The Florida State University Board of Trustees Meeting

March 6 & 7, 2014

Honors, Scholars and Fellows House

The Honors, Scholars and Fellows House will bring Florida State University’s most talented and motivated students together in an academically inspirational setting. The Honors, Scholars and Fellows House is appropriately located in the heart of our campus, facing Landis Green. Bringing undergraduate and graduate students together in such a motivating setting will enable them to share creative ideas, build lasting relationships, discover new ways of thinking and tap into academic services, programs and mentoring like never before. This facility will foster intellectual exchange among students, build a sense of academic community, celebrate student achievements and promote excellence. The House will also serve as a recruiting resource, signaling to prospective students that Florida State University is committed to recognizing and rewarding academic excellence.

Florida State is keenly aware that education takes place both in and outside the classroom – with the catalyst for inspiration and growth often occurring in dynamic, conversational environments, such as a dedicated green space or collaborative study room. For these reasons and more, the Honors, Scholars and Fellows House will provide unique gathering areas that stimulate student academic and social activity, while locating important resources like the Office of National Fellowships, Honors Program, Office of Undergraduate Research, the graduate Fellows Society, the Office of Graduate Fellowships and Awards, and the Program for Instructional Excellence under a single roof.
THE FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES MEETING
THURSDAY, MARCH 6, 2014
1:00 PM

FLORIDA STATE UNIVERSITY
HONORS, SCHOLARS & FELLOWS HOUSE
127 Honors Way, Room 2007
(Bordered by Cawthon Hall on the north, William Johnston on the south,
Honors Way on the west, and Convocation Way on the east)

WORKSHOP AGENDA

I. SOUTHERN ASSOCIATION OF COLLEGES & SCHOOLS COMMISSION ON COLLEGES (SACSCOC) UPDATE
   Dr. Robert Bradley, Former Vice President for Planning and Programs

II. QUALITY ENHANCEMENT PLAN UPDATE
   Dr. Helen Burke, Chair, Quality Enhancement Plan Committee

III. HONORS, SCHOLARS & FELLOWS HOUSE TOUR
   Dr. Karen L. Laughlin, Dean of Undergraduate Studies
   Dr. Nancy Marcus, Dean of the Graduate School

IV. COST OF HIGHER EDUCATION
   Mr. Kyle Clark, Vice President for Finance & Administration
AGENDA

The Agenda will be followed in subsequent order and items may be heard earlier than the scheduled time.

I. CALL TO ORDER AND WELCOME
   Mr. Allan Bense, Chairman
   • Florida Lottery Presentation
     Ms. Cindy O’Connell, Secretary of the Florida Lottery

II. APPROVAL OF MINUTES (ACTION)
   • January 24, 2014, Meeting
   • February 19, 2014, Meeting

III. PRESIDENT’S REPORT
     Dr. Eric J. Barron, President

IV. REMARKS
    Dr. Jim Murdaugh, President, Tallahassee Community College
V. **UPDATES & REPORTS**

A. Student Government Association Update  
*Ms. Sara Saxner, Vice President of Student Government Association*

B. Faculty Senate Update  
*Dr. Susan Fiorito, Faculty Senate Steering Committee*

C. Student Affairs Update  
*Dr. Mary Coburn, Vice President for Student Affairs*

D. Academic Affairs Update  
*Dr. Garnett S. Stokes, Provost & Executive Vice President for Academic Affairs*

E. University Relations Update  
*Ms. Liz Maryanski, Vice President for University Relations*

F. Athletics Update  
*Mr. Stan Wilcox, Director of Athletics*

G. Research Update  
*Dr. Gary Ostrander, Vice President for Research*

VI. **CONSENT ITEMS**

A. Requesting Approval to Explore Master’s of Science in Nurse Anesthesia
B. Requesting Approval to Explore Master’s of Science in Physician Assistant Studies
C. Requesting Approval to Explore Master’s in Risk Management
D. Requesting Approval to Implement Juris Master in Law
E. Requesting Approval for the 2014 Affirmative Action Plan
F. Requesting Approval to Amend Regulation FSU-2.015, Purchasing and Procurement
G. Requesting Approval of Student Government Bills

VII. **FINANCE, BUSINESS & AUDIT**  
*Mr. Kyle Clark, Vice President for Finance & Administration*

**AGENDA ITEMS**

A. Requesting Approval for Funding Related to Energy Performance Contracts

**INFORMATION ITEMS**

B. Update on the Office of Inspector General Services 2012-2013 Annual Report
VIII. UNIVERSITY ADVANCEMENT
Dr. Thomas W. Jennings, Vice President for University Advancement & President of the FSU Foundation

AGENDA ITEMS
A. Requesting Approval to Amend the Real Estate Foundation Bylaws
B. Requesting Approval of the Naming of Two Spaces at the Ringling Museum

INFORMATION ITEM
C. University Advancement Update

IX. CHAIRMAN’S REPORT
Mr. Allan Bense, Chairman

AGENDA ITEMS
A. Requesting Approval of the Appointment of the Interim President
B. Requesting Approval of the Presidential Search Advisory Committee Members

INFORMATION ITEM
C. Presidential Search Advisory Committee Update
   Mr. Eduard Burr, Trustee & Chair of the Presidential Search Advisory Committee

X. OPEN FORUM FOR BOARD OF TRUSTEES

XI. ADJOURNMENT

____________________________
Approved Date
FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
CONFERENCE CALL MEETING
MINUTES

January 24, 2014
3:00 PM

214D Westcott Building
222 South Copeland Street
Tallahassee FL

Members Present: Kathryn Ballard, Allan Bense, Ed Burr, Joe Camps, Rosie Contreras, June Duda, Joe Gruters, Andy Haggard, Mark Hillis, Leslie Pantin, Peggy Rolando, Brent Sembler and Gary Tyson

I. CALL TO ORDER AND WELCOME

Mr. Allan Bense, Chairman

Chairman Bense called the meeting to order at 3:02 p.m. Lynna Sands conducted the roll call.

II. APPROVAL OF MINUTES

The October 25, 2013, meeting minutes were approved unanimously as presented.

The January 5, 2014, meeting minutes were approved unanimously as presented.

III. PRESIDENT’S REPORT

President Barron reviewed the 10 performance metrics that funding will be based on for Florida’s public universities. Performance funding model metrics include:

1. Percent of Bachelor’s graduates employed and/or continuing their education further,
2. Average wages of employed Baccalaureate graduates,
3. Cost per undergraduate degree,
4. Six year graduation rate (full- and part-time First Time in College),
5. Academic Progress Rate (2nd year retention with Grade Point Average above 2.0),
6. Bachelor’s degrees awarded in areas of strategic emphasis (includes STEM),
7. University access rate (percent of undergraduates with a Pell grant),
8. Graduate degrees awarded in areas of strategic emphasis (includes STEM),
9. Faculty awards (Board of Governors choice),
10. Efficiency: national quality ranking higher than predicted based on resources (Board of Trustees choice).
FSU is currently ranked No. 5 based on the metrics.

IV. ACADEMIC AFFAIRS
Dr. Garnett S. Stokes, Provost & Executive Vice President for Academic Affairs

INFORMATION ITEM
A. 2014-2015 Material and Supply Fee
B. 2014-2015 Facility and Equipment Use Fees


AGENDA ITEMS (ACTION)
C. Requesting Approval of the 2014-2015 Academic Calendar

After discussion, Trustee Camps moved to approve the 2014-2015 Academic Calendar. Trustee Sembler seconded the motion and it was approved unanimously.

V. GENERAL COUNSEL
Ms. Carolyn Egan, General Counsel

INFORMATION ITEM
Status of Weapons on Campus Policy after Florida Carry v. University of North Florida

General Counsel Egan reported that, under the authority of sections 790.115 and 790.251, Florida Statutes, FSU has had in place policy OP-C-14 prohibiting concealed weapons in vehicles on campus. In December, the First District Court of Appeal found invalid a similar policy in place at the University of North Florida (UNF) after holding that UNF did not constitute a “school” under the statute. To conform with the court’s ruling, which has now become final, policy OP-C-14 has been repealed. The staff of the Office of the General Counsel will conduct a comprehensive review to ensure all policies are consistent (e.g., OP-C-6 Parking Regulations) with the court’s ruling. This report is informational and no action is required.

VI. CHAIRMAN’S REPORT
Mr. Allan Bense, Chairman

A. Vice Chair Position

Chairman Bense requested nominations for the Vice Chair position. Trustee Hillis nominated Trustee Pantin. Trustee Contreras seconded the nomination.

Trustee Duda nominated Trustee Gruters. There being no second, the motion failed.
Trustee Pantin’s nomination as Vice Chair was unanimously approved.

In response to Trustee Ballard’s question, Chair Bense noted that election as Vice Chair does not necessarily result in subsequent election to Chair. Trustee Pantin thanked the Trustees for their vote of confidence and noted that he understands there is no presumption that he will be Chair as a result of the election to Vice Chair.

VII. ADJOURNMENT

The meeting adjourned at 4:05 p.m.

The next meeting is scheduled for March 6-7, 2014 in Tallahassee.
FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
CONFERENCE CALL MEETING
MINUTES

February 19, 2014
11:30 a.m.

Augustus B. Turnbull III
Florida State Conference Center
Room 103
555 West Pensacola Street
Tallahassee, FL

Members Present: Kathryn Ballard, Allan Bense, Ed Burr, Joe Camps, Rosie Contreras, June Duda, Joe Gruters, Andy Haggard, Mark Hillis, Leslie Pantin, Peggy Rolando, Brent Sembler and Gary Tyson

I. CALL TO ORDER AND WELCOME
Mr. Allan Bense, Chairman

Chairman Bense called the meeting to order at 11:31 a.m. Lynna Sands conducted the roll call.

II. PRESIDENTIAL SEARCH PROCESS
Mr. Allan Bense, Chairman

Chairman Bense offered President Barron the opportunity to address attendees. Dr. Barron expressed his appreciation to the Trustees and the university community, and noted that he is incredibly proud of the university’s progress during the past four years. Dr. Barron offered his assistance during the transition.

Several Trustees, including Trustees Bense, Hillis and Haggard, expressed gratitude for Dr. Barron’s service.

A. Discussion of President Barron’s Resignation and Waiver of Section 12.4 of his Employment Contract

Chairman Bense indicated that President Barron’s resignation will be effective April 2, 2014 and requested that Trustees consider waiving Section 12.4 of President Barron’s employment contract. Section 12.4 requires 180 days prior written notice in order to terminate the contract.

After discussion, Trustee Camps moved to approve President Barron’s resignation and waive Section 12.4 of President Barron’s employment contract.

Draft BOT Minutes – February 19, 2014
Page 1
Chairman Bense asked the Trustees for input regarding the traits and qualifications they would like to see in the university’s next President. Trustees indicated that important aspects include:

- Great leadership skills
- Knowledge of the Legislative process,
- Strategic planning experience,
- Strong academic background,
- Strong interest in student welfare,
- Outstanding listening skills,
- Goal oriented,
- Fundraising skills,
- Loyalty to Florida State University.

Chairman Bense thanked the Trustees for their comments, and noted that he wants the process to be thoughtful, deliberate, prudent and swift. Chairman Bense asked Trustees to send additional comments, if any, to Carolyn Egan, General Counsel.

Chairman Bense indicated he hopes to have a discussion regarding an interim President and search firms during the March 7 meeting. Vice President Clark is currently obtaining information regarding search firm pricing and qualifications.

At the request of Chairman Bense, Dr. Robert Bradley reported on the upcoming Southern Association of Colleges and Universities (SACS) accreditation visit. Dr. Bradley indicated that the site visit is the week of March 24, and that President Barron will be the point person for the university during the visit. Following the visit, the SACS Committee will provide a report to which the university may respond. A final decision regarding re-accreditation is expected in December 2014.

Kathleen Daly, Assistant Vice President, reported on the upcoming Legislative session, which will begin on March 4. Ms. Daly noted that President Barron will leave the university in great position to continue work toward Top 25 status. Ms. Daly also reported on House Bill 135, Public Records & Public Meetings/Postsecondary Education Executive Search, which includes a provision exempting the public records requirements for personal identifying information of applicants for president, provost or dean and exempts the public meeting requirement for meetings held for the purpose of identifying or vetting applicants.
House Bill 135, if approved in its current form, has an effective date of October 1, 2014.

Carolyn Egan provided information regarding the Presidential Search Advisory Committee (Committee). In advance of the meeting, Trustees were provided information from the Association of Governing Board outlining best practices for presidential searches.

Chairman Bense noted that Committee members will represent a cross section of the university and its constituents, including Trustees, students, faculty, alumni, athletics and the community. The various constituent groups will determine committee representation.

Chairman Bense recommended Trustee Ed Burr as the Chairman of the Presidential Search Advisory Committee. After discussion, Trustee Camps moved approval of Trustee Burr’s nomination as Chairman of the Presidential Search Advisory Committee. Trustee Sembler seconded the motion and it was approved unanimously.

Vice President Liz Maryanski introduced the Presidential Search website, expected to launch in a few days (fsu.edu/presidentialsearch). The website will include the latest news, position profile, information regarding the Committee and search firm. Additionally, a “Comments and Questions” section will allow constituents to provide feedback.

III. ADJOURNMENT
The meeting adjourned at 12:41 p.m.

The next meeting is scheduled for March 6-7, 2014 in Tallahassee.
Ms. Sara Saxner, Vice President for Student Government Association
Dr. Susan Fiorito, Faculty Senate Steering Committee
Dr. Mary Coburn, Vice President for Student Affairs
Ms. Liz Maryanski, Vice President for University Relations
Mr. Stan Wilcox, Director of Athletics
Dr. Gary Ostrander, Vice President for Research
MEMORANDUM

TO: President Eric J. Barron
FROM: Garnett S. Stokes
DATE: February 19, 2014
SUBJECT: Proposal to Explore Master’s of Science in Nurse Anesthesia

In response to a national as well as state-wide shortage of Certified Registered Nurse Anesthetists, the College of Applied Studies at the Panama City campus has proposed to offer a 95-semester hour program leading to a Master’s of Science in Nurse Anesthesia.

Nurse anesthetists are registered nurses with specialized graduate education who provide anesthesia services ordered by a surgeon, physician, or dentist. The coursework required to become a nurse anesthetist is carefully prescribed by the accrediting agency and includes pharmacology, anatomy, physiology, technology, and principles of anesthesiology. Their services are provided in diverse settings, including hospital surgical suites and obstetrical delivery rooms; critical access hospitals; acute care; pain management centers; ambulatory surgical centers; as well as in the offices of dentists, podiatrists, ophthalmologists, and plastic surgeons. Currently, Nurse Anesthetists are the best-paid nursing specialty, averaging an annual salary of $163,000 in Florida.

Although the intent of this proposal is to begin a master’s level program, a nationwide transition to offering a doctoral program is planned within five years. The Council on Accreditation of Nurse Anesthesia Educational Programs has mandated that all master’s degree programs in Nurse Anesthesia become doctoral programs by 2022.

Currently, there are four universities within the SUS which offer master’s level programs with an emphasis in nurse anesthesia. Florida Gulf Coast University, Florida International University, University of North Florida, and University of South Florida admit approximately 30 students per year. Having an additional program will help to meet the State’s and the Nation’s needs for these critical healthcare professionals.

BOG regulation 8.004 (Academic Program Coordination) requires the Board of Governors to coordinate a review with the Council for Academic Vice Presidents (CAVP) to inform both institutional and System-level strategic planning. The group designated by the CAVP to conduct these reviews, the CAVP Academic Coordination Group, expressed no concerns regarding this Proposal to Explore.

No new resources will be requested to support the establishment of the program, and all courses will be taught either face-to-face or through ITV.
MEMORANDUM

TO: President Eric J. Barron
FROM: Garnett S. Stokes
DATE: February 19, 2014

SUBJECT: Proposal to Explore Master’s of Science in Physician Assistant Studies
Request for Approval

In response to the increasing shortage of primary care physicians within the coming decade, the Master’s Degree in Physician Assistant Studies is one way to provide increased access to healthcare services within the State of Florida. Consistent with the mission of the FSU College of Medicine, the goal of the program would be to produce Physician Assistants dedicated to serving underserved populations such as minorities and the elderly in the state.

The first year of this 24-month curriculum would involve 40 credit hours delivered face-to-face on the main campus and would focus on didactic basic and behavioral sciences. Coursework during the first twelve months would include anatomy, physiology, pharmacology, clinical medicine, behavioral medicine, clinical reasoning, and evidence-based medicine. Using a distributed model of clinical education, the 40 credit hours of instruction provided during the second year would take place at one of the College of Medicine’s six regional campuses and would parallel the medical school curriculum. No thesis option would be offered and no distance learning instruction would be provided.

In 2013, Forbes magazine rated the Physician Assistant degree as the third highest value Master’s degree for jobs because of the increasing demand, the short two-year completion, and the relatively high rate of pay. Far exceeding the average rates of job growth for other occupations, Physician Assistant employment opportunities are expected to grow by 30% by the year 2020.

Currently, the University of Florida is the only SUS institution which offers a graduate-level Physician Assistant program in Florida. Two additional programs are in the planning stages at FIU and USF, with an anticipated 2015 implementation date. Based on the experience of the UF program, the FSU program is expected to attract a pool of over 1,000 qualified applicants each year, with a maximum of 60 available slots each year.

BOG regulation 8.004 (Academic Program Coordination) requires the Board of Governors to coordinate a review with the Council for Academic Vice Presidents (CAVP) to inform both institutional and System-level strategic planning. The group designated by the CAVP to conduct these reviews, the CAVP Academic Coordination Group, expressed no concerns regarding this Proposal to Explore.

No new resources will be requested to implement this program.

212 Westcott Building, Florida State University, Tallahassee, Florida 32306-1310
Telephone 850.644.1816, Fax 850.644.0172 • http://provost.fsu.edu/
TO: President Eric J. Barron
FROM: Garnett S. Stokes
DATE: February 19, 2014
SUBJECT: Proposal to Explore Master’s of Science in Risk Management
Request for Approval

Designed for the working professional, the proposed Master’s of Science in Risk Management develops a student’s ability to analyze issues from different perspectives, fosters critical thinking, and enhances the knowledge needed in today’s risk management and insurance market.

The proposed Master’s of Science in Risk Management is an online degree program with the same curriculum currently offered to complete a Risk Management major within the Masters of Science in Management degree. This request serves two purposes: 1) the degree name better describes the program for purposes of student transcripts as well as marketing and program comparison purposes 2) the degree name will reflect the academic discipline which has supported the associated major for some time.

The curriculum includes the study of property contract analysis, legal and risk management issues in business, and insurance accounting and finance.

Within the SUS, there are no active programs at the master’s level in insurance. Florida State leads the State in the quality of its Risk Management research and degree offerings.

BOG regulation 8.004 (Academic Program Coordination) requires the Board of Governors to coordinate a review with the Council for Academic Vice Presidents (CAVP) to inform both institutional and System-level strategic planning. The group designated by the CAVP to conduct these reviews, the CAVP Academic Coordination Group, expressed no concerns regarding this Proposal to Explore.

No new resources are requested to establish the degree program.
TO: President Eric J. Barron  
FROM: Garnett S. Stokes  
DATE: February 19, 2014  
SUBJECT: Proposal to Implement Juris Master in Law  
          Request for Approval

The proposed Juris Master in Law is designed for those who possess a B.A. or equivalent degree and do not intend to become licensed attorneys but would benefit from having a basic familiarity with legal doctrine and the critical reasoning and research skills taught by law schools. This would include those who pursue careers in business, government, journalism, higher education, labor union management, and in other public and private organizations. The Juris Master in Law is not the equivalent of a Master’s Degree in a non-legal field nor is it a step toward obtaining a Juris Doctor (J.D.) degree.

Aside from two required courses and a certain number of first-year courses, course selection would be customized to each student. A total of 25 credits would be required for this non-thesis program. Students could complete the Juris Master program in one year as a full-time student or take up to three years part-time.

Although no other comparable programs exist in the SUS, other leading law schools currently offer similar programs, including: Stanford, Cornell, Yale, Wake Forest, Ohio State, Notre Dame, NYU, Northwestern and Emory. Each of these schools has established programs with varying content, duration, and target populations, but Emory’s program appears closest to this proposed program in proximity and in duration.

BOG regulation 8.004 (Academic Program Coordination) requires the Board of Governors to coordinate a review with the Council for Academic Vice Presidents (CAVP) to inform both institutional and System-level strategic planning. The group designated by the CAVP to conduct these reviews, the CAVP Academic Coordination Group, expressed no concerns regarding this Proposal to Explore.

This program will be taught face-to-face on the main campus. Although a distance-learning component is not currently planned, the possibility for distance learning offerings may be made available based on market demand. No new resources are requested.
MEMORANDUM

TO: Eric J. Barron, President
FROM: Kyle Clark, Vice President for Finance & Administration
DATE: February 20, 2014
SUBJECT: Request for Approval
2014 Affirmative Action Plan

As a contractor of the federal government, Florida State University is required by law to develop a written Affirmative Action Plan for each location with 50 or more employees in accordance with Executive Order 11246 (as amended) and the guidelines published by the Office of Federal Contract Compliance Programs in 41 CFR 60-2.

The Affirmative Action Plan reflects the University’s performance in terms of equal opportunity requirements and generates action oriented programs for improvement. In addition, it serves as a working document to develop strategies and tactics, educate faculty and staff, and monitor progress with respect to the University’s compliance, diversity, and inclusion efforts.

Attached is an Executive Summary of the University’s three Affirmative Action Plans. Upon approval by you and the Board of Trustees, the University will begin implementation of the Plan.

I recommend your approval.

KC/rge

Attachment

Approved
Board of Trustees
March 2014

AFFIRMATIVE ACTION PLAN

Executive Summary

Prepared by: Human Resources’ Office of Equal Opportunity and Compliance
INTRODUCTION

The Florida State University (University or FSU) is fully committed to the practice of equal opportunity and affirmative action in all aspects of employment. The Affirmative Action Plans (AAP or Plan), upon which this summary is based, have been developed with strict reliance upon the Guidelines on Affirmative Action issued by the Equal Employment Opportunity Commission (EEOC) (29 C.F.R. Part 1608).

The University is one of the nation’s elite research universities, with the Carnegie Foundation’s highest designation, Doctorate-granting/Very High Research Activity. FSU’s 18 colleges offer more than 275 undergraduate, graduate, doctoral, professional, and specialist degree programs, including medicine and law, covering a broad array of disciplines critical to society today. Each year the University awards over 2,000 graduate and professional degrees.

FSU is an affirmative action and equal opportunity employer supporting a culturally diverse educational and work environment. In furtherance of its dedication to diversity and inclusion the University recognizes a broad array of protected groups: race, creed, color, sex, religion, national origin, age, disability, veterans’ status, marital status, sexual orientation, gender identity, and gender expression. All members of the campus community are protected against discrimination or retaliation on the basis of their membership or affiliation with these and any other legally protected group.

Ms. Renisha Gibbs, Assistant Vice President of Human Resources and Chief Diversity Officer directs the Office of Equal Opportunity and Compliance and has overall responsibility for implementation of the Equal Opportunity, Non-Discrimination, and Non-Retaliation Policy and the AAP. Ms. Gibbs is assigned primary management responsibility and accountability for ensuring full compliance with the Plan by the University President. As the University’s Affirmative Action Officer, Ms. Gibbs has the authority, resources, support, and access to University deans, directors, and department heads necessary to ensure the effective implementation of the AAP. In turn, University leadership actively supports the AAP program and provides assistance whenever it is needed, making managers and supervisors aware of the AAP program and requesting their cooperation and assistance.
DESCRIPTION OF THE PLAN

FSU prepares an AAP for each operating location with fifty or more employees, resulting in three AAP locations in Florida: the main campus in Tallahassee, FL; the Panama City Campus in Panama City, FL; and the Ringling Museum of Art in Sarasota, FL. The main campus Plan also covers faculty and staff working at the following University branch campus locations:

- Daytona Beach, FL
- Miami, FL
- Pensacola, FL
- Sarasota, FL (College Of Medicine)
- West Palm Beach, FL
- Fort Pierce, FL
- Orlando, FL
- Quincy, FL
- St. Teresa, FL
- Panama City, Panama

Each AAP includes: 1) a workforce analysis- a tabulation of FSU’s workforce by race and sex within job group categories; and 2) a utilization analysis- a comparison of FSU’s workforce with the 2010 U.S. Census data to determine whether females and minorities are underutilized within job group categories. When underutilization of females or minorities is identified within a job group, a placement goal is set to promote movement towards adequate representation. This is the first year the 2010 U.S. Census data was available for comparison. The use of the updated census data resulted in several changes in placement goals from the University’s 2013 Plan to the 2014 Plan.

For the purpose of conducting meaningful workforce analyses, University faculty and staff are first grouped into segments by occupational duties, based on the Integrated Postsecondary Education Data System (IPEDS) report, and then subdivided by the level of responsibility and/or complexity of the skill set required to perform the essential functions of the position. The following EEO job group codes are utilized by the University:

- 1 - Executive/Administrative/Managerial
- 2 - Faculty
- 3 - Professionals
- 4 - Technical/Paraprofessional
- 5 - Clerical/Secretarial
- 6 - Skilled Crafts
- 7 - Service/Maintenance
2014 AAP WORKFORCE PROFILE AND PLACEMENT GOALS

The following tables and graphs contain information pertaining to the University's workforce demographics or placement/recruitment goals, as determined from workforce data over the period of November 1, 2012 through October 31, 2013. Although the University's focus goes beyond affirmative action to diversity and inclusion, the emphasis of this AAP data summary is to track the representation of females and minorities: Black, Hispanic, Asian, American Indian/Alaskan Native, Native Hawaiian/Other Pacific Islander, and Two or More Races.

Table 1 – Workforce Trending

The table below details the changes in faculty and staff over the last four years for each Plan location.

<table>
<thead>
<tr>
<th>Location</th>
<th>Plan Year</th>
<th>Total Count</th>
<th>Percent Minority</th>
<th>Percent Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Campus</td>
<td>2011</td>
<td>5819</td>
<td>29.27%</td>
<td>46.96%</td>
</tr>
<tr>
<td></td>
<td>2012</td>
<td>5603</td>
<td>29.64%</td>
<td>48.53%</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td>5938</td>
<td>30.21%</td>
<td>48.48%</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>6062</td>
<td>30.47%</td>
<td>48.96%</td>
</tr>
<tr>
<td>Panama City Campus</td>
<td>2011</td>
<td>88</td>
<td>10.23%</td>
<td>57.95%</td>
</tr>
<tr>
<td></td>
<td>2012</td>
<td>93</td>
<td>12.90%</td>
<td>56.06%</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td>94</td>
<td>13.83%</td>
<td>58.51%</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>102</td>
<td>14.71%</td>
<td>58.82%</td>
</tr>
<tr>
<td>Ringling Museum of Art</td>
<td>2011</td>
<td>116</td>
<td>10.34%</td>
<td>46.55%</td>
</tr>
<tr>
<td></td>
<td>2012</td>
<td>112</td>
<td>10.74%</td>
<td>45.45%</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td>121</td>
<td>8.26%</td>
<td>47.93%</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>132</td>
<td>12.12%</td>
<td>47.73%</td>
</tr>
<tr>
<td>University Total</td>
<td>2011</td>
<td>6023</td>
<td>28.63%</td>
<td>49.06%</td>
</tr>
<tr>
<td></td>
<td>2012</td>
<td>6008</td>
<td>29.03%</td>
<td>48.62%</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td>6153</td>
<td>29.53%</td>
<td>48.62%</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>6296</td>
<td>29.83%</td>
<td>49.11%</td>
</tr>
</tbody>
</table>
Graph 1 – Current Workforce Composition (Sex/Race)

The graphs below depict the gender and racial composition of the University workforce, by AAP location, as of October 31, 2013.

1.1 – Main Campus

![Bar chart for Main Campus showing the composition of employees by gender and race.]

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>637</td>
<td>559</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>140</td>
<td>116</td>
</tr>
<tr>
<td>Asian</td>
<td>115</td>
<td>210</td>
</tr>
<tr>
<td>American Indian/Native Alaskan</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>Native Hawaiian/Other Pacific Islander</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>32</td>
<td>18</td>
</tr>
</tbody>
</table>

1.2 – Panama City Campus

![Bar chart for Panama City Campus showing the composition of employees by gender and race.]

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Asian</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>American Indian/Native Alaskan</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Native Hawaiian/Other Pacific Islander</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>
1.3 – Ringling Museum of Art

Table 2 – Goal Attainment from 2013 to 2014

During the 2013 Plan year, the University successfully eliminated the following placement goals.

2.1 – Main Campus

<table>
<thead>
<tr>
<th>Job Group</th>
<th>Goals</th>
<th>Minority</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-C: Other Executive/Administrative/Managerial</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-A1: Senior Faculty Leadership</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2-B2: Associate Professor- Tenure</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-G: Library, Media, &amp; Communications Professional</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-X1: Senior Other Technical/Paraprofessional</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7-B1: Facilities Supervisors</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

2.2 – Panama City Campus

Panama City Campus had no goals for the 2013 Plan year.

2.3 – Ringling Museum of Art

<table>
<thead>
<tr>
<th>Job Group</th>
<th>Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-A: Professionals</td>
<td>X</td>
</tr>
</tbody>
</table>
Table 3 – Placement Goals for 2014

Affirmative action placement goals enable the University to develop action oriented steps in a good-faith effort to correct any areas of female or minority underutilization that may exist. These placement goals are not quotas or set-asides for specific groups. Rather, they represent areas where targeted efforts should be made to attract and retain qualified females and minorities in the available labor market. The chart below indicates the placement goals for the 2014 AAP. Only job groups with goals are listed.

3.1 – Main Campus

<table>
<thead>
<tr>
<th>Job Group</th>
<th>Goals</th>
<th>Change from 2013 AAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – Executive/Administrative/Managerial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-B: Senior Exec/Admin/Managerial</td>
<td>X</td>
<td>New</td>
</tr>
<tr>
<td>2 - Faculty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-B1: Professor- Tenure</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2-B2: Associate Professor- Tenure</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2-B3: Assistant Professor- Tenure</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2-C1: Professor- Non-Tenure</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2-C2: Associate Professor- Non-Tenure</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2-C3: Assistant Professor- Non-Tenure</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2-E1: Research Associate</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2-E2: Associate Instructor</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2-E3: Assistant Instructor</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2-F: FSUS University School</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2-G: Other Faculty</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3 - Professionals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-B2: Budget/Finance Professional</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3-D2: Mid-Level Administrative Professional</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3-E1: Senior Scientific Research Professional</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3-F1: Senior Student Services Professional</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3-F2: Academic Program Specialist</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3-F3: Professional (Student Services)</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3-G: Library, Media, &amp; Communications Professional</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3-H: Program Director</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3-X3: Other Professional</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

* Although the goal has continued, progress was made towards elimination of the goal.
<table>
<thead>
<tr>
<th>Job Group</th>
<th>Goals</th>
<th>Change from 2013 AAP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Minority</td>
</tr>
<tr>
<td>4 - Technical/Paraprofessional</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4-A: Technology Technical/Paraprofessional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-X1: Senior Other Technical/Paraprofessional</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5 - Clerical/Secretarial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-B: Mid-Level Clerical</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5-C: Administrative Support Assistant</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5-D: Clerical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 - Service/Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7-A2: Law Enforcement Officer</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

* Although the goal has continued, progress was made towards elimination of the goal.

3.2 – Panama City Campus

Panama City has no goals for the 2014 Plan year.

3.3 – Ringling Museum of Art

Ringling Museum of Art has no goals for the 2014 Plan year.
AFFIRMATIVE ACTION INITIATIVES

The University’s foundation of equal employment opportunity compliance is the base upon which the diversity of the University has been built. The following initiatives support the University’s commitment to affirmative action, equal employment opportunity, diversity, and inclusion.

- **FSU Strategic Plan:** The University’s commitment to affirmative action is the foundation for several Strategic Priorities, including: (1) recruiting, developing, and retaining outstanding and diverse faculty and staff and (2) recruiting and graduating outstanding and diverse students. Additionally, diversity is incorporated in both the University’s mission and vision statements.

- **Diversity & Inclusion Initiative:** FSU recognizes that every competitive advantage begins with people. By valuing, celebrating, and leveraging the differences and similarities of students, faculty, and staff, FSU inspires an environment of innovation and passion. This principle guides the University as it creates a teaching, research, and service environment that better reflects the needs of the students, faculty, staff, customers, constituents, communities, and other key stakeholders.

FSU established the Diversity & Inclusion Council, led by the President, to concentrate on key focus areas such as: (1) Leadership, Faculty, Staff, and Student Involvement, (2) Education, Training, and Development, (3) Recruitment and Retention, (4) Community Relations, (5) Communication, (6) Policy and Program Development, and (7) Measurement and Reporting. Subcommittees review their respective areas and provide findings and recommendations to advance the University’s vision of a diverse and inclusive culture.

- **Implementation of Best Practices:** The University continually reviews and updates policies, procedures, and practices to align with the University’s philosophy of diversity and inclusion. External benchmarking is conducted on policies and programs of other universities as well as their measurements of success. Top leadership commitment and annual auditing and reporting ensure accountability across the University.

- **Targeted Outreach and Recruitment:** The University uses the State Employment Services, as well as, job fairs, internal publications and organizations, external female and minority publications, and recruiting programs sponsored by local community organizations. Additionally, the Provost’s Office administers a Minority Recruitment Program.

- **Education and Training:** FSU continues to grow its education and training programs in the areas of diversity and compliance. Classroom and online trainings are available to all faculty and staff. Trainings include:
  - HR Recruiting
- Interviewing Techniques
- Performance Management
- Embracing Diversity: Cultivating Respect and Inclusion
- Understanding the Americans with Disabilities Act
- EEO: Avoiding Minefields in Employment Practices
- Sexual Harassment: What You need to Know
- Frontline Leadership
- Bridging Cultures I: An Introduction to Intercultural Communication
- Managing Intercultural Conflict
- Team Dynamics

Over the past several years, the University has worked to develop a robust Diversity and Inclusion Library. Books, articles, and a suggested reading list are available online to the entire campus community at http://guides.lib.fsu.edu/diversity.

CONCLUSION

The University will continue to reinforce its commitment to non-discrimination for all groups covered in its Equal Opportunity and Non-Discrimination Statement and protected by state and federal law. FSU will continue to monitor its methods of recruitment, retention, and advancement of qualified faculty, staff, and students and annually examine its affirmative action plans, as prescribed by federal guidelines, to measure whether its campus is reflective of the community served.
MEMORANDUM

TO: Eric J. Barron, President

FROM: Kyle Clark, Vice President for Finance & Administration

DATE: February 20, 2014

SUBJECT: Request for Approval
Amendment of Regulation FSU-2.015 Purchasing and Procurement

This amendment makes some minor stylistic changes or technical corrections and capitalizes term Purchasing Director throughout for consistency. [However, the term "Chief Procurement Officer" is retained in several places to distinguish authority of "chief Purchasing Director from the several "lesser" departmental Purchasing Directors authorized in Regulation.]

References to President's authority for acquisition of real property and hiring of outside counsel are made consistent with BOG Regulation and recent BOT delegation.

Existing paragraph (7) (g) concerning preferences is replaced with language from BOG Regulation 18.001 mandating a Florida vendor preference. The definition of "holiday" is clarified.

Previously deleted language concerning sovereign immunity is restored.

The protest procedures provided by BOG Regulation 18.002 replaces former protest procedure for finding of default and "debarment" to be made consistent.

I recommend your approval.

KC/kg

Attachment

Approved
FSU:2.015 Purchasing and Procurement

(1) Statement of Intent. It is the intent of the University to acquire quality goods and services in a cost effective manner, within reasonable or required time frames, while promoting and maintaining fair and open competition in the public procurement process. This regulation establishes effective management oversight of the University’s procurement process in order to comply with federal and state laws, and rules and regulations, to reduce the appearance and opportunity for favoritism, and to preserve the integrity and reputation of the University with regard to purchasing and contracting.

(2) Purpose. These regulations implement the University’s delegated authority from the University Board of Trustee with respect to the powers, duties and functions of the university’s institutions purchasing jurisdiction consistent with as provided in Florida Board of Governor’s Regulation 18.001.

(3) Application. These regulations shall apply to all expenditures of funds on deposit with Florida State University involving a purchase, regardless irrespective of their source, including federal assistance monies, except as otherwise specified herein, and may be applied to transactions that do not involve a purchase including revenue generating contracts such as food service, bookstore, or vending, when it is in the best interests of the University.

(4) Procurement Organization

(a) The University Board of Trustees. By this regulation, the Board of Trustees exercises their statutory authority to establish a system and process to coordinate procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University.

(b) The University President. As chief administrative officer of the University, the President has the responsibility to implement the University’s procurement authority as consistent with the regulations of the Florida Board of Governors and University Board of Trustees. The President has delegated authority to approve, execute and administer contracts for and on behalf of the University Board of Trustees for licenses; the acquisition or provision of commodities, goods, equipment and services; to acquire real property and contract for the sale and disposal of same; leases of real estate and personal property and planning and construction to be rendered to or by the University provided such contracts are within the law and the regulations, rules and policies of the Florida Board of Governors and the University Board of Trustees. The President may delegate all or any portion of such authority,
which is not required by law or regulation, rule to be exercised personally, to any employee of the University in the interest of the efficient and effective operation of the University.

(c) Delegation of Purchasing Authority

1. Duties and Powers. The Director of Purchasing Services ("Purchasing Director") is delegated authority to serve as and shall also be referenced here as the Chief Procurement Officer for the University, and shall exercise the duties and functions pertaining to the procurement of commodities and contractual services or which are assigned specifically to that position.

2. The Purchasing Director may delegate to the purchasing department staff such portions of those powers, duties and functions as deemed appropriate.

3. Additional Purchasing Delegation. Departments' delegated authority to make purchases of commodities and services for their respective area is limited to the following: Food purchased for the cafeteria at the Florida State University Schools; books and periodicals purchased by University libraries, and purchases by the Facilities Department. Any such purchases shall be processed by the appropriate University department in full compliance with this regulation. References in this regulation to the purchasing department shall include all offices delegated purchasing authority under this regulation. References in this regulation to the duties and responsibilities of the Purchasing Director shall apply to the director or department head of all areas with delegated purchasing authority, regardless of title, however shall not include those powers and duties delegated and granted here to the Chief Procurement Officer, who is head of the Department of Purchasing.

4. Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University; however, University General Counsel approval must be obtained.

5. Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University include:
   a. Physical damage on vehicles and boats;
   b. Inland marine on property owned, leased, or loaned to or by the University;
   c. Building and property damage;
   d. Equipment losses due to theft;
e. Equipment subject to transportation;
f. Loss of rental income;
g. Commercial general liability insurance for scientific equipment;
h. Excess general liability coverage;
(i) Duties and Authority of the Chief Procurement Officer:
(a) Canvass sources of supply, and contract for the purchase or lease of all commodities and
contractual services for the University, in any manner, including, reverse auctions and purchase by installment- or
lease-purchase contracts.
(b) Remove any contractor from the University’s competitive solicitation or vendor list that fails to
respond to one (1) or more competitive solicitations or to fulfill any of its duties specified in a contract with the
University and to reinstate any such contractor when satisfied that further instances of default will not occur. A “No
Bid” or similar response is considered a response under this section.
(c) Plan and coordinating purchases, including volume purchases; and negotiating and executing
agreements and contracts for commodities and contractual services for use by all University departments.
(d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation
requirement for commodities/services that are frequently purchased and are available from a single source.
(e) Evaluate, and approve and use contracts established by the Federal Government, other states,
political subdivisions, or any independent college or university or educational cooperative or educational consortia
consortium for the procurement of commodities and contractual services, when it is determined to be cost-effective
and in the best interest of the University to make purchases under contracts established by such other entities.
Contracts so approved are not subject to additional competitive solicitation requirements.
(f) Award contracts for commodities and contractual services to multiple suppliers, if it is determined
to be in the best interest of the University. Such awards may be on a university, regional or multiple state
university-wide basis and the contracts may be for multiple years.
(7) Source Selection and Contract Formation for Commodities and Contractual Services.
(a) Competitive Solicitation Required. The Purchasing Director shall be responsible for ensuring that
all contracts for the purchase of commodities or contractual services exceeding the maximum competitive
solicitation limit established in Board of Governors Regulation 18.001, (currently $75,000), are awarded pursuant to
a competitive solicitation, unless otherwise authorized herein or by other applicable law. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(b) Public Notice. The Purchasing Director, or a designee, shall determine the method of public notice to be used in each case of a competitive solicitation based on the nature and quantity of the commodities, contractual services, or construction sought and the availability and extent of competitive solicitation lists. Posting of competitive solicitations on a Purchasing Department website constitutes public advertising.

(c) Receipt of Responses. Competitive solicitation responses shall be delivered, including electronically, as directed in the competitive solicitation to the appropriate Purchasing Department, or as otherwise directed in the competitive solicitation document, at or prior to the date and time specified in the competitive solicitation. Only responses that are not delivered to that specific location and only at that location, no matter what the reason, shall not be considered. It is the responder’s responsibility to assure that their response is delivered at the proper time and place. The clock in the Reception area of the Purchasing Services Department is designated as the official timepiece for purposes of determining whether a response is received in Purchasing Services by the appointed date and hour. Any individual university Purchasing departments with delegated purchasing authority may designate an alternate timepiece.

1. Prior to the time a competitive solicitation response is opened, the Purchasing Director, or a designee, may change or correct the terms, conditions or specifications by issuing an addendum to all known recipients of the competitive solicitation.

2. A responder to a competitive solicitation may withdraw or correct a response prior to the time that the competitive solicitation response is opened. Any alteration or correction to a response must be in writing and signed or approved electronically, by an authorized representative of the firm who signed the original response.

3. The Purchasing Director, or a designee, will permit the withdrawal of a competitive solicitation response for good cause if requested in writing within seventy-two (72) hours of the competitive solicitation response opening and prior to final award of the purchase order being issued. Good cause shall include illegality, impossibility of performance, or a clear and inadvertent error in the response preparation, but shall not include a responder’s lack of profitability or financial loss resulting from the competitive solicitation. Neither modification nor withdrawal will be permitted at any time if the result of such action is prejudicial to the fairness of the competitive procurement process or a monetary or educational interest of the University.
(d) Competitive Solicitation Evaluation. Responses to a competitive solicitation shall be evaluated based on the requirements set forth in the competitive solicitation. The requirements of the competitive solicitation include but are not limited to criteria such as price, inspection, samples, quality, testing, workmanship, convenience, experience, delivery and suitability for a particular purpose. Those criteria that affect the price shall be objectively measured to the extent practicable. In cases where more than one commodity or contractual service is listed on a response to a competitive solicitation, the University is not required to consider all alternates or options, nor do they have to be considered in sequence.

(e) Right to Reject Competitive Solicitation Responses and Waive Minor Irregularities. The University reserves the right to reject any and all responses to a competitive solicitation. The University also reserves the right to waive minor irregularities in an otherwise valid response. A minor irregularity is a variation from the competitive solicitation terms and conditions, which does not affect the price offered, or give the responder an advantage or benefit not enjoyed by other responders or does not adversely impact the business or educational interests of the University. The University shall correct mistakes clearly evident on the face of a response, such as an error in arithmetic or extension of pricing. In the case of extension errors, calculations based upon multiples of the unit price, the unit price shall prevail.

(f) Receipt of Fewer Than Two Responsive Offers to a Competitive Solicitation. When fewer than two responsive offers are received in response to a competitive solicitation exceeding the competitive solicitation threshold, the Purchasing Director, or a designee, shall review the circumstances surrounding the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second competitive solicitation is not in the best interests of the University, the University may proceed with the acquisition based on the one responsive offer received or may proceed to negotiate with any other possible source including the sole responder who submitted the only responsive offer.

(g) When multiple responses to a competitive solicitation are received that are equal in all respects, the University shall give preference to responses that include commodities manufactured in the state, Florida businesses, businesses with a drug-free workplace program, or foreign manufacturers located in the state to determine the contract award. If none of these conditions exist and two or more responses are equal in every respect, the University will use a toss of a coin to select the successful response.

(g) Preferences for Florida-Based Vendors.
1. Preferences for Personal Property. When a University awards a contract to purchase personal property, other than printing, by competitive solicitation pursuant to paragraph (2) of this regulation, a preference shall be provided to vendors with a principal place of business in Florida (such vendors hereinafter referred to as "Resident Vendors") as follows:

a. If the responsible and responsive vendor who submits the lowest bid, the most advantageous proposal, or the best value and is one whose principal place of business is outside of Florida and whose is in a state or political subdivision grants a preference for the same purchase to a local vendor then the University shall grant the that same preference to the lowest or best responsible and responsive Resident Vendor.

b. With respect to Invitations to Bid, if the lowest responsible and responsive bid is from a vendor whose principal place of business is in a state that does not grant a preference for the purchase to a vendor in such state, then the University shall grant a preference in the amount of five percent (5%) to the lowest responsible and responsive Resident Vendor.

c. For vendors whose principal place of business is outside of Florida, such vendors must, at the time of submitting its bid, proposal or reply, provide a written opinion from a licensed attorney in its state specifying: (a) the preferences(s) granted by the state or political subdivision, as applicable, under the laws of that state to vendors whose principal place of business is in that state or political subdivision; and (b) how the preference is calculated. The failure to submit the written opinion may be waived as non-material if all vendors responding to the solicitation have principal places of business outside of Florida.

d. The vendor’s principal place of business, as represented by the vendor in its bid or reply, may be relied upon by the University without further inquiry. If the University determines that a vendor has misrepresented its principal place of business, the vendor’s bid, proposal or reply shall be rejected.

e. For the purpose of paragraph (g) 1., “personal property” shall be defined as goods and commodities, but not real estate, intellectual property or services.

2. Preferences for Printing. When a University purchases printed materials by competitive solicitation, a preference shall be provided Resident Vendors as follows:

a. If the lowest responsible and responsive bid received pursuant to an Invitation to Bid is from a vendor whose principal place of business is outside of Florida, then the University shall grant a preference to the lowest responsible and responsive Resident Vendor in the amount of five percent (5%) if the University has determined that the printing can be performed by the Resident Vendors at a level of quality comparable to that obtainable from the vendor submitting the lowest bid whose principal place of business is outside of Florida.

b. For purposes of subparagraph (g) 2.a, the level of quality shall be determined by whether a vendor satisfies the minimum specification requirements as set forth in the Invitation to Bid.

3. Method of Calculating Five Percent Preference. If the competitive solicitation is an Invitation to Bid, then an amount equal to five percent (5%) of the total base bid and any alternates shall be deducted from the base bid and alternates, as applicable, of the lowest responsible and responsive Resident Vendor’s bid.

4. Determining a Vendor’s Principal Place of Business. A vendor’s “principal place of business” is determined as follows:
a. If the vendor is an individual or a sole proprietorship, then its “principal place of business” is in the state where the vendor’s primary residence is located.

b. If the vendor is a business organization, then its “principal place of business” is in the state where the majority of the vendor’s executive officers direct the management of the vendor’s business affairs.

5. Federally Funded Projects. Purchases made to perform specific obligations under federally funded projects shall not be subject to this preference requirement to the extent the application of a preference is not allowed under applicable federal law or regulation.

6. If no preference exists or where after application of the preference here, two or more responses are equal in every respect, the University will use a toss of a coin to select the successful response.

(h) Purchases from Contractors Convicted of Public Entity Crimes. The University shall not accept a competitive solicitation from, or purchase commodities or contractual services from, a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida’s convicted vendor list for a period of 36 months from the date of being added to the convicted vendor list.

(i) Competitive Solicitation Notice of Award. After evaluating the responses to a competitive solicitation, the Purchasing Director, or a designee, shall make a determination as to the successful response based on the method of award contained in the competitive solicitation. A notice of award shall be posted electronically by posting a Competitive Solicitation Tabulation Sheet, or other appropriate document, on the Web Site of the purchasing department that issued the competitive solicitation, on the date and time listed in the competitive solicitation or as soon as reasonably possible after the responses are evaluated. The Competitive Solicitation Tabulation Sheet shall contain the competitive solicitation name, the name of each respondent including those whose responses were rejected, the dollar amount(s) of each response or the number of points awarded, the date and hour that it was posted and the date and hour that the posting period ends. The Notice of Award Web Site shall be maintained by each department with delegated purchasing responsibility, and shall be available for public inspection at all times during regular University business hours. Any person who is adversely affected by the University’s decision or intended decision regarding a competitive solicitation shall file a protest which shall be received in the purchasing department responsible for issuing the competitive solicitation before the end of the 72 hour posting period shown on the Notice of Award, or within 72 hours after the protestant received actual notice by other delivery of the decision, whichever occurs first. The 72 hour period excludes the hours involved in weekends and University holidays. Weekends are deemed to begin at 5 PM on Friday and end at 8 AM on Monday. Holidays are deemed to begin at 5 PM at the end of the regular workday before the holiday or 8 AM after a Sunday if the
holiday begins on a Monday and end at 8 AM on the next regular University workday. Posting of the proposed
Notice of Award does not establish a contract between the University and the proposed supplier.

(j) The following shall apply to every solicitation for the procurement of commodities or contractual
services: "Respondents to this solicitation or persons acting on their behalf shall not contact any employee or officer
of the Florida State University Board of Trustees, a University Direct Support Organization, or The Florida State
University concerning any aspect of this solicitation, except in writing to the Chief Procurement Officer or as
provided in this solicitation document, from the date of release of this solicitation through the end of the 72-hour
period following the University’s posting of the notice of intended award, in accordance with BOG Regulation
18.002. Violation of this provision may be grounds for rejecting a response."

(8) Competitive Solicitation Registration: Individuals and businesses shall register with the
University’s Purchasing Services department to receive competitive solicitations, a contract or a purchase order from
the Central purchasing department. The University does not guarantee that a business will receive notice of a
competitive solicitation for a particular commodity or contractual service for which they have registered as a
supplier and are responsible for monitoring posted notices which interest them. The opportunity to participate in a
competitive solicitation is a privilege not a right.

(9) Purchasing actions that are not subject to the competitive solicitation process include:

(a) Emergency Purchases. When the President, or a designee, determines in writing that a condition
exists that threatens the health or safety of person(s) or animal(s) or the preservation or protection of property or the
continuance of a vital University function, the University will proceed with an emergency purchase without a
competitive solicitation. Due to the critical nature of the procurement, emergency purchases do not require that the
action be posted in the Notice of Award Web Site for 72 hours. An emergency purchase shall be limited to the
purchase of only the type of items and quantities that are required for a time period sufficient to relieve the
immediate threat and shall not be used to meet long-term requirements.

(b) Sole Source Purchases. Commodities or contractual services available from a single source shall
be exempted from the competitive solicitation process. A sole source document shall be publicly posted in the
Notice of Award Web Site for 72 hours, unless the sole source is covered under the annual sole source certification
provided in (6)(d).
(c) Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Fla. Admin. Code R. 12A-1.004 as authorized under Section 212.08(6), F.S. [tax-exempt purchase] which are procured by the University in accordance with the requirements of the University’s direct purchase program are not subject to any further competitive solicitation.

(d) Commodities and contractual services that are exempt from the competitive solicitation process include:

1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assertive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
7. Training and education services for University employees;
8. Advertising, except media placement services;
9. Services or commodities provided by governmental agencies, another University in the State University System, direct support organizations of the university, cooperatives or consortia, political subdivisions or independent colleges and universities;
10. Goods or services purchased with auxiliary funds authorized for such purchases, in direct support of specific programs, conferences, workshops, or continuing education events offered to the general public, for which fees have been collected to pay all expenses associated with the program or event;
11. Purchases from firms or individuals who are prescribed by state or federal law or specified by a granting agency;
12. Regulated utilities and government-franchised services;
13. Regulated public communications, except long distance telecommunication services or facilities;
14. Extension of an existing contract;

15. Renewal of an existing contract if the terms of the contract specify renewal option(s);

16. Purchases from the Annual Certification List provided by the Chief Procurement Officer.

17. Purchases for resale to the public.

18. Accounting Services

19. Implementation/programming/training services available only from the owner of copyrighted software or its contracted vendor; and

20. Purchases of materials, supplies, equipment, or services for research purposes when the Vice President for research, or a designee, certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

21. (d) Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations, and faculty practice plans.

(10)(4) Vendors Excluded from Competition: In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, projects, or programs for future implementation, or competitive solicitation documents, shall be excluded from competing for such procurements.

(11)(42) Standard of Conduct:

(a) It shall be a breach of ethical standards for any employee of the University or member of the University Board of Trustees to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

(b) It shall be a breach of ethical standards for any employee to participate in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.
(12) (13) Bonding Requirements

(a) Solicitation Security. A certified, cashier's or treasurer's check, bank draft, bank official check or bid bond may be required as a condition for participating in a competitive solicitation.

(b) Payment and Performance Bonds.

1. The University is authorized to require any contractor contracting with the University to provide commodities, services or commodities which include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract.

2. Competitive Solicitation Protest Bond. Any contractor that files an action pursuant to BOG Regulation 18.002, protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor's competitive solicitation response; 10% of the estimated expenditure during the contract term; $10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier's check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier's check or money order at the time of filing the formal protest shall result in the denial of the protest.

(13) (14) Contract Formation.

(a) Contracts for the purchase of commodities or contractual services or licenses shall consist of a purchase order or a purchase order and bilateral agreement [an individual written contract in addition to the purchase order] signed by the President of the University, or a designee who has been granted power of attorney through the University President, prior to the goods or services being ordered, contracted for, or rendered by the contractor.

(b) Any contract for the purchase of services or tangible personal property for a period in excess of one fiscal year shall include the following statement: "The State of Florida's and University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(c) The extension of a contract granted to extend the time to complete the contract shall be in writing signed by the Purchasing Director. Contract extension shall not cause the University to incur additional costs. The contract extension shall be signed by both parties if a bilateral agreement and a purchase order were issued, and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract.
(d) A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, all contemplated renewal periods must be included in the competitive solicitation, and evaluated as part of the award evaluation process, including a cost algorithm to determine the cost to the university during renewal periods.

(e) The President, or a designee, shall have the authority to enter into deferred payment agreements, in accordance with Board of Governors debt policies. The University may utilize the State of Florida Department of Financial Services Consolidated Equipment Financing Program if it is deemed advantageous. When the Consolidated Equipment Financing Program is used, the University will submit the contract to the Department of Financial Services for the purpose of pre-audit review and approval prior to acceptance. No such agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.

(f) In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a vendor consistent with Section 672.719, F.S. and consistent with the lawful limits of state sovereign immunity.

(g) The total value of the contract shall be the purchase price for the initial term plus all renewal costs.

(14) (e-f) Authority to Suspend or Debar a Business. The Chief Procurement Officer shall remove a business from the University’s authorized vendor or competitive solicitation list and reject all responses offered by that business in the event the business’s performance through acts of omission or commission results in any of the following grounds, when it is determined to be in the best interest of the University, including but not limited to:

(a) Failure to respond to a competitive solicitation without giving a justifiable reason for such failure.

(b) Failure to make timely delivery or fully comply with the pricing, terms, conditions, or specifications, on any one contract or purchase order;

(c) Any attempt to influence a purchase, specification, award, or other pertinent factor, in violation of this Regulation and BOG Regulation 18.001.

(d) Being charged or convicted before a court of competent jurisdiction with committing a fraud, misdemeanor or felony in connection with the business’s commercial enterprise. If charges are dismissed, the owner of the business is found not guilty, or the guilty verdict is reversed through the appellate process, the business
is found not guilty, or the guilty verdict is reversed through the appellate process, the suspension shall be lifted immediately upon notification by the business.

(e) Bankruptcy.

(f) Continuing to supply commodities or contractual services before receiving a purchase order or after receiving a notice not to supply commodities or contractual services without first receiving a official Florida State University purchase order signed by the Purchasing Director.

(g) Failure or refusal to use any of the university's automated procurement and payment processes when instructed to do so, including but not limited to the on-line submission of responses to requests for quotations, competitive solicitations, or invoices.

(15) (16) Default:

(a) Vendors who fail to make delivery or perform in accordance with the conditions, specifications, drawings or terms and conditions of a purchase order or contract shall be notified in writing stating the nature of their failure to perform and provide a time certain for correcting the failure. Reasonable time for correcting the failure should not be generally less than ten (10) calendar days after receipt of such notice by the vendor, except in case of a documented emergency. The notification shall also provide that should the vendor fail to perform within the time provided, that: It will be in default; it will be removed from the University's vendor and competitive solicitation lists; and the University will re-procure the commodity or service from another source, which will obligate the vendor to pay all re-procurement costs and costs for cover.

(b) Unless the vendor corrects its failure to perform within the time provided, or unless the University determines based on its own investigation that the vendor's failure is legally excusable, the vendor shall be found in default and issued a second notice stating the reasons the vendor is considered in default and stating that the University has re-procured the commodity or service and the amount of the procurement and the cover cost. The University shall also advise the defaulting vendor that the vendor firm has been removed from the vendor and competitive procurement lists pursuant to this regulation rule and will not be eligible to submit a competitive solicitation or be awarded a contract until such time as the University is reimbursed for all re-procurement costs and for costs of cover. The defaulting vendor also shall be advised of the right to protest as provided in (16) (c) of this Regulation and shall follow the protest procedures provided in (16). petition the University President for an administrative hearing on the intended decision to remove the vendor from the University's vendor and competitive
procurement lists pursuant to 120.87 Florida Statutes or applicable Board of Governors Regulations, and shall be
given time within which to submit the petition.

(c) The Purchasing Director shall determine the method for re-procurement of commodities or
contractual services as the best interests of the University require.

(d) The University may issue a second competitive solicitation or purchase on the open market if a
substantially similar procurement is not accomplished under (c) above. Until such time as the vendor reimburses
the University for all re-procurement and cover costs, the defaulting vendor shall not be reinstated on the
University’s competitive solicitation list and shall not be eligible for any type of purchase order or contract with by
the University.

(e) All correspondence to vendors respecting failure to perform shall be sent by certified mail, return
receipt requested or documented courier delivery service. The foregoing provisions do not limit or exclude the
University’s remedies at law.

(16) (17)—Protested Solicitations and Awards.

(a) Purpose. The procedures set forth in this Regulation shall apply to protests that arise from all University
contract procurement processes for the purchase of goods, services, leases and for construction-related
competitive solicitations, and shall be the exclusive set of procedures applicable to all such protests.

(b) Definitions.

1. Adversely affected - where the University decision or intended decision will cause immediate injury in
   fact to the Protestor and the injury is of the type that the pertinent law or regulation is designed to
   protect.

2. Days – calendar days.

3. Decision or intended decision - the Specifications; the rejection of a response or all responses to a
   competitive solicitation; the intent to award a contract pursuant to a competitive solicitation as
   indicated by a posted written notice; a sponsored research exemption; or a determination that a
   specified procurement can be made only from a sole source.

4. Electronic posting - posting on the University’s designated website.

5. Filing - when filing documents or written materials with:

a. The Issuing Office, the filing is the delivery of the original of the document or written materials
   at the Issuing Office. Filing the Notice of Intent to Protest or the Formal Protest via email or
   facsimile is not permitted. The
time allowed for filing any documents or written material is not extended by the mailing of
such:

b. The President, the President's Designee or the Presiding Officer, filing is the delivery of the documents or written material to the President, President's Designee or Presiding Officer via email or in person at a hearing.

6. Formal Protest - the formal written complaint that complies with the requirements of Section (6) of this regulation.

7. Issuing Office - the office that issued the solicitation, or if a solicitation has not been issued, the office that made the decision or intended decision that is being protested.

8. Legal holidays - those days designated as holidays in Section 110.117, Florida Statutes, and those days - other than Saturdays and Sundays - when the university is officially closed.

9. Notice of Intent to Protest - a short and plain written statement that complies with the requirements of Section (5) of this regulation.

10. Potential Protestor - any actual or prospective bidder or offeror, person, or firm with standing to protest the decision or intended decision.

11. President - means the presiding president of the university.

12. President's Designee - the person selected by the President to perform a specific delegated function on behalf of the President under this regulation.

13. President/President's Designee - means the presiding president of the University; however, if the presiding president appoints a designee, shall mean the presiding president's designee only.

14. Presiding Officer - the Quasi-Judicial Officer or the University Official handling the protest proceeding.

15. Protest proceeding - either a summary proceeding involving a University Official or a quasi-judicial hearing involving a Quasi-Judicial Officer.

16. Protestor - any actual or prospective qualified bidder or offeror, or person or firm that is adversely affected and has standing who timely files a Notice of Intent to Protest and also timely files a Formal Protest.

17. Quasi-Judicial Officer - the designated presiding official (may be an Administrative Law Judge or a qualified attorney with a minimum of five years' experience practicing law) in a protest proceeding where there are disputed issues of material fact.

18. Serve/Service - sending a copy of the information to the parties via email communication at the email addresses of record.

19. Specification - the contents of the competitive solicitation or any addenda thereto; the approval of sole source procurement; or other solicitation documents as permitted by applicable law or regulation.

20. Timely Filed - actual receipt of documentation or written material by the Issuing Office, the President, the President's Designee, or the Presiding Officer on or before the deadline.

21. University Official - the person appointed by the President to conduct a summary proceeding.

(c) Notice of Decision or Intended Decision. The University shall provide a notice of decision or intended
decision by electronic posting. The notice shall contain the following statement: “Failure to timely file a protest or failure to timely deliver the required bond or other security in accordance with the Board of Governors’ Regulations 18.002 and 18.003 shall constitute a waiver of protest proceedings.”

(c) Initiating a Protest. If a Potential Protestor desires to protest a decision or intended decision of the University, the Potential Protestor must timely file a Notice of Intent to Protest, a Formal Protest, and the required Solicitation Protest Bond prescribed by the Board of Governors Regulation 18.003 with the Issuing Office.

(e) Notice of Intent to Protest.

1. Timely Filing of a Notice of Intent to Protest.

a. Protesting a Specification. If the Potential Protestor is protesting a Specification, the Potential Protestor must timely file a Notice of Intent to Protest with the Issuing Office within 72 hours of the university’s electronic posting of the Specification that is being protested. A Potential Protestor’s failure to timely file a Notice of Intent to Protest within 72 hours of the posting of the Specification shall constitute a waiver of the right to protest proceedings related to that Specification.

b. Protesting any Other Decisions or Intended Decisions. If a Potential Protestor is protesting any decision or intended decision other than a Specification, the Potential Protestor must timely file a Notice of Intent to Protest such decision or intended decision with the Issuing Office within 72 hours of the university’s posting of the notice of decision or intended decision that is being protested. A Potential Protestor’s failure to timely file a Notice of Intent to Protest within 72 hours of the university’s posting of the notice of decision or intended decision being protested shall constitute a waiver of the right to protest proceedings related to that decision or intended decision.

i. Filing Period for the Notice of Intent to Protest. The 72-hour period for filing the Notice of Intent to Protest regarding any decision or intended decision begins upon the electronic posting of the decision or intended decision. If the end of the 72-hour period falls on a Saturday, Sunday, or legal holiday, the deadline for filing the Notice of Intent to Protest shall be the next business day. A Notice of Intent to Protest may not be filed before the 72-hour period begins.

ii. Content of the Notice of Intent to Protest. The Notice of Intent to Protest must be addressed to the Issuing Office; must identify the Potential Protestor and must provide the Protestor’s/Protestor’s counsel or representative’s address, phone number, and email address; must state the name and address of the University whose action is being protested; must identify the solicitation by number and title, or if the intended protest is not related to a competitive solicitation, must provide other language that will enable the University to identify the decision or intended decision being protested; and must state that the Potential Protestor intends to protest the decision or intended decision.

(f) Formal Protest and Solicitation Protest Bond.
1. Timely Filing of a Formal Protest and Solicitation Protest Bond. The Potential Protestor must timely file a Formal Protest with the Issuing Office within ten (10) days after the date the Notice of Intent to Protest was filed. In addition, the Potential Protestor must timely file the required Solicitation Protest Bond with the Issuing Office within ten (10) days after the date the Notice of Intent to Protest was filed. The failure of the Potential Protestor to timely file the Formal Protest or to timely file the Solicitation Protest Bond shall constitute a waiver of the Potential Protestor’s right to protest proceedings and/or the denial and dismissal of the Potential Protestor’s protest.

2. Content of the Formal Protest. The Formal Protest must state with particularity the facts and law upon which the protest is based. Only actual or prospective bidders or offerors who would be adversely affected by the University’s proposed action have standing to protest the award or intent to award a contract through competitive solicitation. The Formal Protest must contain the following:
   a. The name of the Protestor and the address, telephone number and email address of the Protestor/Protestor’s counsel or representative. The email address provided will be the email address used by the Issuing Office, the President, the President’s Designee, the Presiding Officer, and the other parties for serving the Protestor with notice, documents and other materials related to the protest;
   b. The identification of the University and competitive solicitation involved, if no competitive solicitation is involved, identification of the action being protested;
   c. A statement of when and how the Protestor received notice of the decision or intended decision that is being protested;
   d. A concise statement of the facts, including the specific facts the Protestor contends warrant reversal or modification of the university’s decision or intended decision;
   e. A statement of all disputed issues of material fact, or if there are none, the Formal Protest must indicate so;
   f. A statement of the specific regulations or laws that the Protestor contends require reversal or modification of the decision or intended decision, including an explanation of how the alleged facts relate to the specific regulations or statutes;
   g. A statement of all information establishing that the Protestor is an interested party for the purpose of filing a protest, and how the Protestor would be adversely affected by the University’s proposed action;
   h. A statement of the relief sought by the Protestor, stating precisely the action the Protestor wishes the University to take with respect to the protest; and
   i. A copy of any documents or materials referenced or incorporated into the Formal Protest.

17
(g) Impact on Procurement Process.

1. Upon receipt of the Formal Protest by the Issuing Office, the Issuing Office will stop the solicitation or contract award process until the subject of the protest is resolved, unless the President sets forth in writing particular facts and circumstances which require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety or welfare.

2. The President/President’s Designee may, in response to a Protest, terminate the contract procurement processes, terminate the solicitation process, and/or reject all bids. If any such action is taken, the Protest shall be automatically dismissed, and the University may, if desired, reinstate the contract procurement process.

(h) University’s Response to a Formal Protest. The University will file a notice with the Issuing Office of the name, phone number and email address for the attorney representing the University in the protest; the email address provided will be the email address used by the Issuing Office, the President, the President’s Designee, the Presiding Officer, and the other parties for serving the University with notice, and documents and material related to the protest. The University may also file a written response to the Formal Protest with the Issuing Office within seven (7) days after the date the Formal Protest is filed.

(i) Right of Counsel. A party participating in the protest or appearing in a protest proceeding has the right, at the party’s own expense, to be represented by counsel or by a qualified representative.

(j) Resolution by Mutual Agreement.

1. Informal Discussions. Following the timely filing of a Formal Protest and Solicitation Protest Bond, the university may hold informal discussions with the Protestor to resolve the protest by mutual agreement. Such discussions, if made available, will take place within seven (7) days of the filing of the Formal Protest. The President/President’s Designee has the authority to settle or resolve protests.

3. Time Talled. If informal discussions are scheduled, the time requirements related to this regulation are tolled for the period of time from the date the Formal Protest is filed until the date the last informal discussion is scheduled for or held.

3. Settlement Agreement. Unless prevented by law, if the parties reach a mutual agreement and a term in the settlement agreement conflicts with this regulation, the term in the settlement agreement will control.

4. Failure of Parties to Resolve by Mutual Agreement. If informal discussions are not held, or the informal discussions do not result in a mutual agreement between the parties, the protest shall proceed to either a summary proceeding or a quasi-judicial hearing, as appropriate.

(k) Determination of Appropriate Proceeding. When there is no resolution by mutual agreement, the President/President’s Designee shall appoint a University Official, and the Initiating Office will forward all material
filed by the parties to the University Official. The University Official will review the material filed by the parties that would be admissible in evidence to determine whether there are any disputed issues of material fact. If the protest contains no disputed issues of material fact, a summary proceeding is appropriate. If the protest contains disputed issues of material fact, a quasi-judicial hearing is appropriate.

(i) Summary Proceeding. If the protest contains no disputed issues of material fact, the University Official shall conduct a summary proceeding. The summary proceeding will be conducted within thirty (30) days after the date the Formal Protest was filed.

1. Notice of Proceeding. The University Official shall serve written notice on all parties, such notice will allow the parties at least seven (7) days from the date of the notice to file with the University Official any documents, memoranda of law, or other written material (collectively referred to as “written material”) in support of or in opposition to the University’s action or refusal to act and to serve the other parties with a copy of the same. At the end of the seven (7) days, the University Official shall then serve a second notice to the parties stating that the parties have seven (7) days to file with the University Official and to serve the other parties with their written responses to the written material filed by the other parties.

2. Informal Hearing. The University Official may, in the University Official’s sole discretion, schedule an informal hearing on the matter for the purpose of taking oral evidence or argument. If the University Official schedules an informal hearing, the University Official shall serve the parties with written notice at least fourteen (14) days prior to the hearing, setting forth the place, date, and time of the hearing.

3. University Official’s Recommended Order.
   a. The University Official will issue a Recommended Order to the President on whether the University’s proposed action is contrary to the applicable statutes, regulations, or policies governing the University, or to the Specifications. The University Official’s Recommended Order shall take into consideration only those documents and written materials filed by the parties, and if an informal hearing is held, information obtained as a result of the informal hearing;
   b. The University Official’s recommended order shall be issued to the President within fifty (50) days after date the Formal Protest was filed. The University Official shall serve copies of the Recommended Order, along with the date the Recommended Order was issued, to the parties immediately after issuing the Recommended Order to the President;
   c. The University Official shall also submit the recording of the informal hearing, if one was held, and all documents and written material filed in the matter to the President when issuing the Recommended Order.

4. Exceptions to the University Official’s Recommended Order. The parties may file written exceptions to the Recommended Order. The Parties must file any exceptions to the Recommended Order with the President within seven (7) days after the date the Recommended Order was issued.
5. The Final Order. The President shall enter a Final Order within twenty-one (21) days after the date the Recommended Order was issued. In deciding whether to follow or depart from the University Official's Recommended Order, the President may consider the written materials and exceptions filed by the parties, and the recording of the informal hearing, if any. The President's Final Order is the final decision of the University.

6. Point of Entry. Judicial review of the university's final decision shall be in accordance with Florida Rule of Appellate Procedure 9.190(b) (3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act. A request for review may be made by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days after the date of the University's final decision. Failure to seek timely review shall constitute a waiver of the right to appeal the University's final decision.

(m) Quasi-Judicial Hearing. If the Formal Protest contains issues of material fact, the President/President's Designee shall refer the Formal Protest to a Quasi-Judicial Officer for a quasi-judicial hearing. The hearing shall be conducted within forty (40) days after the date the Formal Protest was filed.

1. Appointment of Quasi-Judicial Officer. Within seven (7) days after the date the Formal Petition was filed, the President/President's Designee shall appoint a Quasi-Judicial Officer or forward a request for hearing and such other documents, laws and regulations as may be required by the Florida Department of Administrative Hearings to the Department, and for assignment of an Administrative Law Judge to conduct a quasi-judicial hearing ("hearing").


a. Within seven (7) days after being appointed, the Quasi-Judicial Officer shall issue a Notice of Hearing, stating the time, date and location for the parties to present evidence and argument on the issues under consideration. The Quasi-Judicial Officer shall set a time and place for all hearings and shall serve written notice on all the parties;

b. The Quasi-Judicial Officer shall give no less than 14 days' notice of the hearing on the merits of the protest, unless otherwise agreed by the parties.

3. University Statement of Actions. Within seven (7) days after the appointment of the Quasi-Judicial Officer, the university shall file a written statement to the Quasi-Judicial Officer stating the actions (proposed actions, actions already taken, or refusal to take action are referred to as "actions") of the University, and a summary of the factual, legal, and policy grounds for such actions. The University shall immediately serve a copy of the Statement of Actions on the other parties.

4. Protestor's Response to University Statement of Actions. Within seven (7) days after the university
provides the University Statement of Actions to the Quasi-Judicial Officer, the Protestor may file a written response to such statement with the Quasi-Judicial Officer. The Protestor shall immediately serve a copy of the Protestor's Response to the University's Statement of Actions on the other parties.

5. Discovery. After the assignment of the Quasi-Judicial Officer, the parties may obtain discovery through the means and manner provided in the Florida Rules of Civil Procedure 1.280 through 1.400. The Quasi-Judicial Officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay.
   a. Each party must serve a list of evidence to the other parties at least seven (7) days prior to the first day of the hearing, along with a general description of how the party intends to use the evidence in the hearing.
   b. Each party must file a witness list with the Quasi-Judicial Officer and serve the same on the other parties at least seven (7) days prior to the first day of the hearing. The parties must include a general description of how the party intends to use each witness in the hearing with the witness list.

6. De Novo Proceeding. The Quasi-Judicial Officer shall conduct a de novo proceeding to determine whether the university's decision or intended decision is contrary to the statutes, regulations, or policies governing the university, or contrary to the Specifications. The standard of proof for the proceedings shall be whether the proposed university action was clearly erroneous, contrary to competition, arbitrary, or capricious. However, if the protest is regarding the university's decision to reject all responses to a competitive solicitation, the standard of review shall be whether the University's intended action is illegal, arbitrary, dishonest or fraudulent.

7. Burden of Persuasion. The burden of proof rests with the party protesting the university action.

8. Conduct of Hearing. All parties shall have an opportunity to: present evidence; to respond to all issues involved; to conduct cross-examination and submit rebuttal evidence; and to submit proposed findings of fact and proposed orders.
   a. The hearing shall be conducted in conformity with the Florida Rules of Civil Procedure and the Florida Rules of Evidence applicable to civil proceedings unless specifically contradicted by this regulation or otherwise agreed by the parties;
   b. Each party shall have a minimum of fifteen (15) minutes to argue its position. The Protestor shall present its argument first and have the opportunity for rebuttal. At the Quasi-Judicial Officer's discretion, the University may have the opportunity for surrebuttal;
   c. The Quasi-Judicial Officer has the right to question each party and any witnesses.

9. Recommended Order. The Quasi-Judicial Officer may request that the parties submit proposed findings of fact, conclusions of law, orders and memoranda on the issues within a time designated by the Quasi-Judicial Officer. No later than thirty (30) days after receipt of the hearing transcript, the Quasi-Judicial Officer shall issue a written Recommended Order to the President, and serve a copy on each of the parties.

10. Preliminary Order and Exceptions to the Preliminary Order. Within fourteen (14) days after the date the Recommended Order was issued, the President shall issue a Preliminary Order and serve the parties with
a notice of such order. If the Protestor takes exception to the Preliminary Order, the Protestor must timely file its written exceptions with the President within fourteen (14) days after the date the Preliminary Order was issued. The Preliminary Order shall provide, “This Preliminary Order is the Final Order unless the Protestor files written exceptions to the Preliminary Order with the President no later than 14 days after the date this Preliminary Order is issued.”

11. Final Order.
   a. If no written exceptions are timely filed, the Preliminary Order is the Final Order;
   b. If the Protestor timely files written exceptions, then within fourteen (14) days after the end of the 14 day period for filing exceptions to the Preliminary Order, the President will review the Preliminary Order and the timely filed exceptions and will render a Final Order;
   c. The President’s Final Order is the final decision of the University.

12. Point of Entry. Judicial review of the University’s final decision shall be in accordance with Florida Rules of Appellate Procedure Rule 9.190(b) (3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act. A request for review may be made by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days after the university’s final decision. Failure to seek timely review shall constitute a waiver of the right to appeal the university’s final decision.

(n) Computation of Time. In computing any period of time under this regulation or by order of a Presiding Officer, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Notwithstanding the above, this Section does not apply when computing the time period for filing the Notice of Intent to Protest as it is computed in accordance with Section (3)(b) of this regulation.

(o) Conflict. Following appointment of the University Officer or the Quasi-Judicial Officer as the Presiding Officer of a protest proceeding, the attorney representing the university in the protest will not serve as legal advisor to the Presiding Officer until the protest proceedings are over (to include the period of time in which the final decision of the university can be appealed).

(p) Intervenors. Persons other than the original parties to a pending proceeding whose substantial interest will be affected by the proceeding and who desire to become parties may petition the Presiding Officer for leave to intervene. Except for good cause shown, petitions for leave to intervene must be filed with the Presiding Officer no later than 20 days after the date the Formal Protest was filed. The petition shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to a Board of Governors’ or university’s rule or regulation, or that the
substantial interests of the intervenor are subject to determination or will be affected through the proceeding. The petition shall also include the email address of the intervenor/intervenor’s counsel or representative; the email address provided will be the email address used by the President, the President’s Designee, the Presiding Officer, and the other parties for serving the intervenor with notice, documents and materials related to the protest. If time permits, the parties may, within seven (7) days after service of the intervenor’s petition, file a response in opposition to the petition with the Presiding Officer and serve the same on the other parties. The Presiding Officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(o) Presiding Officer Orders. The Presiding Officer may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the protest.

(p) Motions. All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing and shall fully state the action requested and the grounds relied upon. The moving party shall file the motion with the Presiding Officer and serve a copy on the other parties. When time allows, the other parties may, within seven (7) days after service of a written motion, file a response in opposition and serve the same on the other parties. Written motions will normally be disposed of after the response period has expired based on the motion, together with any supporting or opposing memoranda. The Presiding Officer shall conduct proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion. Motions, other than a motion to dismiss, shall include a statement that the movant has conferred with the other parties of record and shall state whether any party has an objection to the motion. Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

(s) Evidence. In a protest to an invitation to bid or request for proposals procurement, no submissions made after the bid or proposal opening which amend or supplement the bid or proposal shall be considered. In a protest to an invitation to negotiate procurement, no submissions made after the University announces its intent to award a contract, reject all replies, or withdraw the solicitation which amend or supplement the reply shall be considered.

(t) Extensions or Continuances. The Presiding Officer may extend the time period for holding the hearing. The Presiding Officer may also grant a continuance of a hearing for good cause shown. Except in cases of emergency, requests for continuance must be made at least seven (7) days prior to the date noticed for the hearing.

(u) Records. The University shall accurately and completely preserve all testimony and evidence in the proceeding and upon the request of any party shall provide a copy of the testimony. The University may charge the cost of duplication to the requesting party. Proceedings shall be recorded by a certified court reporter or by
recording instruments. Any party to a hearing may, at its own expense, provide a certified court reporter if the university does not. The Presiding Officer may provide a certified court reporter. At a hearing reported by a court reporter, any party who wishes a transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(v) Costs and Attorney Fees. If the Quasi-Judicial Officer determines that the non-prevailing party has participated in the hearing for an improper purpose, the Quasi-Judicial Officer may award attorney’s fees and costs to the prevailing party, as appropriate. If the Quasi-Judicial Officer awards the University attorney’s fees and/or costs, upon Protestor’s payment of such costs, the University shall return the solicitation protest bond to the Protestor. “Improper purpose” means participation in the protest proceeding primarily to harass, cause unnecessary delay, frivolous purpose; needlessly increasing the costs of litigation, licensing, or securing the approval of an activity; or filing a meritless protest.

(a) Petitions. Any person who is aggrieved by a University decision or intended decision in connection with a University decision, shall file a written notice of intent to protest with the Purchasing Director of the department issuing the competitive solicitation. The notice embodying such protest shall be received in the purchasing department of the department issuing the competitive solicitation before the end of the 72-hour posting period or within 72 hours after the protestant received actual notice by other delivery of the decision, whichever occurs first. A notice of protest is not considered filed until it is actually received in the purchasing department which issued the solicitation. Within ten (10) consecutive calendar days after the notice of protest is filed, the protestant shall file a formal written protest in both the Office of the University President and in the department to which the notice of intent to protest was filed, which shall state with particularity the facts, and law upon which the notice of protest is based. No time service will be added to the above-to time limits for mail service. Failure to timely file the notice of protest, the formal notice of protest or a solicitation protest bond shall constitute a waiver of right to protest under this regulation and BOG Regulation 18.002.

(b) Informal Procedures. Unless superceded by a subsequent Board of Governor’s Regulation, the following shall apply:

Upon receipt of the petition, the presiding officer shall issue to the protestant a notice of the informal proceeding in accordance with §120.57(2), Florida Statutes. Petitions to intervene will be considered on their merits as received.
2. At or prior to the informal proceeding, or as directed by the presiding officer, the protestant may submit any written or physical materials, objects, statements, affidavits and arguments that the protestant deems relevant to the issues raised.

3. In the proceeding, the protestant, his representative or counsel, may also present written or oral evidence and arguments in opposition to the action if the university or its refusal to act. However, neither direct nor cross examination of witnesses will be permitted, although the presiding officer may make whatever inquiries deemed pertinent to a determination of the process.

4. The judicial rules of evidence shall not apply, and the presiding officer shall issue a decision on such information adduced in the course of the proceeding upon which reasonably prudent persons may rely on in the conduct of their affairs.

5. The proceedings shall not be mechanically recorded unless the Purchasing Director receives a request for such recording at least three (3) working days prior to the date of the proceedings. If such request is for mechanical recording, the University will provide the appropriate equipment and operation personnel at its expense. If such request is for stenographic recording, the requesting party shall arrange for the appearance of a certified court reporter and shall bear the expense of such appearance.

6. At any time in the course of the proceedings, the presiding officer may seek to resolve the protest by informal disposition, agreed settlement or consent order.

7. If the protestant's objections are overruled, the presiding officer shall render a written decision within seven (7) days after the conclusion of the proceedings, which conforms to the requirements of s. 120.57, Florida Statutes. In the event the presiding officer finds that a dispute exists with respect to a fact deemed material to determine the protest, as to which there has been no stipulation, the decision shall also give notice to the protestant of his right to petition for a formal proceeding pursuant to s. 120.57(3), Florida Statutes, within ten (10) working days of the date upon which the decision is issued to him.

8. The President, or a designee, shall issue the final order. Provided, however, that if the decision contains notice of a right to petition for a formal proceeding the decision shall not constitute a final order until the expiration of the time for filing such petition or the conclusion of proceeding pursuant thereto.

(17) (18) Purchase of Motor Vehicles.

(a) The University has authority to:
1. Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;

2. Obtain the most effective and efficient use of motor vehicles for state university purposes;

3. Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University;

4. Contract for specialized maintenance services.
   (b) Motor vehicles owned, leased or operated by the University shall be for official University business only.

(18)(19)-Definitions.

(a) Artistic Services. Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, bronze, photography, antique or period furniture reproduction or restoration, graphic arts, website design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field, as determined by the Chief Procurement Officer. Web design shall not include website hosting, maintenance, or and computer-related services; only the portion of the design meeting the definition of an artist shall be exempt. If artistic web design cannot be separated from the non-artistic portion of the purchase, the artistic exemption shall not apply.

(b) Business. Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

(c) Commodity --Supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. “Commodity” also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications and photocopying shall be considered a “commodity.” Software license agreements shall be considered a “commodity.”
(d) Competitive Negotiation -- The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.

(e) Competitive Solicitation -- An Invitation to Bid, Request for Proposal or Invitation to Negotiate issued by a purchasing department with delegated authority as specified in this regulation to select a contractor.

(f) Contract -- Document issued by the purchasing department, including purchase orders and bilateral agreements, regardless of their designation.

(g) Contractual Service -- The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. “Contractual service” does not include labor or materials or selection of professional services for the construction, renovation, repair, maintenance or demolition of facilities or grounds.

(h) Cost. The difference between the cost to procure substitute commodities or services and the contract price for such commodities or services.

(i) Department. Any Florida State University college, school, department, principle investigator, club, organization or other budget entity assigned a departmental account by the University.

(j) Extension. An increase in the time allowed for the contract period.

(k) Independent Contractor -- A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with the University as provided in s. 112.312, F.S.

(l) Invitation to Bid. A solicitation for competitive bids issued by the purchasing department, including reverse auctions, with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined.

(m) Invitation to Negotiate -- An invitation extended to prospective vendors or contractors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. An Invitation to Negotiate shall be awarded as the best interests of the University indicate and does not require numeric scoring. Cost may or may not be a consideration in the initial stages of negotiating.

(n) Minority Business Enterprise -- A business concern as defined in s. 288.703(2), F.S.

(o) Mutuality of Management. That circumstance wherein two or more businesses are owned or managed by the same person or persons. Mutually managed businesses shall submit only one response to a
competitive solicitation. The Purchasing Director may reject all responses from mutually managed businesses submitting more than one response to a competitive solicitation. If more than one response is submitted and subsequently evaluated, only the response with the lowest cost or score shall be considered in determining an award.

(p) Person. Shall have the meaning provided in s.1.01 (3), Florida Statutes.

(q) President. The chief executive officer of the University, responsible for its operation and administration.

(r) Public Entity Crime -- A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.

(s) Purchase -- an acquisition of commodities or services obtained by purchase order or contract whether by rent, lease, installment- or lease-purchase, outright purchase, or license.

(t) Purchases for Resale -- the purchase of commodities or contractual services acquired for the purpose of selling them to the general public. Purchases of commodities or contractual services acquired for resale or transfer of ownership to other University departments are not purchases for resale.

(u) Purchasing Services -- also known as Central Purchasing; the department with primary procurement responsibilities at the University.

(v) Renewal -- Contracting with the same contractor for an additional period of time after the initial contract term provided the original terms of the agreement specify an option to renew.

(w) Request for Proposal. A written solicitation issued by the purchasing department for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. A request for proposals may be used when the scope of work is not clearly defined or cost is not the primary consideration.

(x) Responder. A person or business that has submitted a bid, proposal response or an offer to negotiate, as the result of a competitive solicitation.

(y) Response. A bid, proposal or offer to negotiate submitted as a result of a competitive solicitation that designates the title, date and time of the public opening. The response shall be submitted in accordance with instructions provided in the competitive solicitation prescribing all general and special conditions.
(z) Responsible vendor or responder. Individuals or businesses who possess the ability to perform successfully under the terms and conditions of the proposed purchase.

(aa) Responsive offer. A response from a responsible responder that complies in every respect with the terms, conditions and specifications of a competitive solicitation.

(bb) Request for Quotation. A written or oral request issued by the purchasing department to one or more vendors to provide pricing on specified commodities or contractual services when the total costs, including all renewal options, is less than the competitive solicitation threshold. Requests for Quotations are not subject to the electronic posting requirements of BOG 18.002.

(cc) Specifications.

1. A clear and accurate description of the technical requirements, including the range of acceptable characteristics or minimum acceptable standards, for the material, product, or service to be purchased. In competitive solicitations, such specification shall not contain features which unduly restrict competition.

2. The specific features of “brand name or equal” descriptions that responders are required to meet when such items are included in a competitive solicitation.

3. A clear and accurate description of the physical, performance or functional characteristics of a commodity or contractual services. It may include plans, drawings, samples or a description of any requirement for inspection, testing or preparing a commodity or contractual service for delivery.

(dd) Term Contract -- An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed period of time.

(ce) Vehicle -- This term includes any automobile, airplane, truck, mobile construction equipment, golf cart, tractor, watercraft or other vehicle.

(ff) Vendor. A person or business that has received a duly executed purchase order or purchase order and contract from the University.

Specific Authority BOG Regulation 1.001, 7(b), 7(b) Law Implemented 112:313, 126:67(5), 283:33, 672:719 1001:75(5), 1001:74(5), 1004.22(7) FS. History--New 1-5-81, Formerly 6C2-2.15, 6C2-2.015 Amended 11-4-87, 6-11-91, 12-21-93, 10-20-99, 3-17-03, 9-19-2008, 6-25-2010.
August 15, 2013

MEMORANDUM

TO: The 65th Student Senate

FROM: Mattie Durham  
Senate Program Assistant

RE: Resolutions considered Summer semester 2013

<table>
<thead>
<tr>
<th>Res.</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>Asking legislators to take decisive action to prevent an economic crisis and also asking that Senator Warren’s bill, to reduce interest rates on student loans, become law.</td>
<td>PASSED BY UNANIMOUS CONSENT 5-29-13</td>
</tr>
<tr>
<td>56</td>
<td>Giving permission to WVFS V89 Radio Station to have their event, “Summer Throwdown IV” at Club Rehab.</td>
<td>PASSED 6-5-13</td>
</tr>
<tr>
<td>57</td>
<td>Asking FSU to adopt a tuition waiver that would allow deferred action beneficiaries to benefit from in-state tuition.</td>
<td>PASSED 6-12-13</td>
</tr>
<tr>
<td>58</td>
<td>Supporting the Voting Rights Act and urging the United States Congress to create a new equation and/or update the data used to determine which states and counties are required to obtain federal preclearance before changing their voting laws.</td>
<td>PASSED 7-10-13</td>
</tr>
<tr>
<td>59</td>
<td>Amending the Senate Rules of Procedure.</td>
<td>WITHDRAWN BY SPONSOR 7-17-13</td>
</tr>
<tr>
<td>60</td>
<td>Granting permission to the Hispanic Latino Student Union to have their Summer Pool Party off campus.</td>
<td>PASSED 7-17-13</td>
</tr>
<tr>
<td>61</td>
<td>Supporting the efforts of the United Faculty of Florida – FSU- Graduate Assistants United concerning health insurance.</td>
<td>PASSED 7-17-13</td>
</tr>
<tr>
<td>62</td>
<td>Approving the allocation of funds to the World Affairs Program and FSU Forensics.</td>
<td>PASSED 7-17-13</td>
</tr>
</tbody>
</table>
Memorandum  
Page two  
August 15, 2013

<table>
<thead>
<tr>
<th>Res.</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>63</td>
<td>FSU Student Government Association working with Florida A&amp;M University Student Government Association.</td>
<td>PASSED 7-17-13</td>
</tr>
<tr>
<td>64</td>
<td>Collaborating with Florida A&amp;M University and the Southside community and neighborhood leadership organizations to create dialogue and partnerships for mutual growth and education with regard to community investments.</td>
<td>PASSED 7-24-17 BY UNANIMOUS CONSENT</td>
</tr>
</tbody>
</table>
December 3, 2013

MEMORANDUM

TO: The 66th Student Senate

FROM: Mattie Durham
Student Senate Program Assistant

RE: Resolutions considered Fall semester 2013

<table>
<thead>
<tr>
<th>Res.</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Giving permission to WVFS V-89 Radio Station to host their 26th Birthday Bash off campus at Rehab on Saturday, November 23, 2013.</td>
<td>PASSED 10-30-13</td>
</tr>
<tr>
<td>2</td>
<td>Giving permission to the Black Student Union to have the COBOL Showcase off campus at the Moon on November 24, 2013.</td>
<td>PASSED 11-6-13</td>
</tr>
<tr>
<td>3</td>
<td>Nominating Senate President Emeritus Brandon Eisaman to the Senate Hall of Fame Selection Committee for consideration of being in the Senate Hall of Fame.</td>
<td>PASSED 11-6-13</td>
</tr>
<tr>
<td>4</td>
<td>Giving permission to the Black Student Union to have the Bobby E. Leach Ball off campus and have plated dinners at this event on Sunday, December 1, 2013 at the Hotel Duval.</td>
<td>PASSED 11-13-13</td>
</tr>
<tr>
<td>5</td>
<td>Asking that hate speech be clearly defined in the Student Conduct Code and that penalties for using hate speech be added to the Code.</td>
<td>PASSED 11-20-13</td>
</tr>
<tr>
<td>6</td>
<td>Amending the Senate Rules of Procedure 6.14 and 7.05, pertaining to the submission of resolutions.</td>
<td>WITHDRAWN BY SPONSOR 11-20-13</td>
</tr>
<tr>
<td>7</td>
<td>Creating a Top 25 ad-hoc committee to establish a student-driven programs and initiatives in order to advance FSU into the National Top 25 public universities.</td>
<td>PASSED 11-20-13</td>
</tr>
</tbody>
</table>
August 14, 2013

MEMORANDUM

TO: The 65th Student Senate

FROM: Mattie Durham  
Student Senate Program Assistant

RE: Bills considered Summer Semester 2013

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
</table>
| 60   | A revision to the Student Body Statutes Chapter 1002, to revise the Asian American Student Union Statutes. | PASSED 5-29-13  
SIGNED SBP 5-31-13  
SIGNED VPSA 6-5-13 |
| 61   | An allocation of $3,978.55 from Senate Projects to Phi Beta Lambda to pay travel expenses for 10 students to travel to Anaheim, California on June 22-25, 2013 for the National Competition of FBLA. | PASSED 5-29-13  
SIGNED SBP 5-31-13  
SIGNED VPSA 6-5-13 |
| 62   | A revision of $1,250.00 within the Hispanic Latino Student Union from Contractual Services to Clothing and Awards to purchase t-shirts and promo items for summer events. | PASSED 5-29-13  
SIGNED SBP 5-31-13  
SIGNED VPSA 6-5-13 |
| 63   | A revision of $8,025.00 within SGA Salary from Salary to OPS Wages to transfer funds for student workers and all OPS positions for the summer, due to an increase in minimum wage. | PASSED 5-29-13  
SIGNED SBP 5-31-13  
SIGNED VPSA 6-5-13 |
| 64   | A transfer of $768.80 from Programming Allocation Committee (PAC) to Senate Projects to move remaining monies in PAC to Senate Projects. | PASSED 5-29-13  
SIGNED SBP 5-31-13  
SIGNED VPSA 6-5-13 |
| 65   | A transfer of $127.12 from Resource Travel Allocation Committee (RTAC) to Senate Projects to move remaining monies in RTAC to Senate Projects. | PASSED 5-29-13  
SIGNED SBP 5-31-13  
SIGNED VPSA 6-5-13 |
| 66   | An allocation of $2,183.00 from Senate Projects to Collegiate Veterans Association, to send three student veterans to attend the Women’s Leadership Conference on September 25-27, 2013 in San Diego, California. | TABLED IN FINANCE 6-5-13 |
| 67   | An addition to the Student Body Statutes adding Chapter 1011, creating the Veterans Student Union. | TABLED IN FINANCE.  
STILL IN JUDICIARY AND BUDGET. |
<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>68</td>
<td>A revision of $1,250.00 within the Hispanic Latino Student Union from Contractual Services to Expense to purchase a computer, refurbish a computer and purchase sunglasses for their summer event.</td>
<td>PASSED 6-5-13 SIGNED SBP 6-10-13 SIGNED VPSA 6-15-13</td>
</tr>
<tr>
<td>69</td>
<td>A transfer of $78,090.52 from Golden Tribe Lecture Series to Headliners to transfer remaining monies to Headliners account for concerts.</td>
<td>WITHDRAWN BY SPONSOR 5-29-13</td>
</tr>
<tr>
<td>70</td>
<td>A revision of $450.00 within the Senate from OPS Wages to Food, to pay for food for the remainder of the fiscal year which ends on June 30, 2013.</td>
<td>PASSED 6-5-13 SIGNED SBP 6-10-13 SIGNED VPSA 6-15-13</td>
</tr>
<tr>
<td>71</td>
<td>An allocation of $1,595.65 from Senate Projects to the National Pan Hellenic Council to pay for a stage for NPHC's Summer Oasis on July 6, 2013 on the Union Green.</td>
<td>PASSED 6-5-13 SIGNED SBP 6-10-13 SIGNED VPSA 6-15-13</td>
</tr>
<tr>
<td>72</td>
<td>An allocation of $1,611.35 from Senate Projects to Senate Clothing and Awards to purchase Polos for the Senate.</td>
<td>PASSED 6-5-13 SIGNED SBP 6-10-13 SIGNED VPSA 6-15-13</td>
</tr>
<tr>
<td>73</td>
<td>A revision of $4,988.00 within the Women Student Union from Contractual Services to Expense to cover the cost of buying a television, three computers, a printer, 6 chairs, a tabling banner and miscellaneous items.</td>
<td>PASSED 6-5-13 SIGNED SBP 6-10-13 SIGNED VPSA 6-15-13</td>
</tr>
<tr>
<td>74</td>
<td>An allocation of $1,530.00 from Senate Projects to Every Nation Campus Ministries to pay for lodging at their conference in Lake Buena Vista, Florida on July 30 through August 2, 2013.</td>
<td>PASSED 6-12-13 SIGNED SBP 6-18-13 SIGNED VPSA 6-25-13</td>
</tr>
<tr>
<td>75</td>
<td>An allocation of $880.00 from Senate Projects to the Black Female Development Circle Expense to pay registration fees for members to attend the Purple Power Seminar at the Marriot Courtyard in Tallahassee, Florida on August 16, 2013.</td>
<td>PASSED 7-17-13 SIGNED SBP 7-24-13 SIGNED VPSA 7-25-13</td>
</tr>
<tr>
<td>76</td>
<td>An allocation of $2,290.00 from Senate Projects to Student Sustainability Initiative (SSI) Clothing and Awards to buy 200 Garnet and Gold Goes Green tank tops and 100 Eco Rep t-shirts.</td>
<td>PASSED 7-17-13 SIGNED SBP 7-24-13 SIGNED VPSA 7-25-13</td>
</tr>
<tr>
<td>Bill</td>
<td>Description</td>
<td>Action Taken</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>77</td>
<td>An allocation of $3,415.00 from Senate Projects to Dance Marathon Expense to pay travel and lodging for the group’s travel to the Annual Leadership Conference in Salt Lake City, Utah on July 26-28, 2013.</td>
<td>PASSED 7-17-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 7-24-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 7-25-13</td>
</tr>
<tr>
<td>78</td>
<td>An allocation of $2,260.00 from Senate Projects to Chi Alpha International Expense to pay for their Luau on Saturday, August 24, 2013 on the Union Green and to pay for their Late Night Pancake event on Wednesday, August 21 and Thursday, August 22, 2013.</td>
<td>PASSED 7-24-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 7-29-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 8-5-13</td>
</tr>
<tr>
<td>79</td>
<td>An allocation of $711.45 from Senate Projects to InternationNole Food and Facility Rental to pay for their Welcome Picnic on Sunday, September 15, 2013 at the Seminole Reservation.</td>
<td>PASSED 7-24-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 7-29-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 8-13-13</td>
</tr>
<tr>
<td>80</td>
<td>A revision to the Student Body Statutes Chapter 700, the Election Code, to revise and clarify the Code.</td>
<td>PASSED 7-24.13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 7-29-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 8-5-13</td>
</tr>
<tr>
<td>81</td>
<td>An allocation of $1,200.00 from Senate Projects to Campus Crusade for Christ Expense (FSU-CRU) to purchase hot dogs, chips and soft drinks for their Third Annual “First Tailgate”, on Sunday, August 25, 2013, on Landis Green from 5-7 p.m.</td>
<td>PASSED 7-24-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 7-29-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 8-5-13</td>
</tr>
<tr>
<td>82</td>
<td>An allocation of $2,301.00 from Senate Projects to the Office of Governmental Affairs to pay OGS Wages to the OGA Deputy Director and the OGA Internal Assistant Director.</td>
<td>PASSED 7-24-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 7-29-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 8-5-13</td>
</tr>
<tr>
<td>83</td>
<td>An allocation of $1,017.00 from Senate Projects to Baptist Collegiate Ministry Travel to pay for travel to Glorita, New Mexico during BCM Collegiate Week on August 4-8, 2013.</td>
<td>PASSED 7-24-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 7-29-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 8-5-13</td>
</tr>
<tr>
<td>84</td>
<td>An allocation of $1,512.00 from Senate Projects to Baptist Collegiate Ministry Clothing and Awards to purchase 200 promotional t-shirts for the group.</td>
<td>PASSED 7-24-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 7-29-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 8-5-13</td>
</tr>
<tr>
<td>85</td>
<td>A revision to the Student Body Statutes Chapter 908, to revise the statutes of the Office of Governmental Affairs.</td>
<td>REFERRED TO JUDICIARY 7-24-13</td>
</tr>
</tbody>
</table>
An allocation of $15,000.00 from Senate Projects to Student Publications to purchase a new Hewlett Packard large format printer and the costs associated with the printer.

REFERRRED TO
FINANCE 7-24-13
November 27, 2013

TO: The 65th Student Senate

FROM: Mattie Durham
Student Senate Program Assistant

RE: Bills considered Fall semester 2013

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
</table>
| 87    | A revision to the Student Body Statutes Chapter 910 to revise the statutes of the Office of Undergraduate Research and Creative Endeavors. | PASSED 9-11-13  
       |                                                                              | SIGNED SBP 9-16-13    |
| 88    | A revision to the Student Body Statutes Chapter 710.2 G, to clarify this statute in the Election Code. | PASSED 9-11-13  
       |                                                                              | SIGNED SBP 9-16-13    |
|       |                                                                              | SIGNED VPSA 9-18-13   |
| 89    | A transfer of $9,025.00 from RTAC to Senate Projects to reimburse Senate Projects for monies allocated during the summer semester 2013. | PASSED 9-25-13  
       |                                                                              | SIGNED SBP 9-27-13    |
|       |                                                                              | SIGNED VPSA 9-30-13   |
| 90    | A transfer of $7,182.45 from PAC to Senate Projects to reimburse Senate Projects for monies allocated during the summer semester 2013. | PASSED 9-25-13  
       |                                                                              | SIGNED SBP 9-27-13    |
|       |                                                                              | SIGNED VPSA 9-30-13   |
| 91    | An allocation of $3,300.00 from Senate Projects to the Office of Campus Sustainability to pay for supplies, tolls and equipment for the Seminole Food Garden. | PASSED 9-18-13  
       |                                                                              | SIGNED SSP 9-20-13    |
|       |                                                                              | SIGNED VPSA 9-26-13   |
| 92    | A transfer of $2,301.00 from the Office of Governmental Affairs to Senate Projects to return monies that were allocated in Bill 81, from Senate Projects to OGA OPS Wages. OGA does not have an OPS Wages account. | PASSED 9-18-13  
       |                                                                              | SIGNED SBP 9-20-13    |
|       |                                                                              | SIGNED VPSA 9-26-13   |
| 93    | A transfer of $3,200.00 from the Office of Governmental Affairs to Executive Branch OPS Wages to reimburse the Executive with funds from Lobby Tools that will pay for OPS Wages for OGA's Deputy Director and Internal Assistant Director. | PASSED 9-18-13  
       |                                                                              | SIGNED SBP 9-20-13    |
|       |                                                                              | SIGNED VPSA 9-26-13   |
| 94    | An allocation of $1,400.00 from Senate Projects to Senior Class Council to pay for rental of a screen to view the FSU vs. Clemson away football game. | PASSED 9-25-13  
       |                                                                              | SIGNED SSP 9-27-13    |
|       |                                                                              | SIGNED VPSA 9-30-13   |
| 95    | A revision to the Student Body Statutes Chapters 807.4 and 807.6, to revise RTAC and PAC statutes. | PASSED 10-9-13  
       |                                                                              | SIGNED SBP 10-15-13   |
|       |                                                                              | SIGNED VPSA 11-26-13  |
Memorandum  
Page two  
November 27, 2013

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
</table>
| 96   | An allocation of $700.00 from Senate Projects to Senate Clothing and Awards to purchase t-shirts for Senate Street Team. | PASSED 10-16-13  
SIGNED SBP 10-17-13  
SIGNED VPSA 10-21-13 |
| 97   | A revision to the Student Body Statutes Chapters 802, 807 and 812, to revise the Finance Code. | PASSED 10-23-13  
SIGNED SBP 10-30-13  
SIGNED VPSA 11-26-13 |
| 2014 | The Activity and Service Fee Budget Bill allocating monies to A&S Fee recipients for fiscal year 2014-2015. | PASSED 9-25-13  
SIGNED SBP 9-26-13  
SIGNED VPSA 10-2-13 |
November 27, 2013

MEMORANDUM

TO: The 65th Student Senate

FROM: Mattie Durham
Student Senate President

RE: Resolutions considered Fall semester 2013

<table>
<thead>
<tr>
<th>Res.</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>Giving permission to the Black Student Union to spend $4,000 to bring Spoken Reasons to FSU to perform at Bridge the Gap.</td>
<td>PASSED 9-4-13</td>
</tr>
<tr>
<td>66</td>
<td>Creating the Student Government Street Team to serve and represent the opinions, concerns and needs of the students at the Florida State University.</td>
<td>PASSED 9-11-13</td>
</tr>
<tr>
<td>67</td>
<td>Reapportioning of Senate seats for Fall 2013 and Spring 2014 for the SGA election process.</td>
<td>PASSED 9-4-13</td>
</tr>
<tr>
<td>68</td>
<td>Mandating that the SGA Fall 2013 elections will be held on Wednesday, October 16, 2013.</td>
<td>PASSED 9-4-13</td>
</tr>
<tr>
<td>69</td>
<td>Moving monies designated for Lobby Tools to Executive OPS Wages to pay wages for the OGA Deputy and Internal Assistant Director.</td>
<td>PASSED 9-11-13</td>
</tr>
<tr>
<td>70</td>
<td>Asking that the Student Government Association to partner with a variety of student organizations at FSU and the Center for Leadership and Social Change to host an inclusive and open discussion on race to take place on October 22, 103 at FSU.</td>
<td>PASSED 9-11-13</td>
</tr>
<tr>
<td>71</td>
<td>Giving permission to the Hispanic Latino Student Union to spend $6,000 to bring Marcelo Suarez-Orozco to come to FSU to speak on immigration reform and other subjects during Hispanic Heritage Month.</td>
<td>PASSED 9-18-13</td>
</tr>
<tr>
<td>72</td>
<td>Supporting the efforts of the Surfrider Foundation and the Office of Campus Sustainability to ban the use of single use plastic bags where ever feasible and reasonable and to pursue the use of intelligent reusable bag alternatives.</td>
<td>PASSED 9-18-13</td>
</tr>
</tbody>
</table>
### Memorandum
Page two
December 27, 2013

<table>
<thead>
<tr>
<th>Res.</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>73</td>
<td>Asking for a comprehensive assessment and implementation of reliable campus wide wireless internet access.</td>
<td>PASSED 9-25-13</td>
</tr>
<tr>
<td>74</td>
<td>Designating that the two (2) handicapped accessible single-occupancy bathrooms in the Oglesby Union room A261 and A 217 be labeled as a pair of gender neutral bathrooms, available for use to any person regardless of their gender identity and/or gender expression.</td>
<td>PASSED 10-2-13</td>
</tr>
<tr>
<td>75</td>
<td>Giving permission to the Black Student Union to have the COBOL Showcase off campus and to spend more than $2,000 for this event.</td>
<td>PASSED 10-2-13</td>
</tr>
<tr>
<td>76</td>
<td>Supporting in-state tuition for student veterans and supporting Florida Senate Bill 84 and House Bill 85.</td>
<td>PASSED 10-9-13</td>
</tr>
<tr>
<td>77</td>
<td>Endorsing the Student Statement on the Right to Research and open access to academic research and And calling upon the administration research funders, Researchers and our fellow peers to support open Access to academic research.</td>
<td>PASSED 10-9-13</td>
</tr>
<tr>
<td>78</td>
<td>Supporting “Who We Play For” and supporting legislation from Representative Steve Crisafulli on this issue of student athletes dying from cardiac arrest.</td>
<td>PASSED 10-9-13</td>
</tr>
<tr>
<td>79</td>
<td>Supporting the creations and implementation of a text book donation campaign for the Course Reserves Program for the purpose of collecting text books for high enrollment in high fail courses that are not currently available through Course Reserves.</td>
<td>PASSED 10-9-13</td>
</tr>
<tr>
<td>80</td>
<td>Reaching out to and encouraging International Students to get involved in campus events and build friendships with native English speakers and other college students.</td>
<td>PASSED 10-16-13</td>
</tr>
<tr>
<td>81</td>
<td>Giving permission to the Women Student Union to Spend more than $2,000 to bring Brenda Clubine To FSU to speak during Domestic Violence Awareness Week on October 24, 103.</td>
<td>PASSED 10-16-13</td>
</tr>
</tbody>
</table>
December 2, 2013

MEMORANDUM

TO: The 66th Student Senate

FROM: Mattie Durham  
Student Senate Program Assistant

RE: Bills considered Fall semester

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A revision to the Student Body Statutes Chapters 612.4 and 810.1, to revise the Golden Tribe Lecture Series and Headliner Account statues.</td>
<td>PASSED 11-13-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 11-14-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 11-26-13</td>
</tr>
<tr>
<td>2</td>
<td>An allocation of $980.00 from Senate Projects to the Center for Global Engagement to create an international reading room, replacing the one in Alumni Village.</td>
<td>WITHDRAWN IN</td>
</tr>
<tr>
<td></td>
<td></td>
<td>FTNANCE 11-18-13</td>
</tr>
<tr>
<td>3</td>
<td>A transfer of $663,131 from A&amp;S Sweepings to A&amp;S Fee Recipients to allocated sweepings monies to A&amp;S Fee recipients and other entities.</td>
<td>PASSED 12-4-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 12-10-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 12-16-13</td>
</tr>
<tr>
<td>4</td>
<td>An allocation of $4,310.00 from Senate Projects to Ace Learning Studio, to provide coffee, food and pay OPS Wages for two tutors during the Fall semester finals week.</td>
<td>WITHDRAWN BY</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SPONSOR 11-20-13</td>
</tr>
<tr>
<td>5</td>
<td>A revision to the Student Body Statutes Chapter 807.6, to revise the PAC guidelines.</td>
<td>PASSED 12-4-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 12-12-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 12-16-13</td>
</tr>
<tr>
<td>6</td>
<td>A revision to the Student Body Statutes Chapter 1003.3, to revise the Black Student Union Statutes.</td>
<td>PASSED 12-4-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 12-10-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 12-16-13</td>
</tr>
<tr>
<td>7</td>
<td>A revision to the Student Body Statutes Chapter 700 to revise the Election Code.</td>
<td>PASSED 12-4-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED SBP 12-10-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SIGNED VPSA 12-16-13</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Eric J. Barron, President
FROM: Kyle Clark, Vice President for Finance & Administration
DATE: February 25, 2014
SUBJECT: Request for Approval
Funding Related to Energy Performance Contracts

In an ongoing effort to improve campus efficiency, advance energy savings, and upgrade facilities and infrastructure, Florida State University has entered into agreements to complete Investment Grade Audits ("IGAs") on campus to develop capital, maintenance, and infrastructure projects that can be implemented and financed through savings. The Legislature encourages the investment in efficiency measures and enables these improvements through ss.1013.23 and 489.145, F.S. In these statutes, the method of efficiency contracting is outlined whereby improvements are financed over a period of up to 20 years (plus construction) by the University and the repayment of financing is funded entirely through efficiency and savings which are guaranteed by the Energy Services Contractor ("ESCO").

The University is seeking approval to enter into a tax exempt lease purchase agreement or agreements to finance up to $10,000,000 of facility improvements per project recommended by current and future IGAs. Under the contracts for the efficiency work, the ESCO will guarantee that all costs of the work will be offset by the savings which is guaranteed by the ESCO.

Proposed Action

Authorize the President of the University or his designee to approve the final terms and execute all documents necessary or convenient within said parameters:

The amount financed shall not exceed $10M per project. (2) The term of the financing shall not exceed 20 years (plus construction) per project. (3) The annual principal and interest payments should be less than the reasonably expected savings as a result of such improvements; ESCO involved in the project(s) shall also guarantee savings at least equal to such principal and interest. (4) Payments on the financing should not commence until the construction is complete. (5) Costs of financing shall be at commercially reasonable market rates and terms.

I recommend your approval.

Approved
MEMORANDUM

TO: Eric J. Barron, President
FROM: Kyle Clark, Vice President for Finance & Administration
DATE: February 20, 2014
SUBJECT: Information only
Office of Inspector General Services Annual Report

The following item will be presented for discussion at the Finance & Business Committee on March 7, 2014.

1. 2012-13 Annual Report for the Office of Inspector General Services

KC/mc

Attachment
THE FLORIDA STATE UNIVERSITY

Office of Inspector General Services

Annual Report

2012-2013
Office of Inspector
General Services

SAM M. McCALL, PhD, CPA, CGMA, CGFM, CIA, CGAP
Chief Audit Officer

Kitty J. Aggelis, CIA, CGAP, CRMA
Director of Audits/Investigations

Janice Foley, CPA, CISA, CFE, CRMA
Director of Audits/Investigations

Jeffrey L. Caines, CIA, CFE, CGAP
Senior Auditor/Investigator

Heather Harrell, CPA
Senior Auditor/Investigator

Brian Langston, CIGA, CIGI
Senior Auditor/Investigator

Daniel Leggett, CIA, CGAP
Senior Auditor/Investigator

Carolyn Williams-Lawyer, CISA
Information Technology Auditor

April W. Ulrich
Administrative Assistant

Chase Neumeyer
Student Intern

Table of Contents

- Message From the Chief Audit Officer 2
- Mission and Purpose 2
- Audits 2
- Follow-Up Activity 4
- Consulting Engagements 4
- Complaints/Investigations 6
- Direct Services 7
- Activity Charts 7
- Provision of Training to the University Community 8
- Professional Activities and Certifications 8
- Post-Project Surveys 10
- Upcoming Year 10
- Work Plan 2013-2014 11

Clock Tower

Message from the Chief Audit Officer (CAO)

This Annual Report of the Office of Inspector General Services summarizes the efforts of the Office for the fiscal year 2012-2013.

During the year, the Office continued to move forward in the midst of change. In February 2013, the Chief Audit Officer, Martha Little retired and is now enjoying life in Lampasas, Texas. Ms. Little was well respected in the Office, in the University, and in the State University System audit community. As a result of this retirement, Ms. Kitty Aggelis capably served in the position of Interim Chief Audit Officer until late April. Other changes during the year included the departure of Mary McCollough, Senior Auditor, in September 2012, who had a nine-year tenure with the Office. Her position was filled by Heather Harrell, CPA, in late November 2012. The Office also saw the retirement of Trevor Philips, Director of Investigations and Audits, on June 30, 2013.

In late April 2013, President Barron appointed me as Chief Audit Officer, with the concurrence of Mark Hillis, Chairperson of the Finance, Business, and Audit Committee of the Board of Trustees. It is an honor to serve the President, the Audit Committee, the Board of Trustees, and the University. With the support of Office staff and University faculty and staff, much can be accomplished in the coming year. Our goal will be to provide the University a comprehensive program of internal auditing designed to add value and to assist management in the accomplishment of organizational goals and objectives. In addition, we will conduct independent, objective, and unbiased investigations of alleged fraud and/or abuse identified by us during audits or brought to our attention by others.

Our goal will be to be seen as indispensable to the successful operation of the University programs, activities, and functions. Our audit and investigative products will focus on addressing and solving issues of common concern. Our goal will be to improve on what we do and to be seen as fair in all that we do. I am very pleased with the knowledge and professionalism shown by staff and look forward to serving the University in the coming year. I appreciate the trust placed by the President in this Office and look forward to all that can be accomplished in the coming year.

Sam M. McCall, PhD, CPA, CGFM, CGMA, CIA, CGAP

Mission and Purpose

The IGS provides a systematic and disciplined approach to assist members of the University community with the effective discharge of their responsibilities. This facilitative approach is intended to reduce the risks to the University's resources and reputation, as well as enhance the University's efficiency and effectiveness. The IGS accomplishes these goals primarily by providing audits, consulting services, and investigations.

Audits

Internal audits are conducted in conformance with The International Standards for the Professional Practice of Internal Auditing. The audits are generally carried out in accordance with an Annual Work Plan approved by the President and the Board of Trustees. The IGS takes a facilitative approach to our audits by actively engaging with our University colleagues in developing action plans in response to audit observations. The following audits were on our Annual Work Plan and were completed during 2012-2013. Many of the resulting planned actions either have been implemented or significant progress on them has been made.
University Group Travel

We completed an audit of University group travel, which included cash advances.

During our audit, we determined:

- Common practice in the departments of paying meal allowance and not per diem on the last day of travel is not in complete compliance with Section 112.061 of the Florida Statutes; and

- Out of our sample group of 31 travel advances, 12 expense refunds and/or expense reports were not submitted within the time allowed. Of those 12, eight resulted in the travelers owing refunds to the University.

Overall, we determined the University’s group travel processes were valid, reasonable, accurate, and had adequate internal controls. There were certain areas where policy controls could be strengthened.

University Payroll Audit

The IGS completed an audit of the University payroll system.

We determined that:

- Oversight of graduate assistantships should be strengthened, as numerous payments to ineligible students were identified;

- Some employees’ temporary University IDs in FSU’s Blackboard system had not been removed in a timely manner;

- There was an inappropriate spousal reporting relationship in one department; and

- We verified that the University’s Online Management of Networked Information (OMNI) system does not allow self-approvals of job offers or electronic personnel action forms (ePAPFs) at the department level.

Overall, the University’s payroll system was valid, reasonable, accurate, and had adequate controls. Improvement is needed in the appointment and oversight of graduate assistants.

In Progress and Carry Forward

Audits in progress at fiscal year-end were:

- Background Checks,
- International Wires,
- P-Card Expenditures,
- Software Licensing,
- College Town Project,
- Civic Center, and
- Property Under $5000.

Legacy Fountain
Follow-up Activity

In conformance with the International Standards for the Professional Practice of Internal Auditing, the IGS follows up on audit observations and other significant issues to determine if reported planned actions have been taken in response to our observations. Follow-up is performed every six months and all observations are followed up on until final resolution. Beginning in fiscal year 2011-12, we began submitting a summary report to the University President with the results of our biannual follow-up activities.

Consulting Engagements

Consulting is a value-added service that allows the Office to perform evaluations and share collective knowledge, expertise, and insight into a myriad of University services and functions.

Some consulting services are requested in advance by University administrators and are included as part of the IGS Annual Work Plan. However, the IGS also receives a substantial number of ad hoc requests for these services during the year, which necessitates a re-prioritizing of projects on our Work Plan. The IGS remains committed to providing the University community with proactive assistance on virtually any matter of interest or concern whereby such assistance can help management achieve its goals and objectives.

The following major consulting engagements were completed during 2012-2013.

Review of FSU Foundation Scholarships

As requested by FSU Foundation management and in accordance with our Annual Work Plan for 2012-2013, the IGS completed a review of the administration of FSU Foundation scholarships at the University department level.

We concluded the departments are following applicable criteria in relation to the awarding of Foundation scholarships. The administration of the scholarships we reviewed was in compliance with the donor’s intention/criteria and fund guidelines, with what appeared to be two exceptions. We did not find any evidence of recipients of scholarships being related to persons making recommendations as to scholarship recipients.

Campus Solutions

The Campus Solutions implementation project is a multi-year, multi-million dollar initiative to implement the PeopleSoft student system. The project team comprises numerous individuals from many different departments and units across campus.

The IGS allocated substantial amounts of time for four staff to serve in an assurance and consulting role to the Campus Solutions project. We have served in an advisory capacity only, with our primary objective being to help ensure the system is implemented with adequate security and controls. One of the four individuals also assisted with periodic Quality Assurance Reviews of the overall project, and has served on the project’s Steering Committee in a non-voting capacity.

Review of Sponsored Research Terminal Leave Payouts

As requested by the Office of Research and in accordance with our Annual Work Plan for 2012-2013, the IGS completed a review of Sponsored Research terminal leave (SRTL) payout funding.

We concluded from our review of 15 employees with terminal leave payment allocations made from the SRTL fund between January 3, 2011 through December 4, 2012, that many funding allocations for SRTL payments were not calculated correctly, resulting in both over – and under-charges to the SRTL pool. To determine the full extent of errors in funding allocations for the SRTL payouts, we concluded the University would need to undertake a comprehensive review of such since the inception of the SRTL pool on January 1, 2009. Our Office provided guidance to

Office of Inspector General Services
the Office of Research concerning a strategy for the comprehensive review.

**Business Practices Enhancement Program**

The Business Practices Enhancement Program (BPEP) is a program established within the IGS intended to provide academic administrators with an independent “high-level” assessment of their business operations. The program encompasses a review of key business processes, practices, and internal controls.

In accordance with our Annual Work Plan for 2012-2013, we completed a review of the College of Law.

**College of Law** — We reviewed the College’s business practices in 13 areas and determined the College met expectations in five areas and had opportunities for strengthening in seven. One subject area, Research Management and Support, was not applicable for the College. The Dean’s Office is working diligently to address those business areas that need attention.


In accordance with a request from management and our approved Annual Work Plan for 2012-2013, the IGS completed a review to determine the efficiency and effectiveness of the University’s process to monitor all users assigned to security roles in the University’s Online Management of Networked Information (OMNI) Financials and HR/PR systems that are normally intended solely for ERP and central offices active employees. These security roles generally have the greatest access and, therefore, the greatest risk.

We noted opportunities to strengthen ERP Security’s process for monitoring ERP and central offices OMNI security roles.

**Review of Auxiliary Rates**

In response to a finding in a federal audit, all University auxiliaries doing business with contracts and grants had to have on file with the Budget Office a rate schedule and a rate methodology. The IGS reviews these to provide assurance that they meet federal standards.

**Review of Direct Support Organizations’ (DSOs)’ Financial Statements for the President**

Starting in April 2012, the President appointed the IGS Chief Audit Officer to serve as his designee for receipt and review of documents related to audits and taxation of the University’s DSOs. The CAO reviews the DSOs’ audits and audit reports for completeness and submits them, through the President, to the Finance, Business, and Audit Committee of the Board of Trustees. The CAO also is delegated responsibility for collecting additional documents from the DSOs as required by statute or regulation, such as IRS 990 and 1023 forms. The CAO serves as the point of contact for DSO officials with regard to the deadlines for submissions and correcting deficiencies in submissions.

**P-Card Continuous Review**

Throughout the year, we review Purchasing Card transactions in the University’s OMNI Financials system as well as information received directly from vendors. We work to complement the efforts of the University central offices of Purchasing and Accounts Payable, using data mining techniques to search for fraud, waste, and abuse.
In Progress

Starting with the 2014 Annual Work Plan, consulting engagements will be named and numbered as audits. Carry-over consulting projects from this fiscal year appear as audits in the 2013-14 Annual Work Plan at the end of this Annual Report.

Complaints/Investigations

The IGS receives complaints and allegations from internal and external sources via telephone, written correspondence, direct referrals from University offices and state agencies, and through the University’s new EthicsPoint Hotline. During 2012-2013, approximately 37 percent of our direct effort was expended on reviewing complaints and conducting investigations.

The University’s EthicsPoint Hotline was launched on February 15, 2012, making fiscal year 2012-2013 the first full year of implementation. During fiscal year 2012-13, the IGS received 23 hotline complaints. Of the 23 complaints, 15 were referred to other entities for resolution, including Human Resources and the Florida State University Police Department. The remaining eight complaints were handled by the IGS. One of these was converted into a full investigation; three were otherwise closed due to insufficient information from the complainant, lack of merit, or resolution without the need for further investigation; and four complaints remained under review at the end of the fiscal year.

In addition to the 23 complaints received through the EthicsPoint Hotline, we received 12 complaints from other sources, for a total of 35 complaints from all sources. Eight of the 35 complaints resulted in new investigations. Together with six investigations that were underway at the beginning of the fiscal year, the total number of investigation projects during the fiscal year was 14. Three were in process at fiscal year-end.

<table>
<thead>
<tr>
<th>Completed Investigations by Type of Complaint</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Misappropriation of Funds</td>
<td>4</td>
</tr>
<tr>
<td>Time Abuse</td>
<td>2</td>
</tr>
<tr>
<td>Vendor Fraud</td>
<td>2</td>
</tr>
<tr>
<td>Employee Qualifications</td>
<td>1</td>
</tr>
<tr>
<td>Management Responsibilities</td>
<td>1</td>
</tr>
<tr>
<td>Conflict of Interest</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

In addition to conducting the above investigations, the IGS Chief Audit Officer serves as the University’s Ethics Officer, receiving all complaints that allege a need for whistle-blower protection pursuant to Section 112.3189, Florida Statutes. During the fiscal year, the Chief Audit Officer reviewed six such complaints and determined that none qualified for investigation under the whistle-blower law.
Direct Services

Each year, the IGS conducts a risk assessment of University activities and services. The risk assessment process includes interviews with the University President, Vice Presidents, key administrators, and the Chairperson of the Finance, Business, and Audit Committee of the Board of Trustees. Feedback received through these interviews contributes significantly to the successful development of our Annual Work Plan.

The Annual Work Plan contains a detailed schedule of projects planned for the year. Estimated hours are allocated to each project in an effort to optimize utilization of IGS staff.

Our direct service level of effort for 2012-2013 was 68 percent. We achieved this level of direct service given significant organizational structure changes, including the retirements of our Chief Audit Officer and our Director of Investigations/Audits, a Senior Auditor leaving our Office due to a family move, as well as the first full year of our new EthicsPoint Hotline.

The two graphs that follow show the planned versus actual direct effort for fiscal year 2012-2013 and an eight-year trend of direct effort for fiscal years 2005-2006 through 2012-2013.

Activity Charts
Provision of Training to the University Community

The IGS is keenly aware of the importance of training and its benefits to the University and to its employees’ professional development. As such, we are fully committed to this essential component of our services.

The IGS will provide training to the University’s employees, including those outside Tallahassee at the Ringång Museum of Art in Sarasota and our Panama City Campus, in the following areas:

- Ethics,
- Internal controls,
- Fraud awareness, prevention, and detection; and
- Other topics of interest to the requesting entity.

Additionally, the IGS offers presentations to academic classes at the request of instructors. This fiscal year, some of our staff members were guest speakers for a graduate course in the University’s College of Business and a class at Florida A&M’s School of Business and Industry.

Professional Activities and Certifications

The IGS is proud of the experience and professionalism of its staff. During 2012-2013, we continued our commitment to external organizations that support higher education and internal auditing activities. IGS staff members belong to a number of professional organizations including the:

- Association of College and University Auditors;
- Institute of Internal Auditors;
- Association of Government Accountants;
• Association of Inspectors General;

• American Institute of Certified Public Accountants;

• Florida Institute of Certified Public Accountants;

• Association of Certified Fraud Examiners; and

• Information Systems Audit and Control Association.

Our new CAO is actively involved with several professional boards. These include the:

• Federal Accounting Standards Advisory Board;

• Academy for Government Accountability – Association of Government Accounts;

• Audit Committee – Association of Government Accounts;

• Tallahassee Chapter of the Association of Government Accounts; and

• Certified Government Financial Manager Board – Association of Government Accountants.

Certifications

Our staff maintains various professional certifications demonstrating their continued commitment to the internal audit profession. During the year, two staff members received their Certified Risk Management Assurance certifications to add to their other professional certifications. Current certifications held by staff include:

• Certified Internal Auditor;

• Certified Public Accountant;

• Chartered Global Management Accountant;

• Certified Fraud Examiner;

• Certified Information Systems Auditor;

• Certified Government Financial Manager;

• Certified Inspector General Investigator;

• Certified Inspector General Auditor;

• Certified Risk Management Assurance; and

• Certified Government Auditing Professional.

In addition to professional certifications, advanced degrees held by staff include:

• Master of Business Administration;

• Master of Science – Library Science;

• Master of Arts – Spanish;

• Master of Arts – Public Administration;

• Master of Science – Instructional Systems;

• Master of Social Work – Program Evaluation; and

• Doctor of Philosophy – Public Administration.
Post-Project Surveys

Upon completing our audits and major consulting engagements, the IGS provides the individuals with whom we worked most closely on our projects the opportunity to evaluate our services through post-project surveys. These survey results provide the IGS with valuable feedback and are intended to help us improve our operations.

Our University colleagues evaluate us on a scale from 1 to 5 (with 5 being the most favorable) in several categories, and provide an overall rating as to the value provided by the engagement. The compiled results of the surveys received for projects completed during 2012-2013 are indicated in the following chart:

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>AVERAGE RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professionalism</td>
<td>5.0</td>
</tr>
<tr>
<td>Relations of Staff</td>
<td>5.0</td>
</tr>
<tr>
<td>Communications</td>
<td>4.75</td>
</tr>
<tr>
<td>Technical Knowledge</td>
<td>4.5</td>
</tr>
<tr>
<td>Helpfulness</td>
<td>4.5</td>
</tr>
<tr>
<td>Report was Unbiased</td>
<td>4.75</td>
</tr>
<tr>
<td>Report Issued Timely</td>
<td>5.0</td>
</tr>
<tr>
<td>Clear and Accurate Report</td>
<td>4.5</td>
</tr>
<tr>
<td>Overall Provided Value</td>
<td>4.5</td>
</tr>
</tbody>
</table>

We recognize there is always room to improve our services as we continually strive for excellence.

Upcoming Year

We look forward to working with our colleagues as we implement our 2014 Work Plan and to the many challenges the new fiscal year will likely bring.

The chart below reflects our expected allocation of personnel resources during 2013-2014.
## Audit Plan 2014

### A. Audit Projects Carried Forward from 2013 Work Plan

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background Checks</td>
<td>750</td>
</tr>
<tr>
<td>International Wires</td>
<td>250</td>
</tr>
<tr>
<td>Selected Software Licensing</td>
<td>250</td>
</tr>
<tr>
<td>P-Card Expenditures – Amazon/E-Bay/Pay-Pal, etc.</td>
<td>400</td>
</tr>
<tr>
<td>Seminole Boosters - College Town</td>
<td>400</td>
</tr>
</tbody>
</table>

**A.1. In progress**

**A.2. For completion**

<table>
<thead>
<tr>
<th>Project</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Center</td>
<td>400</td>
</tr>
</tbody>
</table>

**Total Hours for Audit Projects Carried Forward from 2013 Work Plan**

2450

### B. New Audit Projects for 2013-2014

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of request to establish new auxiliaries</td>
<td>100</td>
</tr>
<tr>
<td>Documentation review of cost rates charged to federal programs for Mag Lab, Live Animal Research, and Telecom</td>
<td>300</td>
</tr>
<tr>
<td>Working Capital Trust Fund</td>
<td>500</td>
</tr>
<tr>
<td>President’s Fundraising</td>
<td>275</td>
</tr>
<tr>
<td>DSO External Audits – Financial Report Reviews</td>
<td>150</td>
</tr>
<tr>
<td>DSO IRS Form 990 Reviews</td>
<td>100</td>
</tr>
<tr>
<td>Campus Solutions – Student Financial Aid</td>
<td>300</td>
</tr>
<tr>
<td>Server Security – Auxiliary</td>
<td>680</td>
</tr>
<tr>
<td>NWRDC IT Controls – Auxiliary</td>
<td>400</td>
</tr>
<tr>
<td>DHHS Audit Follow – up</td>
<td>250</td>
</tr>
<tr>
<td>Research – Sub-recipient monitoring</td>
<td>250</td>
</tr>
<tr>
<td>Capital Construction</td>
<td>500</td>
</tr>
<tr>
<td>Foundation – Compliance with donor’s intentions</td>
<td>300</td>
</tr>
<tr>
<td>Facilities – vehicles</td>
<td>55</td>
</tr>
<tr>
<td>Ethics Awareness</td>
<td>200</td>
</tr>
<tr>
<td>Deans’ Certifications of Graduate Students to be Teaching Assistants</td>
<td>280</td>
</tr>
<tr>
<td>FSU Police Department – Evidence Room</td>
<td>500</td>
</tr>
</tbody>
</table>
### Board of Trustees Meeting - FINANCE, BUSINESS & AUDIT

**Fraud and Internal Controls Training to University Entities**

**Total Hours for New Audit Projects for 2013-2014**

<table>
<thead>
<tr>
<th>C. Follow-up Projects for 2013-2014</th>
<th>Hours</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Follow-up activities for previously completed audits</td>
<td>300</td>
<td></td>
</tr>
</tbody>
</table>

**Total Hours for Follow-up Projects for 2013-2014**

<table>
<thead>
<tr>
<th>D. Contingency for 2013-2014</th>
<th>Hours</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>New and unplanned projects to be given priority during the year</td>
<td>1000</td>
<td></td>
</tr>
</tbody>
</table>

**Total Hours for Contingency for 2013-2014**

<table>
<thead>
<tr>
<th>E. Investigations for 2013-2014</th>
<th>Hours</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>This includes on-going and new investigations that may result from faculty and/or staff request, whistle-blower complaints, and complaints received from the Ethics Point hotline.</td>
<td>3200</td>
<td></td>
</tr>
</tbody>
</table>

**Total hours for Investigations for 2013-2014**

**Total Direct Service Hours for 2013-2014**

<table>
<thead>
<tr>
<th>F. Audit Management and Administration for 2013-2014</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit management and administration includes administrative meetings, continuing professional development, approved employee leave and holidays, quality control reviews and internal administrative systems.</td>
<td>6010</td>
</tr>
</tbody>
</table>

**Total Audit Management and Administration**

**Total Hours**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>18200</td>
</tr>
</tbody>
</table>
BYLAWS
(as amended May–February 1607, 2014)

The Florida State University Real Estate Foundation, Incorporated
(A Not-For-Profit Corporation)

ARTICLE I
Board of Directors

Section 1. Membership. As set forth in the Corporation's Articles of Incorporation, the Board of Directors shall consist of a minimum of nine (9) voting members. At all times, at least a majority of the Board of Directors shall be appointed or elected by The Florida State University, and the members of the Board of Directors will include, but not be limited to:

a. The Chair of The Florida State University Board of Trustees or designee;
b. The President of The Florida State University or designee;
c. A representative of The Florida State University Foundation, preferably with experience in the real estate field;
d. A representative of the Seminole Boosters, preferably with experience in the real estate field;
e. A representative of The Florida State University Alumni Association, preferably with experience in the real estate field;
f. A representative of The Florida State University Research Foundation, preferably with experience in the real estate field;
g. A minimum of three at-large members, appointed by the President of The Florida State University, who possess significant expertise in the real estate field.

Section 2. Term of Office. The Chair of The Florida State University Board of Trustees or designee and the President of The Florida State University or designee shall serve as Directors for such time as each respective official continues to serve in his/her position. The term for the other Directors shall be for a period of three (3) years with an option of a three (3) year renewal. The Board shall recommend candidates for election as regular Directors first to the University President and then to the full Board. All regular Directors shall be elected by a majority vote of the Board after such recommendations and consultation with the University President. Those nominees who are appointed shall begin their terms of office starting July 1.

Section 3. Powers and Duties of the Board of Directors.
a. The Florida State University Real Estate Foundation, Incorporated (hereinafter "Foundation") shall exist to accept as a gift, bequest or devise, purchase, lease, or otherwise acquire any real or personal property to be held, administered or used in any way whatsoever for the benefit of the corporation consistent with its purpose as set forth in its Articles of Incorporation; and to that end, the corporation shall have full power and authority to hold, own, control, handle, sell, lease, pledge, mortgage, exchange, transfer and administer or operate any such real or personal property, including the operation of any business connected with or incident to the ownership or control of such property, upon such terms, prices and conditions as it deems appropriate in order to contribute or distribute all or a portion of the net proceeds from such activity to The Florida State University, The Florida State University Foundation, or such other entity as the Board may determine appropriate as set forth in its Articles of Incorporation.

b. The property, affairs, activities, and concerns of the Foundation shall be vested in the Board of Directors. All management functions shall be exercised by the Board of Directors, subject to delegation by the Board to the officers, the Executive Committee and other appropriate staff. The Board of Directors shall approve budgets on an annual basis. These budgets shall be presented by May 1 to the University President and recommended to the Board of Trustees for review and approval. The President of The Florida State University or designee shall have authority and responsibility to monitor and control the use of the University's resources and name, shall review and approve expenditure plans and shall monitor the organization for compliance with federal and state laws. No contributions of funds or supplements to support intercollegiate athletics shall be received by the Foundation without approval of the President of The Florida State University.

c. The Foundation shall not give, directly or indirectly, any gift to a political committee or committee of continuous existence as defined in Section 106.011, F.S., for any purpose other than those certified by a majority roll call vote of the Foundation's governing board at a regularly scheduled meeting as being directly related to the educational mission of the University.

d. The Foundation shall comply with all regulations adopted by The Florida State University Board of Trustees with regard to the operation of direct-support organizations in accordance with Section 1004.28, Florida Statutes.

Section 4. Meetings.

a. A regular annual meeting of the Board of Directors shall be held at a date, time, and place set by the Board of Directors. Notice of the meeting, signed by the Secretary, shall be mailed, by the postal service or electronically, to the last recorded address of each Director at least ten days before the time appointed for the meeting.

b. Special meetings of the Board may be called by the Chair of the Foundation or the President of the University. Notice of any special meeting of the
Board of Directors shall be given at least ten days prior thereto by personal delivery or sent by U.S. Mail to each Director at the address as shown by the records of the Foundation.

c. Emergency meetings may be called by the Chair of the Foundation, and the Board may exercise all emergency powers permitted in accordance with Chapter 617, Florida Statutes. Whenever an emergency exists, a majority of the voting Board members present at an emergency meeting shall determine any emergency actions to be taken.

d. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Business to be transacted at the meeting need not be specified in the notice or waiver, unless specifically required by law or by these Bylaws.

Section 5. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board. If a quorum is not present, a majority of those present may adjourn the meeting from time-to-time without further notice.

Section 6. Manner of Acting. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these Bylaws.

Section 7. Vacancies. Whenever any vacancy occurs on the Board of Directors by death, resignation or otherwise, it shall be filled, without undue delay, by a majority vote of the current Directors of the Foundation at any duly organized meeting. In the case of a vacancy in the positions held by the Chair of The Florida State University Board of Trustees or designee or the President of The Florida State University or designee, their successor shall assume that position as Director upon taking the underlying position or being designated by the holder of such position.

ARTICLE II

Members

Section 1. Qualifications. The Board of Directors shall have full discretionary power to set qualifications for members in addition to those set out in the Articles of Incorporation, and establish the voting and other rights and privileges of members.

Section 2. Removal. With the exception of the Chair of The Florida State University Board of Trustees or designee and the President of The Florida State University or designee, a Director may be removed from the Board of Directors upon the recommendation of the Board of Directors with the concurrence of the President of The Florida State University and Chair of The Florida State University Board of Trustees, when it is determined that the best interest of the Foundation will be served thereby. Such member shall be replaced as soon as practicable in the same manner as initially appointed.
ARTICLE III

Officers

Section 1. Number. As set forth in the Corporation's Articles of Incorporation, the officers of the Foundation shall include a Chair, a Vice Chair, a Secretary, and Treasurer. As further set forth in the Articles of Incorporation, the Board of Directors may create additional offices and prescribe the duties thereof, and elect persons to fill such offices, with the duties and responsibilities of these offices to be described herein.

Section 2. Appointment. The officers shall be elected by the Board of Directors at its first meeting and, thereafter at its annual meeting, shall serve for a term of two (2) years, and may be reappointed by the Board for one or more additional two-year term(s). However, the Chair of the Foundation shall be selected by the Board of Directors with prior approval of the President of The Florida State University and shall report to the President of the Florida State University or a designee reporting directly to the President.

Section 3. Duties of Officers. The duties and powers of the officers of the Foundation shall be as follows:

a. Chair. The Chair of the Foundation (who shall be a Director) shall be the presiding officer of the Foundation and shall exercise general supervision and oversight of the business of the Foundation. The Chair appoints members of committees, and sees that orders and resolutions of the Board of Directors are executed. The Chair is a member ex officio, with the right to vote, on all committees. The Chair of the Foundation shall discharge such other duties as may be assigned to him by the Board of Directors.

b. Vice Chair. The Vice Chair (who shall be a Director) shall assist the Chair in carrying out the programs of the Foundation. In the event of the death, prolonged absence or disability of the Chair of the Foundation, the Board shall appoint the Vice Chair as Acting Chair, and, as such, the Acting Chair shall have all the authority and duties vested in the Chair.

c. President. The President shall supervise all of the business and affairs of the Foundation. The President may sign, with the Vice President, Secretary, Treasurer, or any other Officer of the Foundation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments or documents which the Board of Directors has authorized to be executed.

d. Vice President. The Vice President shall assist the President and shall conduct the business and affairs of the Foundation. The Vice President may sign, with the President, Secretary, Treasurer, or any other Officer of the Foundation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments or documents which the Board of Directors has authorized to be executed; and he shall perform all such other duties as may be prescribed by the Board of Directors from time to time.

c-e. Secretary. The Secretary shall keep full and accurate minutes of all meetings of the Board of Directors and Executive Committee in a book...
provided for that purpose and shall transmit all notices required by the Bylaws of the Foundation. The Secretary shall have custody of the corporate seal of the Foundation. The Secretary may sign documents with the Chair in the name of the Foundation and, when required, shall affix thereto the seal of the Foundation. The Secretary shall have charge of all official records of the Foundation which shall be at all reasonable times open to the inspection of any Director, and shall in general perform all duties incident to the management of the Office of Secretary for the Board of Directors. In the absence or unavailability of the Secretary to attest to the execution of the documents referenced above, the Treasurer of the Foundation is designated to attest to the authority of the officer/director and, when required, to affix thereto the seal of the Foundation.

_d-f._ The Treasurer shall render to the Board of Directors an account and statement of all financial transactions, if any, at the annual meeting of the Board and at other times as the Board may determine. The Treasurer will prepare an annual budget, if necessary, for the Foundation for approval by the Board of Directors. The Treasurer shall cause an annual audit to be made as required by statute and regulation.

Section 4. Bond. The officers of the Foundation shall, if required by the Board of Directors, give to the Foundation such security for the faithful discharge of their duties as the Board may direct.

Section 5. Checks. Checks or drafts on the funds of the Foundation, if any, shall be signed (electronically) by any two of the officers or Directors authorized to do so by the Board of Directors. All disbursements from Foundation funds shall be made in accordance with the approval matrix prior to issuance.

Section 6. Audit. The Chair of the Foundation shall arrange for the auditing, at least annually, of the books, records, and accounts of the Foundation by an independent certified public accountant. The annual audit and management letter shall be forwarded by the President of The Florida State University to The Florida State University Board of Trustees for review and oversight no later than the end of the fourth month following the close of the Foundation's fiscal year. The annual audit shall be conducted in accordance with The Florida State University Board of Trustee's Regulation 6C2-2.025.

Section 7. Vacancies. Vacancies in any office shall be filled by appointment from the President of The Florida State University based on the recommendation of the Board of Directors, made at its regular annual meeting or at a meeting specifically called for that purpose. However, in the case of a vacancy in the Office of Chair of the Foundation of the Foundation, that officer shall be selected by the Board of Directors based upon the recommendation and approval of the President of The Florida State University.

Section 8. Compensation of Officers. The officers shall receive no special salary or compensation for being officers of the Foundation other than their usual salaries as employees of The Florida State University, if so employed.

Section 9. Employees. Employees of the Foundation shall not be considered to be employees of The Florida State University Board of Trustees or the State of Florida by virtue of their employment by the Foundation. The Foundation shall provide equal employment opportunity to all persons regardless of race, creed,
Section 10. Conflict of Interest Policy. The Board shall adopt a Conflict of Interest Policy. Members of the Board who are employed by The Florida State University or any other state agency are also subject to the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.

Article IV

Committees

Section 1. Committees. The Chair of the Board shall have the power to establish committees and appoint members, subject to the approval of the Board. Standing committees are charged specifically with the immediate care and supervision of the subject matters assigned to them. The Chair of the Board of Trustees, or in the Chair's absence the Vice Chair of the Board, shall be ex officio members of all standing committees and subcommittees.

Section 2. Notice and Records. The Secretary of the Board shall notice meetings of standing, special, and ad hoc Committees in the same manner as for meetings of the Board of Directors. The Secretary shall not maintain minutes of these meetings, but will ensure that the meeting is audiotaped and kept publicly available.

ARTICLE V

Fiscal Year

The fiscal year of the Foundation shall commence on July 1 of each year and end on June 30 of the following year.

ARTICLE VI

Corporate Seal

The corporate seal shall be in the form approved by the Board of Directors.

ARTICLE VII

Indemnification, Insurance and Bonds

Section 1. Indemnification. Pursuant to Sections 607.0850 and 617.0831, Florida Statutes, any person who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed action, suit, or proceeding whether civil, criminal, administrative, or investigative (other than an action by, or in the right of, the Foundation), by reason of the fact that he is or was a Director or Officer of the Foundation shall be indemnified against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement.
actually and reasonably incurred by him in connection with such action, suit, or proceeding, including any appeal thereof, but only if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interest of the Foundation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful.

Section 2. Authorization of Indemnification. Any indemnification hereunder shall be made by the Foundation only upon a determination that indemnification of the Director or Officer is proper in a specific case because he has met the standard of conduct set forth in Section 1 above. Such determination shall be made by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit or proceeding or, if such quorum is not obtainable, by a majority vote of a committee duly designated by the Board of Directors (in which Directors who are parties may participate) consisting solely of two or more Directors not at the time parties to the action, suit, or proceeding or by a committee comprised of individuals who were not parties to such action, suit, or proceeding where such committee is selected by a majority vote of the full Board of Directors (in which Directors who are parties may participate).

Section 3. Insurance.

a. The Foundation shall obtain and maintain throughout its existence reasonable, commercially available directors and officers liability insurance in the amount of no less than $5,000,000, which shall provide coverage to all officers, Board members, and employees of the Foundation.

b. The Foundation shall obtain and maintain throughout its existence reasonable, commercially available general liability insurance for the Foundation and its officers, Board members, and employees.

Section 4. Bonding. The Foundation shall obtain and maintain throughout its existence reasonable, commercially available bonding for all appropriate officers, Board members, and employees of the Foundation. The Board of Directors shall decide by majority vote which officers, Board members, and employees should be bonded.

ARTICLE VIII

Amendments

As provided in the Corporation's Articles of Incorporation, the Bylaws of this Foundation may be altered, amended, or repealed by a majority vote of the current Directors of the Foundation at any duly organized meeting, subject to final approval by the President of The Florida State University and The Florida State University Board of Trustees. Upon statutory enactments, amendments to existing laws or promulgation of rules affecting University direct support organizations by The Florida State University Board of Trustees or the University, the Board of Directors shall meet and alter, amend, or repeal any of the Bylaws to remain in conformity with such changes. A special meeting may be held for such purposes.
CERTIFICATION OF ADOPTION

I hereby certify that at a regular meeting of the Board of Directors of The Florida State University Real Estate Foundation, Inc., that the foregoing Bylaws were duly adopted pursuant to Section 617.0206, Florida Statutes, as approved by the required majority of the members of the Board of Directors of the Foundation on this __________ day of ________________ 2013.

____________________________________  ______________________
Beth Azor, Chair                      Date
February 19, 2014

Thomas W. Jennings  
Vice President for University Advancement & President of the FSU Foundation  
Florida State University  
211 Westcott Building  
Tallahassee, Florida 32306-1470

Dear Tom,

Attached for your review is a summary outlining the history and proposed new gift from the Ting Tsung and Wei Fong Chao Global Foundation. The Chao Foundation is a family foundation created by the parents of Dorothy Jenkins. Dorothy is an active member of The John and Mable Ringling Museum of Art Foundation, Inc. board.

Due to Dorothy Jenkins’ advocacy with the Chao Foundation, the FSU Foundation and The Ringling have received a significant investment of $1,000,001 in support of the Center for Asian Art. In addition, Dorothy and the Chao Foundation have recently verbally committed to an additional $1,000,000 in support of the Center for Asian Art.

Due to their long-standing support and investment in the Center for Asian Art at critical moments in the project’s history, we request that the named spaces being offered as recognition for these gifts be provided to the Chao Foundation at one time upon the Center for Asian Art’s opening scheduled for October 2015. Per this request, The West Wing galleries and the Lecture Hall would have The Ting Tsung and Wei Fong Chao Global Foundation name prominently displayed at the time of opening. We hope this will be reviewed and approved at the March 2014 Board Meeting.

Thank you for your consideration.

Best,

[Signature]

Steven High  
Executive Director  
The John and Mable Ringling Museum of Art
FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
MEETING DATES

June 26 & 27, 2014
August 26 & 27, 2014
November 20 & 21, 2014
   January 16, 2015
   March 5 & 6, 2015
   June 11 & 12, 2015
THE FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES COMMITTEES

ACADEMIC AFFAIRS COMMITTEE
Ed Burr, Chair
Kathryn Ballard
Peggy Rolando
Gary Tyson
Staff: Garnett Stokes

FINANCE, BUSINESS & AUDIT
COMMITTEE
Mark Hillis, Chair
Joe Gruters
Les Pantin
Brent Sembler
Staff: Kyle Clark

STUDENT AFFAIRS COMMITTEE
Andy Haggard, Chair
June Duda
Joe Camps
Rosie Contreras
Staff: Mary Coburn

COLLECTIVE BARGAINING ISSUES
Mark Hillis, Chair
Kathryn Ballard
Peggy Rolando
Staff: Carolyn Egan

COMPENSATION COMMITTEE
Joe Gruters, Chair
June Duda
Gary Tyson
Staff: David Coburn

EFFICIENCY COMMITTEE
Peggy Rolando, Chair
Mark Hillis
Rosie Contreras
Gary Tyson
Les Pantin
Staff: Kyle Clark

Board of Trustees’ Chair, Allan Bense, is an ex-officio voting member of all Committees

Revised 9/1/2013