

NOTICE OF PROPOSED REGULATION DEVELOPMENT

The New College of Florida Board of Trustees

Date: October 18, 2024

REGULATION CHAPTER NUMBER:

Chapter 3 – Administrative Affairs

REGULATION NUMBER AND TITLE:

3-7001: New College of Florida Direct Support Organizations

AUTHORITY: Article IX, Sec. 7, Fla. Constitution; BOG Regulations 1.001 and 9.011; section 1004.28, Florida Statutes.

SUMMARY OF PROPOSED REGULATION AMENDMENT:

3-7001: NCF Direct Support Organization Regulation is being amended to provide additional conditions, controls, and requirements for University oversight of Direct Support Organizations established by the Board of Trustees.

TEXT OF PROPOSED REGULATIONS:

The full text of the proposed regulation is set out following this notice.

NEW COLLEGE OFFICIAL INITIATING THE REGULATION:

Sydney Gruters, Executive Director and Vice President of Advancement

PROCEDURE FOR COMMENTING ON PROPOSED REGULATION:

Comments concerning the proposed regulation should be submitted **within 14 days of the date of this notice** to David Brickhouse, Vice President for Legal Affairs, 5800 Bay Shore Road, Sarasota, Florida 34243, (941)-487-4106 office, generalcounsel@ncf.edu. Comments provided to Mr. Brickhouse will be presented to the Board of Trustees for consideration.

THE FULL TEXT OF THE PROPOSED REGULATION IS BELOW

~~Strikethrough~~ indicates deletion; Underlining indicates addition

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 3 – Administrative Affairs

3-7001 New College of Florida Direct Support Organizations

- (1) The Board of Trustees hereby establishes the following as Direct Support Organizations, “DSO”, pursuant to Board of Governors Regulation 9.011 and 1004.28, Florida Statutes, and authorizes them to receive, hold, invest and administer property and make expenditures to or for the benefit of New College of Florida:
 - a. The New College Foundation, Incorporated.
 - b. The New College of Florida Development Corporation
 - c. The New College of Florida Property Corporation
- (2) The following thresholds are established as to when specific approval by the Board of Trustees is required for the purchase of goods and services by a DSO:
 - a. All debt as defined in the State University System Debt Management Guidelines.
 - b. All public-private partnership transactions as defined in the State University System Public- Private Partnership Guidelines.
 - c. The acquisition of real property except that approval not required for the donations of real property in support of the Foundation’s mission to secure funds to support the College.
 - d. The purchase of goods, and services, including construction or renovation of facilities in excess of \$1,000,000 requires specific approval of the Board of Trustees. All other purchases shall be in accordance with the specific adopted policies of the DSO.
- (3) University personal services used by a DSO are subject to the remuneration requirements set forth in section 1012.976, Florida Statutes.
- (4) DSOs are prohibited from using state funds for travel expenses incurred by the DSO.
- (5) DSOs are prohibited from giving, either directly, or indirectly, any gift to a political committee as defined in section 106.011, Florida Statutes, for any purpose.
- (6) The Director or Chief Executive Officer of the DSO shall report to the President of the University. The Secretary/Treasurer of the DSO shall report to the President of the University. The President of the University may remove any Officer, member of the Board of Directors or any of its committees, or other agent of a DSO when, in the President’s judgment, the interests of the DSO or the University would best be served by such action.
- (7) The operating budgets of the DSO shall be prepared at least annually, and approved by the Board of Directors and subsequently submitted to the Board of Trustees for approval. Significant changes in planned expenditures in the approved budget must be reported to the Board of Trustees as soon as practicable, but no later than the deadline established by the Board of Trustees.
- (8) Each DSO shall provide for an annual audit conducted pursuant to university regulations or policies. The annual audit report shall be submitted to the Board of Trustees for review. The audit report shall be submitted to the Board of Governors, and the Auditor General.
- (9) The Board of Trustees or designee, the Board of Governors, the Auditor General, and the Office of Program and Policy Analysis and Government Accountability may require and receive any records relative to the operation of the DSO from the organization or its independent auditors.

- (10) The DSO shall submit its federal Internal Revenue Service application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990) to the university Vice President for Finance and Administration on an annual basis. Copies of such forms shall be provided by each University to the Board of Governors.
- (11) The DSO may transfer funds and provide the use of DSO property, facilities or personal services without any charge to the university; may reimburse expenditures made by the University; however, it is also authorized to charge fair-value for goods and services provided at the request of the University.
- (12) The DSO shall provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, religion, age, disability, marital status, veteran status, or any other basis protected by law. Only the New College Foundation, Incorporated is authorized to have employees.
- (13) The Chair of the Board of Trustees shall appoint at least one, but no more than three, representative(s) to the New College Foundation, Incorporated Board of Directors and Executive Committee. The University President or designee shall also serve on the Board of Directors and Executive Committee at the New College Foundation, Incorporated. The Board of Trustees shall approve all appointments to the New College Foundation, Incorporated, other than the Chair's Representative(s) or the President or President's designee. The Chair's Designee may not be the University President; nor may the Chair and President appoint the same person to represent both the Chair and the President on the New College Foundation, Incorporated.
- (14) The Officers of the New College of Florida Development Corporation, in accordance with the bylaws of the Development Corporation are as follows:
 - a. The New College President, who serves as Chair and Chief Executive Officer
 - b. BOT Chair appointee
 - c. NCF Presidential appointee
 - d. Foundation Chief Executive Officer appointee (2)
 - e. Two additional Directors elected by the Development Corporation Board (Optional)
- (15) The Officers of the New College of Florida Property Corporation, in accordance with the bylaws of the Property Corporation are as follows:
 - a. BOT Chair appointee, who serves as Chair
 - b. The New College President
 - c. NCF Presidential appointee
 - d. Foundation Chief Executive Officer appointee (2)
 - e. Two additional directors elected by the Development Corporation Board (Optional)
- (16) The Board of Directors of each DSO shall ensure that the DSO's governing documents do not conflict with any policies or regulations adopted by the Board of Trustees.

Authority: Art. IX, Sec. 7, Fla. Constitution; BOG Regulations 1.001 and 9.011; Florida Statute § 1004.28.

History: Adopted 06-22-22; Revised 11-19-2024