

## **Resolution on Presidential Authority**

The University of North Florida Board of Trustees recognizes that, beginning in the year 2000, in response to the 1998 Blue Ribbon Committee on Education Governance and subsequently with a state constitutional amendment effective January 7, 2003, there have been significant, sweeping changes in the governance structure for Florida's state universities.

Previous attempts to conform state law to the present day governance structure have been unsuccessful and as a result, the sources for legal authority for the university boards of trustees are convoluted and confusing. Moreover, a legal action to clarify the powers of the state legislature and the constitutionally-created Florida Board of Governors is currently pending.

The efforts of the University of North Florida in preparing for reaffirmation of accreditation in 2009 by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) have demonstrated the need for the UNF Board of Trustees to reaffirm in the form of a comprehensive resolution, the specific authority it has delegated to the University President pursuant to current state statutes and resolution of the Florida Board of Governors, approved on January 7, 2003, and by specific delegations of authority to the President from the University of North Florida Board of Trustees.

**WHEREFORE**, be it resolved:

The UNF Board of Trustees hereby delegates to John A. Delaney, as University President, Chief Executive Officer and Corporate Secretary of the Board of Trustees, responsible for the operation and administration of the University of North Florida, the following authority and duties:

- (1) To recommend the adoption of regulations, as appropriate, to the UNF Board of Trustees to implement provisions of law governing the operation and administration of the University. Such regulations shall be consistent with the mission of the University and the regulations and policies of the Florida Board of Governors.
- (2) To prepare a budget request and an operating budget for approval by the UNF Board of Trustees.
- (3) To establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, in accordance with regulations or policies approved by the UNF Board of Trustees.
- (4) To govern admissions, subject to law and regulations or policies of the UNF Board of Trustees.
- (5) To approve, execute, and administer contracts for and on behalf of the UNF Board of Trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the University, provided such contracts are in conformance with regulations or policies of the UNF Board of Trustees and are for the implementation of approved programs of the University. The president must comply with the provisions of s. 287.055, F.S. for the procurement of professional services and may approve and execute all contracts on behalf of the UNF Board of Trustees for planning, construction, and equipment. For the purposes of the president's

contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055, F.S. is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000.

(5)(a) To transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds in a similar manner when the transfer does not represent an expenditure, advance, or reduction of cash assets in accordance with s. 1011.42(6), F.S. and Delegation of Authority approved April 20, 2006. All budget transfers related to this delegation will be reported as part of the quarterly report to the Board of Trustees.

(5)(b) To authorize budget transfers from reserve accounts (other than the President's reserves over which the President shall exercise full discretion) in amounts not exceeding \$200,000. Budget transfers in amounts exceeding \$200,000 but less than \$500,000 require the approval of the Chair of the UNF Board of Trustees Finance and Audit Committee; amounts exceeding \$500,000 require prior approval of the UNF Board of Trustees.

5(c) To sign checks to pay legal obligations of the University in accordance with s. 1011.42(7), F.S. and Delegation of Authority approved April 20, 2006.

5(d) To perform banking transactions, which authority shall also be delegated to the Vice President and Assistant Vice President for Administration and Finance, the University Controller and Associate Controller, and the University Treasurer.

(6) To act for the UNF Board of Trustees as custodian of all University property.

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

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

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

(10) To award degrees.

(11) To recommend to the UNF Board of Trustees a schedule of tuition and fees to be charged by the University, within law and regulations of the Florida Board of Governors.

(11)(a) Pursuant to provisions of the September 18, 2003 Delegation of Authority, the President may set the amounts for the various "Miscellaneous University Fees" as described in s. 1009.24(12)-(14), F.S. Any changes to these fees will be made as authorized by law and in accordance with policy and procedures approved by the UNF Board of Trustees.

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

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

- (14) To enter into agreements for student exchange programs which involve students at the University and students in other postsecondary educational institutions.
- (15) To provide purchasing, contracting, and budgetary review processes for student government organizations.
- (16) To ensure compliance with federal and state laws, rules, regulations, and other requirements which are applicable to the University.
- (17) To maintain all data and information pertaining to the operation of the University, and report on the attainment by the University of institutional and statewide performance accountability goals.
- (18) To adjust property records and dispose of state-owned tangible personal property in the University's custody in accordance with procedures established by the UNF Board of Trustees. Notwithstanding the provisions of s. 273.055(5), F.S., all moneys received from the disposition of state-owned tangible personal property shall be retained by the University and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The University shall maintain records of the accounts into which such moneys are deposited.
- (19) To have vested with the University President or the President's designee the powers, duties, and authority that is vested with the University.
- (20) To take charge of any lost or abandoned personal property found on the University campus or on premises owned or controlled by the University or any direct support organization thereof, and if the property is not claimed by the owner within a reasonable period of time as designated by the president or designee, to order it sold at public outcry after giving notice of the time and place of sale in a publication of general circulation on the campus. In accordance with the provisions of s. 703.18, F.S., all moneys realized from such sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes.
- (21) In accordance with s. 1004.22, F.S., to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue by reason thereof. The President or his or her designee may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of such costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as may be prohibited elsewhere by law.
- (22) To perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and to enforce the University's rights therein in accordance with s. 1004.23, F.S.
- (23) In accordance with the provisions of s. 1004.28, F.S., to serve, or to appoint a designee to serve on the board of directors and the executive committee of any direct-support organization established to benefit the University and to receive annual budgets and reports of such organizations, including the federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).
- (24) In accordance with the provisions of s. 1011.40, F.S., to prepare and implement the operating budget of the University as prescribed by law, regulations of the Board of Governors, policies of the UNF Board of Trustees, and provisions of the General Appropriations Act. The proposed

expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the UNF Board of Trustees approved operating budget goes below 5 percent, the President shall provide written notification to the Board of Governors.

(25) To submit an annual equity report to the Chancellor of the State University System by April 1<sup>st</sup> of each year in accordance with the provisions of s. 1012.95, F.S.

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

(27) To ensure that all plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants conform to the requirements of the Florida Building Code and the Florida Fire Prevention Code. The University President is authorized to submit documents to the Board of Governors or Department of Education, as appropriate, and to award contracts subsequent to and consistent with Board approval of the scope, timeframes, funding source, and budget of a survey-recommended project.

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

(29) To exercise the authority and duties presently delegated by the UNF Board of Trustees to the President in accordance with University regulations, policies and conditions contained in the UNF Board of Trustees written delegations of authority, including:

(a) Approving travel under Section 112.061, F.S.

(b) Taking routine administrative actions on behalf of the University of North Florida Board of Trustees actions related to the development, adoption, amendment or repeal of University regulations, or any action required under the Florida Administrative Procedures Act, Chapter 120, F.S. This authority does not include the final approval of University regulations.

(c) Closing all or portions of the University campus and cease normal operations and services in the event of an emergency, when, in the president's judgment, such action would protect the safety, health and welfare of the University faculty, students and staff, and the University facilities and grounds. In exercising this authority, the president is authorized to determine and assign those employees who are required to provide essential services.

(d) In accordance with the provisions of s. 1013.48, F.S., approving change orders in the name of the UNF Board of Trustees for amounts not exceeding \$100,000 in accordance with the provisions of the UNF Board of Trustees delegation of authority approved January 26, 2006. All such approvals shall be for the purpose of expediting the work in progress and shall be exercised in accordance with the University President's further delegation of change order approval authority to the Office of Administration and Finance. Change orders for an amount exceeding \$100,000 may be made by the President or designee after consultation and approval of the chair of the Finance and Audit Committee. Change orders exceeding \$1 million require the prior approval of the Finance and Audit Committee. All change orders shall be reported to the Board and entered in to the official minutes as soon as practicable at a regular meeting of the Board.

- (e) Employing private attorney services pursuant to s. 287.059, F.S.
- (f) Entering into agreements for and accept credit card payments as compensation for goods, services, tuition and fees pursuant to s. 1001.74(24), F.S.
- (g) Securing comprehensive general liability insurance pursuant to ss. 1001.74(17) and 1004.24, F.S.
- (i) Providing for the payment of the cost of civil actions against officers, employees or agents of the UNF Board of Trustees pursuant to s. 1012.965, F.S.
- (j) Entering into articulation agreements pursuant to s. 1007.22, F.S.
- (k) Employing the services of collection agencies when deemed advisable in collecting delinquent accounts and to charge off and settle accounts for amounts not exceeding \$10,000 when uncollectible pursuant to s. 1010.03, F.S. and in accordance with the provisions of the UNF Board of Trustees delegation of authority approved January 26, 2006. The President will annually report the status of accounts receivable charge-offs to the Board.
- (l) Initiating and settling lawsuits and claims and appealing adverse rulings in accordance with the provisions of the UNF Board of Trustees Delegation of Authority approved June 20, 2006 when doing so would be in the best interests of the University.
  1. For claims up to \$100,000, the President or designee may take action.
  2. For claims greater than \$100,000, but less than \$250,000, the President or designee may take action after consultation with the Chair of the Finance and Audit Committee or the Chair of the Board of Trustees, as appropriate.
  3. For claims above \$250,000, the President will consult with and seek the approval of the members of the Finance and Audit committee. The President or designee shall report all actions above \$250,000 to the full Board.
- (m) Preparing a capital outlay budget as a part of the annual budget, based upon and in harmony with the University's capital outlay plan for approval by the UNF Board of Trustees. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources in accordance with s. 1013.62, F.S.
- (n) Administering a program for the maintenance and construction of facilities pursuant to Chapter 1013, F.S.
- (o) Further delegating to divisional vice presidents and other appropriate University personnel the authority as described herein so long as such delegation is in writing, specifies whether the authority can be further delegated, and the conditions for same, and a copy of such delegation is filed in the Office of the General Counsel.