

2018

Florida College System Trustee Manual



Serving the Florida College System since 1949

Trustee Commission
Association of Florida Colleges
3/26/2018

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Dear Trustee:

Congratulations on being appointed a Trustee of a Florida college.

Trustees play a very important role in college governance. The Florida College System (FCS) is built on a strong system of local control vested in the District Board of Trustees for each college. It is the trustees, collectively, who carry the fiduciary and policy responsibility for their respective colleges. Trustees literally “hold in trust” their institutions on behalf of the citizens of Florida and their local communities.

Trustees must be knowledgeable of the mission and organizational structure of the Florida College System as a whole and how it fits into Florida’s higher education system. Within the system, there is a long tradition of collaboration and cooperation between the 28 colleges, the Division of Florida Colleges, and the Association of Florida Colleges for the common good of the FCS.

This manual is intended to provide an overview of the Florida College System, a description of how the FCS operates within the higher education structure of Florida, and guidance on important roles the trustees play at their college.

Best regards,

Michael Brawer, CEO and Executive Director
Association of Florida Colleges

A History of the Florida College System

- 1927** - St. Petersburg Junior College founded as private, two-year college.
- 1933** - Palm State Junior College founded as first public college.
- 1939** - The Legislature passes law allowing counties to petition for the establishment of public colleges.
- 1947-48** - Drs. Morphet and Johns include a section on "junior colleges" in report to legislature.
- St. Petersburg Junior College (St. Petersburg College) becomes part of Florida's public system.
- 1947-49** - Legislature approves creation of three new colleges:
- Palm Beach Junior College (Palm Beach State College)
 - Chipola Junior College (Chipola College)
 - Pensacola Junior College (Pensacola State College)
- 1949:** - Booker T. Washington Jr. College-Pensacola established as 1st public black junior college in Florida.
- **Dr. John Leonard**, who served as both the superintendent of public instruction in Palm Beach County and as president of Palm Beach Junior College, met with **Dr. Lee Henderson** from the University of Florida's College of Education to plan a series of four conferences for junior college administrators. The conferences were held in January, May, July, and October 1949 and included the presidents as well as faculty members from the state's four public junior colleges. At the October meeting, the presidents of four Florida junior colleges, Pensacola, St. Petersburg, Chipola, and Palm Beach, and the conference participants, formally organized as the **Florida Association of Public Junior Colleges (FAPJC)**, now known as the **Association of Florida Colleges**.
- 1955:** - **State Plan for Public Junior Colleges by Dr. James Wattenbarger published** – The Florida Legislature creates the **Community College Council** to formulate long range plan for establishment and coordination of community colleges.
- 1957:** - The Community College Council issues report to the 1957 legislature entitled, ***The Community Junior College in Florida's Future***. Report recommends 28 junior colleges located within commuting distance of 99% of state's population. The Florida Legislature accepts report as the Master Plan for Florida's junior colleges and approved six (6) new community college districts to begin implementing the plan.
- Legislature also approved statutory revisions that permitted the junior colleges to begin a separate existence apart from the K12 programs—although this did not happen until the 1967-68 fiscal year when the legislature approved measures which officially released the colleges from local boards of public instruction and established locally autonomous district boards of trustees.

- The Division of Community Colleges was established as a separate division within the FL Department of Education. **Dr. James Wattenbarger** was appointed as the Division Director.

- The Legislature approves creation of six new colleges:

- Gulf Coast Community College (Gulf Coast State College)
- Central Florida Community College (College of Central Florida)
- Daytona Beach Community College (Daytona State College)
- Manatee Junior College (State College of Florida, Manatee-Sarasota)
- North Florida Junior College (North Florida Community College)
- St. Johns River Community College (St. Johns River State College)

- Gibbs Jr. College established in St. Petersburg, FL for African-American students.

1960:

- Legislature approves creation of four new colleges:

- Brevard Community College (Eastern Florida State College)
- Broward Community College (Broward College)
- Miami Dade Community College (Miami Dade College)
- Indian River Community College (Indian River State College)

1962:

- Legislature approves creation of three new colleges:

- Edison Community College (Florida SouthWestern State College)
- Lake City Community College (Florida Gateway College)
- Lake-Sumter Junior College (Lake-Sumter State College)

1964:

Legislature approves creation of Okaloosa-Walton Community College (Northwest Florida State College).

1965:

Legislature approves creation of Polk Community College (Polk State College).

1966-67:

Dr. Wattenbarger resigns as Director of the Community/Junior College Division of FLDOE and returned to the University of Florida. Dr. Lee Henderson was named the new Director.

- All 12 African-American two-year public colleges were merged with existing "white" institutions.

- Legislature approves creation of five new colleges:

- Florida Keys Community College
- Florida Community College at Jacksonville (Florida State College at Jacksonville)
- Santa Fe Community College (Santa Fe College)
- Seminole Community College (Seminole State College)
- South Florida Community College (South Florida State College)

1967

- Legislature approves creation of two new colleges:

- Valencia Community College (Valencia College)
- Tallahassee Community College

1968:

- The Legislature approves colleges to be governed by District Boards of Trustees.

- The Legislature approves the creation of Hillsborough Community College.
- 1969:** - Florida Association of Public Junior Colleges (FAPJC) changes name to Florida Association of Community Colleges (FACC).
- 1972:** - The Legislatures approves the creation of Pasco-Hernando Community College (Pasco- Hernando State College), making the Great 28 become a reality.
- 1979:** - Through 1979, the Community College Coordinating Board continued to function as the state-wide advisory council for the community college system, however in 1979, the legislature created the Community College Coordinating BOARD to manage and coordinate the system. This Board functioned through 1983 when the legislature replaced it with the State Board of Community Colleges (SBCC).
 - Dr. Lee Henderson retired and was replaced by Mr. John Blue as Interim Director.
- 1984:** - After a national search, former state senator and representative, **Clark Maxwell, Jr.**, is named the State Board of Community College's first Executive Director and the first Executive Director of the Community College System.
- 1994:** - **Dr. Harry Albertson** is named Executive Director of the FACC, replacing Frank Casey.
- 1997:** - In December 1997, Clark Maxwell retired as Executive Director of the FL Community College System and was replaced on an interim basis by Assistant Executive Director **David Armstrong**.
- 1998:** - Following a national search, in 1998, the State Board of Community Colleges selected **David Armstrong** as its new executive director.
- 2000:** - The Legislature adopted the Florida Education Governance Reorganization Act, establishing the new **State Board of Education** and eliminating an elected Commissioner of Education. Prior to that, the Florida Cabinet served as the State Board of Education.
- 2001:** - Effective July 1, 2001, SB 1162 abolished the State Board of Community Colleges and the Board of Regents AND significantly included language for a process whereby community colleges could seek authority to offer baccalaureate degrees.
 - With the dissolution of the SBCC, and the establishment of the Department of Education and the Division of Florida Colleges as agencies of the Governor's Office, it became clear to the state's 28 community college presidents that they would need to be more proactive in terms of advocacy and the System's legislative agenda.
 - The Council of Presidents (COP) and the FACC Board of Directors entered into a formal agreement clarifying the relationship between FACC and the COP. The FACC **established the Policy and Advocacy Committee** under the umbrella of FACC, comprised of all 28 presidents. It provided the COP administrative, advocacy, support services, and staffing. At that time, the FACC executive director was **Dr. Harry Albertson**.

- 2005:** - Dr. Harry Albertson retired as Executive Director of the FACC and was replaced by **Mr. Mike Comins**.
- 2006:** - The state's community colleges continued to expand, particularly in developing programs to address the state's teacher shortage, and workforce-related baccalaureate degrees.
- 2007:** - **Mr. David Armstrong** left his position as Chancellor to assume the presidency of Broward College, and Executive Vice Chancellor **Dr. Judith Bilsky** was appointed to serve as acting Chancellor.
- **Dr. Willis Holcombe**, President Emeritus of Broward College, who was appointed Interim Chancellor in October 2007.
- 2008:** - In November 2008, **Mr. Michael Brawer** is named the FACC's next CEO. Mr. Brawer (2008-present) successfully led the Association through the organizational name change and rebrand from FACC to the AFC—Association of Florida Colleges to reflect the evolving nature of the System, and provided legislative advocacy as well as expanding membership and providing professional development opportunities for individuals throughout the FCS.
- **Commissioner Eric Smith** named **Dr. Holcombe** as Chancellor, eliminating the "interim" tag. Dr. Holcombe remained in that position until October 2011, providing critical, steady oversight regarding the development of "state colleges" and the appropriate approval process for the expansion of bachelor degree offerings as well as serving as respected liaison between the Colleges, the Legislature and the Governor's office in navigating the impact of the economic recession.
- 2011:** - **Mr. Randy Hanna**, former Chair of the State Board of Community Colleges, was named Chancellor of the Division of Florida Colleges and remained in that position until 2015. Mr. Hanna led the System through the growth of numerous baccalaureate programs and an increasing emphasis on workforce preparation programs. Dr. Bilsky also served as acting Chancellor again in 2011.
- 2015 - present:** - **Ms. Madeline Pumariega** was appointed as Hanna's successor and currently serves as Chancellor of the Division, dealing with major challenges including budget shortfalls, performance measure goal attainment, and governance and system mission issues.

FLORIDA COLLEGE SYSTEM FACTS AT A GLANCE

How many public colleges are in Florida?

28

Total Campuses

70

Total Sites

179

Total Campus Buildings

2,171

Total Acres of Land Occupied by Colleges

13,485

Capital Assets

\$8.78 billion

How many people work in Florida's colleges, Fall 2016?

Total Employees

46,329

Total Faculty Members:

21,409

Full-time 2016-17

25,700

Part-time or Adjunct 2016-17

20,629

What do Florida's college students look like?

All Students Enrolled in a Course, Lower Division, Non-Credit, and Upper Division (FTE 3 - 2017)

329,900 FTE

815,000 total students (estimated)

Student Profile

Full-time students

35%

Part-time students

65%

Average student age

25 years

Gender

59% female

Minority enrollment

58%

Other valuable Florida College System data and information can be found by clicking https://www.floridacollegesystem.com/publications/data_snapshots.aspx.

KEY CONTACTS

FLORIDA COLLEGE SYSTEM PRESIDENTS

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Association of Florida Colleges

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DEPARTMENT OF EDUCATION**Florida State Board of Education**

The **Florida State Board of Education (SBOE)** is appointed by the Florida Governor to **direct** public K-12 & Community College education and the **Florida Department of Education**. The Board is a committee of **seven members** and the Commissioner of Education

Board of Education

Chair, Marva Johnson - Marva.Johnson@fldoe.org
Vice Chair, Andy Tuck - Andy.Tuck@fldoe.org
Gary Chartrand - Gary.Chartrand@fldoe.org
Ben Gibson - Ben.Gibson@fldoe.org
Tom Grady - Tom.Grady@fldoe.org
Michael Olenick - Michael.Olenick@fldoe.org
Joe York – Joe.York@fldoe.org

Pam Stewart, Commissioner

Florida Department of Education
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Division of Florida Colleges

Madeline Pumariega, Chancellor
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For additional Division of Florida Colleges staff information visit <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us/staff-directory.stml>.

FLORIDA COLLEGE SYSTEM STRUCTURE and GOVERNANCE

This section contains statutes and information related to the governance of the Florida College System. A brief overview of public higher education is provided along with a listing of current State statutes related to FCS governance and an overview of the statutory provisions related to the future of the Florida College System. Additionally, two charts are provided which show how the various parts of the public higher education system in Florida relate to one another.

DIVISION OF FLORIDA COLLEGES

The Division of Florida Colleges is a dynamic and responsive Department of Education team who act as a support system for Florida College System institutions. The division provides leadership and advocacy for the 28 institutions in an effort to promote continuous improvement and education innovation within the Florida College System.

The Florida College System is comprised of 28 institutions, including colleges, state colleges, and community colleges. Governed by local boards of trustees, the colleges fall under the jurisdiction of the State Board of Education for legislatively specified activities such as state budget requests and baccalaureate degree approval. The purpose of this document is to give a brief overview of Florida higher education governance as it relates to The Florida College System (FCS).

The Florida Legislature, composed of the Senate and House of Representatives, is responsible for Florida Statutes related to public higher education in the state. The K-20 Education Code, specifically chapters 1000-1013, lays out relevant statute. Furthermore, the Legislature annually allocates funding for the FCS under the General Appropriations Act.

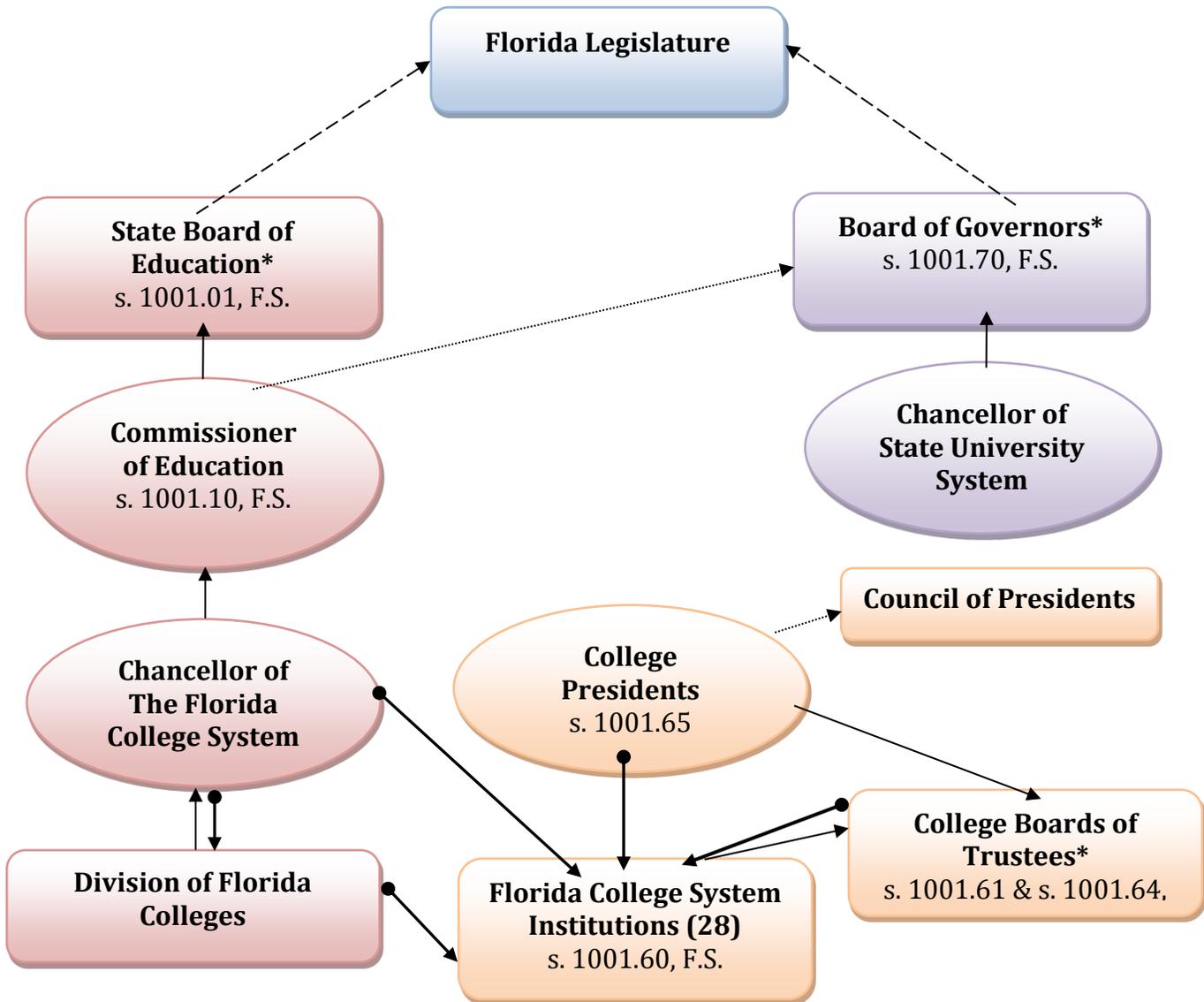
The roles and responsibilities of the State Board of Education (SBOE) are outlined in section (s.) 1001.01, Florida Statute (F.S.). The SBOE is the chief implementing and coordinating body of public education in Florida (excluding the State University System) with a focus on high-level policy decisions, strategic planning, and budget recommendations, among other responsibilities. Per s. 1001.70, F.S., the Board of Governors is the SBOE's counterpart for the 12 public universities in the State University System.

The Commissioner of Education is the chief educational officer in the state of Florida. The Commissioner's responsibilities include functions necessary to support the SBOE. Per s. 1001.10, F.S., these responsibilities include, but are not limited to, strategic planning and budget development, general administration, assessment, and accountability.

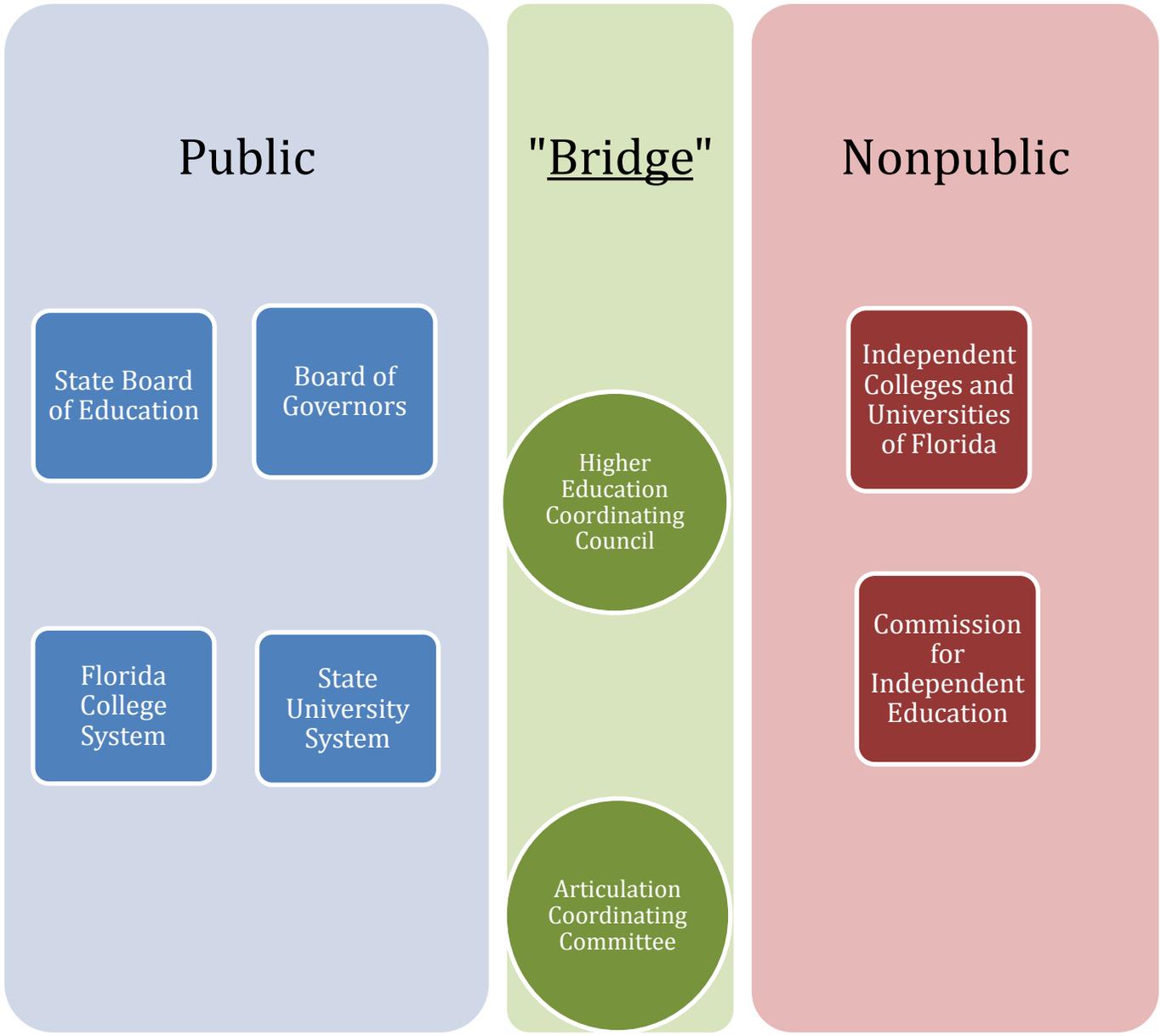
Along with the Chancellor of the State University System, the Commissioner of Education has the responsibility of appointing members of the Articulation Coordinating Committee (ACC). The ACC makes recommendations related to statewide articulation policies to the Higher Education Coordinating Council, the State Board of Education, and the Board of Governors (per s. 1007.01, F.S.). The Chancellor of the State University System, (appointed by the Board of Governors) the Commissioner of Education, (appointed by the Governor) and the Chancellor of The Florida College System (appointed by the Commissioner of Education) – along with other higher education stakeholders – all serve on the Higher Education Coordinating Council (HECC). The purpose of HECC, per s. 1004.015, F.S., is to identify unmet needs and facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers and making recommendations to the legislature.

The Chancellor of The Florida College System is housed in the Florida Department of Education's Division of Florida Colleges and acts as a liaison between the 28 colleges within the FCS and the Commissioner of Education, the Legislature and the Governor's office.

Each FCS institution is governed by a local board of trustees, per s.1001.61, F.S. The powers of the boards of trustees are outlined in s. 1001.64, F.S. Boards of trustees work closely with college presidents who, per s. 1001.65, F.S., are chief executive officers of their respective FCS institutions. College presidents also constitute the Council of Presidents, an organization designed to promote and represent the interests of the Florida College System. Below is a graphic of Florida's higher education governance system.



- Legend**
- Report to →
 - Make recommendations →
 - Collaborate with ●→
 - Serve as member →
 - * Appointed by the Governor of Florida



CURRENT FLORIDA STATUTES REGARDING THE FCS

1001.60 Florida College System —

(1) PURPOSES.—In order to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state’s employment needs, the Legislature establishes a system of governance for the Florida College System.

(2) FLORIDA COLLEGE SYSTEM.—There shall be a single Florida College System comprised of the Florida College System institutions identified in s. 1000.21(3). A Florida College System institution may not offer graduate degree programs.

(a) The programs and services offered by Florida College System institutions in providing associate and baccalaureate degrees shall be delivered in a cost-effective manner that demonstrates substantial savings to the student and to the state over the cost of providing the degree at a state university.

(b) 1. With the approval of its district board of trustees, a Florida College System institution may change the institution’s name set forth in s. 1000.21(3) and use the designation “college” or “state college” if it has been authorized to grant baccalaureate degrees pursuant to s. 1007.33 and has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.

2. With the approval of its district board of trustees, a Florida College System institution that does not meet the criteria in subparagraph 1. may request approval from the State Board of Education to change the institution’s name set forth in s. 1000.21(3) and use the designation “college.” The State Board of Education may approve the request if the Florida College System institution enters into an agreement with the State Board of Education to do the following:

a. Maintain as its primary mission responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(5).

b. Maintain an open-door admissions policy for associate-level degree programs and workforce education programs.

c. Continue to provide outreach to underserved populations.

d. Continue to provide remedial education.

e. Comply with all provisions of the statewide articulation agreement that relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education pursuant to s. 1007.23.

(c) A district board of trustees that approves a change to the name of an institution under paragraph (b) must seek statutory codification of such name change in s. 1000.21(3) during the next regular legislative session.

(d) A Florida College System institution may not use the designation “university.”

(3) LOCAL BOARDS OF TRUSTEES.—Each institution within the Florida College System shall be governed by a local board of trustees as provided in s. 1001.64. The membership of each local board of trustees shall be as provided in s. 1001.61.

1001.61 Florida College System institution boards of trustees; membership.—

(1) Florida College System institution boards of trustees shall be comprised of five members when a Florida College System institution district is confined to one school board district; seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elects; and not more than nine members when the district contains two or more school board districts, as provided by rules of the State Board of Education. However, Florida State College at Jacksonville shall have an odd number of trustees.

(2) Trustees shall be appointed by the Governor and confirmed by the Senate in regular session.

(3) Members of the board of trustees shall receive no compensation but may receive reimbursement for expenses as provided in s. 112.061.

(4) At its first regular meeting after July 1 of each year, each Florida College System institution board of trustees shall organize by electing a chair, whose duty as such is to preside at all meetings of the board, to call special meetings thereof, and to attest to actions of the board, and a vice chair, whose duty as such is to act as chair during the absence or disability of the elected chair. It is the further duty of the chair of each board of trustees to notify the Governor, in writing, whenever a board member fails to attend three consecutive regular board meetings in any one fiscal year, which absences may be grounds for removal.

(5) A Florida College System institution president shall serve as the executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for setting the agenda for meetings of the board of trustees in consultation with the chair. The president also serves as the chief administrative officer of the Florida College System institution, and all the components of the institution and all aspects of its operation are responsible to the board of trustees through the president.

History.—s. 77, ch. 2002-387; s. 10, ch. 2009-228; s. 18, ch. 2011-5.

1001.62 Transfer of benefits arising under local or special acts.—

All local or special acts in force on July 1, 1968, that provide benefits for a Florida College System institution through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the Florida College System institution board of trustees.

History.—s. 78, ch. 2002-387; s. 19, ch. 2011-5.

1001.63 Florida College System institution board of trustees; board of trustees to constitute a corporation.—

Each Florida College System institution board of trustees is constituted a body corporate by the name of “The District Board of Trustees of (name of Florida College System institution) , Florida” with all the powers and duties of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue or be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, the corporate secretary or designee of the chair.

History.—s. 79, ch. 2002-387; s. 20, ch. 2011-5.

1001.64 Florida College System institution boards of trustees; powers and duties.—

(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the Florida College System institution's mission, the implementation and maintenance of high-quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(2) Each board of trustees is vested with the responsibility to govern its respective Florida College System institution and with such necessary authority as is needed for the proper operation and improvement thereof in accordance with rules of the State Board of Education.

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties. A board of trustees shall ask the Commissioner of Education to authorize an investigation of the president's actions by the department's inspector general if the board considers such investigation necessary. The inspector general shall provide a report detailing each issue under investigation and shall recommend corrective action. If the inspector general identifies potential legal violations, he or she shall refer the potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority.

(4) (a) The board of trustees, after considering recommendations submitted by the Florida College System institution president, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. These rules may supplement those prescribed by the State Board of Education if they will contribute to the more orderly and efficient operation of Florida College System institutions.

(b) Each board of trustees is specifically authorized to adopt rules, procedures, and policies, consistent with law and rules of the State Board of Education, related to its mission and responsibilities as set forth in s. 1004.65, its governance, personnel, budget and finance, administration, programs, curriculum and instruction, buildings and grounds, travel and purchasing, technology, students, contracts and grants, or college property.

(5) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of Florida College System institution owned or Florida College System institution controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the Florida College System institution. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound.

(6) Each board of trustees has responsibility for the establishment and discontinuance of program and course offerings in accordance with law and rule; provision for instructional and noninstructional community services, location of classes, and services provided; and dissemination of information concerning such programs and services. New programs must be approved pursuant to s. 1004.03.

(7) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule; requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education coursework, for an associate in arts degree; notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities; notifying students of unique program prerequisites; and ensuring that degree

program coursework beyond general education coursework is consistent with degree program prerequisite requirements adopted pursuant to s. 1007.25(5).

(8) Each board of trustees has authority for policies related to students, enrollment of students, student records, student activities, financial assistance, and other student services.

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.263 and rules of the State Board of Education. A board of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to ensure student readiness for postsecondary instruction. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the Florida College System institution.

(b) Each board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates pursuant to s. 1004.68.

(c) Boards of trustees are authorized to establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.

(d) Boards of trustees shall identify their core curricula, which shall include courses required by the State Board of Education, pursuant to the provisions of s. 1007.25(6).

(e) Each board of trustees must adopt a written antihazing policy, provide a program for the enforcement of such rules, and adopt appropriate penalties for violations of such rules pursuant to the provisions of s. 1006.63.

(f) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violation of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(g) Each board of trustees pursuant to s. 1006.53 shall adopt a policy in accordance with rules of the State Board of Education that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.

(9) A board of trustees may contract with the board of trustees of a state university for the Florida College System institution to provide college-preparatory instruction on the state university campus.

(10) Each board of trustees shall establish fees pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and 1009.27.

(11) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the State Board of Education for review in accordance with guidelines established by the State Board of Education.

(12) Each board of trustees shall account for expenditures of all state, local, federal and other funds in the manner described by the Department of Education.

- (13) Each board of trustees is responsible for the uses for the proceeds of academic improvement trust funds pursuant to s. 1011.85.
- (14) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the Florida College System institution for recommendation to the State Board of Education.
- (15) Each board of trustees shall develop an accountability plan pursuant to s. 1008.45.
- (16) Each board of trustees must expend performance funds provided for workforce education pursuant to the provisions of s. 1011.80.
- (17) Each board of trustees is accountable for performance in certificate career education and diploma programs pursuant to s. 1008.43.
- (18) Each board of trustees shall establish the personnel program for all employees of the Florida College System institution, including the president, pursuant to the provisions of chapter 1012 and rules and guidelines of the State Board of Education, including: compensation and other conditions of employment; recruitment and selection; nonreappointment; standards for performance and conduct; evaluation; benefits and hours of work; leave policies; recognition; inventions and work products; travel; learning opportunities; exchange programs; academic freedom and responsibility; promotion; assignment; demotion; transfer; ethical obligations and conflict of interest; restrictive covenants; disciplinary actions; complaints; appeals and grievance procedures; and separation and termination from employment.
- (19) Each board of trustees shall appoint, suspend, or remove the president of the Florida College System institution. The board of trustees may appoint a search committee. The board of trustees shall conduct annual evaluations of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45 and the performance of the president in achieving the annual and long-term goals and objectives established in the Florida College System institution's employment accountability program implemented pursuant to s. 1012.86.
- (20) Each board of trustees is authorized to enter into contracts to provide a State Community College System Optional Retirement Program pursuant to s. 1012.875 and to enter into consortia with other boards of trustees for this purpose.
- (21) Each board of trustees is authorized to purchase annuities for its Florida College System institution personnel who have 25 or more years of creditable service and who have reached age 55 and have applied for retirement under the Florida Retirement System pursuant to the provisions of s. 1012.87.
- (22) A board of trustees may defray all costs of defending civil actions against officers, employees, or agents of the board of trustees pursuant to s. 1012.85.
- (23) Each board of trustees has authority for risk management, safety, security, and law enforcement operations. Each board of trustees is authorized to employ personnel, including police officers pursuant to s. 1012.88, to carry out the duties imposed by this subsection.

(24) Each board of trustees shall provide rules governing parking and the direction and flow of traffic within campus boundaries. Except for sworn law enforcement personnel, persons employed to enforce campus parking rules have no authority to arrest or issue citations for moving traffic violations. The board of trustees may adopt a uniform code of appropriate penalties for violations. Such penalties, unless otherwise provided by law, may include the levying of fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal. Moneys collected from parking rule infractions shall be deposited in appropriate funds at each Florida College System institution for student financial aid purposes.

(25) Each board of trustees constitutes the contracting agent of the Florida College System institution. It may when acting as a body make contracts, sue, and be sued in the name of the board of trustees. In any suit, a change in personnel of the board of trustees shall not abate the suit, which shall proceed as if such change had not taken place.

(26) Each board of trustees is authorized to contract for the purchase, sale, lease, license, or acquisition in any manner, including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased, subject to the provisions of subsection (38) and ss. 1009.22 and 1009.23, of goods, materials, equipment, and services required by the Florida College System institution. The board of trustees may choose to consolidate equipment contracts under master equipment financing agreements made pursuant to s. 287.064.

(27) Each board of trustees shall be responsible for managing and protecting real and personal property acquired or held in trust for use by and for the benefit of such Florida College System institution. To that end, any board of trustees is authorized to be self-insured, to enter into risk management programs, or to purchase insurance for whatever coverage it may choose, or to have any combination thereof, in anticipation of any loss, damage, or destruction. A board of trustees may contract for self-insurance services pursuant to s. 1004.725.

(28) Each board of trustees is authorized to enter into agreements for, and accept, credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees. Each Florida College System institution is further authorized to establish accounts in credit card, charge card, and debit card banks for the deposit of sales invoices.

(29) Each board of trustees may provide incubator facilities to eligible small business concerns pursuant to s. 1004.79.

(30) Each board of trustees may establish a technology transfer center for the purpose of providing institutional support to local business and industry and governmental agencies in the application of new research in technology pursuant to the provisions of s. 1004.78.

(31) Each board of trustees may establish economic development centers for the purpose of serving as liaisons between Florida College System institutions and the business sector pursuant to the provisions of s. 1004.80.

(32) Each board of trustees may establish a child development training center pursuant to s. 1004.81.

(33) Each board of trustees is authorized to develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to chapter 1004.

(34) Each board of trustees shall administer the facilities program pursuant to chapter 1013, including but not limited to: the construction of public educational and ancillary plants; the acquisition and disposal of property; compliance with building and life safety codes; submission of data and information relating to facilities and construction; use of buildings and grounds; establishment of safety and sanitation programs for the protection of building occupants; and site planning and selection.

(35) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013.

(36) Each board of trustees may enter into lease-purchase arrangements with private individuals or corporations for necessary grounds and buildings for Florida College System institution purposes, other than dormitories, or for buildings other than dormitories to be erected for Florida College System institution purposes. Such arrangements shall be paid from capital outlay and debt service funds as provided by s. 1011.84(2), with terms not to exceed 30 years at a stipulated rate. The provisions of such contracts, including building plans, are subject to approval by the Department of Education, and no such contract may be entered into without such approval.

(37) Each board of trustees may purchase, acquire, receive, hold, own, manage, lease, sell, dispose of, and convey title to real property, in the best interests of the Florida College System institution.

(38) Each board of trustees is authorized to enter into short-term loans and installment, lease-purchase, and other financing contracts for a term of not more than 5 years, including renewals, extensions, and refundings. Payments on short-term loans and installment, lease-purchase, and other financing contracts pursuant to this subsection shall be subject to annual appropriation by the board of trustees. Each board of trustees is authorized to borrow funds and incur long-term debt, including promissory notes, installment sales agreements, lease-purchase agreements, certificates of participation, and other similar long-term financing arrangements, only as specifically provided in ss. 1009.22(6) and (9) and 1009.23(11) and (12). At the option of the board of trustees, bonds issued pursuant to ss. 1009.22(6) and (9) and 1009.23(11) and (12) may be secured by a combination of revenues authorized to be pledged to bonds pursuant to such subsections. Revenue bonds may not be secured by or paid from, directly or indirectly, tuition, financial aid fees, the Florida College System Program Fund, or any other operating revenues of a Florida College System institution. Lease-purchase agreements may be secured by a combination of revenues as specifically authorized pursuant to ss. 1009.22(7) and 1009.23(10).

(39) Each board of trustees shall prescribe conditions for direct-support organizations to be certified and to use Florida College System institution property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.

(40) Each board of trustees may adopt policies pursuant to s. 1010.02 that provide procedures for transferring to the direct-support organization of that Florida College System institution for administration by such organization contributions made to the Florida College System institution.

(41) The board of trustees shall exert every effort to collect all delinquent accounts pursuant to s. 1010.03.

(42) Each board of trustees shall implement a plan, in accordance with guidelines of the State Board of Education, for working on a regular basis with the other Florida College System institution boards of trustees, representatives of the university boards of trustees, and representatives of the district school boards to achieve the goals of the seamless education system.

(43) Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

(44) Each board of trustees may adopt rules, procedures, and policies related to institutional governance, administration, and management in order to promote orderly and efficient operation, including, but not limited to, financial management, budget management, physical plant management, and property management.

(45) Each board of trustees may adopt rules and procedures related to data or technology, including, but not limited to, information systems, communications systems, computer hardware and software, and networks.

(46) Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the Florida College System institution.

(47) A board of trustees may not enter into an employment contract that requires the Florida College System institution to pay a Florida College System institution president an amount from state funds in excess of 1 year of the president's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the president in accordance with the Florida College System institution's leave and benefits policies before the contract terminates.

History.—s. 80, ch. 2002-387; s. 75, ch. 2004-357; s. 4, ch. 2005-146; s. 74, ch. 2007-217; s. 1, ch. 2008-163; s. 2, ch. 2009-60; s. 21, ch. 2011-5; ss. 4, 12, ch. 2011-177.

1001.65 Florida College System institution presidents; powers and duties.—

The president is the chief executive officer of the Florida College System institution, shall be corporate secretary of the Florida College System institution board of trustees, and is responsible for the operation and administration of the Florida College System institution. Each Florida College System institution president shall:

(1) Recommend the adoption of rules, as appropriate, to the Florida College System institution board of trustees to implement provisions of law governing the operation and administration of the Florida College System institution, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with law, the mission of the Florida College System institution, and the rules and policies of the State Board of Education.

(2) Prepare a budget request and an operating budget pursuant to s. 1011.30 for approval by the Florida College System institution board of trustees at such time and in such format as the State Board of Education may prescribe.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the State Board of Education and in accordance with rules or policies approved by the Florida College System institution board of trustees.

(4) Govern admissions, subject to law and rules or policies of the Florida College System institution board of trustees and the State Board of Education.

- (5) Approve, execute, and administer contracts for and on behalf of the Florida College System institution 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 Florida College System institution, provided such contracts are within law and guidelines of the State Board of Education and in conformance with policies of the Florida College System institution board of trustees, and are for the implementation of approved programs of the Florida College System institution.
- (6) Act for the Florida College System institution board of trustees as custodian of all Florida College System institution property and financial resources. The authority vested in the Florida College System institution president under this subsection includes the authority to prioritize the use of Florida College System institution space, property, equipment, and resources and the authority to impose charges for the use of those items.
- (7) Establish the internal academic calendar of the Florida College System institution within general guidelines of the State Board of Education.
- (8) Administer the Florida College System institution's program of intercollegiate athletics.
- (9) Recommend to the board of trustees the establishment and termination of programs within the approved role and scope of the Florida College System institution.
- (10) Award degrees.
- (11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the Florida College System institution, within law and rules of the State Board of Education.
- (12) Organize the Florida College System institution to efficiently and effectively achieve the goals of the Florida College System institution.
- (13) Review periodically the operations of the Florida College System institution in order to determine how effectively and efficiently the Florida College System institution is being administered and whether it is meeting the goals of its strategic plan adopted by the State Board of Education.
- (14) Enter into agreements for student exchange programs that involve students at the Florida College System institution and students in other institutions of higher learning.
- (15) Approve the internal procedures of student government organizations and provide purchasing, contracting, and budgetary review processes for these organizations.
- (16) Ensure compliance with federal and state laws, rules, regulations, and other requirements that are applicable to the Florida College System institution.
- (17) Maintain all data and information pertaining to the operation of the Florida College System institution, and report on the attainment by the Florida College System institution of institutional and statewide performance accountability goals.
- (18) Certify to the department a project's compliance with the requirements for expenditure of PECO funds prior to release of funds pursuant to the provisions of chapter 1013.

(19) Provide to the law enforcement agency and fire department that has jurisdiction over the Florida College System institution a copy of the floor plans and other relevant documents for each educational facility as defined in s. 1013.01(6). After the initial submission of the floor plans and other relevant documents, the Florida College System institution president shall submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility that was modified during the preceding year.

(20) Establish a committee to consider requests for waivers from the provisions of ¹s. 1008.29 and approve or disapprove the committee's recommendations.

(21) Develop and implement jointly with school superintendents a comprehensive articulated acceleration program, including a comprehensive interinstitutional articulation agreement, for the students enrolled in their respective school districts and service areas pursuant to the provisions of s. 1007.235.

(22) Have authority, after notice to the student of the charges and after a hearing thereon, to expel, suspend, or otherwise discipline any student who is found to have violated any law, ordinance, or rule or regulation of the State Board of Education or of the board of trustees of the Florida College System institution pursuant to the provisions of s. 1006.62.

(23) Submit an annual employment accountability plan to the Department of Education pursuant to the provisions of s. 1012.86.

(24) Annually evaluate, or have a designee annually evaluate, each department chairperson, dean, provost, and vice president in achieving the annual and long-term goals and objectives of the Florida College System institution's employment accountability plan.

(25) Have vested with the president or the president's designee the authority that is vested with the Florida College System institution.

History.—s. 81, ch. 2002-387; s. 22, ch. 2011-5.

¹Note.—Repealed by s. 21, ch. 2009-59.

COLLEGE TRUSTEES IN THE FLORIDA COLLEGE SYSTEM

The continuing success of the Florida College System depends in large measure on an effective system of local college governance, and it is the trustees who have the greatest responsibility to assure that local governance works as it should. This section contains several statements, mostly adapted from statements of the Association of Community College Trustees, which describe the essential responsibilities of trustees. The Florida Sunshine Law is also described in this section as is a brief overview of the Florida College System budget process.

The following three sections are reprinted with permission: Association of Community College Trustees (2012). Guide to Trustee Roles and Responsibilities.

TRUSTEE ROLES AND RESPONSIBILITIES

Community college boards of trustees are responsible for ensuring that their colleges are integral parts of their communities and serve their ever-changing needs. Boards are accountable to the community for the performance and welfare of the institutions they govern.

Effective boards consist of people who come together to form a cohesive group to articulate and represent the public interest, establish a climate for learning and monitor the effectiveness of the institution. Boards of trustees do not do the work of their institutions; they establish standards for the work through the policies they set. Their specific responsibilities are to:

Act as a Unit

The board is a corporate body. It governs as a unit, with one voice. This principle means that individual trustees have authority only when they are acting as a board. They have no power to act on their own or to direct college employees or operations.

In order for boards to be cohesive and well-functioning units, trustees must work together as a team toward common goals. Boards should have structures and rules for operating that ensure they conduct their business effectively and efficiently, board agendas are clear and informative, and board meetings are run in an appropriate manner.

The power of governance is expressed through one voice. As individuals, trustees make no commitments on behalf of the board to constituents, nor do they criticize or work against board decisions. To be effective boards must:

- Integrate multiple perspectives into board decision-making
- Establish and abide by rules for conducting board business
- Speak with one voice, and support the decision of the board once it is made
- Recognize that power rests with the board, not individual trustees

Represent the Common Good

Boards of trustees exist to represent the general public. They are responsible for balancing and integrating the wide variety of interests and needs into policies that benefit the common good and the future of their region.

Therefore, board members learn as much as they can about the communities they serve. They gain this knowledge by studying demographic, economic and social trends, by being aware of issues facing the community, and by talking with other community leaders and members of other boards. They use what they learn to make decisions that respond to community interests, needs and values.

Boards discuss multiple viewpoints and issues in public, and have strategies to include the public in the policy-making process. Effective trustees and boards:

- Know community needs and trends
- Link with the community
- Seek out and consider multiple perspectives when making policy decisions
- Debate and discuss issues in public

- Serve the public good

Set the Policy Direction

Governing boards establish policies that provide direction and guidance to the president and staff of the College. A major board responsibility is to define and uphold a vision and mission that clearly reflect student and community expectations. This responsibility challenges boards to think strategically, concentrate on the "big picture," and focus on the future learning needs of their communities. It requires that boards consult widely with community groups as well as the administration, faculty, staff, and students of the college. Trustees engage in exciting, creative, thoughtful discussions as they explore the future and envision what they want their communities to be. They:

- Are proactive, visionary and future-oriented
- Learn about and communicate with many different groups
- Focus on community needs and trends
- Establish the vision, mission and broad institutional goals as policy

Employ, Evaluate and Support the Chief Executive Officer

Successful governance depends on a good relationship between the board and the chief executive officer (CEO). The chancellor or president is the single most influential person in creating an outstanding institution. Therefore selecting, evaluating and supporting the CEO are among the board's most important responsibilities.

The CEO and board function best as a partnership. The CEO implements board policies, while the board depends on the CEO for guidance and educational leadership. This occasionally paradoxical relationship works best when there are clear, mutually agreed-on expectations and role descriptions. The partnership thrives on open communication, confidence, trust, and support. To be effective, trustees and boards must:

- Select and retain the best CEO possible
- Define clear parameters and expectations for performance
- Conduct periodic evaluations; provide honest and constructive feedback
- Act ethically in the relationship with the CEO
- Support the CEO; create an environment for success

Define Policy Standards for College Operations

Successful boards of trustees adopt policies that set standards for quality, ethics and prudence in college operations. Once policy standards are established, boards delegate significant authority to the CEO, allowing the CEO and staff the flexibility they need to exercise professional judgment. The policies:

- Define expectations for high quality educational programs
- Define expectations for student achievement and fair treatment of students
- Require wise and prudent use of funds and management of assets
- Set parameters to attract and retain high quality personnel and ensure fair treatment of employees

Create a Positive Climate

Boards set the tone for the entire system or institution. Through their behavior and policies, successful boards establish a climate in which learning is valued, professional growth is enhanced, and the most important goals are student success and adding value to the community. Alternatively, boards fail their institutions when they act in such a way that they create a stifling, negative, or dysfunctional atmosphere.

Boards of trustees create a positive climate when they look to the future, act with integrity, support risk-taking, and challenge the CEO and college staff to strive for excellence. Effective boards and trustees:

- Model a commitment to learning for students
- Focus on outcomes
- Support professional growth
- Seek consultation in developing policy
- Are ethical and act with integrity

Monitor Performance

Boards are responsible for holding colleges accountable for serving current and future community learning needs. The board adopts the college direction and broad goals as policy, and then monitors the progress made toward those goals. For instance if a board adopts a policy goal that the college programs will result in skilled employees for area business, then the board should ask for periodic reports on how that goal is being met.

Boards also monitor adherence to their policies for programs, personnel, and fiscal and asset management. They receive periodic reports from staff and review reports by and for external agencies, such as accreditation, audit, and state and federal accountability reports. All monitoring processes culminate in the evaluation of the CEO as the institutional leader.

A board's ability to monitor its institution is enhanced when it defines the criteria and standards to be used well in advance of when reports are required, so that the CEO and staff are clear about what is expected. Effective boards and trustees:

- Monitor progress toward goals
- Monitor adherence to operational policies
- Use pre-established criteria for monitoring
- Schedule a timetable for reports

Support and Be Advocates for the College

Trustees are essential links with their communities. They govern on behalf of the public and ensure that the College meets the needs of external constituents. They are also advocates and protectors of the College. They promote the College in the community, and seek support for the college from local, state, and national policymakers. They support the college foundation in seeking community contributions.

Competent boards protect the College from undue pressure on the institution from political and special interests. They support the professional freedom of administrators and faculty to create quality learning

environments that incorporate many different perspectives. They protect the ability of the College to fulfill its mission and promise to their communities. Effective trustees and boards:

- Promote the College in the community
- Foster partnerships with other entities in the community
- Advocate the needs of the College with government officials
- Support the foundation and fundraising efforts
- Protect the College from inappropriate influence

Lead as a Thoughtful Educated Team

Good trusteeship requires the ability to function as part of a team, and a team functions best when all members are encouraged to contribute their unique strengths and are committed to working together.

Effective boards are thoughtful and educated. Trustees on those boards listen well, ask good questions, analyze options, think critically, and clarify their most important values and priorities. They explore issues thoroughly and make policy decisions based on thorough deliberation and comprehensive understanding.

The best boards are future-oriented. They recognize that today's world requires flexible institutions and personnel who are willing to adapt and grow in response to the changing needs of society. Trustees who act with vision, with intelligence, with curiosity and with enthusiasm create a board that is an agent for positive change. Effective boards and trustees:

- Engage in ongoing learning about board roles and responsibilities
- Are curious and inclusive
- Are positive and optimistic
- Support and respect each other

STATEMENT ON ETHICAL GOVERNANCE

Governing boards function better when the [ethical standards](#) for trustee behavior are clear. ACCT recommends that boards explore and adopt a set of standards, often called a "code of ethics" or "[standards for good practice](#)." In fact some regional accrediting commissions for community colleges require that boards have a code of ethics or similar statement.

ACCT has developed the following model code. Boards of trustees are encouraged to use it as a starting point for discussion in developing a code or policy. It is important for trustees to explore together expectations for their own behavior.

As a governing board member, I am responsible to:

1. Devote time, thought and study to the duties and responsibilities of a college board member, so that I may render effective and creditable service;
2. Work with my fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debates of points of issue;

3. Base my personal decision upon all available facts in each situation; vote my honest conviction in every case, un-swayed by partisan bias of any kind; and abide by and uphold the final majority decision to the board;
4. Remember at all times that as an individual I have no legal authority outside the meetings of the board, and to conduct my relationships with the college staff, the local citizenry, and all media of the community on the basis of this fact;
5. Resist every temptation and outside pressure to use my position as a college board member to benefit myself or any other individual or agency apart from the total interest of the community college district;
6. Recognize that it is as important for the board to understand and evaluate the educational program of the community college as it is to plan for the business of college operation;
7. Bear in mind under all circumstances that the primary function of the board is to establish the policies by which the community college is to be administered;
8. Welcome and encourage active cooperation by citizens, organizations, and the media of communication in the district with respect to establishing policy on current college operations and proposed future developments;
9. Support the state and national [community] college trustees associations;
10. Finally, strive step by step toward ideal conditions for the most effective college board service to my community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and the perpetuation of our representative democracy.

BOARD SELF-ASSESSMENT

Here we answer the Who, What, How, and Why's of Board Self-Assessments

Why Should Boards Engage In Self-Assessment?

- In order to identify where they are performing well as a board, and where they might improve.
- Discussion about board roles and responsibilities can strengthen communication and understanding among board members. The discussions can lead to stronger, more cohesive working groups.
- A board's willingness to engage in self-assessment is a model for the rest of the institution. It indicates that board members take their responsibilities very seriously.
- Their interest in self-improvement sets a tone for others in the college to engage in an ongoing review of how education is delivered.

What Should We Expect From a Self-Assessment?

Well-conducted board self-assessments lead to better boards. The results include:

- a summary of board accomplishments
- a better understanding of what it means to be an effective board
- clarification of what trustees expect from each other and themselves

- improved communications among trustees and between the board and CEO
- identification of problems, potential issues, and areas to improve
- an opportunity to discuss and solve problems that may hurt board performance
- identification of strategies to enhance board performance
- renewed dedication to the board
- agreement on board roles and trustee responsibilities
- board goals and objectives for the coming year

Evaluating the performance of the board is not the same as evaluating individual trustee performance. The purpose of the evaluation is to look at the board as a whole, although a side benefit may be that individual board members gain appreciation for the roles and responsibilities of trusteeship.

How Should Boards Evaluate Themselves?

The process generally involves the use of self-assessment instruments. The results of the survey instruments then become the basis for discussion.

ACCT can assist by interviewing each board member, the CEO and others named by the board. The results of the interviews become the basis for discussion.

Who Should Be Involved In The Evaluation?

Each and every board member should participate in the self-evaluation by completing a board self-assessment instrument (if used), and be involved in the discussion.

The CEO is also an important resource. Varying levels of involvement by the CEO are appropriate, from being a full participant in the process, to contributing advice and support for the process, to providing comments on the board/CEO relationship. Most boards conduct the board and CEO evaluations in tandem, since the success of one entity depends on the effectiveness of the other.

In addition, boards may consider inviting comments from those who are part of the management team. Their perspectives can add valuable insight to the board process. However, evaluations that involve others need to be carefully designed so that the information is based on a board established criteria of effectiveness.

ACCT Consultants and facilitators are often helpful to boards in developing and conducting an evaluation. They can provide an independent, non-biased influence to help keep board discussions focused and positive. ACCT's Board Leadership Services arranges for consultants to assist in the process.

Should the Board and CEO Evaluations be Linked?

The board and CEO work together in leading the institution - the board governs, and the CEO leads and administers on a day-to-day basis. It is difficult to evaluate the board without reference to the CEO's contributions, and vice versa.

No matter the process, boards should recognize that when evaluating the CEO, their support of the CEO is an important contribution to the success of the CEO. Conversely, when conducting self-assessments, the CEO's support and advice contributes to board success.

How Often Should Boards Evaluate Themselves?

Formal self-assessments should occur annually. Getting into the habit of regular evaluations makes the process part of the board and college culture, and lessens resistance to self-assessment.

New boards, or boards with a significant number of new members, may wish to hold sessions more often as the members are learning to work together as a team.

What Criteria Should We Use?

A basic self-assessment question is: "Are we doing what we said we will do?" If the purpose of the evaluation is to answer that question the criteria used in the self-assessment process includes what the board has defined as its roles and the policies the board has for its own operations and behavior. Another question is: "How does the board rank itself against commonly accepted standards of boardmanship?" In this case, the criteria used may be those established by national and state associations.

In either case, some possible categories and sample questions are listed below.

- Board Organization
- Community Representation
- Policy Direction
- Board-CEO Relations
- College Operations
- Monitor Institutional Performance
- Board Behavior
- Advocacy
- Board Education

How Do We Design an Instrument?

The first step in designing an instrument is to identify what the board wants to get from the evaluation. If the major question is "Are we doing what we said we will do?" then whoever is designing the instrument needs to review board policies, practices and other statements that set out the board's expectations for itself.

For instance, if the board has a policy or practice that the board represents the community in its policy discussions, the evaluation instrument or checklist may include items that read:

1. The board has a comprehensive understanding of community educational needs.
2. The board considers the interests and needs of the community in its policy discussions.

On the other hand, if the major question is "How do we compare with state or national standards for governing boards?" then the instrument will be based on other standards, including the ACCT code of ethics and Standards for Effective Governance.

Sample Structures

Rating Scales

Trustees and others doing the evaluation will rate statements on an instrument according to how well they perceive the board performing. Every college has staff members who can assist with setting up rating scales. Following are a few examples of rating a statement on the effectiveness of the board self-assessment process. Respondents would be asked to circle or write the letter of the response.

Agreement

Respondents rate how strongly they agree or disagree with a statement

Performance

Respondents rate the quality of a particular item (i.e. excellent, fair, poor, etc.)

Meets Standards

Respondents may be asked to simply state "yes" or "no" in response to a standard

Board Self-Assessment Instrument Item Bank

The Board Self-Assessment Instrument Item Bank is a composite of sample items that may be used in board self-assessment forms. Self-assessment instruments generally have 30-40 items. Boards should select statements from the item bank that are most useful to them. Possible question topics include:

- Board Organization
- Policy Role
- Community Relations
- Policy Direction
- Board-CEO Relations
- College Operations
- Institutional Performance
- Board Leadership
- Advocating the College
- Board Education

How Should We Use The Results of a Board Self-Assessment?

The average ratings on a board self-assessment instrument, a summary of interviews, or key points in a group discussion identify the strengths of the board and areas for improvement.

The strengths should be celebrated and boards should congratulate themselves on their good work. The strengths are used to help the board improve.

Areas of improvement should be explored to identify the dynamics that contribute to any problems or weaknesses. Strategies to address the issues may include board retreats or workshops on a specific topic, study sessions or reading in an area where knowledge or clarification is needed.

Three to six board goals or activities for the coming year may be established, based on the evaluation and performance on prior year goals. These goals become the basis for the board's long-range or annual agenda.

PUBLIC MEETINGS

Scope

Section 286.011 F.S. provides a right of access to governmental proceedings at both the state and local level. The law is equally applicable to elected and appointed boards and applies to any gathering of two or more members of the same board to discuss some matter which may foreseeably come before that board for action.

Basic Requirements

- Meetings of public boards or commissions must be open to the public.
- Members of the boards or commissions may not discuss matters which may foreseeably come before the board for action with other members of the board except in a properly noticed public meeting of the board.
- Appropriate notice of such meetings must be given.
- Minutes of the meetings must be taken.

Application to Various groups

- Advisory Boards - Advisory boards which make recommendations to the public agency may be subject to the Sunshine Law.
- Fact – finding committees which make no recommendations generally are not subject to the Sunshine Law.
- Private Organizations, which perform a public purpose delegated by a public agency, are subject to the Sunshine Law.
- Meetings of staff are not ordinarily subject to the Sunshine Law; however when a staff committee performs a function which is delegated authority that normally resides with the public board or commission, the Sunshine Law is applicable.

Miscellaneous Issues

- Communications between board member and others may not be a violation of the Sunshine Law if prior to the meeting there is no response or other interaction related to the communication among board members. Such communications should be avoided in an abundance of caution.
- Communication between board members by telephone, fax, e-mail, etc are subject to the Sunshine Law limitations.
- Communication with staff and third parties by board members are not Sunshine Law violations unless the staff of the third parties are used as conduits to communicate information between board members.

Exceptions

- Collective bargaining discussions subject to certain limitations.
- Attorney – client discussions regarding litigation under certain circumstances.

Penalties

- Knowingly violating of the Sunshine Law is a misdemeanor of the second degree. (Section 286.011(3)(b) F.S.)
- Removal from office may occur after a conviction.
- Non-criminal fines up to \$500.00 may be imposed along with reasonable attorney's fees.
- Injunction or declaration relief may be obtained.

PUBLIC RECORDS

Documents which constitute public records include:

1. Section 119.011 (1) F.S. defines "**public records**" to include:
 - all documents, papers, letters, maps, books, tapes,
 - photographs, films, sound recording, 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 by any agency.
2. All public records, as defined above, must be provided to the public promptly upon request.
3. Any agency document, however prepared, if circulated for review comment or information, is a public record regardless if whether it is an official expression of policy or marked "preliminary",

“draft”, “confidential”, or otherwise. Notes taken for one’s own use and not to be circulated are not public records.

4. Certain records of private entities acting on behalf of a government entity may be subject to public access.
5. Certain limited exceptions for copyrighted or “sensitive” software, trade secret information, and certain audit materials are examples of exceptions to the public records access requirements.

Access to Records

1. No unreasonable delay may be allowed in response to a request for records.
2. Anyone may request records.
3. Statutory fees may be charged for production of records.

Penalties

1. Violation is a misdemeanor of the first degree.
2. Non-criminal fines of up to \$500.00 may be assessed.
3. Attorney’s fees may be assessed.
4. Suspension or removal from office may be imposed.

SELECTING A NEW PRESIDENT

Selecting a new college president is one of the most important tasks of a District Board of Trustees and there are numerous resources as well as consultants who specialize in guiding this endeavor. Due to the many variations in institutional mission, size, geographic location, state laws, budget, institutional culture and institutional health among other factors, “one size does not fit all searches.” Nonetheless, the following suggestions may be helpful in guiding the search for a state college presidency in the state of Florida.

A well-organized and orderly search process can serve as a vehicle of reassurance and revitalization for a college’s internal and external constituents, particularly in regard to the circumstances of the transition, i.e., amicable retirement or more fractious separation. Planning is a key element for a Board that involves more than selecting a search firm and screening candidates.

“Government in the Sunshine”: When launching a presidential search in Florida, adherence to “sunshine law” requirements is essential to avoiding any appearance of secrecy, favoritism, or lack of collaboration/consideration of stakeholder feedback in the selection process. The success of a new president can be predetermined by the *perception* that a search was not fair and open, ---irrespective of the fact that the candidate ultimately selected is at the sole discretion of the Board. Executive sessions may be “closed,” open sessions must be publicly noticed in advance, and ad hoc conversations between BOT members are a violation of “sunshine” restrictions.

Identifying Needs: At the beginning of the search process, Board discussions should include a brief review (not a rewrite!) of the institutional mission and goals, including *strengths and weaknesses* that need, in the BOT’s opinion, to be addressed. This clarification will help initiate and refine a sense of the type of qualifications, experience and attributes being sought in candidates, and can actually help in crafting a position description that is less “canned” and more customized to the needs of the institution. It is recommended that the Board next initiate a series of “town hall meetings” prior to beginning the

search process, in order to receive and process input from employees and community members regarding what attributes are perceived as of highest importance to the college community. The profile or prospectus should not be written/developed/posted until this information has been collected and taken into consideration.

Selecting a Search Firm: From the onset of search process discussions, the Board should determine the important qualifications and cost factors of search firms to be considered. Most, but not all colleges engage search firms to recruit and screen candidates. Board members should be very clear when working with a search consultant regarding the qualifications and characteristics they are seeking, since many search firms actually have a cadre of applicants that they are trying to place irrespective of specific needs of an institution. Costs for services may also vary widely and colleges typically issue RFP's before selecting a search firm. Be advised that many "out-of-staters" view Florida colleges as an appealing retirement location for the culmination of their careers.

Timeline: An important task for the Board is setting a realistic timeline for the presidential search, screening, interview, selection and start date process. When a sitting president announces his/her intention to leave, the inclination is to move rapidly to fill any potential void. The danger here is trading speed for quality in selection of the best candidate. Ideally, a Board should have one year's notice of the impending departure of their president, but various factors may mitigate/impact that timeframe.

Posting the Vacancy: Following the selection of a search firm and the posting of the CEO vacancy, ***the typical search for a college president takes an average of an additional six (6) months.*** Because of this timeframe, Boards frequently use "interim" or acting presidents to serve as temporary CEO during the search process.

In fairness to all internal and external candidates, most Boards specify that the interim or acting president **NOT** be eligible/be prohibited from applying for the permanent new president position, however, this varies widely.

Specific guidelines for contact with Board members and "lobbying" the community or current employees **by internal candidates for the CEO position** are typically adopted by the Board in order to prevent charges of favoritism, "heir apparent" status, or undue pressure prior to screening and interviewing candidates. The Board should be aware that internal and/or local candidates often have subtle and not so subtle cheerleaders to support their candidacy, much akin to politicians!

Selection of Search Committee: The Board, early on, needs to determine the size and composition of its presidential search committee and how members will be selected. Typically, faculty, staff and community members are included on the committee as well as at least one Trustee and often a student representative. When the institution has an active faculty union, inclusion of a union member on the committee is a must. See sample timeline above.

Ground Rules: It will be up to the Board (usually with input/assistance from the search consultant and institutional Director of Human Resources as well as General Counsel), to determine how, when and where the search committee will meet and how records and confidentiality will be maintained. Who will chair the committee and how often will they report to the Chair and/or other Board members regarding progress?

Transition Plan: Following the CEO's departure announcement, the Board should develop and communicate a *Transition plan, if possible*, that details in writing the steps and timeline to be followed, with disclaimers for unexpected changes to the timeline.

The Transition Plan should include the Board's expectations for and "charge" to the outgoing president regarding expectations for remaining time in office. This step can avoid both a "lame duck" status as well as late attempts by a president to push last minute "legacy" events that could unknowingly be detrimental to the smooth transition for the new leader. NOTE: Frequently outgoing presidents "leave" active leadership in advance of their termination date in order to use up accumulations of vacation and/or sick days. The Board should have a clear understanding of this possibility and adjust the start date of an Acting/Interim President accordingly.

The Transition Plan should also specify the appointment of an interim and/or acting president to bridge the gap between the exit of the current CEO and the actual start date of a new leader if necessary. Interim/Acting Presidents typically have administrative leadership experience that matches the needs of the institution, but are not current employees in order to avoid internal conflict of interest; however, it is not unusual for a current employee to be tapped to fill an Interim position.

The Transition Plan should specify the Board's expectations of the duties and salary of the Interim/acting president, as well as the anticipated length of appointment.

The full Board can delegate the appointment of the interim to the Board Chair, with remote approval by the full Board in order to save face-to-face meeting time.

Semi-Finalists/Finalists: Working with their Search Firm and/or Search Committee, Boards will typically specify an expected number of semi-finalists and finalists to be selected from qualified candidates.

Semi-Finalists are often asked to submit video interviews to the Search Committee to help narrow the field.

Videos are typically posted on the College's website for college/community access. The Board may request the

Search Committee to provide either ranked or unranked "top candidates," for the Board's consideration.

Finalists are typically invited to the College for open forums with faculty, staff and community members prior to being interviewed by the full Board of Trustees. Interviews are frequently broadcast "live" and also made available to the public via the College's website.

Following the Board's selection of their preferred candidate for the President's role, the Board Chair typically makes contact with the selected candidate. The Search Firm and the College's HR Director and General Counsel typically handle contract negotiations with guidance and approval from the Board.

THE ASSOCIATION OF FLORIDA COLLEGES TRUSTEES COMMISSION

The Association of Florida Colleges, which has been in existence since 1949, is a 501C-6 organization open to all employees of the Florida College System. Currently, there are 7,500 members of the AFC. The Association, which is governed by a Board of Directors, is structured into 14 commissions representing the work-related interests of faculty, staff, and administrators among all 28 colleges.

One of the commissions of the AFC is the **Trustees Commission**. All current trustees of the Florida

College System are automatically members of the Trustees Commission under their college's institutional membership.

As per the Trustees Commission by-laws the purpose of the commission, "shall be to promote and enhance the Florida College System of the State of Florida by serving in a liaison capacity with the State Board of Education, by serving as liaison with the general membership of the Association of Florida Colleges (AFC), and by providing trustees within the Florida College System with education opportunities with regard to their duties and responsibilities, by keeping such trustees informed about matters of concern to all of the community colleges, and by providing a forum for such trustees to discuss the issues common to the Florida College System." 2017-18 AFC Trustees Commission officers through June 2018 are:

- Chair:
Marili Cancio, Miami Dade College
marili.cancio@cjelaw.com
305-200-8696
- Immediate Past Chair:
Karen Moore, Tallahassee Community College
karenm@moorecommgroup.com
850-201-8660
- Chair-elect:
Dipa Shah, Hillsborough Community College
dipa.s.shah@gmail.com
813-253-7050
- Secretary:
Tim Morris, Lake-Sumter State College
knostj@lssc.edu
352-435-5010
- Legislative Liaison:
Tamela Cullens, South Florida State College
Tami.Cullens@southflorida.edu
863-381-0753

More information about the AFC Commissions can be found by clicking <http://www.myafchome.org/commissions>.

TRUSTEES COMMISSION PROFESSIONAL DEVELOPMENT

It is important that trustees grow in their roles and there are numerous opportunities for professional development for trustees. The AFC Trustees Commission conducts two events annually. The AFC Trustees Annual meeting, usually in conjunction with the AFC Annual Meeting and Conference (fall) and the AFC Trustees Commission Legislative Conference (winter or spring).

National affiliates include the Association of Community College Trustees, and the Association of Governing Boards of Colleges and Universities.

ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

The Association of Community College Trustees (ACCT) is a non-profit educational organization of governing boards, representing more than 6,500 elected and appointed trustees who govern over 1,200 community, technical, and junior colleges in the United States and beyond.

These community professionals, business officials, public policy leaders, and leading citizens offer their time and talent to serve on the governing boards of this century's most innovative higher education institutions--community, junior, and technical colleges--and make decisions that affect more than 1,200 colleges and over 11 million students annually. The primary role of the ACCT is to:

ACCT's Board Leadership Services exists to:

Enhance the ability of community college boards to effectively carry out their roles and responsibilities.

Support community college boards in their efforts to govern and develop policies that focus on meeting community needs.

Build community college boards' capacity through education and training programs.

Assist community college boards in the recruitment, selection and retention of chief executive officers of the highest caliber.

ASSOCIATION OF GOVERNING BOARDS OF UNIVERSITIES AND COLLEGES

The Association of Governing Boards of Universities and Colleges (AGB) is the only national association that serves the interests and needs of academic governing boards, boards of institutionally related foundations, and campus CEOs and other senior-level campus administrators on issues related to higher education governance and leadership. Its mission is to strengthen, protect, and advocate on behalf of citizen trusteeship that supports and advances higher education.

Members

AGB serves more than 34,000 individuals, including:

- trustees and regents
 - campus and public college and university foundation CEOs
 - board professional staff members
 - senior-level administrators (vice presidents for finance, development, student services, academic affairs; enrollment management and institutional research professionals; and chief legal counsel)
- AGB has more than 1,200 member institutions--colleges and universities of all types (independent and public, four-year and two-year, and general and specialized) plus public college and university foundation boards.

Purpose

AGB advances the practice of citizen trusteeship and helps ensure the quality and success of our nation's colleges and universities. To do so, AGB delivers programs and services that

- strengthen partnerships between presidents and governing boards
- define and clarify the responsibilities of governing board members
- provide guidance to trustees, board leaders, and campus leaders in their governance-related roles

- encourage a level of professionalism for trusteeship, a voluntary function
- monitor issues that affect higher education and governance and provide guidance for boards and campus leaders
- foster cooperation among all education stakeholders
- AGB, founded in 1921, is located in Washington, D.C.

ASSOCIATION OF FLORIDA COLLEGES

**BYLAWS
OF
TRUSTEES COMMISSION**

ARTICLE I: NAME

The name of this organization shall be the Trustees Commission of the Association of Florida Colleges.

ARTICLE II: PURPOSE

The purpose of this organization shall be to promote and enhance the Florida College System of the State of Florida by serving in a liaison capacity with the Florida College System Council of Presidents, the State Board of Education, and by serving as liaison with the general membership of the Association of Florida Colleges (AFC). Additionally, the Commission shall provide trustees within the Florida College System with educational opportunities with regard to their duties and responsibilities, by keeping such trustees informed about matters of concern to all 28 colleges, and by providing a forum for such trustees to discuss the issues common to them.

ARTICLE III: MEMBERS

Each duly commissioned trustee of a Florida College System institution is a contributing member in good standing of the Association of Florida Colleges and a member of the Trustees Commission.

ARTICLE IV: OFFICERS

SECTION 1 The officers shall consist of a chair, chair-elect, secretary, legislative liaison and the immediate past chair.

SECTION 2 The chair shall serve for a one year term and shall be succeeded in office at the completion of said term by the chair-elect. The chair-elect shall be elected for a one year term to this office at the annual meeting of the Trustees Commission. All other officers shall be elected at the annual meeting of the Trustees Commission for a one-year term. No officer may serve in the same office for more than two consecutive terms.

SECTION 3 Officers shall be elected at the annual meeting of the Trustees Commission at the AFC Annual Meeting and Conference and shall assume office on July 1st following the annual meeting, and serve until June 30 of the following year.

SECTION 4 The chair shall appoint a nominating committee to present nominees to the membership for the offices subject to election at the annual meeting. There may be nominations from the floor.

SECTION 5 If a vacancy should occur in the office of chair, the chair-elect shall assume the office of the chair. If vacancies should occur in the offices of both the chair and the chair-elect, the immediate past chair shall assume the office of chair until the next regularly scheduled odd number year annual meeting election. All other vacancies shall be filled by the Executive Board (as defined in Section 6 below) and shall serve until the next annual meeting of the Trustees Commission.

SECTION 6 Duties of officers:

- a. Chair
 - 1) The chair shall preside at all Commission and Executive Board meetings.
 - 2) The chair shall serve as liaison with the State Board of Education and the Council of Presidents
- b. Chair-elect
 - 1) The chair-elect shall act in the absence of the chairman or as directed.
- c. Secretary
 - 1) The secretary shall record minutes of the Commission
- d. Legislative Liaison
 - 1) The legislative liaison shall act as a liaison with the Executive Board, the AFC lobbyists, the Council of Presidents, and Policy and Advocacy Committee relating to the community college system.

ARTICLE V: EXECUTIVE BOARD

The Executive Board shall consist of the chair, chair-elect, secretary, legislative liaison, and immediate past chair, and shall act for the membership between annual and special meetings. The chair shall appoint, with confirmation by the Executive Board, no less than 5 or more than 10 members-at-large who will serve in an ex-officio, advisory capacity to the Executive Board. These at-large members shall constitute the Advocacy and Governmental Relations Committee.

ARTICLE VI: MEETINGS

SECTION 1 There shall be an annual meeting of the Trustees Commission, which shall be held at the same time as the annual meeting of the Association of Florida Colleges.

SECTION 2 The Trustees Commission shall meet jointly with the Council of Presidents at least annually to discuss legislative and other matters of mutual concern.

SECTION 3 Each trustee in attendance shall be entitled to one vote at all meetings of the Trustees Commission.

SECTION 4 Special meetings of the Commission may be called at the discretion of the chair of the Trustees Commission or by the written request of at least fifteen chair of the District Boards of Trustees.

SECTION 5 Representation of eight community colleges at any meeting shall constitute a quorum.

SECTION 6 The rules contained in the current edition of Robert's Rules of Order shall govern the Commission in all cases to which they are not inconsistent with these bylaws and any special rules of order that the Commission may adopt.

ARTICLE VII: COMMITTEES

The chair is authorized to establish committees, at his or her discretion, to carry out the purposes of the commission.

ARTICLE VIII: AWARDS

The chair is authorized to establish a committee for the purpose of selecting the recipient of the Trustees Commission Trustee of the Year award and other awards, and present them annually at the AFC Annual Meeting and Conference.

ARTICLE IX: AMENDMENTS

These bylaws may be amended at the annual meeting or at a special meeting by a majority of voting members provided the proposed change(s) have been submitted in written form to the Executive Board at least thirty days prior to the meeting.

ARTICLE X: ANTI-CONFLICT PROVISION

Nothing contained herein shall be construed in such manner as to conflict with the bylaws of the Association of Florida Colleges.

Amended: November, 1993
October, 1995
November, 1996
November, 1998
October, 2003
November, 2009
November, 2010
February 2016