests/disclosures shall include the following information:

1. The name of the person or agency that made the request.
2. The interest the person or agency had in the information.
3. The date the person or agency made the request.
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

(c) NCF will maintain this record of requests/disclosures as long as it maintains the student's education record.

(9) Procedures to Request Amendment of and Challenge Education Records.

(a) Students have the right to, in accordance with this policy, request amendment of and challenge the content of their education records.

(b) Definitions.

1. The term "incorrect" is used herein to describe a record that is inaccurate, misleading, or in violation of the privacy or other rights of students. A record is not "incorrect," for purposes of this policy, where the requestor wishes to challenge the evaluation an instructor assigns for a course.
2. The term "requestor" is used herein to describe a student or former student who is requesting NCF to amend a record.

(c) Students who believe that their education records contain information which is incorrect should informally discuss the problem with the record custodian. If the record custodian finds the information is incorrect because of an obvious error, and it is a simple matter to amend it to the satisfaction of the requestor, the record custodian may make the amendment.

(d) If the record custodian cannot amend the record to the requestor's satisfaction or if the record does not appear to be obviously incorrect, the record custodian will:

1. Provide the requestor a copy of the questioned record at no cost; and
2. Ask the requestor to initiate and provide the record custodian a written request for the amendment; such written request must identify the information which the requestor believes is incorrect, must state why such information is incorrect, and must be dated and signed by the requestor.

(e) The FERPA Coordinator will examine each written request for amendment of education records, together with the written explanation of refusal to amend the record to the requestor's satisfaction. The FERPA Coordinator will discuss the request with appropriate College officials, including the person who initiated the record, the general counsel, and other persons who might have an interest in the questioned record. At the

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conclusion of this investigation, the FERPA Coordinator will summarize his/her findings, make a recommendation for the College's action, and deliver the request, the written explanation, his/her summary of findings, and his/her recommendation to the President.

(f) The President will instruct the FERPA Coordinator whether the record should or should not be amended in accordance with the request. If the President's decision is to amend the record, the FERPA Coordinator will advise the record custodian to make the amendment. The record custodian will advise the requestor in writing when he/she has amended the record and invite the requestor to inspect the record.

(g) If the President's decision is that the record is correct and should not be amended, the FERPA Coordinator will prepare and send the requestor a letter stating the decision. This letter will also inform the requestor that the requestor has a right to a hearing pursuant to section 120.57, Florida Statutes to challenge NCF's decision not to amend.

(h) In the event the education records are not amended to the requestor's satisfaction, the requestor shall have the right to place with the education records a written statement explaining, commenting upon, or disagreeing with information contained in the education records. This statement shall be maintained as part of the student's education record for as long as NCF maintains the questioned part of the record. Whenever the questioned part of the record is disclosed, the student's written statement shall also be disclosed.

(10) Right of Waiver of Access. NCF may request a waiver of access to evaluations and letters of recommendation related to admissions, employment applications and receipt of honors. While such a waiver may be requested, requests for waivers do not constitute a pre-condition for admission, financial aid, or any services or benefits. Upon request, students who have waived access to such items can receive a listing of all individuals providing confidential recommendations or evaluations.

Originally adopted effective 12-24-03 as Rule 6C11-2.001, revised and adopted as Regulation 11-5-05. Renumbered 6-29-10 with approval of new table of contents. Revised 9-11-10.

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1-1010 Records Retention and Destruction, Including Email and Electronic Documents.

(1) The College shall follow retention schedules established by the Department of State and intended for use by state, county, city, and special district public records custodians. The following General Records Schedules provide guidance on the most common types of College records:

(a) [GS1-SL State and Local Government Agencies](#) provides retention periods for the most common administrative records such as routine correspondence and personnel, payroll, financial, and legal records.

(b) [GS5 Universities and Community Colleges](#) focuses on records specific to higher education institutions.

Certain other General Records Schedules are applicable to program records of specific functional areas such as law enforcement, medical providers, and public libraries, each of which has unique program responsibilities and thus unique records retention requirements. Certain provisions in these select schedules may be applicable to the College as well.

(c) [GS2 Law Enforcement, Correctional Facilities, and District Medical Examiners](#)

(d) [GS4 Public Hospitals, Health Care Facilities and Medical Providers](#)

(e) [GS15 Public Libraries](#)

(2) Email and Electronic Documents: All of the documents defined above can be in an electronic format such as email. Florida's public records law offers a challenge to the use of email because often email is exceptionally informal and efficient. Official email, whether public or transitory, may only be deleted after it has been retained for the correct period of time as determined by this regulation. It is the responsibility of the originator (sender/creator), whether it is a person, department or division within the College to retain email documents in accordance with this regulation. Any and all doubts as to whether to retain or delete an email or electronic record should be resolved in favor of retention of the record in accordance with the General Records Schedules.

(a) Transitory Messages. Transitory messages are created primarily for informal or short-lived communication, as opposed to public records, which perpetuate or formalize knowledge. Transitory messages do not set policy, establish guidelines or procedures certify a transaction, serve as a receipt, or the like. The informal, time-limited nature of transitory messages can be compared to communications during a telephone conversation or in an office hallway. Transitory messages generally include, but are not limited to voice mail, self-sticking notes, and email messages with short-lived or no administrative value that do not perpetuate, communicate, or formalize knowledge relating to the official business of the College.

(b) Copy of Record. By generally accepted practice, the sender's copy of a document is designated as the copy of record. It is this copy to which record retention requirements apply. All other copies are regarded as duplicates and they can be disposed of when they have lost administrative value. However, email messages received from outside agencies or from the public are regarded as copies of record; and if their content qualifies them as public records, they must be retained. Retention schedules are based on a record's information content, not its format. Retention of most email records falls within the following two categories:

1. Retain until Obsolete, Superseded, or Administrative Value is Lost: This means that the records only have to be retained until they have served their administrative purpose. Examples of such records would be as follows:

a. Transitory Messages as defined above.

b. Routine announcements and information, including notices of seminars or workshops, queries regarding processes or ideas, and general information regarding programs.

c. Reference files that are general information files used in daily functions of the administrative area.

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d. Meeting notices, statistical records, reading files, and recipient' inter-departmental memoranda.

Rule 1B-24.003(9)(d)6 of the Florida Administrative Code allows state agencies to dispose of all records with a retention value of “retain until obsolete, superseded, or administrative value is lost” without having to fill out a records disposition request. Both duplicates and master copies of records with this retention period may be disposed of by each department when, in the judgment of the department, they are obsolete, superseded, or have lost their administrative value. In applying this rule, any email messages created or received that fall under this retention period may be deleted at the user’s discretion, under the above standards.

2. Email messages that have a longer retention period based on their content, must be retained for the appropriate time period according to content.

(b) Related Policies: *4-5012 Network Storage Use Policy, 4-5015 Email and Google Account Policy and 4-5013 Personal Files*

Authority: State of Florida, “General Records Schedule GS5 for Universities and Community Colleges,” June 2002 (GS5); and “General Records Schedule GS1-SL for State and Local Government Agencies,” November 1, 2006 (GS1-SL).

History: Newly adopted Regulation on February 20, 2010. Revised 9-11-10, 6-15-13.

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1-1011 NCF Publications. UNDER REVIEW

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1-1012 Independent Student Publications.

- (1) Purpose and Intent. The intent of this regulation is to establish clear responsibility for any publications produced solely by the students of NCF.
- (2) Declaration. NCF assumes no responsibility for any publications produced solely by the students of NCF.
- (3) Definition. The term “publications” includes, but is not limited to brochures, pamphlets, newsletters, magazines, flyers, student websites, student radio station, and other similar printed, on-line, and on-air publications.
- (4) Disclaimer. Students who produce such publications do so independently without direction from or supervision by the faculty and/or staff of NCF. NCF is not responsible for independent student publications.

Originally adopted effective 9-29-04 as Rule 6C11-6.003, revised and adopted as Regulation 11-5-05. Renumbered 6-29-10 with approval of the table of contents.

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1-1013 Use of College Name and Symbols.

(1) Purpose and Intent. In order to promote goodwill in the business community and increase the visibility of NCF, the BOT will generally grant revocable, renewable licenses which enable third party entities to use the NCF name and symbols for approved commercial, promotional and product purposes.

(a) The BOT does not permit the use of the NCF name or symbols in commercial or other advertising or promotional materials where such use implies endorsement of the advertiser or product or service unless approved by the BOT.

(b) All requests for the commercial use of the NCF name or symbols should be referred to the President or his/her designee. All requests from non-NCF third parties for non-commercial use of the NCF name or symbols should be referred to the President or his/her designee. Organizational units of NCF, registered student organizations and official NCF faculty and staff groups do not require permission to use the NCF name and symbols for non-commercial purposes.

(2) Procedures.

(a) Persons interested in acquiring a license to use the NCF name or symbols for commercial purposes must apply to the BOT through the President or his/her designee. Applicants shall state with particularity the symbols they wish to use and the use they wish to make of the symbols. If the symbols are to be placed on a product, a copy, example or detailed description of the product should accompany the application.

(b) If the President or his/her designee determines the requested use is permissible, an agreement outlining the terms and conditions of the license will be forwarded to the requestor. Before the license is issued, the requestor must sign and return a copy of the agreement indicating agreement with its terms to the President or his/her designee. All licenses shall expire and are renewable in accordance with the terms of the agreement.

(c) Persons interested in acquiring a license to use the NCF name or symbols for non-commercial purposes must apply to the BOT through the President or his/her designee. Applicants shall state with particularity the symbols they wish to use and the use they wish to make of the symbols. If the symbols are to be placed on a product, a copy, example or detailed description of the product should accompany the application. If the BOT determines the requested use is permissible, a letter outlining the terms and conditions of the license will be forwarded to the requestor. Before the license is issued, the requestor must sign and return a copy of the letter indicating agreement with its terms to the President or his/her designee.

(d) All such licenses shall expire and are renewable in accordance with the terms of the letter of agreement.

Originally adopted 4-27-02 as NCF Policy 0-201, revised and adopted as Regulation 11-5-05. Renumbered 6-29-10 with approval of the table of contents. Revised 9-11-10.

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1-1014 Naming of Buildings or Facilities

NCF may recognize the significance of events, individuals, or groups by naming NCF buildings, facilities and campus open space areas or parts thereof, including lobbies, courtyards, plazas, offices, classrooms, laboratories, auditoriums or other parts of buildings, facilities, or campus open space areas in honor of the event, individual, or group in accordance with the criteria and procedures set forth in this regulation. The naming of any building, facility or campus open space area must be approved by the BOT as a noticed, non-consent agenda item. The naming of any part of a building, facility or campus open space area is hereby delegated to the New College Foundation, Inc. to the extent provided hereafter. The President, or his designee, in consultation with the Chair of the BOT and the president of the New College Foundation, Inc. has authority and responsibility for the administration of this regulation as provided hereafter..

(1) Criteria.

(a) Buildings, facilities and campus open space areas and/or parts thereof may be named for an event, group or individual or individuals, living or deceased, who are not NCF employees, but has or have distinguished itself, or themselves through significant contributions to NCF. These contributions may be in the form of material gifts, special service, extraordinary achievement in a scholarly discipline, or magnanimous dedication to the betterment of NCF or society.

In accordance with s. 267.062, Florida Statutes, an NCF building , facility, campus open space area, or part thereof may not be named for any living person except as specifically provided by law and BOG regulation. The honorary naming of buildings, facilities and campus open space areas or parts thereof is not allowed for an active State University System member, including staff, faculty, students, or trustees unless an exception is approved by the BOT and BOG.

(b) NCF buildings, facilities, campus open space areas or parts thereof shall not typically be named for current or former NCF employees, living or deceased, subject to the following exceptions

1. In special and limited cases, the BOT may decide that the contributions of a current or former NCF employee, living or deceased, were of such extraordinary dimensions that appropriate recognition would include naming of a building, facility, campus open space area or part thereof for that individual. Exceptions from (1) (b) also require approval from the BOG in the case of the honorary naming of a building, facility or campus open space areas after a current NCF employee.

(c) Non-gift related naming should be reserved for individuals who have made significant contributions to NCF or to the State of Florida or to the fields of education, government, science or human betterment and who are of recognized accomplishment and character.

(d) Buildings or facilities may be named for a donor or donors to NCF in accordance with the following guidelines:

1. A building or facility may be named for a donor who makes a significant gift toward the total cost or value of the building or facility; or

2. Donors may establish endowments to provide for the perpetual maintenance of existing buildings, facilities or campus open space areas. Naming opportunities for the recognition of such gifts are subject to approval by the BOT and, where applicable, the BOG. Information regarding such naming opportunities is available from the President or the New College Foundation.

(2) Procedures.

(a) Nominations for the naming of buildings, facilities or campus open space areas shall be made in writing to the President, or his/her designee, who, in consultation with the Chair of the BOT, Provost and the president of the New College Foundation, Inc., shall provide a recommendation to the BOT for consideration. Subject to the provisions of (2)(b), each nomination shall be acknowledged and acted upon by the BOT.

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(b) The BOT has final authority to approve the naming of buildings and facilities on behalf of the College. Except where the final authority to name a part of building, facility or campus open space area is otherwise vested by law or regulation in the BOT and/or BOG, the New College Foundation, Inc. is hereby delegated the authority to name parts of a building or facility or campus open space areas pursuant to a list of naming opportunities that has been pre-approved by the BOT. The president of the New College Foundation shall develop and periodically update the list and associated recommended contribution levels in consultation with the President and the Chair of the BOT.

The President, or his designee, shall review all nominations and proposed gifts, and, after consulting with the Chair of the BOT and president of the New College Foundation, may reject a nomination or proposed gift if it is determined that acceptance of such nomination or proposed gift by NCF would not be in the best interests of NCF or the State University System.

(3) Recognition. If the naming of a building, facility or campus open space area or part thereof is approved by the BOT as provided hereunder, the President or his/her designee or the New College Foundation shall coordinate appropriate recognition activities and events.

Originally adopted 4-27-02 as NCF Policy 0-202, revised and adopted as Regulation 11-5-05. Renumbered 6-29-10 with approval of revised table of contents. Revised in response to BOG Regulation 9.005 on 9-11-10, amended 11-4-11.

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1-1015 Inventions and Works.

This Regulation recognizes and promotes the creativity of employees. It serves to reflect on the contributions of the creators of inventions and works and the contributions of NCF in determining the rights of ownership and use, and the distribution of equity interests related to applicable intellectual property.

(1) Definitions. For the purpose of this regulation, the following definitions shall apply.

(a) The term “applicable intellectual property” is defined as any invention, creation, process, innovation, discovery, improvement, electronic or digital system for information transfer, software, writing, trademark, or drawing, the rights to use of which can be protected by Florida or United States law or treaty.

(b) The term “applicable intellectual property” is further defined as that which has not been developed through the independent efforts of its creator(s). Excluded from the definition of “applicable intellectual property” are works for which the intended purpose is to disseminate the results of academic research or scholarly study or of artistic creativity (such as books, articles, electronic media, pictorial, graphic, or sculptural works, and musical compositions) and institutional works covered by written contract. Also excluded from the definition of “applicable intellectual property” are textbooks and ancillary materials, where textbooks are defined as books that present educational subject matter intended for use in academic instruction, and ancillary materials are defined as materials that normally accompany academic texts including software or online information, exercises, demonstrations, or illustrations that are used by students or instructors to supplement the text, as well as sample test questions or test banks, sample syllabi, lesson plans, and class activities.

(c) The term “creator(s)” is defined as faculty, staff, and other persons employed by NCF, whether full-time or part-time, visiting faculty or researchers.

(d) Independent Efforts. A work or invention made in the course of independent efforts is the property of the employee, who has the right to determine the disposition of such work and the revenue derived from such work. As used in this Section, the term "independent efforts" means that:

1. The ideas came from the employee;
2. The work or invention was not made with the use of NCF support; and
3. For works, NCF is not held responsible for any opinions expressed in the work.

(3) Exercise of Rights by NCF. NCF shall not execute any rights in anything other than that which meets the definition of applicable intellectual property or that in which it has written contractual rights to do so.

(4) Funding through Grants. Where development of applicable intellectual property has been funded in part or whole through funds that NCF played a role in obtaining, the contract, grant, scholarship, or award involved shall determine the legal intellectual property rights therein and the distribution of any proceeds flowing from the development. If such matters are not covered entirely in writing by the contract, grant, scholarship, or award, the language of this regulation shall apply to the extent such matters are not covered.

(5) Development of Contract.

(a) A written contract between NCF and the creator(s) shall be developed in accordance with the standards and guidelines set forth in this regulation, prior to the disposition of any of the net revenue from any applicable intellectual property or the division of any equity interests therein.

1. The contract shall cover the entire time period for which the rights to the use of the applicable intellectual property may be legally protected, as well as the proportionate division of equity interests in the applicable intellectual property or the proportionate distribution of the net revenue from the applicable intellectual property in lieu of division of the equity interests.

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2. “Net revenue” is defined as that remaining after deducting all direct NCF expenses incurred in developing, obtaining protection for, and licensing, applicable intellectual property.
3. In the absence of a written agreement to the contrary, multiple creators shall receive equal portions of the creator(s)’ share of net revenue under contract.
4. If the contract provides that NCF retains the entire equity interest in the applicable intellectual property, any proceeds from the sale of such equity interest shall be shared in the same proportion as the disposition of net revenue provided by the contract.
5. The provisions of the contract shall be the only provisions subject to interest arbitration under the grievance and arbitration procedures set forth in any collective bargaining agreement or regulations of NCF.

(b) Guidelines.

1. The development of a work of intellectual property of a seemingly patentable or (if applicable, copyrightable) nature should be reported fully and in writing to the President. Within 60 days after such disclosure, the President will inform the creator(s) whether NCF seeks an interest in the work.
2. NCF and the creator(s) will develop an agreement for the shared development and protection of the work and the allocation of any net income.
 - a. Creator(s) as used in these guidelines shall include creator(s)’ heirs, successors, and assigns.
 - b. The agreement may apportion equity interests between creator(s) and NCF, or may distribute net revenues in accordance with an agreed formula, with NCF retaining ownership of the entire equity interest, in which case NCF shall have no fiduciary duties, and shall not act as a fiduciary with regard to the creator(s) interests.
3. If no agreement is reached within 60 days of the President’s notification to the creator(s) that NCF seeks an equity interest in a work, and if NCF and the creator(s) do not agree in writing to extend the negotiating period, equity interests and revenue will be apportioned with 50% assigned to the creator(s), and the remaining 50% assigned to NCF.
4. Until such an agreement is reached or interests are divided per these guidelines, creator(s) shall not have the right to enter into any licensing agreement or assignment of the applicable intellectual property without the written consent of NCF.
5. The proceeds received by NCF shall be used to support research and development activities, and technology transfer activities.

(6) Limitation of Rights. NCF shall not make a condition of employment the signing of any agreement that limits an employee’s rights in the employee’s works beyond the limitations imposed by this Regulation.

Specific Authority section 1001.74 Florida Statutes. Law Implemented 1001.74(19) Florida Statutes.

New rule approved on 1-28-04 as 6C11-8.011. Approved as regulation 1-29-08. Renumbered 6-29-10 with approval of new table of contents. Revised 9-11-10.

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1-1016 ADA.

NCF complies with the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, and all other Federal and State laws and regulations prohibiting discrimination on the basis of disability or handicap. In order to comply with section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, NCF strives to afford people with disabilities equal opportunity and full participation in all aspects of college life. To that end, it is the policy of NCF to provide equal employment and admission opportunity for, and to make reasonable accommodation to employ and admit the disabled, and assist disabled students in independent living and self-sufficiency as required by law.

(1) Unlawful discrimination based on disability is unacceptable conduct that will not be tolerated at NCF.

(2) The President or his or her designee is responsible for coordinating compliance with these policies.

(3) Public Accommodations. Sponsors of programs and events, such as campus cinemas, lectures and speakers, must advise potential attendees who may require reasonable accommodation to participate that such accommodation must be requested of the program sponsor at least five (5) working days prior to the event. Normally, the accommodation will be provided and funded by the program sponsor; however, requests for assistance and questions may be directed to Student Disability Services. Final decisions on public accommodations issues will be made by the Vice President for Finance and Administration.

(4) Employees.

(a) Application.

1. NCF may consider the skills, knowledge and/or experience of an applicant with a disability as attributes which could contribute to the diversity goals of NCF.

2 Applicants are entitled to request reasonable accommodation in the application process, e.g., alternative application format or assistance in completion of the application, at least five (5) working days prior to time accommodation needed.

3. NCF may make pre-employment inquiry as to an applicant's ability to perform essential job functions with or without reasonable accommodation and invite an applicant to give five (5) working days notice of any reasonable accommodation needed during the recruitment/hiring process. Otherwise, NCF not make pre-employment inquiry as to disability. Medical/Disability records are kept separate in Human Resources/Employee Relations files.

4. Pre-employment physical exams may be required for those positions for which there is a bona fide job related physical requirement, however, if such exams will be required of persons with a disability then those exams must also be given to all persons seeking the position after conditional job offers are made.

(b) Employment.

1. NCF will not unlawfully discriminate against its employees on the basis of disability and will provide accessibility and reasonable accommodation to its employees with regard to any aspect of employment including fringe benefits, training, conferences, professional meetings and recreational/social activities sponsored by NCF. To request a reasonable accommodation under the Americans with Disabilities Act (ADA), an employee of NCF must:

a. Submit a written request outlining the requested accommodation(s) to his/her immediate supervisor. Provide a copy of the request to appropriate Human Resources staff.

b. Attach documentation to the written request, including diagnosis of a disability, from the employee's primary health care practitioner. "Primary health care practitioner" is defined as a medical doctor, psychiatrist, or licensed psychologist.

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2. The employee's supervisor will provide the appropriate Human Resources staff with:
 - a. A copy of the employee's position description which enumerates the essential and marginal functions of the job. Should the supervisor need assistance in determining the essential functions of the position, the supervisor may consult with the appropriate Human Resources staff.
 - b. A brief statement outlining the potential impact of the requested accommodation upon the department.
3. In consultation with the supervisor, the appropriate Human Resources staff will:
 - a. Determine and, if appropriate, offer an appropriate and reasonable accommodation to the employee and direct supervisor via memorandum.
 - b. Assign an "Accommodation Request Number" (ARN) for internal processing.
4. NCF employees scheduled for either domestic or international travel and who are requesting an ADA reasonable accommodation for such should submit their request a minimum of five (5) working days in advance of the scheduled travel.
5. The responsibility for funding the cost of a reasonable accommodation rests with the employee's department. Should a department demonstrate that funds do not exist, the department supervisor should then refer a request for co-funding to the next highest administrative level. Final decisions on employee disability issues for will be made by the Vice President for Finance and Administration.

(5) Students

(a) Applications

1. Disability Accommodation. To protect the individual's legal rights, Admissions will not make any pre-admission inquiries or documentation requests in regard to a disability unless the student appeals a denial of admission.
2. An individual with a documented disability may wish to be considered for admission on the basis of a reasonable substitution for an admissions requirement so long as the substitution does not alter the fundamental nature of the requirement (section 1007.264, Florida Statutes and section 1007.265, Florida Statutes). In the case of applicants with disabilities, NCF will grant reasonable substitution or modification of any admission requirement pursuant to Board of Governors Regulation 6.018, where NCF's Student Disabilities Services coordinator reviews the documentation submitted by the applicant and assesses that the failure of the applicant to meet the requirement is due to his or her disability, and the Dean of Enrollment Services & Information Technology determines that substitution or modification does not constitute a fundamental alteration of NCF's academic program. The applicant should submit evidence that any unmet requirement is due to his or her disability, and would not constitute a fundamental alteration of NCF's academic program.
3. The applicant may appeal the decision regarding substitution or modification to the President. The President's decision on appeal shall constitute NCF's final decision.

(b) Academic and Student Affairs Accommodations

1. Student Disability Services (SDS) in the Counseling and Wellness Center, 5800 Bay Shore Road, Sarasota, Florida, arranges accommodations for, determines the disability status of, and, in conjunction with staff and faculty, identifies success strategies for disabled students.

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2. Success strategies and accommodations include but are not limited to, extended time on examinations, alternate formats for printed materials, and the services of interpreters.
3. Student Disability Services can be reached through the Counseling and Wellness Center at 941-487-4254.
4. Students with disabilities are invited to identify themselves as having a disability and are responsible for registering with SDS by providing appropriate documentation of their disabilities. Information received by SDS is confidential.
5. Once a student is approved for services, he or she will be provided with ways to access accommodations.
 - a. An informational letter will be prepared for each of the student's professors.
 - b. The student is then responsible for following up with the faculty.
 - c. Faculty cooperation is vital to institutional compliance with the Americans with Disabilities Act of 1990.

(6) Miscellaneous.

- (a) Confidential documentation prepared in connection with requests for accommodation will be maintained apart from other personnel, student or other records.
- (b) NCF may request any person seeking accommodation to provide documentation of a specific and generally recognized physical or mental impairment that shows that the specific modification being requested is appropriate and necessary for the diagnosed disability.
- (c) The General Counsel is available to assist with questions concerning ADA and the law and should be notified in the event an accommodation requestor retains a lawyer or otherwise makes claims in an external legal or administrative forum.

Approved as Policy 0-004 on 4-7-02. Renumbered 6-29-10 with approval of table of contents. Revised 9-11-10.

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1-1017 Substantive Change.

(1) Purpose: The purpose of this regulation is to establish the requirements, procedures, and processes necessary to ensure timely coordination and notification of substantive changes involving New College of Florida to the college's regional accrediting body, the Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC).

(2) Policy Statement: New College of Florida maintains compliance with the Southern Association of Colleges and Schools Commission on Colleges policy, *Substantive Change for Accredited Institutions of the Commission on Colleges*, through the appropriate and timely reporting on areas of substantive change. If a substantive change is discovered to have been implemented without proper notification to the SACS accreditation liaison, the Provost has the responsibility to notify the SACS accreditation liaison immediately. The SACS accreditation liaison is then responsible for notifying SACSCOC of the change as provided in the latest version of the SACSCOC substantive change policy.

(3) Definition of substantive change: A significant modification or expansion of the nature and scope of a SACS-COC accredited institution.

(4) Scope: This regulation applies to all college officers who can initiate, modify, review, approve, and allocate resources to any changes, including those to academic and non-academic programs and activities that may be considered a substantive change according to the most recent revision of the SACSCOC *Policy for Substantive Changes for Accredited Institutions*.

(5) Procedure:

(a) Each individual, position, or entity within the scope of this regulation is required to be familiar and comply with this regulation and must inform the Provost of proposals that may result in a substantive change for the college at the earliest possible stage of consideration of such proposals.

(b) At the earliest stage of consideration and at least two months before the timeframe specified in Appendix I, any potential change or action that could be deemed substantive must be submitted in writing to the SACS liaison and Provost. This notification must include, at a minimum:

1. Title of the proposed change;
2. A brief description of the change including potential impact on students, faculty, location, scope and means of instruction
3. The name and position of the responsible individual who will act as contact;
4. A tentative timeline for approval; and
5. The earliest date possible for implementation.

(c) The Provost will present the potential change or action to the President for review and consideration. When all internal reviews and approvals have been obtained, the SACS liaison, at the direction of the President, will send SACSCOC written notification of the proposed change. Depending on the type of change and subsequent instructions from SACSCOC, the College may be required to submit a Substantive Change Prospectus and/or and Application for approval. If SACSCOC approval is required, the program or change cannot commence until such approval is attained. Formal approval is also required by the New College of Florida Board of Trustees and the Florida Board of Governors.

(d) Substantive changes require one of three procedures, as established by SACSCOC (see Appendix I)

1. Procedure One – SACSCOC procedure associated with a substantive change that requires

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SACSCOC notification and approval prior to implementation. Changes under Procedure One require notification, a prospectus or application, and may involve an on-site visit.

2. Procedure Two – SACSCOC procedure associated with substantive change that requires only SACSCOC notification prior to implementation.
3. Procedure Three – SACSCOC procedure associated with closing a program, instructional site, branch campus or an institution.

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Types of Change	Procedure	Prior Notification Required	Time Frame for Contacting COC	Prior Approval Required	Documentation
Initiating coursework or programs at a different level than currently approved	1	NA	NA	Yes	Application for Level Change Due dates: April 15 or September 15
Expanding at current degree level (<i>significant departure from current programs</i>)	1	Yes	6 months	Yes	Prospectus
Initiating a branch campus	1	Yes	6 months	Yes	Prospectus
Initiating a certificate program at employer's request and on short notice					
...using existing approved courses	NA	NA	NA	NA	NA
...at a new off-campus site (previously approved program)	1	NA	NA	Yes	Modified prospectus
...that is a significant departure from previously approved programs	1	Yes	Approval required prior to implementation	Yes	Modified prospectus
Initiating other certificate programs					
... using existing approved courses	NA	NA	NA	NA	NA
... at a new off-campus site (previously approved program)	1	NA	NA	Yes	Prospectus
...that is a significant departure from previously approved programs	1	Yes	6 months	Yes	Prospectus

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Altering significantly the educational mission of the institution	1	NA	NA	Yes	Contact Commission Staff
Initiating joint or dual degrees with another institution: (See: “Agreements Involving Joint and Dual Academic Awards.”)	2	Yes	Prior to implementation	NA	Copy of signed agreement and contact information for each institution
Joint programswith another SACSCOC accredited institution	_____	_____	_____	_____	_____
.....with an institution not accredited by SACSCOC	1	Yes	6 months	Yes	Prospectus
Dual programs	2	Yes	Prior to implementation	No	Copy of signed agreement and contact information for each institution
Initiating off-campus sites (including Early College High School and dual enrollment programs offered at the high school)					
... Student can obtain 50 % or more credits toward program	1	NA	NA	Yes	Prospectus
_____	2	_____	_____	_____	_____
... Student can obtain 25-49 % of credit	_____	Yes	Prior to implementation	NA	Letter of notification
... Student can obtain 24 % less		NA	NA		NA
Expanding program offerings at previously approved off-campus sites					
... Adding programs that are significantly different from current programs <u>at the site</u>	NA	NA	NA	NA	NA
_____	_____	_____	_____	_____	_____
... Adding programs that are NOT significantly different from current programs <u>at the site</u>	NA	NA	NA	NA	NA

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Types of Change	Procedure	Prior Notification Required	Time Frame for Contacting COC	Prior Approval Required	Documentation
Altering significantly the length of a program	1	NA	NA	Yes	Prospectus
Initiating distance learning...					
...Offering 50 % or more of a program <u>for the first time</u>	1	NA	NA	Yes	Prospectus
...Offering 25-49 %	2	Yes	Prior to implementation	No	Letter of notification
...Offering 24 % or less	NA	NA	NA	NA	NA
Initiating programs or courses offered through contractual agreement or consortium	2	Yes	Prior to implementation	NA	Letter of notification and copy of signed agreement
Entering into a contract with an entity not certified to participate in USDOE Title IV programs					
... if the entity provides 25% or more of an educational program offered by the COC accredited institution	1	NA	NA	Yes	Prospectus
... if the entity provides less than 25% of an educational program offered by the accredited institution	2	Yes	Prior to implementation	NA	Copy of the signed agreement
Initiating a merger/consolidation with another institution	See SACSCOC policy " Mergers, Consolidations and Change of Ownership: Review and Approval. "	Yes	6 months	Yes	Prospectus Due dates: April 15 or September 15

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Types of Change	Procedure	Prior Notification Required	Time Frame for Contacting COC	Prior Approval Required	Documentation
Changing governance, ownership, control, or legal status of an institution	See SACSCOC policy " Mergers, Consolidations and Change of Ownership: Review and Approval. "	Yes	6 months	Yes	Prospectus Due dates: April 15 or September 15
Relocating a main or branch campus	1	Yes	6 months	Yes	Prospectus
Moving an off-campus instructional site (serving the same geographic area)	2	Yes	Prior to implementation	NA	Letter of notification with new address and starting date
Changing from clock hours to credit hours	1	NA	NA	Yes	Justify reasons for change, indicate calculation of equivalency, and other pertinent information
Altering significantly the length of a program	1	NA	NA	Yes	Prospectus
Initiating degree completion programs	1	NA	NA	Yes	Prospectus
Closing a program, approved off-campus site, branch campus, or institution					
... Institution to teach out its own students	3	Yes	Immediately following decision to close	Yes	Description of teach-out plan included with letter of notification
... Institution contracts with another institution to teach-out students (Teach-out Agreement)	3	Yes	Immediately following decision to close	Yes	Description of teach-out plan, copy of signed teach-out agreement detailing terms included with notification
Acquiring any program or site from another institution	See SACSCOC policy " Mergers, Consolidations and Change of Ownership: Review and Approval. "	Yes	6 months	Yes	Prospectus

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Adding a permanent location at a site where the institution is conducting a teach-out for students from another institution that is closing	See SACSCOC policy “ Mergers, Consolidations and Change of Ownership: Review and Approval. ”	Yes	6 months	Yes	Prospectus
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1-1018 Compliance with Legal Process and Responding to Communications from Attorneys and Court Officials

(1) Purpose. The purpose of this regulation is to provide guidelines and procedures for College employees who receive legal process (e.g., court orders, summonses, subpoenas, etc.) or other communications from attorneys or court officials relating to College employment.

(2) Procedure

(a) The General Counsel is charged with the duty to advise the New College Board of Trustees and the President on legal matters and to direct College legal affairs. In order for the General Counsel to carry out this duty properly, it is necessary that the General Counsel be apprised of legal developments throughout the College. Accordingly, all College employees (except University Police Officers subpoenaed for testimony pertaining to law enforcement activity) are required, as soon as practicable, to seek the advice of the General Counsel regarding compliance with and response to all legal process, including a subpoena, court order, summons, letter from a lawyer or court official, or other form of legal process served on an employee in relation to his/her College employment.

(b) All summonses, court orders, and subpoenas requiring either the personal appearance of a College employee for testimony relating to employment at College in his/her capacity as such or the production of College documents or records should be served on the General Counsel.

(c) If process is not served on the General Counsel, the following procedures are applicable:

1. Court Orders/Summonses - Immediately forward either the original or a copy of the court order or summons to the General Counsel. When time is critical, please hand deliver or scan and email to the General Counsel.
2. Subpoenas - Immediately forward to the General Counsel. When time is critical, please hand deliver or scan and email to the General Counsel.
3. Letters, correspondence and other communications from lawyers and court officials - The recipient of such communication should acknowledge receipt and indicate that the letter will be forwarded to the General Counsel for response. Then, the recipient should forward the letter to the General Counsel immediately by forwarding the email or, if it is not a digital document, by scanning and emailing to the General Counsel.

Approved as Policy 0-101. Revised and Adopted as Regulation on May 31, 2014