

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 2 - The Board of Trustees

2-2002 Powers of the President

As the chief executive and academic officer of NCF and corporate secretary to the Board of Trustees, the President shall be vested with the powers, duties, and authority that is vested with NCF. Such powers and duties may be further delegated to the President's designee(s) according to College regulations and internal policies.

- (1) College Administration and Oversight. The President, or the President's designee(s), shall have the authority to:
 - (a) Organize NCF to efficiently and effectively achieve its goals, and periodically review College operations in order to determine how effectively and efficiently NCF is being administered and whether it is meeting the goals of its strategic plan;
 - (b) Ensure compliance with federal and state laws, rules, regulations, and other requirements that are applicable to NCF;
 - (c) Recommend the adoption of regulations, as appropriate, to the BOT to implement provisions of law governing the operation and administration of NCF, which shall include the specific powers and duties enumerated in this Regulation. Such regulations shall be consistent with the mission of NCF and the rules, regulations, resolutions, and policies of the Board of Governors. This authority does not include the final approval of College regulations;
 - (d) Prepare a strategic plan in alignment with the BOG system wide strategic plan and regulations, and the College's mission, for consideration and approval by the BOT and submission to the BOG;
 - (e) Prepare a multi-year work-plan for consideration and approval by the BOT for submission to the BOG that outlines the College'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 work-plan shall reflect the College'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 College's mission;
 - (f) Prepare and periodically update a policy addressing conflicts of interest for the BOT and College employees;
 - (g) Maintain an effective information system to provide accurate, timely, and cost-effective information about the College, and require that all data and reporting requirements of the BOT and BOG are met;
 - (h) Establish procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks;
 - (i) Secure comprehensive general liability insurance pursuant to sections 1001.706(4)(d) and 1004.24, Florida Statutes;
 - (j) Provide for payment of the cost of civil actions against officers, employees, or agents of the BOT;

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 2 - The Board of Trustees

- (k) Govern traffic on the grounds of the College 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 College personnel, students, and campus visitors;
 - (m) Close all or portions of the College 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 College faculty, students and staff, and the College 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 BOT; and
 - (o) Consult with the BOT in a timely manner on any matters appropriate to its policy-making and fiduciary functions.
- (2) Academic Programs and Student Affairs. The President, or the President's designee(s), shall have the authority to:
- (a) Propose for adoption by the BOT, as appropriate, College regulations or policies in areas including, but not limited to:
 - 1. Establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of NCF;
 - 2. Articulation and access;
 - 3. Admissions 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. Anti-hazing, 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.
 - (b) Develop, approve, and implement non-degree, including non-college credit, granting educational programs of the College;

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 2 - The Board of Trustees

- (c) Award degrees;
 - (d) Develop, approve, and enter into agreements for student exchange programs that involve students at NCF and students in other postsecondary educational institutions. Including without limitation those programs that are ancillary to the degree and non-degree, including non-college credit, granting programs of the College;
 - (e) Establish the internal academic calendar of NCF within general guidelines of the BOG;
 - (f) Establish a committee to periodically review and evaluate the student disciplinary system. At least one-half of the members of the committee shall be students appointed in consultation with the president of the student government association;
 - (g) Approve the internal procedures of student government organizations, including purchasing, contracting, and budgetary review;
 - (h) Approve the establishment of an educational research center for child development in accordance with the provisions of Chapter 1011.48, Florida Statutes; and
 - (i) Administer NCF's program of intercollegiate athletics.
- (3) Personnel. The President, or the President's designee(s), shall have the authority to:
- (a) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules and resolutions of the BOG and in accordance with rules or policies approved by the BOT;
 - (b) Consult with the chair of the BOT, or other trustee designee, on the hiring, dismissal, and compensation of any person to serve in a Vice President capacity or other executive direct report position to the President or the BOT. The following positions shall have a reporting relationship to the BOT in addition to reporting to the President: the General Counsel, the Chief Audit Executive, and the Chief Compliance Officer. The President will consult with the Chair of the BOT to review the positions covered by this section, and amend the list based on the mission and strategic priorities of the College;
 - (c) Approve travel in accordance with Chapter 112.061, Florida Statutes; and
 - (d) Serve as the College's representative with regard to administering collective bargaining matters; appoint members to the collective bargaining teams to negotiate agreements on behalf of the BOT; and execute on behalf of the BOT final agreements approved by the BOT after ratification by collective bargaining units.
- (4) Financial Matters. The President, or the President's designee(s), shall have the authority to:
- (a) Keep the BOT apprised of the financial condition of the College and any direct support organizations certified by the BOT or affiliated organizations subject to the oversight of the BOT;
 - (b) Prepare a budget request, including a request for fixed capital outlay, and an operating budget for approval by the BOT;

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 2 - The Board of Trustees

- (c) Recommend to the BOT a schedule of tuition and fees to be charged by NCF, according to Chapter 1009.24, Florida Statutes, and the rules and resolutions of the BOG;
 - (d) Recommend to the BOT a regulation for the waiver for tuition and fees pursuant to law and regulations established by the BOG;
 - (e) Account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the BOG, and as provided by state or federal law;
 - (f) Prepare the operating budget, in accordance with Chapter 1011.40, Florida Statutes, as prescribed by law, regulations of the BOG, policies of the BOT, and provisions of the General Appropriations Act, for approval by the BOT. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the BOT approved operating budget falls below 5 percent (5%) the President shall provide written notification to the BOG;
 - (g) Enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees;
 - (h) Establish policies and procedures for the performance of annual internal audits of College finances and operations. All reports generated from such audits must be submitted to the BOG after review and acceptance by the BOT;
 - (i) Establish policies and procedures for the implementation of appropriate financial controls, with review by the College's internal auditor;
 - (j) Sign checks to pay legal obligations of the College in accordance with Chapter 1011.42(7), Florida Statutes;
 - (k) Perform banking transactions, which authority may also be delegated to the Vice President and Assistant Vice President for Finance and Administration, the Controller, 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 in consultation with the General Counsel;
 - (m) Employ the services of collection agencies when deemed advisable in collecting delinquent accounts and charging off and settling accounts when uncollectible. The President will annually report the status of accounts receivable charge-offs to the BOT, which may be provided through the College's financial statements or reports; and
 - (n) Ensure the BOT is presented with sufficient information for prudent decision-making for projects subject to the BOG Debt Management Guidelines and Public-Private Partnership Guidelines, and College guidelines.
- (5) Property and Procurement. The President, or the President's designee(s), shall have the authority to:

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 2 - The Board of Trustees

- (a) Administer a program for the maintenance and construction of facilities pursuant to Chapter 1013, Florida Statutes; certify to the BOG or Department of Education, as requested, a project's compliance with the requirements for expenditure of Public Education Capital Outlay funds;
- (b) Act for the BOT as custodian of all College property;
- (c) Approve, execute, and administer contracts for and on behalf of the BOT for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by NCF, provided such contracts are within law and rules, regulations, and resolutions of the BOG and in conformance with policies of the BOT, and are for the implementation of approved programs of NCF. The President shall comply with the provisions of Chapter 287.055, Florida Statutes, for the procurement of professional services and may approve and execute all contracts on behalf of the BOT for planning, construction, and equipment. For the purposes of a President's contracting authority, a "continuing contract" for professional services under the provisions of Chapter 287.055, Florida Statutes, is one in which construction costs do not exceed \$2 million, or the fee for study activity does not exceed \$200,000;
- (d) In accordance with the provisions of Chapter 1013.48, Florida Statutes, approve change orders in the name of the BOT for amounts not exceeding \$100,000. All such approvals shall be for the purpose of expediting the work in progress and shall be exercised in accordance with the President's further delegation of change order approval authority to the Vice President of Finance and Administration. The President or designee may make change orders for an amount exceeding \$100,000 after consultation and approval of the chair of the BOT Finance Committee. All change orders shall be reported to the BOT and entered in to the official minutes as soon as practicable at a regular meeting of the BOT;
- (e) Regulate the use, maintenance, protection, and control of, and the imposition of charges for, College-owned or College-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the College;
- (f) Adjust property records and dispose of state-owned tangible personal property in NCF's custody in accordance with procedures established by the BOT. Notwithstanding the provisions of Chapter 287.55(5), Florida Statutes, all moneys received from the disposition of state-owned tangible personal property shall be retained by NCF and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. NCF shall maintain records of the accounts into which such moneys are deposited;
- (g) Protect, develop, and transfer the work products of College personnel and other College agents and contractors, which authority shall include but not be limited to licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks on such products;
- (h) In accordance with Chapter 705.18, Florida Statutes, and BOG regulations, take charge of any lost or abandoned personal property found on the College's campus or on premises owned or controlled by the College 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 designee shall dispose of or make use of the

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 2 - The Board of Trustees

property in accordance with established policies and procedures that best meet the needs of the College;

- (i) Prepare a campus master plan for adoption by the BOT, prepare a campus development agreement for execution by the BOT, pursuant to Chapter 1013.30, Florida Statutes, and report on progress under the Master Plan;
 - (j) Recommend regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services, in accordance with BOG regulations; and
 - (k) Exercise responsibility for the fire safety and sanitation of public educational and ancillary plants.
- (6) Other Powers and Duties. In addition to the above powers and duties, the President or the President's designee(s) shall have the authority to:
- (a) In accordance with Chapter 1004.28, Florida Statutes, and BOG regulation, recommend to the BOT 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 College whose authorizing legislation, bylaws, or agreement with the College so requires, in order to serve the needs or further the interests of the College;
 - (b) Appoint a representative to the governing boards of each direct support organization or any other affiliated organization of the College. The President shall consult with the Chair of the BOT, or other trustee designee, prior to appointing such representatives;
 - (c) Accept gifts, grants, bequests, and devises on behalf of the College. Such authority will include the following:
 - 1. 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; and
 - 2. 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.
 - (d) Establish policies regulating the administration and operation of sponsored research. The President or President's designee(s) may negotiate, enter into, and execute research contracts; solicit and accept research grants and donations; and fix and collect fees, other payments, and donations that may accrue by reason thereof. The President or President's designee(s) 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 by law. All purchases of a division of sponsored research shall be made in accordance with the policies and procedures of the College and the purchasing regulations of the BOG; however, upon certification addressed to the President that it is necessary for the efficient or expeditious prosecution of a research project, the

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 2 - The Board of Trustees

President may exempt the purchase of material, supplies, equipment, or services for research purposes from the general purchasing requirement of Florida Statutes;

- (e) Minimize College risk and manage the College's risk management program;
- (f) Delegate Presidential authority, according to the following:
 - 1. Delegations shall be in writing, to any employee of the College who:
 - a. is a Vice President with responsibility in an area relating to the subject matter of the delegation;
 - b. 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;
 - c. holds a position at the College that is equivalent in seniority or responsibility to a Vice President or such manager, as determined by the President; or
 - d. is deemed by the President to have appropriate capabilities.
 - 2. Delegations shall specify the date of the delegation, the name and title of the employee to whom the delegation is made, and the particular authority or portion of authority being delegated.
 - 3. A copy of the delegation shall be filed with the employee to whom the delegation is made, as well as the Vice President for Finance and Administration and the General Counsel.
 - 4. A summary table of delegations made under this Regulation shall be provided to the BOT.
 - 5. The President retains the final authority and responsibility for the administration of the College and may condition, limit, or revoke any delegated authorities at any time.
 - 6. Authorities the President reserves may not be exercised by any other person, unless expressly authorized by administrative policy or presidential directive.
- (g) Initiate and settle lawsuits and claims, and appeal adverse rulings when doing so would be in the best interests of the College, according to the following guidelines:
 - 1. For settlement of claims up to \$100,000, the President or President's designee(s) may take direct action.
 - 2. For settlement of claims greater than \$100,000, but less than \$250,000, the President or President's designee(s) may take action after consultation with the Chair of the Finance and Administration Committee or the Chair of the BOT, as appropriate.
 - 3. For claims above \$250,000, the President will consult with and seek the approval of the members of the Finance and Administration Committee, or alternatively confer with the Chair of the BOT.

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 2 - The Board of Trustees

- (h) If any additional contract or other matter of the College, a direct support organization, or other College affiliated entity, beyond ordinary standards and not covered by specific standards, would be considered material to the College and/or a direct support organization or College affiliated entity, including its resources or reputation, or would generate significant media attention, the President or President's designee(s) is expected to confer with the Chair of the BOT. Additionally, if any matter is expected to generate significant media attention outside of the ordinary course, the President is expected to notify the full BOT. The Chair of the BOT 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.
- (7) Nothing in this regulation should be construed as limiting or divesting the Board of Trustees' right to exercise any authority or responsibility as deemed appropriate.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

History: Adopted 09-29-01, as By-laws of the Board of Trustees of NCF; Revised 11-03-01, 05-25-02, 07-15-01, 08-24-02, 02-08-03, 02-05-05; Revised and renumbered 11-04-05; Revised 11-06-10, 06-10-17, 11-04-17