



### UNIVERSITY OF CENTRAL FLORIDA BOARD OF TRUSTEES POLICY

#### Presidential Authority and Delegation

##### STATEMENT OF POLICY

Article IX, section 7, of the Florida Constitution provides that the Board of Governors shall establish the powers and duties of the university board of trustees. Board of Governors Regulation 1.001, University Boards of Trustees Powers and Duties, delegates powers and duties to the university boards of trustees so that the university boards have all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university. Board of Governors Regulation 1.001 further provides that the university president shall serve as the chief executive officer to the board of trustees and is responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair of the board of trustees.

The University of Central Florida Board of Trustees ("Board") desires to further delegate certain of its powers and duties to the President of the University of Central Florida ("President"), consistent with state law and regulations and policies of the Board of Governors and this Board. Any power or duty delegated by the Board to the President may be rescinded at any time by a majority vote of the Board. Except as otherwise provided herein, the President may further delegate their powers and duties to other employees of the University.

The Board intends this policy to supersede and replace any previously approved delegations of presidential authority, whether by policy or resolution.

##### DELEGATION OF POWERS AND DUTIES TO PRESIDENT

In delegating certain of its powers and duties to the President, the Board affirms and in no way restricts the President's powers and duties specified in Florida law, regulations, and policies of the Board of Governors, and in the Board regulations and bylaws, all of which are hereby affirmed. In performing the duties and responsibilities outlined in this Policy, the President shall act in accordance with all applicable laws, regulations, and policies of the Florida Board of Governors, and regulations and policies of the Board and the University.

Those powers and duties not expressly or implicitly delegated to the President are retained by the Board or the Board of Governors.

The President is hereby authorized, in the name of the Board and the University, to exercise the following authorities and to take the following actions, all as the President deems appropriate, advisable, and in the best interests of the University:

##### **(1) University Administration and Oversight.**

The President shall serve as the chief executive officer of the University. The President, in conducting the day-to-day business of the University, shall have the power and authority to:



- (a) Direct the day-to-day operations of the University.
- (b) Organize the University to efficiently and effectively achieve its goals, and periodically review and provide reports to the Board on University operations in order to determine how effectively and efficiently it is being administered, whether it is meeting the goals of the strategic plans adopted by the Board of Governors and other strategic goals for the advancement of the University as endorsed by the Board, such as the UCF Strategic Plan.
- (c) Prepare a strategic plan in alignment with the Board of Governors' systemwide strategic plan and regulations, and the University's mission, to first be submitted to the Board for approval and then to the Board of Governors for approval.
- (d) Prepare an annual accountability plan and all other significant reports for consideration and approval by the Board, and for submission to the Board of Governors, outlining the University's top priorities, strategic directions, and specific actions for achieving the priorities, as well as progress toward previously approved institutional and systemwide goals.
- (e) Maintain an effective information system to provide accurate, timely, and cost-effective information about the University, meeting all data and reporting requirements of the Board and Board of Governors.
- (f) Develop and implement initiatives to support the State University System Statement on Free Expression and to promote inclusive excellence in all aspects of University programs and functions, fostering ~~a diverse, equitable and an~~ inclusive environment in which free expression of different viewpoints is valued. The President will report annually on the University's progress in implementing strategic initiatives and performance relating to ~~diversity, equity, and inclusion~~ inclusive excellence as they pertain to student enrollment, academic service and programs, ~~equity in~~ employment, and athletics, ~~as a part of the Board's consideration of the Florida Equity Report.~~
- (g) Develop, approve, implement, and oversee the programs, policies, procedures, and systems to support and maintain the University's and Related Entities' compliance with applicable federal, state, and local laws, rules, regulations, and other requirements.
- (h) Consult with the Board in a timely manner on any matters appropriate to its policy-making and fiduciary functions, recommend changes to governance documents, and promptly notify the Board Chair of any facts or circumstances that may materially and adversely affect the reputation of the University or any of its Related Entities.
- (i) Take all actions necessary or desirable, including serving as the signatory on all documents and agreements, to carry out the powers and duties enumerated in this Policy and those reasonably inferable therefrom.
- (j) Develop, approve, and implement a policy for the delegation of the powers and duties set forth in this Policy, including delegations of signature authority, and delegate, and authorize the sub delegation of, the powers and duties set forth in this Policy pursuant to such policies and procedures.
- (k) Perform such other duties as are not retained by the Board and as may be necessary or appropriate for the administration of the University, in compliance with any applicable laws, Board and Board of Governors' regulations, policies, and resolutions.



**(2) Policies and Regulations.** The President shall:

(a) As appropriate, adopt policies and procedures or propose regulations for Board approval related to:

1. Conflicts of interests for the Board, boards of Related Entities, and their employees, and when appropriate, for students, independent contractors, and volunteers;
2. Delegation and sub-delegation of the powers and duties set forth in this policy;
3. The awarding of degrees and certificates;
4. Intercollegiate athletics
5. The University's personnel program, including policies to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel.
6. Data and technology, including information systems, communications systems, computer hardware and software, and networks
7. The performance of annual internal audits of finances, controls and operations of the University and Related Entities.
8. The implementation of appropriate financial controls.
9. Selection of vendors providing design and construction services, incorporating applicable competitive solicitation requirements.
10. Traffic and parking.
11. Waiver of tuition and fees.
12. Academic programs and student affairs, as further specified in section (4)(a) below.
13. Procurement.

(b) Adopt policies or propose regulations for Board approval addressing areas as from time to time may be designated by the Legislature or Board of Governors or as may be deemed desirable by the President in the efficient operation of the University.

(c) Take routine administrative actions on behalf of the Board prior to the exercise of the Board's authority for final approval, related to the development, adoption, amendment or repeal of University regulations, or any action required under the Florida Administrative Procedures Act, Chapter 120, Florida Statutes.

**(3) Protect University Property and Community.** The President will protect and secure University assets and property and make provision for security and good order. The President shall:

(a) Secure comprehensive general liability insurance pursuant to sections 1001.706(4)(d) and 1004.24, Florida Statutes, and develop, approve, implement, and oversee the risk management program and implementation of an appropriate insurance strategy.

- (b) Provide for payment of the cost of civil actions against trustees, officers, employees, or agents of the Board of Trustees, as the Board of Trustees is a corporation primarily acting as an instrumentality of the state pursuant to Section 768.28, Florida Statutes, for the purposes of sovereign immunity.
- (c) Develop, approve, implement, and oversee a systematic approach to identify, manage, and mitigate various types of risk, regardless of origin, and define the risk appetite for the University and Related Entities.
- (d) Govern traffic on the grounds of the University and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.
- (e) Establish the program for campus safety and emergency preparedness, including safety and security measures for University personnel, students, and campus visitors.
- (f) Close all or portions of the University campus and cease normal operations and services when, in the President's judgment, such action would protect the safety, health and welfare of the University community and property. In exercising this authority, the President is authorized to determine and assign those employees who are required to provide essential services. Closures for greater than three days require consultation with the Chair.

**(4) Academic Programs and Student Affairs.** The President shall have the authority to:

- (a) Propose regulations for Board approval, and establish policies, when appropriate, in the area of academic programs and student affairs, including:
  - 1. Authorization and discontinuance of degree programs;
  - 2. Articulation and access;
  - 3. Admission and enrollment of students;
  - 4. Minimum academic performance standards for the award of a degree;
  - 5. Student financial assistance;
  - 6. Student activities and organizations;
  - 7. Student records and reports;
  - 8. Antihazing, related penalties, and program for enforcement;
  - 9. Reasonable accommodation of religious observances;
  - 10. Textbook and instructional materials affordability; and
  - 11. Student code of conduct and related penalties.
- (b) Develop, approve, and implement non-degree and non-college credit granting educational programs of the University.
- (c) Govern admissions, subject to applicable law and regulations, rules, or policies. Award degrees, including posthumous and in memoriam degrees, and recommend for Board approval, honorary degrees. Develop, approve, implement and govern the administrative and academic terms, policies, procedures and systems for awarding degrees and certificates.

- (d) Develop, approve, and implement student exchange programs, including without limitation those that are ancillary to the degree, non-degree and non-college credit granting programs of the University.
- (e) Establish the internal academic calendar of the University, within any general guidelines of the Board of Governors.
- (f) Establish a committee to periodically review and evaluate the student disciplinary system. At least half the committee must be students appointed by the Student Government Association president.
- (g) Approve the internal purchasing, contracting, budgetary and other procedures of student government organizations.
- (h) Approve the establishment of and closure of childcare facilities, including an educational research center for child development as authorized by s. 1011.48, Florida Statutes, serving University faculty, staff, students, and affiliates.
- (i) Administer all aspects of the University intercollegiate athletics program, with periodic reports to the Board on the operations of the program including, but not limited to, finances, audit and compliance, and changes in key personnel.
- (j) Recommend for Board approval the creation and termination of undergraduate and graduate degree-granting programs; submit for Board of Governors' approval and authorization undergraduate specialized admissions programs, undergraduate programs requiring more than 120 credits for graduation if and as required by law, and new research and professional doctoral degree programs.

**(5) Personnel.** The President shall:

- (a) Establish and implement the personnel program of the University.
- (b) With the exception of the positions described in (5)(c), below, consult with the Chair of the Board, or other trustee designee, regarding the hiring, dismissal, or any annual increase of more than five (5) percent in the compensation of any vice president or other direct report to the President, and any athletics personnel earning \$1 million or more in compensation. The President and Board Chair will annually review the positions covered by this provision.
- (c) Secure approval of the Board for the hiring, firing, or reduction in compensation of individuals serving in the positions of Vice President and General Counsel, Chief Compliance Officer, and Chief Audit Executive, which positions have a reporting relationship to the Board in addition to reporting to the President.
- (d) Approve travel and travel expenditures in accordance with s. 112.061, Florida Statutes.
- (e) Administer collective bargaining agreements and matters related thereto, including the appointment of University collective bargaining team members to negotiate collective bargaining agreements
- (f) Consult with the Board Chair regarding employment contracts in excess of one year.

**(6) Financial Management.** The President, in overseeing the day to day operations of the University shall see to the sound financial management of the University and Related Entities, and shall:

(a) Approve and execute the following at any dollar value or duration: gift agreements, including qualified sponsorships; grants, research contracts, research compliance agreements, clinical trial agreements, and other agreements for research; sponsored training; and patents, trademarks, copyright licenses, and technology transfer agreements.

(b) Approve and execute financial commitments of University resources (such as contractual cost obligations, contingent risks, or the assumption of liabilities of any kind; and including options, renewals, extensions or amendments thereto; but excluding leases or licenses for use of real property); except that the Board must provide specific approval or authority for financial commitments of more than \$10 million in the aggregate.

(c) Approve and execute any option, renewal, extension or amendment of a Board-approved financial commitment which increases the approved transaction in an amount less than or equal to ten percent (10%) of the total approved value.

(d) Administer and operate the Office of Research, which serves as the University's division of sponsored research. The President, or designee, is authorized to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue from these methods. The President or designee may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of those costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as prohibited elsewhere by law.

(e) Administer and operate academic health, including the clinical practice and related functions. The President or designee is authorized to negotiate, enter into, and execute at any dollar value or duration intergovernmental transfer agreements in support of clinical services provided by UCF faculty and UCF clinical operations, as well as agreements and related documents with regard to UCF's participation in Medicaid or Medicare programs.

(f) Keep the Board apprised of the financial condition of the University and all Related Entities, subject to the oversight of the Board.

(g) Prepare an institutional budget request, including a request for fixed capital outlay, for approval by the Board.

(h) Prepare for Board approval a schedule of tuition and fees to be charged by the University. The President may establish the fee schedule for services and equipment provided to students and others and which are not a part of the required costs for enrolling in academic coursework or for housing. Examples of these fees include, but are not limited to, child care services, fines or penalties for lost or damaged property, facility rentals, and extracurricular support services.

(i) Prepare the operating budget of the University, carryforward spending plan, and a fixed capital outlay budget, if required, as prescribed by law, regulations of the Board of Governors, policies of the Board, and provisions of the General Appropriations Act, for approval by the Board. Amend the Board-approved operating budget when necessary to accommodate changes in revenues, expenditures, and statutory budget amendments.



Seek Board approval for any changes in excess of one percent (1.0%) made to the total approved operating budget during the operating year.

(j) Enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(k) Sign checks and authorize other forms of payment to pay legal obligations of the University, in accordance with section 1011.42(7), Florida Statutes.

(l) Enter into agreements for banking services and perform banking transactions and delegate to appropriate individuals the authority to withdraw or transfer funds or other assets from a University account.

(m) Enter into agreements for collection services when deemed advisable in collecting delinquent accounts and charging off and settling uncollectible accounts.

(n) Provide sufficient information to Board to allow for prudent decision-making and recommend for Board approval, as to the University or any Related Entities:

1. All borrowing of funds and any material changes to such loans, including internal University resources borrowed via internal loan;
2. Any debt issuance; and
3. Public-private partnerships.

(o) Make budget transfers to and from depositories and accounts, to include, the transfer of 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 to pay expenses, expenditures, or other disbursements, evidenced by an invoice or other appropriate documentation.

(p) Account for University and Related Entities expenditures of any state, local, federal, and other funds in accordance with applicable guidelines or regulations established by the Board of Governors, and as provided by law, including the submission of annual financial statements for the University and all Related Entities.

(q) Ensure University funds are invested in accordance with the investment program approved by the Board and in compliance with applicable federal and state laws and regulations.

**(7) Property and Procurement.** The President is responsible for implementing fiscally and administratively appropriate programs related to university property and procurement, and in doing so shall:

(a) Administer a program for the maintenance and construction of facilities, pursuant to Chapter 1013, Florida Statutes, and Board of Governors regulations, to include the following activities:

1. Pursuant to section 1013.30, Florida Statutes, and Board of Governors' regulations, prepare a campus master plan for Board adoption and a campus development agreement for Board execution; and report periodically on progress under the master plan and plan amendments.
2. Initiate and manage construction projects (new, remodeling, or site work) with a projected total project construction cost, in one or a series of related

transactions, in the amount equal to or less than \$42 million. Manage construction projects with a projected construction-total project cost greater than \$42 million following Board approval of the project.

3. Conduct plan reviews, issue permits and construction inspections to enforce building code compliance for projects subject to the Florida Building Code.
4. Approve additional service authorizations and change orders in the name of the Board. If a Board-approved project exceeds its approved budget in an amount greater than or equal to ten percent (10%) of the total approved value of the project, a project budget increase must be approved by the Board.
5. Implement procedures for the selection of vendors providing design and construction services incorporating applicable competitive solicitation requirements.
6. Contract for design, engineering, and construction services, including design-build services, and approve and execute associated contracts and other documents.
7. Exercise responsibility for the fire safety and sanitation of public educational and ancillary plants.

(b) Recommend for Board approval regulations setting forth competitive solicitation requirements and other criteria related to the procurement of commodities, goods, equipment and other types of personal property, software, and contractual services.

(c) Contract for the lease-purchase of equipment and software in accordance with the Board of Governors Debt Management Guidelines.

(d) Approve and execute any real property leases or licenses, as a tenant or licensee, with total University expenditures of less than \$5,000,000 and a term of or less than five (5) years, as well as any amendment or extension of such real property leases or licenses which increases, by ten percent (10%) or less of the total approved lease or license value. This authority applies to Related Entities.

(e) Approve and execute any real property leases or licenses, as landlord or licensor, for use of property owned or controlled by the University or Related Entities with a total revenue less than \$5 million and a term of five (5) years or less, as well as any amendment or extension of such real property lease or license which increases, by ten percent (10%) or less of the total approved lease or license value.

(f) Act for the Board as custodian of all University personal property, to include the disposal, use or sale of lost or abandoned personal property found within areas under the University's jurisdiction in accordance with section 705.18, Florida Statutes.

(g) Regulate the use, maintenance, protection, and control of, and the imposition of charges for, University-owned or University-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the University.

(h) Recommend to the Board the naming of a University facility on a UCF campus on behalf of an individual, group or entity, in accordance with University policy on namings;





comply with law or Board of Governors regulation as to any naming on behalf of a living individual.

(i) Protect, develop, and transfer the work products of University personnel and other University agents and contractors, including licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks therein.

### **(8) Miscellaneous Powers and Duties: Related Entities, Legal Matters, Gifts.**

Not every circumstance that may occur at the University is addressed in this Policy, and the Board expects that the President will exercise sound judgment and act in the best interest of the University. Additionally, the President shall:

(a) Present and recommend all appropriate documents and actions with regard to Related Entities, such as recommending certification of a Related Entity, ~~presenting appointments to Related Entity boards for approval~~, recommending annual budgets and allowable transfers of funds, and recommending changes to governing documents; additionally, perform such other actions as may be necessary for the functioning of Related Entities in keeping with applicable law and regulations.

(b) After consultation with the Board Chair make director appointments to Related Entity boards and annually report to the Board on all Related Entity board appointments during the reporting year.

~~(bc)~~ Develop, approve, implement and oversee the programs, systems, terms, policies, procedures and strategies for the operations of faculty practice plans.

~~(de)~~ Oversee the University's fundraising operations and accept and administer gifts, grants, bequests, and devises made for the benefit of the University.

~~(ed)~~ Initiate, appeal and settle lawsuits involving the University or Related Entities, and join amicus briefs, after consultation with the Board Chair, other than claims and lawsuits (i) covered by the State of Florida's Division of Risk Management or by the UCF College of Medicine Self-Insurance Program, which may be managed, appealed, and settled without Board Chair consultation, and (ii) for Related Entities, covered by their insurance or self-insurance program.

~~(fe)~~ Employ private attorney services after consulting with the University's General Counsel.

For the purposes of this Policy the following terms are used as follows:

**Board** or **BOT**: UCF Board of Trustees

**Board Chair**: Chair of the UCF Board of Trustees

**Board of Governors** or **BOG**: Board of Governors of the State University System of Florida

**President**: President of the University of Central Florida

**Related Entities**: Direct support organizations and practice plan corporations of the University.

**UCF** or **University**: University of Central Florida

**Vice President**: University vice president or senior vice president.



### INITIATING AUTHORITY

UCF Board of Trustees

**History:** New October 26, 2017; Amended January 24, 2019, May 16, 2019, October 22, 2020, February 18, 2021, October 20, 2022, ~~2022~~ -2024.

**Authority:** Section 7(c), Art. IX, Fla. Const.; FL BOG Regulation 1.001